

# The Terraces of Lafayette Environmental Impact Report

for the City of Lafayette



SCH # 2011072055



Volume I: Final EIR Chapters

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# 1 INTRODUCTION

## *A. Purpose of the Environmental Impact Report*

This document provides responses to comments received on the Draft Environmental Impact Report (Draft EIR) for the proposed Terraces of Lafayette Project, and it includes revisions to the text and analysis in the Draft EIR made in response to comments. The Draft EIR identified significant impacts associated with the proposed Project, and examined alternatives and recommended mitigation measures that could avoid or reduce potential impacts.

This document, together with the Draft EIR and all Appendices, will constitute the Final EIR if the City of Lafayette Planning Commission certifies it as complete and adequate under the California Environmental Quality Act (CEQA).

## *B. Environmental Review Process*

The City of Lafayette is the lead agency for this EIR.

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public and project applicant with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to comments received on the Draft EIR and to clarify any errors, omissions, or misinterpretations of discussions of findings in the Draft EIR. The Draft EIR was made available for public review on May 8, 2012. The Draft EIR was distributed to local and State responsible and trustee agencies and the general public was advised of the availability of the Draft EIR through public notice published in the local newspaper and on the City website. The 52-day public comment period ended on June 28, 2012 and exceeded the CEQA-mandated 45-day public comment period. Copies of all written comments received on the Draft EIR are contained in this document. These comments and responses to these comments are set out in Chapter 5, Comments and Responses, of this Final EIR.

### *C. Document Organization*

This document is organized into the following chapters:

- ◆ **Chapter 1: Introduction.** This chapter discusses the use and organization of this Final EIR.
- ◆ **Chapter 2: Draft EIR Summary.** This chapter is a summary of the findings of the Draft and the Final EIR. It has been reprinted from the Draft EIR with necessary changes made in this Final EIR.
- ◆ **Chapter 3: Revisions to the Draft EIR.** Additional corrections to the text and graphics of the Draft EIR are contained in this chapter. Underline text represents language that has been added to the EIR; text with ~~striethrough~~ has been deleted from the EIR.
- ◆ **Chapter 4: List of Commenters.** Names of organizations and individuals who commented on the Draft EIR are included in this chapter.
- ◆ **Chapter 5: Comments and Responses.** This chapter contains reproductions of the letters received from agencies and the public on the Draft EIR. The chapter also contains responses keyed to the comments which precede them.

## 2 REPORT SUMMARY

This chapter presents a summary of the findings of the Draft and Final Terraces of Lafayette EIRs. This chapter has been reprinted from the Draft EIR with necessary changes made in this Final EIR shown in double underline and ~~strikethrough~~.

This summary presents an overview of the analysis contained in this ~~Draft~~ Final EIR. The chapter summarizes the following: 1) the proposed Project, 2) areas of controversy, 3) significant impacts and mitigation measures, 4) unavoidable significant impacts, and 5) alternatives to the proposed Project. For a complete description of the Project, please consult Chapter 3, Project Description, of the Draft EIR. For more information about Project alternatives, please consult Chapter 5, Alternatives to the proposed Project, of the Draft EIR.

### A. *The Proposed Project*

#### 1. **Regional and Local Location**

The proposed Project is located in the City of Lafayette (City), in central Contra Costa County. The Project site is located on an approximately 22.27-acre parcel at 3233 Deer Hill Road in east central Lafayette, south of Deer Hill Road, west of Pleasant Hill Road, and north of State Highway 24 (Figure 3-1 in Chapter 3 of the Draft EIR).

#### 2. **General Plan and Zoning Designation**

The proposed Project site, Assessor's Parcel Number (APN) 232-150-027, is designated Administrative/Professional/Multi-Family Residential on the City's General Plan Land Use Map and zoned Administrative/Professional (APO) in the Lafayette Municipal Code (LMC) (Figure 3-2 in Chapter 3 of the Draft EIR). The Project site is within the City's Hillside Overlay District (HOD) and a Class I Ridgeline Setback is located on a portion of the Project site.

### 3. Project Characteristics

The proposed Project includes the approval of a 315-unit multi-family apartment development on a 22.27-acre site. The Project would include 14 residential buildings comprised of two and three stories, a two-story clubhouse with recreational amenities for residents, and a one-story leasing office, as well as parking provided in garages and carports, and on internal roadways. Key Project components include:

- ◆ **Form, Mass, and Scale:** The proposed Project’s massing, form, and scale were designed to use the existing terraces and to comply with the height limits required on each of the four terraces. Height would be limited to two or three stories, depending upon location within the APO Zone as described in Chapter 3 of the Draft EIR.<sup>1</sup> Visual simulations that illustrate the Project site from surrounding viewpoints were prepared and are provided in Chapter 4.1, Aesthetics, of ~~this~~ the Draft EIR.
- ◆ **Lighting:** The proposed Project would introduce new sources of light and glare in the Project area. All lighting would be installed in conformance with the City’s exterior lighting requirements. Lighting would be low-level illumination and exterior lighting would be shielded (downward facing) to minimize light spill, glare and reflection and maintain ‘dark skies.’
- ◆ **Landscaping:** Among 117 existing trees on the Project site, 16 would be preserved, nine relocated, and 92 removed. Trees that are subject to tree protection would require a permit to remove.<sup>2</sup> As illustrated on Figure 3-7 in Chapter 3, the Project would add 700 additional trees on the entire site. The proposed landscaping would comply with the City’s Landscape Guidelines. All planting would be irrigated with an automatic water conserving irrigation system in compliance with the City’s Water Efficient Landscape Ordinance.

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<sup>1</sup> Administrative/Professional Office District, Section 6-1006, Lafayette Zoning Code, Figure 6-1006.

<sup>2</sup> Chapter 6-17, Tree Protection, Lafayette Municipal Code.

- ◆ **Apartments:** The proposed Project would include a 315-unit moderate income, multi-family apartment development that consists of 14 residential buildings with a total building area of 332,395 square feet (Table 3-1 and Figure 3-5 in Chapter 3 of the Draft EIR). The residential buildings would be comprised of a mix of two- and three-story buildings with one-, two-, and three-bedroom floor plans.
- ◆ **Clubhouse:** The proposed Project would provide a two-story, 13,300-square-foot clubhouse for use by Project residents. The clubhouse would include fitness facilities, theatre, pool, meeting rooms, men's and women's showers, and game room.
- ◆ **Leasing Office:** The Leasing Office would be a separate one-story 950-square-foot building located on the northeast portion of the site situated near the Pleasant Hill Road and north Deer Hill Road access points. The Leasing Office includes space for sales, storage, restrooms, and presentations.
- ◆ **Outdoor Features:** The proposed Project would include an outdoor pool, picnic areas, a dog mini-park, a turf play area for lawn games, and on-site pedestrian trails.
- ◆ **Parking:** The Project would provide a total of 567 vehicular parking spaces: 60 in garages, 316 in carports, and 191 uncovered stalls on the Project's internal, on-site streets. Twelve of the total 567 vehicular parking spaces would be compliant with the standards set forth in the Americans with Disabilities Act. The parking requirements within the APO zone do not include parking for residential uses. The residential zone that most closely resembles the Project is the Multiple-Family Residential

District B (MRB).<sup>3</sup> The parking ratio of the Project would be 1.80 per unit, which exceeds the 1.62 per unit ratio required in the MRB zone.<sup>4</sup>

- ◆ **Vehicular Roadways:** New internal access roads would be created throughout the Project site. The internal roadway system would provide access to residential areas and the recreation areas on the Project site. In general, all the roads in the internal circulation network would be 20 feet wide, except the 26-foot-wide driveways that run through the parking lots. Internal circulation would be privately owned and maintained by the Terraces of Lafayette Property Management.
- ◆ **Vehicular Access:** The proposed Project would include three vehicular access points. The primary access point would connect to Pleasant Hill Road on the east side of the Project site. Two secondary access points would be on Deer Hill Road: one at the northwest corner and the other at the northeast corner of the Project site.
- ◆ **Pedestrian Access:** The proposed Project would include an on-site sidewalk network providing access to the residential and clubhouse area on the Project site and connecting to the frontage sidewalk along Deer Hill Road. Trails would be provided off Pleasant Hill Road to the clubhouse area. Roadway frontage, including curbs, gutters, and sidewalks, would be improved along Pleasant Hill Road and Deer Hill Road.
- ◆ **Bicycle Access:** As shown on the City of Lafayette Existing Bikeways Map, the segments of Deer Hill Road and Pleasant Hill Road that border the Project site have Class 2 Bike Lanes (i.e. on-street striped bike lanes).<sup>5</sup>

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<sup>3</sup> The MRB zone provides direction and regulation for medium-density multiple-family residential districts to be consistent with and further the City's overall planning objective of the preservation and enhancement of its semi-rural residential character. (Ord. 146 Section 2 (part), 1975).

<sup>4</sup> The MRB zone provides direction and regulation for medium-density multiple-family residential districts to be consistent with and further the City's overall planning objective of the preservation and enhancement of its semi-rural residential character (Ord. 146 § 2 (part), 1975).

<sup>5</sup> City of Lafayette Bikeways Master Plan, adopted September 25, 2006, Figure 2-2.

The City of Lafayette Bikeways Master Plan indicates a Class 1 Bike Path (i.e. off-street pathways) is proposed on the Project's southern border. While the Project would not provide designated bike lanes on-site, signage would be provided that cautions drivers to share the road and set speed limits.

- ◆ **Utilities:** The proposed Project would include new utility infrastructure installations on the site to accommodate the new development. The proposed utility infrastructure would connect to the existing sewer system and storm drain system in the area. The Project would provide wastewater treatment facilities in conformance with Regional Water Quality Control Board (RWQCB) treatment standards for wastewater.

### *B. Areas of Controversy*

The following is a discussion of issues that are likely to be of particular concern to agencies and interested members of the public during the environmental review process. While every concern applicable to the CEQA process is addressed in this EIR, this list does not necessarily identify every concern. It attempts to capture those that are likely to generate the greatest interest based on the input received in response to the Notice of Preparation and during the public scoping meeting for this EIR.

- ◆ **Aesthetics/Visual Resources.** Comments were expressed about the visual impacts of the two- and three-story apartment development on the hillsides. Some comments identified that the proposed Project site includes a Class I Ridgeline setback area and is within the viewshed of State Route 24, a State-designated Scenic Highway. There was a concern that the multi-story buildings on the hillsides could destroy the semi-rural character of Lafayette. Additionally, there were comments about the potential increase in light pollution and accompanying decrease in night sky visibility.
- ◆ **Air Quality.** Comments were made regarding air quality impacts as a result of heavy construction due to the release of nitrogen oxide (NO<sub>x</sub>),

and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) chemicals. Comments cited impacts to air quality during construction due to dust generated by the movement of 400,000 cubic yards of material. Comments mentioned that an increase in air pollutants, triggered by an increase in congestion, would be noteworthy considering that the proposed Project is near sensitive receptors, i.e. Acalanes High School and Springhill Elementary School.

- ◆ **Biological Resources.** There were comments about potential impacts on riparian habitat along the drainage at the northeast part of the site. Comments were expressed regarding the removal of protected trees and the potential for nesting birds and roosting bats in a few structures and trees on the site. Some comments note that the Project site could provide habitat for a variety of protected species, e.g. Alameda Whip Snake and migratory birds. One comment was that stormwater draining to Reliez Creek could impact steelhead trout habitat.
- ◆ **Cultural Resources.** Some comments identified the need for consultation and review with the Native American Heritage community and for an evaluation to assess if there are any archeological resources present on the property. One comment was that movement of 400,000 cubic yards of material could uncover previously unknown archaeological resources.
- ◆ **Geology, Soils, and Seismicity.** As shown on Figure 3-4 of the Draft EIR, the proposed Project site is located on a hillside, which includes a Class I Ridgeline Setback for Lafayette Ridge. Because of the hillside location, the site would be susceptible to soil erosion. ~~The proposed Project site is a hillside site, which would be susceptible to soil erosion and on which landslides have been reported.~~ There was a concern about potential ground shaking resulting from nearby active faults, requiring proper seismic building designs. Additionally, landslides have been reported on this hillside site.
- ◆ **Greenhouse Gas Emissions.** There were comments about reducing greenhouse gas (GHG) emissions and achieving a net zero energy project and climate changes related impacts as a result of tree removal. Some

comments cited increased emissions relating to construction activities and to an increase in vehicular traffic.

- ◆ **Hazards and Hazardous Materials.** The proposed Project could be susceptible to wildland fire. One comment noted that a gas station was once located on a parcel adjacent the Project site and could have leaked hazardous materials.
- ◆ **Hydrology and Water Quality.** Some comments were regarding the degradation of runoff water quality as the amount of impervious surfaces would increase and that stormwater drainage and flooding are already problems in this area and would be exacerbated. There were comments about potential impacts on the riparian corridor and existing creek related to grading. The Project site is located over the easements of two EB-MUD aqueducts, where construction would be discouraged and access to aqueduct entryways must be maintained.
- ◆ **Land Use and Planning.** The proposed Project site is located within the Hillside Overlay District. There were comments about the impact to views of the hillsides and the alteration of the topographical features, such as ridgelines. Some comments were about the Project's consistency with Land Use and Zoning Designations and about the City Council proceedings to amend the General Plan and rezone properties in the Eastern Deer Hill Road Specific Planning Area, including the Project site. Some comments were that the Project is not consistent with surrounding uses as stipulated by the General Plan.
- ◆ **Noise.** There were comments about increased noise pollution due to long-term construction and the increased density of homes, and that construction-related noise pollution would impact animals at nearby Sienna Ranch.
- ◆ **Population and Housing.** The increase of new residents in the neighborhood was noted. There were comments that there would be an increase in crime related to the high-density residential development, and that high-density development would affect quality of living in Lafayette. There were comments about potential decreases in property values.

- ◆ **Parks and Recreation.** Comments said the Project would lead to disturbances in parks and recreation.
- ◆ **Transportation and Traffic.** There were comments about potential impacts from operations at intersections and along roadway segments within the Project's transportation network as a result of new vehicle trips to and from the site. These impacts would be exacerbated by introducing a high-density development in an area that is poorly served by transit and not particularly pedestrian-friendly. Comments were made about traffic congestion during peak hours. A large amount of students are driving to Acalanes High School, and the new development would worsen the traffic congestion around the school area, especially on Pleasant Hill Road. Increased traffic flows would risk pedestrian safety, especially at the intersection of Pleasant Hill Road and Deer Hill Road, and would impact students coming home from or going to Acalanes High School or Springhill Elementary School, and seniors living in the adjacent neighborhood. New sidewalks and widening of roads were requested to alleviate the danger of additional traffic. Comments noted that proposed entrances/exits to the Project site would be dangerous due to blind spots and the high speed of vehicles exiting State Highway 24.
- ◆ **Public Services, Utilities, and Service Systems.** Comments were made about insufficient public services, including schools and parks, in the future due to a significant increase in population. It was noted that the proposed apartments would not contribute parcel tax funding to schools but would add to student populations. Development fees would not address funding problems for public services, utilities, and systems experiencing Project-related strained capacity.

### *C. Alternatives to the Project*

This ~~Draft~~Final EIR analyzes alternatives to the proposed Project that are designed to reduce the significant environmental impacts of the Project and feasibly attain some of the Project objectives identified. The following three alternatives were analyzed in detail in Chapter 5 of ~~this~~ the Draft EIR. Please

see Chapter 5, Alternatives to the proposed Project, of the Draft EIR, for more information on these alternatives and on alternatives that were considered but not carried forward for detailed analysis.

### **1. No Project Alternative**

This alternative is required under CEQA, and describes the effects of taking no action or not receiving Project approval. This alternative provides a general discussion of what would reasonably be expected to occur in the foreseeable future if the proposed Project is not approved and no development were to occur on the Project site.

### **2. Mitigated Project Alternative**

This alternative describes a revised site plan and Project program that is designed to reduce impacts associated with the proposed Project. Under this alternative, there would be no development except roadways within the ridgeline setback area and along the creek and its riparian area. The oak woodland area would remain unchanged. This alternative proposes six two- or three-story residential buildings with a total of 153 dwelling units. The five, three-story buildings would be built at the same location as the parking areas for Buildings H, I, J, K, and L of the proposed Project. Building A, located in the southwest corner of the site, would be relocated on the site or redesigned to avoid blockage of ridgelines. Similar to the proposed Project, a one-story leasing office would be built approximately 240 feet northeast of the main entrance on Pleasant Hill Road. Under this alternative, to avoid some of the traffic and transportation impacts of the proposed Project, the west proposed Project driveway on Deer Hill Road would be relocated by at least 100 feet to the west of the proposed location and adequate turning radii for emergency response vehicles would be provided on-site.

### **3. Office Development Alternative**

Under this alternative, the proposed Project would be revised to propose office development on the site. Similar to the Mitigated Project Alternative, this alternative would avoid the impacts associated to ridgeline views and sensitive biological resources. Four three-story office buildings would be devel-

oped on the site consistent with APO district regulations, with a total net square footage of 91,000. These buildings would be located in the parking areas where Buildings H through L are located on the proposed site plan. Consistent with City's Hillside Development Ordinance, no development or parking would occur within the ridgeline setback, except a driveway, which would pass through the setback area. No development would occur along the riparian area where the proposed Project would develop Buildings M and N and associated parking lots. The area where Building A on the Project site is located would be developed as a surface parking lot. The Office Development Alternative would not include the leasing office included in the proposed Project. Under the Office Development Alternative, to avoid some of the traffic and transportation impacts of the proposed Project, the west proposed Project driveway on Deer Hill Road would be relocated by at least 100 feet to the west of the proposed location and adequate turning radii for emergency response vehicles would be provided on-site.

#### *D. Summary of Impacts and Mitigation*

Under CEQA, a significant impact on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by a project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance.

The proposed Project has the potential to generate significant environmental impacts in a number of areas. In Sections 4.1 through 4.14 of the Draft EIR, significant impacts that have been identified for the Project as proposed are numbered. Each numbered impact is considered significant prior to mitigation, unless it is specifically identified as less than significant. Mitigation measures have been suggested to reduce the effects of significant impacts. As shown in Table 2-1, most of the significant impacts would be reduced to a less-than-significant level if the mitigation measures recommended in this report were implemented. However, in some instances the mitigation measure that is recommended would not be sufficient to reduce a significant impact to

a less-than-significant level (for example, Impact AIR-2); these impacts are identified as significant and unavoidable after mitigation.

CEQA allows environmental issues for which there is no likelihood of a significant impact to be “scoped out” during the EIR scoping process, and not analyzed further in the EIR. The proposed Project would have no impact on mineral resources due to its existing site conditions and surrounding uses. This issue has therefore not been analyzed further in this ~~Draft~~ EIR.

Table 2-1 presents a summary of impacts and mitigation measures identified in this report. It is organized to correspond with the environmental issues discussed in Chapter 4 of the Draft EIR.

The table is arranged in four columns: 1) environmental impacts, 2) significance prior to mitigation, 3) mitigation measures, and 4) significance after mitigation. A series of mitigation measures is noted where more than one measure may be required to achieve a less-than-significant impact. For a complete description of potential impacts and suggested mitigation measures, please refer to the specific discussions in Chapter 4 of the Draft EIR.

TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>Aesthetics and Visual Resources</b>			
<b>AES-1:</b> The Project would block views of ridgelines, causing a <i>significant</i> impact to scenic vistas.	S	<b>AES-1:</b> Given the building heights and grading proposed by the Project, there is no feasible mitigation measure that would prevent the blockage of ridgelines from all viewpoints in the Project site vicinity.	SU
<b>AES-2:</b> The Project would develop a grassy, largely undeveloped site that many members of the community consider to be a visual resource, causing an impact to visual character that would be considered <i>significant</i> .	S	<b>AES-2:</b> Given the building heights and topography of the Project site, there is no feasible mitigation measure that would reduce the visual prominence of the proposed Project when viewed from off-site locations to a less-than-significant level.	SU
<b>AES-3:</b> The Project would develop a largely undeveloped site that is visible from State Highway 24, a State-designated scenic highway, blocking views to Lafayette Ridge. This would be a <i>significant</i> impact.	S	<b>AES-3:</b> Given the building heights and topography of the Project site, there is no feasible mitigation measure that would reduce this impact to a less-than-significant level.	SU
<b>AES-4:</b> The Project would be lighted in conformance with the City's exterior lighting requirements. In addition, proposed lighting would be low level illumination and exterior lighting would be shielded (downward facing) to minimize light spill, glare, and reflection, and maintain "dark skies." Nevertheless, the Project would bring new light sources to the Project site, which currently contains no light sources, which would cause a <i>significant</i> impact.	S	<b>AES-4:</b> There is no feasible mitigation that would reduce the Project's lighting and glare effects beyond the measures proposed by the Project applicant and required by the City's exterior lighting requirements.	SU
<b>AES-54:</b> The Project includes the installation of photovoltaic panels to generate solar energy. Because the location and materials for the panels is not yet known, the panels have the potential to become sources of glare, which would be a <i>significant</i> impact.	S	<b>AES-54:</b> Proposed photovoltaic panels shall be designed to ensure the following: <ul style="list-style-type: none"> <li>◆ The angle at which panels are installed precludes, or minimizes to the maximum extent practicable, glare observed by viewers on the ground.</li> <li>◆ The reflectivity of materials used shall not be greater than the reflectivity of standard materials used in residential and commercial developments.</li> <li>◆ Panels shall be sited to minimize their visibility from Mount Diablo Boulevard, Pleasant Hill Road, and Deer Hill Road.</li> </ul>	LTS

LTS = Less than Significant; S = Significant; SU = Significant and Unavoidable

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>Air Quality</b>			
AQ-1: Grading and other ground-disturbing activities would produce fugitive dust, which could add to the amount of airborne particulates and contribute to the nonattainment designation of the Air Basin.	S	<p><u>AQ-1:</u> The Project shall comply with the following BAAQMD Basic Control Measures for reducing construction emissions of PM<sub>10</sub>:</p> <ul style="list-style-type: none"> <li>◆ Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.</li> <li>◆ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 24 inches of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer).</li> <li>◆ Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.</li> <li>◆ Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.</li> <li>◆ <u>Suspend ground-disturbing activities when wind speeds exceed 25 mile per hour.</u></li> <li>◆ <u>Install three-sided enclosures for storage piles onsite for more than five days. The enclosures shall be designed with a maximum 50 percent porosity.</u></li> </ul>	LTS
AQ-2: Use of heavy off-road and on-road construction equipment would produce substantial emissions of criteria air pollutants, which would exceed the BAAQMD threshold of significance for NO <sub>x</sub> and could contribute to the O <sub>3</sub> and particulate matter nonattainment designations of the Air Basin. This would be a <i>significant</i> impact.	S	<p><u>AQ-2a:</u> The construction contractor shall implement the following measures to reduce off-road exhaust emissions during grading and construction activities. To assure compliance, the City of Lafayette shall verify that these measures have been implemented during normal construction site inspections:</p> <ul style="list-style-type: none"> <li>◆ Large off-road construction equipment with horsepower (hp) ratings of 50 hp or higher shall meet the United States Environmental Protection Agency-Certified emission standard for Tier 3 off-road equipment. Tier 3 engines between 50 and 750 horsepower are available for 2006 to 2008 model years. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site.</li> <li>◆ All construction equipment shall be properly serviced and maintained to the</li> </ul>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AQ-2 <i>continued</i>		<p>manufacturer’s standards to reduce operational emissions.</p> <ul style="list-style-type: none"> <li>◆ Nonessential idling of construction equipment shall be limited to no more than five consecutive minutes.</li> <li>◆ <u>Construction activities shall be suspended on “Spare the Air” days.</u></li> </ul> <hr/> <p>AQ-2b: The construction contractor shall implement one of the following measures to reduce on-road emissions from soil hauling. To assure compliance, the City of Lafayette shall verify that these measures have been implemented during normal construction site inspections.</p> <ul style="list-style-type: none"> <li>◆ The construction contractor shall contract with haulers for soil export that use engines certified to 2007 or newer standards. Prior to construction, the project engineer shall ensure that grading plans clearly show the requirement for 2007 engines for soil haul trucks; Or</li> <li>◆ Off-site disposal of soil shall be <u>transported in trucks that can carry a minimum of 12 cubic yards (CY) of soil and shall be limited to no more than 303252 truck trips per day (1,520 1,512 CY/day).</u></li> </ul>	
AQ-3: Results of the community risk assessment indicate that the average annual PM <sub>2.5</sub> concentration for a maximally exposed on-site receptor would exceed the BAAQMD significance threshold of 0.3 µg/m <sup>3</sup> . This would be a <i>significant</i> impact.	S	<p>AQ-3: The applicant shall install high efficiency Minimum Efficiency Reporting Value (MERV) filters with a rating of 9 to 12 in the intake of the residential ventilation systems. MERV 9 to 12 filters have a Particle Size Efficiency Rating that results in a 40 percent up to 80 percent reduction of particulates in the 1.0 to 3.0 micron range, which includes PM<sub>2.5</sub>. To ensure long-term maintenance and replacement of the MERV filters in the individual units, the owner/property manager shall maintain and replace the MERV 9 to 12 filters in accordance with the manufacturer’s recommendations, which typically is after two to three months. The developer, sales, and/or rental representative also shall provide notification to all affected tenants/residents of the potential health risk from State Highway 24 and shall inform renters of increased risk of exposure to PM<sub>2.5</sub> from State Highway 24 when the windows are open.</p>	LTS
AQ-4: Without the use of Tier 3 construction equipment during the construction period, the Project could pose a risk to nearby off-site receptors, which would be a <i>significant</i> impact.	S	<p>AQ-4: Implement Mitigation Measure AQ-2a.</p>	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
<b>AQ-5:</b> Construction activities associated with the Project would result in a temporary increase in criteria air pollutants that exceed the BAAQMD's regional significance thresholds and, when combined with the construction of cumulative projects, would further degrade the regional and local air quality. This would be a <i>significant</i> cumulative impact.	S	<u>AQ-5:</u> Implement Mitigation Measures AQ-1, AQ-2a, AQ-2b, and AQ-3.	SU
<b>Biological Resources</b>			
<b>BIO-1:</b> Although no special-status plant species were encountered during surveys or are suspected to occur on the site, there remains a possibility that undetected populations could occur in the vicinity of off-site wetland and native grassland mitigation areas and could be adversely affected. This would be a <i>significant</i> impact.	S	<u>BIO-1:</u> Confirmation surveys shall be conducted on any off-site mitigation properties prior to future development on the site to determine whether any special-status plant species are present. The surveys shall be conducted by a qualified botanist and shall be appropriately-timed to allow for detection of all species of concern (typically between March and July). In the event that confirmation surveys identify any federally- or State-listed plant species on the site that cannot be avoided, the applicant shall obtain all necessary permits and/or authorizations from the CDFG and USFWS as required by federal and State law for incidental take of those species. This shall include preparation of a mitigation program acceptable to the respective agencies depending on the State and/or federal-listing status of the species in question. The mitigation program shall define avoidance and long-term conservation measures to permanently protect and manage habitat around the occurrence(s), and provide for a minimum of five years of monitoring following installation of mitigation improvements at the off-site location to demonstrate that the occurrence(s) has not been adversely affected during construction. If a special-status species is encountered that is not a federally- or State-listed species but is maintained on List 1B or List 2 of the California Native Plant Society's <i>Inventary of Rare and Endangered Plants of California</i> and the occurrence(s) cannot be avoided, a salvage/relocation plan shall be developed and approved by CDFG as part of the mitigation program prior to any disturbance in the vicinity. Evidence that the applicant has secured any required authorization from these agencies shall be submitted to the City's Planning & Building Services Division prior to issuance of any grading or building permits for the Project.	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
<p><b>BIO-2:</b> Proposed vegetation removal and grading associated with development of the site could result in the direct loss of or temporary construction disturbance to nesting raptors and other migratory birds. This would be considered a <i>significant</i> impact.</p>	<p>S</p>	<p><b>BIO-2:</b> Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act when in active use. This shall be accomplished by taking the following steps.</p> <ul style="list-style-type: none"> <li>◆ If vegetation removal and initial construction is proposed during the nesting season (March to August), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within <u>744</u> days prior to the onset of vegetation removal or construction, in order to identify any active nests on the proposed Project site and in the vicinity of proposed construction. <u>The site shall be resurveyed to confirm that no new nests have been established if vegetation removal has not been completed or if construction has been delayed or curtailed for more than 7 days during the nesting season.</u></li> <li>◆ If no active nests are identified during the construction survey period, or if development is initiated during the non-breeding season (September to February), vegetation removal and construction may proceed with no restrictions.</li> <li>◆ If bird nests are found, an adequate setback shall be established around the nest location and vegetation removal and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the CDFG, and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site.</li> <li>◆ A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season (March to August). The report shall either confirm absence of any active nests or should confirm that any young are located within a designated no-disturbance zone and construction can proceed.</li> </ul>	<p>LTS</p>

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
<b>BIO-3:</b> Demolition of the existing buildings and removal of mature trees could result in the direct loss of roosting bats. This would be considered a <i>significant</i> impact.	S	<b>BIO-3:</b> Measures shall be taken to avoid possible loss of bats during Project construction. This shall be accomplished using the following provisions: <ul style="list-style-type: none"> <li>◆ Existing buildings should be demolished between February 15 to April 15 or from August 15 to October 15 to minimize the likelihood of removal during the winter roosting period when individuals are less active and more difficult to detect, and the critical pupping period (April 16 to August 14) when young cannot disperse.</li> <li>◆ Buildings shall be surveyed by a qualified bat biologist no more than two weeks before demolition to avoid “take” of any bats that may have begun to use the structures for day-roosting.</li> <li>◆ If the pre-demolition survey reveals bats or bat roosting activity, all doors and windows shall be opened and left open continually until demolition. Additional recommendations may be made by the qualified bat biologist following the pre-demolition survey, including monitoring of demolition and other measures to avoid take of individual bats.</li> <li>◆ A tree roost habitat assessment shall be conducted by a qualified bat biologist for trees to be removed as part of the Project. The habitat assessment shall be conducted no more than two weeks prior to tree removal and vegetation clearing. Additional detailed measures may be required based on the results of the habitat assessment if evidence of bat roosting is observed. This may include supervision of tree removal by the qualified bat biologist, and systematic removal of select trees and major limbs to encourage dispersal and avoid “take” of individual bats.</li> </ul>	LTS
<b>BIO-4:</b> Proposed grading and activities associated with habitat enhancement along the two segments of the creek to be retained as an open channel could result in the loss of Bridge’s coast range shoulderband snail, if present on the site. This would be considered a <i>significant</i> impact.	S	<b>BIO-4:</b> Measures shall be taken to avoid possible inadvertent loss of Bridge’s coast range shoulderband snail, if present on the site. A qualified entomologist or invertebrate biologist shall conduct a preconstruction survey to verify whether this subspecies is present or absent on the site. The survey shall be conducted during the time of year when snails are most easily detected, generally during the late winter and early spring (February through May) in advance of construction. If absent, no additional measures shall be required. If present, a Bridge’s Coast Range Shoulderband Snail Protection and Relocation Program (Program) shall be	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
BIO-4 <i>continued</i>		<p>prepared by the qualified entomologist or invertebrate biologist and implemented as part of the Project. The Program shall contain the following provisions and performance standards:</p> <ul style="list-style-type: none"> <li>◆ Following completion of the preconstruction surveys, a report of findings shall be prepared by the qualified entomologist/invertebrate zoologist and submitted to the City for review and approval prior to initiation of vegetation removal and construction. The report shall either confirm absence of this subspecies from the site, or if individuals are encountered, shall follow details of the Program as outlined below.</li> <li>◆ The preserved and enhanced creek corridor shall be established as permanent secure habitat for this subspecies, with essential cover habitat (i.e. logs, loose rocks, and thick layers of duff) incorporated into the enhancement plans. A minimum 1:1 acreage of habitat shall be preserved and/or re-created on-site along the creek channel for locations occupied by this subspecies during the preconstruction survey.</li> <li>◆ Temporary measures shall be implemented during construction to prevent this subspecies from dispersing from preserved occupied habitat into areas to be graded and disturbed during construction. A secured containment area should be created along the creek segment to be retained, with fencing surrounding the containment area to prevent dispersal into the construction zone.</li> <li>◆ Individuals of the subspecies located within the limits of construction shall be collected and temporarily relocated by the qualified entomologist/invertebrate biologist to the temporary containment area prior to any vegetation removal or grading on the site.</li> <li>◆ A worker training program shall be given by the qualified entomologist/invertebrate biologist to all construction personnel involved in grading, temporary construction containment structures, and creek enhancement measures. The training shall describe and include photographs of the subspecies and its vulnerability, explain the importance of avoiding inadvertent take,</li> </ul>	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-4 <i>continued</i>		<p>and instruct personnel on what to do if additional individuals of the subspecies are encountered during construction outside the temporary containment area.</p> <ul style="list-style-type: none"> <li>◆ Habitat enhancement activities within the creek corridor, including the temporary containment area, shall be designed to provide essential habitat characteristics for this subspecies. The qualified entomologist/invertebrate biologist shall review and provide input into wetland and native grassland mitigation programs to ensure they do not conflict with the long-term goal of protecting essential habitat for this subspecies as well.</li> <li>◆ Temporary construction disturbance within the temporary containment area required as part of habitat enhancement shall be overseen by the qualified biologist/invertebrate biologist to ensure activities do not adversely affect individuals of the subspecies.</li> </ul>	
<p><b>BIO-5:</b> Proposed grading would eliminate the estimated 2 acres of native blue wildrye from the site, considered a sensitive natural community, and additional areas of native grassland could be affected by off-site wetland enhancement activities if native grasslands are present in those locations. This would be considered a <i>significant</i> impact.</p>	S	<p><b>BIO-5:</b> A blue wildrye Native Grassland Avoidance and Replacement Program (Program) shall be developed by a qualified biologist to address the anticipated loss of native grasslands on the site, and ensure no native grasslands are destroyed or damaged as part of any off-site mitigation. The Program shall contain the following provisions and performance standards:</p> <ul style="list-style-type: none"> <li>◆ The proposed limits of grading shall be modified to avoid additional areas of the stands of native grassland on the site to the maximum extent feasible and a compensatory mitigation component prepared and implemented to provide a minimum 1:1 replacement ratio for grasslands lost as a result of the Project. A higher replacement ratio would not be warranted because of the extent of apparent past disturbance to the remaining native grasslands on the site, and relative ease with which this particular species can be salvaged, replanted, and re-established at alternative locations.</li> <li>◆ Areas retained or restored as native grassland shall be permanently protected as open space and managed as native grassland by deed restriction or conservation easement, whether on-site or off-site. The Program shall define short-term construction controls and long-term maintenance requirements necessary to</li> </ul>	SU

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
BIO-5 <i>continued</i>		<p>ensure that the native grasslands are successfully reestablished and existing and restored native grasslands remain viable. The maintenance and management requirements shall include provisions for annual invasive species removal, and control on the establishment of both native and non-native trees and shrubs that could eventually shade out the grassland to be protected.</p> <ul style="list-style-type: none"> <li>◆ Areas of native grassland to be preserved shall be flagged in the field prior to any vegetation removal or grading, and temporary orange construction fencing installed under supervision of the qualified biologist around all areas to be retained.</li> <li>◆ Construction personnel operating grading and construction equipment and/or involved in habitat restoration activities shall be trained by the qualified biologist over the sensitivity of the native grasslands, purpose of the temporary orange construction fencing, and that all construction-related disturbance should be restricted outside of the fence.</li> <li>◆ Areas of native grassland within the limits of proposed grading and construction shall be salvaged and used in revegetation efforts implemented as part of the Program. Salvage material shall include both intact stem and root material, which shall be stored and maintained until ready for reinstallation in the late fall/early winter when conditions are optimal for successful reestablishment.</li> <li>◆ A monitoring program shall be implemented by the qualified biologist to oversee successful establishment of any native grasslands to be restored, either on or off-site, and shall define both short-term and long-term requirements. Permanent monitoring transects shall be established as part of the program and vegetation data collected in the spring and summer months when plant identification is possible. Photo stations shall be established along each monitoring transect, and photographs taken every year during the required monitoring period. Performance standards, success criteria, and contingency measures shall be defined as part of the Program. Monitoring transects shall be established over each location to be vegetated as native grassland, and monitored on an annual basis. Within a five-year period, native grass shall be successfully established</li> </ul>	

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-5 <i>continued</i>		<p>over all treatment areas and shall comprise a minimum 60 percent of the relative cover. Monitoring shall be extended where the success criteria are not met, and the minimum 1:1 replacement ratio is not reached.</p> <p>◆ Annual monitoring reports shall be prepared by the qualified biologist and submitted to the City’s Planning &amp; Building Services Division by December 31 of each monitoring year, for a minimum of five years or until the defined success criteria are met. The annual report shall summarize the results of the monitoring effort, performance standards, and any required contingency measures, and shall include photographs of the monitoring transects and program success. Maps shall be included in the monitoring report to show the location of monitoring transects and photo stations.</p>	
<p><b>BIO-6:</b> The proposed Project would fill an estimated 295 linear feet of creek channel on the site, eliminating about half of the central portion of the intermittent creek channel and all of the tributary ephemeral drainage. Potential indirect effects could also degrade the existing habitat functions and values of downstream Las Trampas Creek and other jurisdictional waters as a result of accidental spills, contamination from fertilizers and other urban pollutants, and increased runoff volumes and possible erosion in waters of the U.S. and State. This would be a <i>significant</i> impact.</p>	S	<p><b>BIO-6a:</b> Where jurisdictional waters of the United States and State are present and cannot be avoided, authorization for proposed modifications shall be obtained from the USACE, RWQCB, and CDFG. All conditions required as part of the authorizations by the USACE, RWQCB, and CDFG shall be implemented as part of the Project. Consultation or incidental take permitting may be required under the California and federal Endangered Species Acts, and all legally required permits or other authorizations for the potential “take” of species listed under the Endangered Species Acts shall be obtained. Copies of all authorizations shall be provided to the City’s Planning &amp; Building Services Division prior to issuance of a grading or other permit for the Project to ensure that the applicant has adequately coordinated with jurisdictional agencies.</p> <p><b>BIO-6b:</b> A Wetland/Riparian Protection and Replacement Program (Program) shall be prepared by a qualified wetland specialist and implemented to replace any jurisdictional waters affected by the Project. The Program shall include appropriate implementation measures to prevent inadvertent loss and degradation of jurisdictional waters to be protected, and replacement for those features eliminated or modified as a result of development. This shall be accomplished as part of revegetation of the channel segment(s) disturbed during construction. The Program shall contain the following components:</p>	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
BIO-6 <i>continued</i>		<ul style="list-style-type: none"> <li>◆ Jurisdictional waters shall be avoided to the maximum extent feasible, and where avoidance is infeasible, shall be replaced at a minimum 2:1 ratio, preferably on-site. This could be achieved by reducing the extent of fills currently proposed and expanding a low elevation wetland terrace along the bottom of the channel bottom where possible without adversely affecting existing riparian and upland trees along the creek corridor. Out-of-kind mitigation may be necessary given the limited opportunities for recreating creek channel habitat on the site.</li> <li>◆ Cuttings from any willows removed as part of the Project shall be stored properly during construction, to be installed along the edge of the channel bottom and mid-bank to provide additional protective cover and replace willow removed as part of the Project.</li> <li>◆ Additional native tree, shrub, and groundcover species shall be installed and maintained in areas enhanced or restored as part of the Program, and a mix of native grassland species should be hydro-seeded throughout the area to provide temporary erosion control. Tree and shrub plantings shall be irrigated for a minimum of two years during the dry summer months to ensure successful establishment.</li> <li>◆ Temporary construction fencing shall be installed around the boundary of all wetlands, riparian, and trees to be preserved along the creek channel so that they are not disturbed during construction. Fencing shall remain in place until construction has been completed.</li> <li>◆ Success criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures in the Program shall be specified. Monitoring shall be conducted by the qualified wetland specialist for a minimum of five years and continue until the success criteria are met. Permanent monitoring transects shall be established as part of the program and vegetation data collected in the spring and summer months when plant identification is possible. Photo stations shall be established along each monitoring transect, and photographs taken every year during the required monitoring period.</li> </ul>	

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-6 <i>continued</i>		<ul style="list-style-type: none"> <li>◆ Annual monitoring reports shall be prepared by the qualified wetland specialist and submitted to resource agency representatives and the City’s Planning &amp; Building Services Division by December 31 of each monitoring year for a minimum of five years, or until the defined success criteria are met. The annual report shall summarize the results of the monitoring effort, performance standards, and any required contingency measures, and shall include photographs of the monitoring transects and program success. Maps shall be included in the monitoring report to show the location of monitoring transects and photo stations.</li> </ul> <hr/> <p><u>BIO-6c:</u> A Stormwater Pollution Prevention Plan shall be prepared and implemented using Best Management Practices to control both construction-related erosion and sedimentation and Project-related non-point discharge into waters on the site.</p>	
<p><b>BIO-7:</b> The proposed Project would remove 91 of the 117 existing trees on the site which qualify as “protected trees” under the City’s Tree Protection Ordinance, eliminating about 78 percent of the trees on the site, including the 58-inch valley oak which is one of the largest trees of its kind in the City. An additional nine trees are proposed for relocation on the site, with the locations indicated in the Landscape Plan (see Figure 3-9), although no details have been provide on how they would be relocated and managed. The loss of healthy trees on the site would conflict with relevant policies and programs in the City’s General Plan which call for preservation of healthy trees and native vegetation to the “maximum extent feasible.” This would be considered a <i>significant</i> impact.</p>	S	<p><u>BIO-7:</u> The Project shall comply with City of Lafayette Tree Protection Ordinance, Chapter 6-17 of the Lafayette Municipal Code, and a Tree Protection and Replacement Program (Program) should be developed by a certified arborist and implemented to provide for adequate protection and replacement of native and planted trees larger than 6 inches dbh possibly affected by proposed improvements. A category II permit should be obtained for the removal of any “protected tree,” and replacement plantings should be provided as approved by the City. If permitted, an appropriate in-lieu fee should be paid to the City of Lafayette as compensation for “protected trees” removed by the Project, where sufficient land area is not available on-site for adequate replacement. The Program shall include the following provisions:</p> <ul style="list-style-type: none"> <li>◆ Pursuant to the requirements of Section 6-1707.F of the Tree Protection and Preservation Ordinance, adequate measures should be defined to protect all trees to be preserved. This should include installation of temporary construction fencing at the perimeter of the protected area, restrictions on construction within the fenced areas unless approved as a condition of the application and performed under the supervision of the certified arborist, and prohibition on parking or storing of vehicles and other construction equipment within the protected area.</li> </ul>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-7 <i>continued</i>		<ul style="list-style-type: none"> <li>◆ All grading, improvement plans, and construction plans prepared for building permits should clearly indicate trees proposed to be removed, altered, or otherwise affected by development construction. The tree information on grading and development plans should indicate the number, size, species, assigned tree number and location of the dripline of all trees on the property that are to be retained/preserved.</li> <li>◆ Details on relocation of any protected trees shall be defined as part of the Program. This shall include procedures for root system excavation, tree protection during relocation, planting bed preparation, short-term irrigation and monitoring, and compensatory mitigation if severely damaged during relocation or lost following planting.</li> <li>◆ The Landscape Plan for the proposed Project shall be revised to eliminate the planting of California bay (<i>Umbellularia californica</i>) because it is slow growing and could contribute to the establishment of SOD on the site, which could then spread to surrounding coast live oaks.</li> <li>◆ The Landscape Plan for the proposed Project shall consider the vehicle sight distance requirements for motorists at access points along Deer Hill Road and Pleasant Hill Road, and tree and shrub plantings that could impede the minimum requirements shall be prohibited in these areas. No native trees planted to meet the requirements of Section 6-1707.G of the Tree Protection and Preservation Ordinance shall be installed in locations that would require future pruning or topping to provide adequate sight distance for motorists.</li> </ul>	
BIO-8: The proposed Project would alter the existing habitat on the site, filling a large portion of the creek channel, eliminating most of the oak woodland, and converting grassland and ruderal cover to structures, roadways, parking areas and ornamental landscaping. Movement opportunities along the existing creek would be reduced and fragmented due to proposed culverting and the intensity of	S	<p>BIO-8: Mitigation Measures BIO-1 through BIO-7 would all serve to partially reduce the potential impacts of the Project on wildlife habitat and wildlife movement opportunities. The following additional measures shall be implemented to further reduce the impacts of the proposed Project on movement opportunities and habitat values along the existing creek.</p> <ul style="list-style-type: none"> <li>◆ The proposed Project shall be revised to limit any crossing of the existing creek to a single bridge or arched culvert with as narrow a width as possible that allows for continued movement of wildlife under the structure.</li> </ul>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
development and human activity surrounding the segments to be retained. This would be a <i>significant</i> impact.	S	<ul style="list-style-type: none"> <li>◆ Uses on top of the new creek overcrossing shall be limited to the vehicle roadway and pedestrian sidewalk crossing to minimize the width of the structure. Parking, partial garage structures, and landscaping included in the creek crossing under the Proposed Project shall be eliminated.</li> <li>◆ A natural area of at least 25 feet from the creek centerline shall be provided along both creek banks and enhanced as natural habitat as part of the Wetland/Riparian Protection and Replacement Program recommended in Mitigation Measure BIO-7. Detention basins and other improvements shall be restricted outside this minimum setback distance. Any detention basins located along the periphery of the creek corridor shall be enhanced as natural habitat for wildlife to the maximum extent feasible through plantings of native trees, shrubs, and ground cover species. Enhancement plantings shall also be located and designed to not interfere with minimum sight distance requirements for vehicle access along Deer Hill Road, to prevent the need for future clearing and topping.</li> </ul>	
<b>Cultural Resources</b>			
CULT-1: Increased use of the Project site and Project ground-disturbing activities could have significant impacts on prehistoric archaeological deposits that qualify as “historical resources” under CEQA.	S	<p><u>CULT-1:</u> In the event that archaeological materials are discovered during Project construction activities, the applicant shall inform its contractor(s) of the archaeological sensitivity of the Project site by including the following italicized measures in contract documents. The City shall verify that the following language is included in the appropriate contract documents:</p> <p><i>“If prehistoric or historical archaeological deposits are discovered during Project activities, all work within 25 feet of the discovery must stop and the City shall be notified. A qualified archeologist shall inspect the findings within 24 hours of discovery, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel should not collect or move any archaeological materials or human remains and associated materials. Archaeological resources can include flaked-stone tools (e.g. projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e. midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g.</i></p>	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
CULT-1 <i>continued</i>		<i>mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse. Cultural resources shall be recorded on California Department of Parks and Recreation (DPR) Form 523 (Historic Resource Recordation form). If it is determined that the proposed Project could damage unique archaeological resources, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not feasible, the Project applicant shall pay in lieu fees to mitigate significant effects. Excavation as mitigation shall be limited to those parts of resources that would be damaged or destroyed by the Project. Possible mitigation under CEQA emphasizes preservation in place measures, including planning construction avoid archaeological sites, incorporating sites into parks and other open spaces, covering sites with stable soil, and deeding the site into a permanent conservation easement.”</i>	
CULT-2: Pleistocene sediments underlie a portion of the Project site and have the potential to contain paleontological resources. Should Project ground-disturbing activities encounter such resources, a substantial adverse change in their significance (e.g. their disturbance or destruction) would constitute a <i>significant</i> impact under CEQA.	S	<p><b>CULT-2:</b> In the event that fossils are discovered during Project activities, the applicant shall inform its contractor(s) of the paleontological sensitivity of the Project site by including the following italicized language in contract documents. The City shall verify that the following language is included in the appropriate contract documents:</p> <p><i>“The subsurface at the construction site may be sensitive for paleontological resources. If paleontological resources are encountered during project subsurface construction, all ground-disturbing activities within 25 feet must stop and the City shall be notified. A qualified paleontologist shall inspect the findings within 24 hours of discovery, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells,</i></p>	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
CULT-2 <i>continued</i>		<i>sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Paleontological resources also include plant imprints, petrified wood, and animal tracks. If it is determined that the proposed Project could damage unique paleontological resources, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not feasible, the Project applicant shall pay in lieu fees to mitigate significant effects. Excavation as mitigation shall be limited to those parts of resources that would be damaged or destroyed by the Project. Possible mitigation under CEQA emphasizes preservation in place measures, including planning construction avoid archaeological sites, incorporating sites into parks and other open spaces, covering sites with stable soil, and deeding the site into a permanent conservation easement.”</i>	
<b>CULT-3:</b> Should Project ground-disturbing activities encounter human remains the disturbance of those remains could result in a significant impact under CEQA.	S	<b>CULT-3:</b> Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Contra Costa County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reintern the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD’s recommendations, the owner or the descendent may request mediation by the NAHC.	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>Geology, Soils, and Seismicity</b>			
GEO-1: Implementation of the proposed Project could result in hazards as a result of slope instability, existing fill conditions, expansive soils, and shallow groundwater.	S	GEO-1: Prior to issuance of the grading permits, development of the final grading plans shall be coordinated with a City approved Geotechnical Engineer and Engineering Geologist in order to tailor the plans to accommodate known soil and geologic hazards and to improve the overall stability of the site. The final 40-scale grading plans for the Project shall be reviewed by the City-approved Geotechnical Engineer. Grading operations shall meet the requirements of the Guide Contract Specifications included in Appendix D of the <i>Geotechnical Exploration: The Terraces of Lafayette</i> , prepared by ENGEO Incorporated on August 18, 2011 and revised September 2, 2011, and shall be observed and tested by the City-approved Geotechnical Engineer.	LTS
<b>Greenhouse Gas Emissions</b>			
GHG-1: GHG emissions generated by the proposed Project would exceed BAAQMD's per capita GHG threshold for operation-related GHG emissions. The majority of GHG emissions would be from transportation sources. This would be a <i>significant</i> impact.	S	<p><del>GHG-1a: Residential units shall be prohibited from having wood burning or gas burning fireplaces. The City shall verify that residential units/buildings comply with one of the following:</del></p> <ol style="list-style-type: none"> <li><u>1. Ensure that 157 residential units are constructed without fireplaces (fireplaces are acceptable in the other 158 residential units).</u></li> <li><u>2. Build the residential units to achieve a 25 percent reduction in building energy efficiency compared to the 2008 Building and Energy Efficiency Standards, which is equivalent to the new 2013 Building and Energy Efficiency Standards.</u></li> <li><u>3. Build the residential units to achieve a 15 percent reduction in building energy efficiency compared to the 2008 Building and Energy Efficiency Standards AND ensure that 78 residential units are constructed without fireplaces (fireplaces are acceptable in the other 237 residential units).</u></li> </ol>	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<u>GHG-1b</u> : Implement Mitigation Measure TRAF-4614. The Project applicant shall provide subsidized, frequent shuttle service between the Project site and the Lafayette BART station during the AM and PM peak commute periods, until such time that a bus route on Pleasant Hill Road serving the BART station is implemented (as called for in the Lamorinda Action Plan), at which point the Project applicant may provide transit vouchers in lieu of a shuttle.	
<b>Hazards and Hazardous Materials</b>			
<b>HAZ-1</b> : If ACMs or LBPs are found to be present on the Project site, the demolition of these structures creates a potentially <i>significant</i> impact related to release of hazardous materials into the environment.	S	<p><u>HAZ-1a</u>: Hire the services of a CalOSHA certified qualified asbestos abatement consultant to conduct a pre-construction assessment for asbestos containing materials. Prior to the issuance of the demolition permit, the applicant shall provide a letter to the City Planning &amp; Building Services Division from a qualified asbestos abatement consultant that no ACMs are present in the buildings. If ACMs are found to be present, the hazardous materials shall be properly removed and disposed prior to demolition of buildings on the Project site in compliance with applicable federal, State, and local regulations, such as the U.S. EPA’s NESHAP regulation, BAAQMD Regulation 11, Title 8 of the California Codes of Regulations, the Unified Program, and the City’s General Plan Policies, as described in Section A.</p> <p><u>HAZ-1b</u>: Hire the services of a qualified lead paint abatement consultant to conduct a pre-construction assessment of lead based paints. Prior to the issuance of the demolition permit, the applicant shall provide a letter to the City Planning &amp; Building Services Division from a qualified lead paint abatement consultant that no lead paint is present in onsite buildings. If lead paint is found to be present on buildings to be demolished or renovated, the hazardous materials shall be properly removed and disposed in compliance with applicable federal, State, and local regulations, including the U.S. EPA’s NESHAP regulation, Title 40 of the Code of Federal Regulations, Title 8 of the California Codes of Regulations, the Unified Program, and the City’s General Plan Policies, as described in Section A.</p>	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>Hydrology and Water Quality</b>			
<b>HYDRO-1:</b> Following Project construction, creation of impervious surfaces (roads, structures, walkways) and slight changes of local topography has the potential to alter surface runoff rates and drainage patterns from the site and increase surface runoff rates, peak flows, and sediment transport downstream.	S	<p><u>HYDRO-1a:</u> Prior to the issuance of grading permits, additional hydrologic analyses and detailed drainage design drawings for the bioretention basins shall be submitted in a Final Stormwater Control Plan to the City for review and approval. The analyses shall include:</p> <ul style="list-style-type: none"> <li>◆ 10-year peak flows.</li> <li>◆ Comparison of post-development peak flow rates and volumes to pre-development conditions.</li> <li>◆ Final calculations providing size, capacity, location, and infiltration rates for the 18 proposed bioretention basins.</li> <li>◆ On-site storm drain system piping layout and pipe size calculations.</li> </ul> <p><u>HYDRO-1b:</u> An Operation and Maintenance (O&amp;M) Plan and Schedule shall be prepared as part of the Final Stormwater Control Plan and submitted to the City of Lafayette. The property owner (or Homeowners Association) shall enter into a standard stormwater O&amp;M agreement with the City, codifying their responsibility for O&amp;M performance and reporting. An O&amp;M Manual shall be prepared and submitted to the City prior to the issuance of grading permits. The O&amp;M Manual shall specify that the design storage capacity of the basins will be maintained and that accumulated residual sediment and other material will be cleaned out. The detention basins shall be inspected at least once per year prior to the start of the rainy season and debris removal shall occur on an as needed basis.</p>	LTS
<b>HYDRO-2:</b> Project development would increase the impervious surface at the site and could result in an increase in peak runoff at downstream drainage facilities.	S	<u>HYDRO-2:</u> As part of the Final Stormwater Control Plan, the Project applicant shall provide to the City an analysis that shows the peak discharge from the Project site for the 10-year and 100-year storm and demonstrate that this discharge can be safely conveyed through the existing off-site storm drain system. <del>The condition of the downstream conveyance system shall be investigated to confirm that the capacity of the existing system is sufficient to meet existing and Project-related demands.</del>	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>Land Use and Planning</b>			
<p><b>LU-1:</b> The Project would be inconsistent with General Plan Policy LU-2.1 and Policy LU-2.3. Policy LU-2.1 states, “Density of Hillside Development: Land use densities should not adversely affect the significant natural features of hill areas.” Policy 2.3 states, “Preservation of Views: Structures in the hillside overlay area shall be sited and designed to be substantially concealed when viewed from below from publicly owned property. The hillsides and ridgelines should appear essentially undeveloped, to the maximum extent feasible.” This would be a <i>significant</i> impact.</p>	S	<p><u>LU-1:</u> No feasible mitigation measure would maintain the natural, undeveloped appearance of the hillside on the Project site.</p>	SU
<p><b>LU-2:</b> The proposed Project would be inconsistent with General Plan Policy LU-2.2: “Cluster Development: Preserve important visual and functional open space by requiring development to be clustered on the most buildable portions of lots, minimizing grading for building sites and roads.” This would be a <i>significant</i> impact.</p>	S	<p><u>LU-2:</u> No feasible mitigation measure would achieve the definition of clustering set forth by the Lafayette Municipal Code.</p>	SU
<p><b>LU-3:</b> The Project would be inconsistent with the several Hillside Development Permit requirements set forth in the Municipal Code. This would be a <i>significant</i> impact.</p>	S	<p><u>LU-3:</u> No feasible mitigation measure would achieve consistency with the Hillside Development Permit requirements.</p>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>Noise</b>			
<p><b>NOISE-1:</b> Because standard construction methods are not expected to provide enough insulation to achieve City 45 dBA L<sub>dn</sub> interior noise standards, a <i>significant</i> impact would occur without additional noise protection measures. WIA utilized building elevations and floor plans prepared by the proposed Project’s architect to determine the exterior-to-interior noise reductions necessary to meet interior noise standards. Mitigation Measure Noise-1 is required to meet the City’s interior noise standard.</p>	<p>S</p>	<p><b>NOISE-1:</b> The exterior glazing, entry doors, exterior wall, and supplemental ventilation design features shall be designed to achieve a 45 dBA L<sub>dn</sub> interior noise standard. These features are summarized below and additional details are provided in the WIA report that is included in Appendix I.</p> <ul style="list-style-type: none"> <li>◆ Two classes of exterior glazing are indicated for windows, sliding glass doors, and entry doors:                             <ul style="list-style-type: none"> <li>• Class I elements shall have a minimum OITC 24/STC 28 rating</li> <li>• Class II elements shall have a minimum OITC 21/STC 25 rating</li> </ul> </li> </ul> <p>(Note: The different classes are based on the location of proposed buildings on the Project site, per Figures 12 and 13 of the WIA report. Also note that the recommended OITC/STC ratings are for full window assemblies (glass and frame), rather than just for the glass itself.)</p> <ul style="list-style-type: none"> <li>◆ If hard floor surfaces (such as hardwood or ceramic tile) are used, then the minimum recommended glazing rating (above) shall be increased by two OITC/STC points for windows serving those rooms.</li> <li>◆ Entrance doors, together with their perimeter seals, shall have STC ratings not less than 26. Such tested doors shall operate normally with commercially available seals. Solid-core wood-slab doors 1-3/8 inches (35 mm) thick minimum or 18 gage insulated steel-slab doors with compression seals all around, including the threshold, may be considered adequate without other substantiating information.</li> <li>◆ Acceptable acoustical caulking, applied per the manufacturer’s directions, shall be used to properly seal windows, doorways, electrical outlets (in exterior walls), and the indicated intersections of interior gypsum wall board (GWB) installations throughout the affected buildings.</li> </ul>	<p>LTS</p>

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
NOISE-1 <i>continued</i>		<ul style="list-style-type: none"> <li>◆ Potential architectural element suppliers shall verify the acoustical performance ratings by providing laboratory test data for the specific assembly type submitted for the Project.</li> <li>◆ Exterior wall assemblies shall have a minimum OITC 38 (comparable to STC 50) rating. This can be achieved with ‘typical’ assembly designs for this type of multi-family development, which were assumed to consist of 7/8-inch stucco over plywood shear sheathing, 4- to 6-inch deep studs, fiberglass batt insulation in the stud cavity, and at least one layer of 5/8-inch gypsum board on the interior face of the wall.</li> <li>◆ Supplemental ventilation shall be provided in the architectural design so as to allow for closed windows as well as the adequate supply of fresh air per applicable building codes.</li> </ul>	LTS
<p><b>NOISE-2:</b> While the magnitude of the average noise levels would be higher than the ambient noise environment at noise-sensitive land uses during the construction phase, construction activities and the associated noise emissions would fluctuate both daily and throughout the entire construction schedule. By use of the following methods and procedures, construction noise will be reduced to the extent reasonably feasible.</p>	S	<p><u><b>NOISE-2:</b></u> The construction contractor shall adhere to the following measures during construction activities:</p> <ul style="list-style-type: none"> <li>◆ Use of construction equipment shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday.</li> <li>◆ Material deliveries and haul-off truck trips shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. Monday through Friday. Further, all such construction trips shall avoid, to the extent reasonably feasible, peak traffic periods along Pleasant Hill Road and Deer Hill Road (i.e. morning rush hour, mid-afternoon school pick-up time, and afternoon rush hour).</li> <li>◆ Prior to the start of and for the duration of construction, the contractor shall properly maintain and tune all construction equipment in accordance with the manufacturer’s recommendations to minimize noise emissions.</li> </ul>	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
NOISE-2 <i>continued</i>		<ul style="list-style-type: none"> <li>◆ Prior to use of any construction equipment, the contractor shall fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.</li> <li>◆ During construction, the construction contractor shall place stationary construction equipment and material delivery (loading/unloading) areas so as to maintain the greatest distance from the nearest residences.</li> <li>◆ The construction contractor shall post a sign at the work site that is clearly visible to the public, providing a contact name and telephone number for lodging a noise complaint.</li> </ul> <p>These measures shall be listed on the grading plan and monitored by the City during construction.</p>	
<b>Population and Housing</b>			
<i>The Project would not result in any significant population and housing impacts; therefore, no mitigation measures are necessary.</i>			
<b>Public Services</b>			
PS-1: Construction of the proposed Project would increase the volume of calls for police services in the Project area and exacerbate response times.	S	<p>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.</p> <hr/> <p>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.</p> <hr/> <p>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.</p>	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
<i>PS-1 continued</i>			
		<u>PS-1d</u> : 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.	
<b>Transportation and Traffic</b>			
<b>TRAF-1</b> : Under Existing plus Project conditions, the Deer Hill Road – Stanley Boulevard/Pleasant Hill Road intersection would operate at LOS F during the AM peak hour, with delay increasing by 9.0 seconds as a result of the Project. The Project would increase delay by more than 5 seconds at an intersection operating below the acceptable standard.	S	<u>TRAF-1</u> : No feasible mitigation measures are available to reduce this impact to a less-than-significant level.	SU
<b>TRAF-2</b> : Under Existing plus Project conditions, northbound and southbound stop-controlled minor approaches on Brown Avenue at Deer Hill Road would continue operating at an unacceptable LOS F during the AM and PM peak hours, with delay increases substantially higher than 5 seconds. The MUTCD peak hour traffic signal warrant would be met for both peak hours under both the Existing Conditions and Existing plus Project scenarios. The Project would increase delay by more than 5 seconds at an intersection operating below the acceptable standard, and result in inadequate emergency access to Deer Hill Road, resulting in a <i>significant</i> impact.	S	<u>TRAF-2</u> : The Project applicant shall coordinate with the City to contribute a fair share of the cost, including an in-lieu payment, to install a traffic signal at the Brown Avenue/Deer Hill Road intersection, which will be added to the City's Capital Improvement Projects (CIP) program. The traffic signal equipment shall include an emergency vehicle preemption system (Opticom), which would allow emergency response vehicles approaching the signalized intersection to activate a green signal for their travel direction. The State Highway 24 freeway overpass structures on Brown Avenue could obstruct the Opticom activation device on responding emergency vehicles headed northbound on Brown Avenue from Mount Diablo Boulevard toward Deer Hill Road, which could substantially reduce the effectiveness of the traffic signal preemption. To avoid this problem, the traffic signal equipment shall include advance detection devices for the Opticom system as needed to assure effective traffic signal preemption for responding emergency vehicles on northbound Brown Avenue.	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><del><b>TRAF-3:</b> Under Existing plus Project conditions, the Project would reduce the average speed on northbound Pleasant Hill Road between the State Highway 24 westbound off ramp and Acalanes Avenue during the PM peak hour from 4.6 miles per hour (mph) to 3.8 mph, a 17 percent reduction. This speed reduction of more than 10 percent is considered an unacceptable weaving condition that would substantially increase hazards, resulting in a significant impact.</del></p>	<p><del>S</del></p>	<p><del><b>TRAF-3:</b> No feasible mitigation measures are available to reduce this impact to a less than significant level.</del></p>	<p><del>SU</del></p>
<p><b>TRAF-43:</b> Project design features would increase traffic hazards because the potential for inadequate sight-distance would exist at all of the Project driveways, and the proposed location of the west Project driveway on Deer Hill Road would provide inadequate sight-distance for westbound traffic.</p>	<p>S</p>	<p><b>TRAF-43:</b> The Project applicant shall implement the following measures:</p> <ul style="list-style-type: none"> <li>◆ West of the East Driveway on Deer Hill Road: All landscaping along the south side of Deer Hill Road that is located in the line of sight for eastbound traffic within 360 feet west of the east Project driveway shall be limited to plants with foliage no more than 30 inches fully mature height above the closest adjacent curb elevation, or trees with canopy foliage no less than 7 feet above the closest adjacent curb elevation, or other dimensions as specified by the City Engineer. The line of sight is defined as the area between the south curb on Deer Hill Road and a straight line connecting a point 10 feet behind the back of the sidewalk on the centerline of the east driveway and a point 360 feet to the west where it intersects the south curb line, or as otherwise specified by the City Engineer.</li> <li>◆ All other Project Driveways: All landscaping along the Project street frontage that is located in the line of sight of traffic approaching Project driveways in either direction shall be limited to plants with foliage no more than 30 inches fully mature height above the closest adjacent curb elevation, or trees with canopy foliage no less than 7 feet above the closest adjacent curb elevation, or other dimensions as specified by the City Engineer. The line of sight is defined as an area within 10 feet behind the back of the sidewalk or shared-use path and within 50 feet of the driveway edge, or as otherwise specified by the City Engineer.</li> </ul>	<p>LTS</p>

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAF-43 <i>continued</i>		<ul style="list-style-type: none"> <li>◆ Entryway Features: All monument signs, walls, slopes and other vertical features that could otherwise block visibility shall be no more than 3 feet higher than the adjacent driveway elevation in the area within 15 feet behind the back of the sidewalk or shared-use path and within 50 feet of the driveway edge, or as otherwise specified by the City Engineer.</li> <li>◆ The west Project driveway on Deer Hill Road shall be relocated at least 100 feet to the west of the location shown on the Project site plan.</li> </ul>	
<p><b>TRAF-54:</b> Because westbound Deer Hill Road speeds increase as vehicles descend the hill east of the west Project driveway, westbound vehicles slowing or stopping in the westbound Deer Hill Road through lane before turning left into the west Project driveway would present potential safety issues. This Project design feature would substantially increase traffic hazards.</p>	S	<p><b>TRAF-54:</b> The Project applicant shall either:</p> <ul style="list-style-type: none"> <li>◆ Widen Deer Hill Road as needed to add a striped westbound left turn lane and appropriate taper lengths approaching the west Project driveway, and maintain appropriate widths for bike lanes, traffic lanes, and proposed sidewalks, as well as legal left-turn access at the adjacent driveway on the north side of the roadway; or</li> <li>◆ Post signs prohibiting left turns from westbound Deer Hill Road into the west driveway. In the mouth of the driveway on the south side of Deer Hill Road, a raised island designed to physically obstruct left turns into the driveway shall be constructed, if emergency access can be maintained to the satisfaction of the Contra Costa County Fire Prevention District (CCCFPD) and the eastbound bike lane is not obstructed. Raised centerline or median features to obstruct the westbound left turn are not recommended on Deer Hill Road at this location because of prevailing speeds, as well as potential obstruction of left turns out of the Project driveway and access at the adjacent driveway on the north side of the roadway.</li> </ul> <p>Selection between these two alternative mitigation measures should be coordinated with the potential prohibition of left turns at the east Project driveway, which is not required as mitigation, but is recommended in the TJKM TIA to address design and operational concerns as described in Section A.4.a.v, Existing plus Project Left-Turn Queue Conditions.</p>	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
<p><b>TRAF-65:</b> Under both Existing plus Project and Cumulative Year 2030 plus Project conditions, the Project’s significant impact on PM peak-hour traffic speeds for northbound Pleasant Hill Road, <u>which results in a significant impact on the Delay Index, between the off ramp from westbound State Highway 24 and the proposed Project driveway</u> would result in inadequate emergency access to other areas of Lafayette served by Pleasant Hill Road between State Highway 24 and Rancho View Drive. The result would be a <i>significant</i> impact.</p>	S	<p><b>TRAF-65:</b> The Project applicant shall <u>contribute a fair share to the cost of installing</u> advance detection equipment for the existing Opticom system as needed to assure effective traffic signal preemption for responding emergency vehicles on northbound Pleasant Hill Road approaching the Deer Hill Road intersection and the other four signalized study intersections to the north. The advance detection system shall be designed to activate a green signal for northbound Pleasant Hill Road at Deer Hill Road with enough time before the emergency vehicle arrives to allow traffic congestion between State Highway 24 and the intersection to clear sufficiently to facilitate passage of the emergency vehicle. At a minimum, the advance detection system shall allow emergency vehicles responding from CCCFPD Station 15 (located at 3338 Mount Diablo Boulevard) to activate traffic signal preemption for northbound Pleasant Hill Road at Deer Hill Road as soon as they turn north from eastbound Mount Diablo Boulevard.</p>	LTS
<p><b>TRAF-76:</b> The emergency vehicle access shown on the Project site plans does not comply with minimum turning radius requirements at several on-site driveway locations. The restricted turning radii would result in inadequate emergency access to the Project site.</p>	S	<p><b>TRAF-76:</b> The Project site plans shall be revised such that corner radii and medians at on-site driveway intersections provide a minimum inside turning radius of 25 feet and a minimum outside turning radius of 45 feet, per CCCFPD requirements.</p>	LTS
<p><b>TRAF-87:</b> During the grading phase of construction on the Project site, large truck traffic on Pleasant Hill Road and Deer Hill Road and elimination of the existing passenger loading zone along the Project frontage on Pleasant Hill Road would result in a temporary <i>significant</i> impact.</p>	S	<p><b>TRAF-87:</b> The Project applicant shall prepare and submit a Construction Staging Plan for review and approval by the City Engineer. The Construction Staging Plan shall include flaggers for trucks entering and exiting the Project site, and a designated liaison to coordinate with the City, schools, and the public as needed. In addition, the Construction Staging Plan shall include the following measures:</p> <ul style="list-style-type: none"> <li>◆ Large trucks involved in the grading phase of construction shall be prohibited from arriving at or departing from the Project site during the hours of 7:00 to 9:00 a.m. and 3:00 to 7:00 p.m. on any school day, and 7:00 to 9:00 a.m. and 4:00 to 7:00 p.m. on any non-school weekday.</li> </ul>	LTS

LTS = Less than Significant; S = Significant; SU = Significant and Unavoidable

TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
TRAF-87 <i>continued</i>		<ul style="list-style-type: none"> <li>◆ Large trucks shall be prohibited from making U-turn movements from northbound to southbound Pleasant Hill Road at the Deer Hill Road intersection during construction. The Construction Staging Plan shall specify for each construction phase whether access to the Project site from northbound Pleasant Hill Road will be allowed, either by providing a median opening for left turns directly into the site south of Deer Hill Road, or will require a left turn onto Deer Hill Road and a subsequent left turn into the Project site at the east Deer Hill Road Project driveway.</li> <li>◆ If the Construction Staging Plan allows large trucks to turn left from northbound Pleasant Hill Road to Deer Hill Road, accommodation of their turning radius may require the following temporary measures: modifications to the south median within up to 15 feet from the nose; relocation of the limit line for eastbound Deer Hill Road traffic lanes by up to 15 feet behind the existing crosswalk marking; adjustments to vehicle detectors, any other affected traffic signal equipment, and traffic signal timing as required to maintain safe and effective operations; and measures as otherwise specified by the City Engineer.</li> <li>◆ The proposed locations and configuration of access points on Pleasant Hill Road and Deer Hill Road where large trucks would turn into or out of the Project site during construction shall be subject to approval by the City Engineer, to ensure consideration of sight-distance constraints and implementation of appropriate safety precautions.</li> <li>◆ During any construction phase when access to the existing passenger loading zone on the west curb of Pleasant Hill Road along the Project frontage would be unavailable on school days, one of the following measures:                         <ul style="list-style-type: none"> <li>• Provide a safe, temporary alternative loading zone in the immediate area, subject to approval by the City Engineer. Potential alternatives may include temporary use of the property on the northwest corner of Pleasant Hill Road and Deer Hill Road, which would require surface improvements to facilitate safe vehicle and pedestrian access.</li> </ul> </li> </ul>	

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAF-87 <i>continued</i>		<ul style="list-style-type: none"> <li>• Stage construction on the subject portion of the site such that during the school break for summer, the existing passenger loading zone would be demolished and replaced by construction of the recommended roadway configuration and passenger loading zone on the Pleasant Hill Road Project frontage.</li> <li>• The Construction Staging Plan shall require restriping of bike lanes and other pavement markings at the discretion of the City Engineer to address wear from construction traffic.</li> <li>◆ Special school events, such as swim meets, shall be addressed by the designated liaison required in the Construction Staging Plan, or any additional measures that the City Engineer may require in that Plan.</li> <li>◆ <u>The Construction Staging Plan shall include an engineering analysis to estimate the percentage of the pavement service life that will be used by Project construction truck trips on Pleasant Hill Road and Deer Hill Road. Based on this analysis, appropriate mitigation of the resulting damage shall be required from the Project sponsor, which may include construction of pavement improvements to restore the lost service life, or an in-lieu contribution of equivalent value, at the discretion of the City Engineer.</u></li> </ul>	
<b>TRAF-98:</b> Project driveways would provide inadequate truck turning radii for large trucks. The resulting improper lane use and other potential unsafe maneuvers by trucks on heavily travelled public streets would substantially increase hazards due to a design feature, which is a <i>significant</i> impact.	S	<b>TRAF-98:</b> The Project site plan shall be revised at the three Project driveways such that adequate truck turning radii are provided, by widening the portion of the entry roadway near each intersection, modifying the median configuration, and/or increasing the corner radius.	LTS
<b>TRAF-109:</b> Under the Cumulative Year 2030 plus Project scenario, the Brown Avenue/Deer Hill Road intersection would continue to operate at an unacceptable LOS F during the AM and PM peak hours, with delay increases substantially higher than 5 seconds. This would be a <i>significant</i> cumulative impact.	S	<b>TRAF-109:</b> Implement Mitigation Measure TRAF-2.	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
<b>TRAF-4410:</b> Under the Cumulative Year 2030 plus Project scenario, Project traffic exiting the west Project driveway on Deer Hill Road would experience an LOS E delay during the AM peak hour. Although LOS E is acceptable at a one-way stop control intersection such as the driveway, the amount of delay suggests that drivers turning left out of the driveway would have some difficulty finding an acceptable gap in traffic flow on Deer Hill Road, at a location where prevailing speeds are relatively high.	S	<b>TRAF-4410:</b> <u>The Project applicant shall either:</u> <ul style="list-style-type: none"> <li>◆ <u>Widen Deer Hill Road at the west Project Driveway as needed to add a striped westbound median refuge lane to receive left turns from the driveway, and provide appropriate taper lengths west of the refuge land, and maintain appropriate widths for bike lanes, traffic lanes, and proposed sidewalks ; or</u></li> <li>◆ <u>Implement Mitigation Measure TRAF-3 and install a side road symbol (California MUTCD No. W2-2) warning sign facing westbound Deer Hill Road traffic in advance of the relocated driveway.</u></li> </ul>	LTS
<b>TRAF-4211:</b> Under the Cumulative Year 2030 plus Project scenario, the peak estimated 95th-percentile left-turn queue length for northbound traffic on Pleasant Hill Road at Deer Hill Road would be 306 feet during the AM peak hour, would exceed the capacity of the existing 250-foot storage lane. This would be a <i>significant</i> cumulative impact.	S	<b>TRAF-4211:</b> No feasible mitigation measures are available to reduce this impact to a less-than-significant level.	SU
<b>TRAF-4312:</b> Under the Cumulative Year 2030 plus Project scenario, the peak estimated 95th-percentile left-turn queue length for northbound traffic on Pleasant Hill Road at the Project driveway would be 124 feet and 177 feet, during the school PM and commute PM peak hours, respectively, which would exceed the capacity of the 100-foot storage lane proposed in the Project plans. This would be a <i>significant</i> cumulative impact.	S	<del>TRAF-4312: No feasible mitigation measures are available to reduce this impact to a less than significant level.</del> <u>The Project applicant shall extend the proposed left-turn storage lane an additional 75 through 100 feet to the south by widening Pleasant Hill Road on the Project frontage to accommodate the peak left-turn queue length. Extending the entrance to the left-turn further south toward the off-ramp from westbound SR 24 would shorten the available weaving distance on northbound Pleasant Hill Road for left turns at the Project driveway, but this would not be considered a significant secondary impact, and therefore the mitigation is considered feasible.</u>	<del>SU</del> LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<del>TRAF-14:</del> Under Cumulative Year 2030 plus Project conditions, the Project would reduce the average speed on northbound Pleasant Hill Road between the State Highway 24 westbound off ramp and Acalanes Avenue during the PM peak hour from 2.7 miles per hour (mph) to 2.4 mph, an 11 percent reduction. This speed reduction of more than 10 percent is considered an unacceptable weaving condition that would substantially increase hazards, resulting in a <i>significant</i> cumulative impact.	S	<del>TRAF-14:</del> No feasible mitigation measures are available to reduce this impact to a less than significant level.	SU
<del>TRAF-4513:</del> Under Cumulative Year 2030 plus Project conditions, the addition of Project trips to Pleasant Hill Road would increase the peak hour peak direction Delay Index by approximately 0.41 for southbound traffic in the AM peak hour and northbound traffic in the PM peak hour. The Delay Index would increase by more than 0.05 for peak hour peak direction traffic where the Delay Index exceeds 2.0 on Pleasant Hill Road, the result would be a <i>significant</i> cumulative impact.	S	<del>TRAF-4513:</del> No feasible mitigation measures are available to reduce this impact to a less-than-significant level.	SU
<del>TRAF-4614:</del> The Project would generate an additional weekday parking demand for up to 50 spaces at the Lafayette BART station, which represents approximately 3 percent of the 1,526 spaces in the lot. The parking lot demand already exceeds capacity on weekdays.	S	<del>TRAF-4614:</del> The Project applicant shall provide subsidized, frequent shuttle service between the Project site and the Lafayette BART station during the AM and PM peak commute periods, until such time that a bus route on Pleasant Hill Road serving the BART station is implemented (as called for in the Lamorinda Action Plan), at which point the Project applicant may provide transit vouchers in lieu of a shuttle.	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>TRAF-4715:</b> The Project site plan does not include a loading and unloading area for school bus service, and peak hour traffic congestion on Pleasant Hill Road and Deer Hill Road would be exacerbated if all traffic would be required to stop for a school bus in the traffic lane.	S	<b>TRAF-4715:</b> The Project applicant shall coordinate with the Lamorinda School Bus Program to determine the appropriate locations and designs for bus stop pullouts along the Project frontage, which the Project applicant shall construct as part of the Project site frontage improvements. A bus stop on the southbound Pleasant Hill Road frontage may need to be located south of the Project driveway to avoid driveway sight-distance issues as well as conflicts with passenger loading activity for Acalanes High School north of the driveway. On eastbound Deer Hill Road, a bus stop would need to be located to avoid sight-distance issues at Project driveways.	LTS
<b>TRAF-4816:</b> The 5-foot sidewalks proposed by the Project plans would be narrower than those existing in the immediate vicinity or recently approved by the City on arterial roadways. Therefore, the Project would be inconsistent with City guidelines for pedestrian facilities.	S	<b>TRAF-4816Aa:</b> On the south side of Deer Hill Road along the Project site frontage, construct new sidewalk and curb at a width of at least 6½ feet, or as otherwise specified by the City Engineer. <b>TRAF-4816Bb:</b> On the west side of Pleasant Hill Road along the Project site frontage, construct a new shared path for bicycles and pedestrians at a paved width of 10 feet with a buffer strip at least 4 feet wide between the path and the curb, or as otherwise specified by the City Engineer. The buffer strip’s surface treatment shall be appropriate to accommodate pedestrians accessing vehicles at curb parking and passenger loading areas. At the southwest corner of Pleasant Hill Road and Deer Hill Road, the path shall be designed to accommodate expected volumes of pedestrians and bicyclists waiting for the traffic signal. This measure shall be implemented in addition to the Class II (on-street) bike lane on southbound Pleasant Hill Road described in Mitigation Measure TRAF-2018 and other improvements described in Mitigation Measures TRAF-2419, TRAF-2220, and TRAF-2321.	LTS
<b>TRAF-4917:</b> Project driveways on Deer Hill Road and Pleasant Hill Road would interrupt the new sidewalks and would cross existing and proposed Class II bike lanes. This would present conflicting vehicle traffic for pedestrians and bicyclists.	S	<b>TRAF-4917:</b> Implement Mitigation Measure TRAF-43. In addition, the Project applicant shall install stop signs for traffic exiting Project driveways, and special design treatments such as paving to be specified by the City Engineer to alert drivers exiting the Project site that they are crossing pedestrian and bicycle facilities.	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
<p><b>TRAF-2018:</b> Proposed widening of southbound Pleasant Hill Road to add a vehicle traffic lane includes adding a 5-foot-wide Class II bike lane along the west curb north of the Project driveway. South of the Project driveway, the bike lane would be forced to shift to the left side of the additional southbound traffic lane that would become a right-turn-only lane for the on-ramp to westbound State Highway 24. This configuration would cause unacceptable weaving conflicts with vehicle traffic for the planned southbound bike lane, resulting in a <i>significant</i> impact.</p>	S	<p><b>TRAF-2018:</b> The Project shall implement an alternative configuration for widening southbound Pleasant Hill Road, which would not add a vehicle traffic lane. Southbound Pleasant Hill Road shall be widened along the Project frontage to provide a 6-foot-wide Class II bike lane between an 8-foot-wide curb loading and parking lane and the existing traffic lanes, or dimensions otherwise specified by the City Engineer. This configuration would maintain the existing curb loading and parking lane, except for a segment extending up to 100 feet north from the Project driveway, where the roadway shall be widened to accommodate an additional 12-foot-wide right-turn lane along with the 6-foot wide Class II bike lane, or dimensions otherwise specified by the City Engineer. This measure shall be implemented in addition to the improvements described in Mitigation Measures <del>TRAF-4816B</del>, <b>TRAF-2419</b>, <del>TRAF-2220</del>, and <del>TRAF-2321</del>.</p>	LTS
<p><b>TRAF-2419:</b> Project plans could preclude accommodation of a planned bike path along the Project boundary, and the plans propose a narrower facility on the west side of Pleasant Hill Road than those recently constructed by the City for shared bicycle and pedestrian use. Therefore, the Project would interfere with planned bicycle facilities.</p>	S	<p><b>TRAF-2419:</b> Implement Mitigation Measure <del>TRAF-4816B</del>. In addition, the Project applicant shall coordinate with the City and Caltrans to ensure that Project site improvements adjacent to the Caltrans State Highway 24 right-of-way, such as grading, drainage, retaining walls, or other structures, do not preclude construction of a Class I bicycle path meeting applicable vertical and horizontal alignment standards, at a paved width of 10 feet with graded shoulders at least 2 feet wide on both sides, or as otherwise specified by the City Engineer. The Project applicant shall dedicate additional right-of-way as needed to ensure the feasibility of constructing such a path. The Project applicant shall coordinate with the City to develop an appropriate alignment of the path to connect with the shared bicycle/pedestrian path described in Mitigation Measure <del>TRAF-4816B</del> while also intersecting the Project driveway on Pleasant Hill Road as described in Mitigation Measure <del>TRAF-2220</del>. This measure shall be implemented in addition to the improvements described in Mitigation Measures <del>TRAF-2018</del> and <del>TRAF-2321</del>.</p>	LTS

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TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES** (CONTINUED)

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
<b>TRAF-2220:</b> Traffic entering and exiting the proposed Project driveway on Pleasant Hill Road would interfere with the shared bicycle and pedestrian path that is planned along the west side of the roadway, causing hazards to bicyclists at the driveway intersection.	S	<b>TRAF-2220:</b> The Project applicant shall coordinate with the City to develop an appropriate route and dedicate right-of-way on the Project site for a bike path alignment that would intersect the driveway approximately 50 feet or more from Pleasant Hill Road. Additionally, the Project applicant shall provide the necessary grading and structural support on the site to allow for a Class I bike path that meets applicable width and slope standards, provides adequate sight-distance where it intersects the driveway, and connects with the shared bicycle/pedestrian path described in Mitigation Measure TRAF-4816B and the planned bike path described in Mitigation Measure TRAF-2419 on both ends. Where the driveway intersects the bike path, the Project applicant shall also install special design treatments, such as paving, to be specified by the City Engineer, to alert drivers that they are crossing a bike path. This measure shall be implemented in addition to the improvements described in Mitigation Measures TRAF-2018 and TRAF-2321.	LTS
<b>TRAF-2321:</b> Project plans propose widening southbound Pleasant Hill Road between Deer Hill and the on-ramp to westbound State Highway 24 to add a vehicle traffic lane and a bike lane along the west curb, where the plans show elimination of the existing curb parking and passenger loading zone. The proposed elimination of the existing designated spaces on the west curb of Pleasant Hill Road that are currently used for school passenger loading would result in additional hazardous passenger loading activity at unsuitable locations. The loss of these designated curb spaces used for passenger loading would substantially increase hazards for school pedestrians and vehicle traffic in the immediate area.	S	<b>TRAF-2321:</b> Implement Mitigation Measure TRAF-2018. The entire curb segment between Deer Hill Road and the recommended right-turn lane shall be designated as a passenger loading zone, which would accommodate eight cars in approximately the same location as the existing curb spaces used for passenger loading. This measure shall be implemented in addition to the improvements described in Mitigation Measures TRAF-4816B, TRAF-2018, TRAF-2419, and TRAF-2220.	LTS
<b>Utilities and Service Systems</b>			
<i>The Project would not result in any significant impacts to utilities and service systems; therefore, no mitigation measures are necessary.</i>			

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*CITY OF LAFAYETTE*  
*THE TERRACES OF LAFAYETTE FINAL EIR*  
REPORT SUMMARY

### 3 REVISIONS TO THE DRAFT EIR

This chapter presents specific changes to the Draft EIR that are being made in response to comments made by the public, as well as staff-directed changes including typographical corrections and clarifications. In each case, the revised page and location on the page is presented, followed by the textual, tabular, or graphical revision. Underline text represents language that has been added to the EIR; text with ~~strike through~~ has been deleted from the EIR.

None of the revisions constitutes significant changes to the analysis contained in the Draft EIR. As such, the Draft EIR does not need to be recirculated.

All changes to Chapter 2 of the Draft EIR, including changes to Table 2-1, Summary of Impacts and Mitigation Measures, are included in Chapter 2, Report Summary, of this Final EIR.

#### *Chapter 3. Project Description*

**The last sentence of the last paragraph on page 3-5 of the Draft EIR is hereby amended as follows:**

As illustrated on Figure 3-4, the City's Lafayette Area Ridge Map<sup>6</sup> shows a Class I Ridgeline Setback located on a portion of the Project site.

**The second paragraph on page 3-13 of the Draft EIR is hereby amended as follows:**

The proposed buildings would be setback approximately 49.21 feet from the property line, as required for multi-story buildings within the APO zone. The setback areas would be landscaped to create visual buffers between the neighborhoods to the east and the Project site. As previously noted, the City's Lafayette Area Ridge Map shows a Class I Ridgeline Setback located on a portion of the Project site. LMC 6-2023 states that no development may take place within 400 feet (measured in plan view) of a Class I Ridgeline without an exception. A detailed discussion on setbacks, building heights and other zoning regulations is provided in Chapter 4.9, Land Use and Planning, of this Draft EIR.

**Section G, Required Permits and Approvals, on page 3-32, continuing onto page 3-33, of the Draft EIR is hereby amended as follows:**

*G. Required Permits and Approvals*

The City of Lafayette requires the following permits and approvals for the proposed Project:

- ◆ Land Use Permit for multi-family buildings in the APO Zone, under LMC Section 6-1004.
- ◆ Hillside Development Permit for development within the HOD, under Chapter 6-20, Hillside Development, Lafayette Municipal Code (LMC).
- ◆ Class I Ridgeline Exception for the portion of the proposed Project that would be located within the 400-foot Class I Ridgeline setback, under LMC Section 6-2028.
- ◆ Design Review of the aesthetic elements of the proposed Project (e.g. site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, landscaping, and individual lighting plans), under LMC Article 5, Design Review, Section 6-279.
- ◆ Tree Permit for the removal of protected trees, under LMC Section 6-1706.
- ◆ Grading permit for proposed grading of the Project site.
- ◆ Statement of Overriding Consideration (per CEQA §15093) for any significant and unavoidable impacts identified in this EIR. If the City Council cannot develop a Statement of Overriding Consideration for impacts caused by General Plan policy inconsistencies, a General Plan Amendment may be required.
- ◆ Per the Implementation Guide of the Contra Costa Transportation Authority's Growth Management Program Implementation Documents, the City has reviewed the Project for consistency with the Multi-Modal Transportation Service Objectives established in the Lamorinda Action Plan. If the Project is found to be inconsistent, a significant impact is identified.

Under CEQA §15381, “Responsible Agencies” include all public agencies other than the Lead Agency which have discretionary approval over a project.

- ◆ California Department of Fish and Game
- ◆ City of Lafayette
- ◆ Contra Costa County Building Inspection Department
- ◆ Contra Costa County Fire Protection District
- ◆ San Francisco Bay Regional Water Quality Control Board
- ◆ US Army Corps of Engineers
- ◆ US Fish and Wildlife Service

*Chapter 4.1 Aesthetics and Visual Resources*

**Table 4.1-1 on pages 4.1-3 to 4.1-5 of the Draft EIR is hereby amended as shown on the following page.**

**The fourth paragraph on page 4.1-34 of the Draft EIR is hereby amended as follows:**

At this location the proposed Project would block the existing view to the Lafayette Ridge, as well as the views of all ~~ridgelines~~ hillsides to the west. The building visible in the foreground of this viewpoint would also block views to rest of the development on the Project site.

**The first full paragraph on page 4.1-40 of the Draft EIR is hereby amended as follows:**

As a result of the size of the Project site, the varied topography and the variations in adjoining land uses, the visual character of the 22-acre site and surrounding area ranges from suburban to semi-rural. At the intersection of Pleasant Hill Road with Deer Hill Road/Stanley Boulevard, the area east of the site is suburban in character, with the large high school complex and gas station. Development of the proposed multi-family buildings on the west side of Pleasant Hill Road, which is a Route of Regional Significance, is consistent with the existing suburban uses at the intersection and would not negatively affect the visual character of the immediate area.

TABLE 4.1-1 **GENERAL PLAN POLICIES RELEVANT TO AESTHETICS**

Goal/Policy Number	Goal/Policy Content
<b>Land Use Element</b>	
<i>Goal LU-1</i>	<i>Protect the character and patterns of development of residential neighborhoods.</i>
Policy LU-1.1	<u>Scale:</u> Development shall be compatible with the scale and pattern of existing neighborhoods.
Policy LU-1.2	<u>Design:</u> Development should respect the architectural character of the neighborhood.
<i>Goal LU-2</i>	<i>Ensure that development respects the natural environment of Lafayette. Preserve the scenic quality of ridgelines, hills, creek areas, and trees. Appropriate site planning provides for the preservation of visual and functional open space in conjunction with overall site development. Clustering buildings on a site allows development to occur on the most buildable portions of lots, minimizing grading for building sites and roads. Density remains the same as could be feasibly developed under the zoning regulations which apply to the property at the time an application is made. Refer to the Open Space and Conservation Chapter for additional goals, policies, and programs to preserve ridgelines, hills, creek areas, and trees.</i>
Policy LU-2.1	<u>Cluster Development:</u> Preserve important visual and functional open space by requiring development to be clustered on the most buildable portions of lots, minimizing grading for building sites and roads.
Policy LU-2.2	<u>Preservation of Views:</u> Structures in the hillside overlay area shall be sited and designed to be substantially concealed when viewed from below from publicly owned property. The hillsides and ridgelines should appear essentially undeveloped, to the maximum extent feasible.
<i>Goal LU-4</i>	<i>Ensure that the semi-rural character of the community is protected by appropriate infrastructure design.</i>
Policy LU-4.1	<u>Infrastructure Design:</u> Public and private infrastructure should reinforce the semi-rural qualities of residential neighborhoods.
<i>Goal LU-5</i>	<i>Preserve and enhance the open space, scenic viewsheds, and semi-rural qualities around the residential entryways to Lafayette. Lafayette's Residential Entryways should be distinctive and attractive, establish a positive image of the community and reflect the semi-rural residential character of the community. These Residential Entryways include: Acalanes Road, Mt. Diablo Boulevard from Acalanes Road to Risa Road, El Nido Ranch Road, Glorietta Boulevard, Happy Valley Road, Moraga Road, Olympic Boulevard, Pleasant Hill Road, Reliez Valley</i>

TABLE 4.1-1 **GENERAL PLAN POLICIES RELEVANT TO AESTHETICS**  
 (CONTINUED)

Goal/Policy Number	Goal/Policy Content
	<i>Road, St. Mary's Road, and Taylor Boulevard.</i>
Policy LU-5.1	<u>Residential Entryways:</u> Residential entryways to the City should be distinctive and attractive features of the City's landscape.
Goal LU-13	<i>Ensure that the Eastern Deer Hill Road area near the intersection of Pleasant Hill Road is developed, where development is appropriate, in a manner consistent with Lafayette's community identity.</i>
Policy LU-13.2	Consider options for development south of Deer Hill Road and north of Deer Hill Road where adjacent to Pleasant Hill Road.
<b>Circulation Element</b>	
Goal C-5	<i>Preserve and enhance the scenic quality of Lafayette's roads.</i>
Policy C 5.1	<u>Protect Irreplaceable Resources:</u> When planning new roads or roadway improvements, protect resources such as open space, hillsides, ridgelines, riparian corridors, and recreational facilities. Circulation projects must be consistent with goals and policies of the Open Space and Conservation Element.
Policy C 5.2	<u>Aesthetics:</u> When planning road and circulation system improvements, require that views of and from the roadway are in keeping with Lafayette's semi-rural character.
Policy C 5.3	<u>Scenic Routes:</u> Designate and protect scenic routes consistent with goals and policies of Lafayette's General Plan.
<b>Open Space Element</b>	
Goal OS-1	<i>Preserve areas of visual prominence and special ecological significance as Open Space.</i>
Policy OS-1.1	<u>Protection of Major Ridgelines:</u> Preserve Major Ridgelines in their natural state as scenic resources and wildlife corridors.
Policy OS-1.2	<u>Ridgeline Protection:</u> Protect all ridgelines consistent with their function as scenic resources for the community and as wildlife corridors.
Policy OS-1.3	<u>Conserve a Variety of Open Space Features:</u> Protect areas of special ecological significance, including ridges, hillsides, woodlands, wildlife corridors, riparian areas, steep slopes, prominent knolls, swales, and rock outcroppings.
Policy OS-1.7	<u>Open Space for Wildlife Corridors:</u> Assure that adequate open space is provided to permit effective wildlife corridors for animal movement between open space areas, along watercourses, and on ridges.

TABLE 4.1-1 **GENERAL PLAN POLICIES RELEVANT TO AESTHETICS**  
 (CONTINUED)

Goal/Policy Number	Goal/Policy Content
Goal OS-3	<i>Maintain the semi-rural character and beauty of the city by preserving its open and uncluttered natural topographic features.</i>
Policy OS-3.1	<u>Protect Natural Features of the Lands:</u> The character and natural features of hills, steep slopes, riparian areas, woodlands, and open areas will be preserved in as natural a condition as feasible.
Policy OS-3.2	<u>Preserve the Predominant Views of the Hill Areas:</u> Require that structures in identified environmentally sensitive areas be substantially concealed by existing vegetation or terrain when viewed from lower elevations, to the maximum extent feasible. The Viewing Evaluation Map, on file at the City offices, illustrates areas within the city from which views will be considered.

Source: Lafayette General Plan, 2002.

**The last paragraph on page 4.1-40, continuing onto page 4.1-41, of the Draft EIR is hereby amended as follows:**

The Project would be subject to design review pursuant to the City’s process to assure that the final development design meets the City’s standards. The process would provide oversight of the Project design and evaluate its compatibility with the existing visual character or quality of the site and its surroundings. The current visual character is primarily open space, either graded (at the northeast corner) or rolling hillsides (as seen from public viewpoints) that many members of the community consider to be a visual resource.

Additionally, General Plan Goal LU-13 requires the eastern Deer Hill Road area near the intersection of Pleasant Hill Road be developed in a manner consistent with Lafayette’s community identity, which the General Plan Land Use Element defines as semi-rural. As previously discussed and shown on the photosimulation for Viewpoint 6, the construction of the proposed 2- and 3-story buildings, however, would change the existing semi-rural character of the site. Therefore, the impact to visual character would be considered *significant*.

The last paragraph on page 4.1-42, continuing onto page 4.1-43, of the Draft EIR is hereby amended as follows:

To assess the impacts, a nighttime lighting study was prepared. The study is included in Appendix O of this EIR. According to the nighttime visual analysis, ~~simulations created from two vantage points~~, the lights within the Project site would largely be screened by proposed landscaping and trees. Major entry points into the site requiring lighting would be more visible, but the visibility of these lights intentional to provide adequate entry identification and safety. ~~visible from the surrounding areas at certain locations, although such vantage points are limited due to the topography and trees.~~ The spillover lighting impact ~~was is~~ determined to be ~~less than significant~~ less than significant based on a quantified significance threshold.

However, ~~the determination of visual impact is subjective, and because the Project would bring new light and glare sources, including photovoltaic panels, to the site, which currently contains no significant glare light sources, the Project would result in a significant impact related to light and glare.~~

Impacts AES-4 and AES-5 on pages 4.1-44, continuing onto page 4.1-45, of the Draft EIR are hereby amended as follows:

**Impact AES 4:** ~~The Project would be lighted in conformance with the City's exterior lighting requirements. In addition, proposed lighting would be low level illumination and exterior lighting would be shielded (downward facing) to minimize light spill, glare, and reflection, and maintain "dark skies." Nevertheless, the Project would bring new light sources to the Project site, which currently contains no light sources, which would cause a significant impact.~~

Mitigation Measure AES 4: ~~There is no feasible mitigation that would reduce the Project's lighting and glare effects beyond the measures proposed by the Project applicant and required by the City's exterior lighting requirements.~~

Significance after Mitigation: ~~Significant and unavoidable.~~

**Impact AES-54:** The Project includes the installation of photovoltaic panels to generate solar energy. Because the location and materials for the panels is not yet known, the panels have the potential to become sources of glare, which would be a *significant* impact.

Mitigation Measure AES-54: Proposed photovoltaic panels shall be designed to ensure the following:

- ◆ The angle at which panels are installed precludes, or minimizes to the maximum extent practicable, glare observed by viewers on the ground.
- ◆ The reflectivity of materials used shall not be greater than the reflectivity of standard materials used in residential and commercial developments.
- ◆ Panels shall be sited to minimize their visibility from Mount Diablo Boulevard, Pleasant Hill Road, and Deer Hill Road.

Significance after Mitigation: *Less than significant.*

#### *Chapter 4.2 Air Quality*

**Table 4.2-6 on pages 4.2-28 of the Draft EIR is hereby amended as shown on the following page.**

**Mitigation Measure AQ-1 on page 4.2-35, continuing onto page 4.2-36, of the Draft EIR is hereby amended as follows:**

Mitigation Measure AQ-1: The Project shall comply with the following BAAQMD Basic Control Measures for reducing construction emissions of PM<sub>10</sub>:

- ◆ Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.

TABLE 4.2-6 *AVERAGE DAILY CONSTRUCTION EMISSIONS*

Pollutant	Average Daily Construction Emissions <sup>a</sup> (lbs/day)			
	ROG	NO <sub>x</sub>	Exhaust PM <sub>10</sub>	Exhaust PM <sub>2.5</sub>
Average Daily Emissions Over 19.9 Month Construction Peri- od	44 <u>42</u>	468 <u>138</u>	7 <u>6</u>	7 <u>6</u>
BAAQMD Daily Threshold	54	54	82	54
Exceeds Threshold	No	Yes	No	No

Source: CalEEMod, Version 2011.1.1. Average daily emissions are based on the annual construction model run and divided by the total number of construction days. Air quality modeling is based on the construction schedule and construction equipment use provided by the Project applicant.

- ◆ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 24 inches of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer).
- ◆ Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- ◆ Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- ◆ Suspend ground-disturbing activities when wind speeds exceed 25 mile per hour.
- ◆ Install three-sided enclosures for storage piles onsite for more than five days. The enclosures shall be designed with a maximum 50 percent porosity.

**Mitigation Measure AQ-2b on page 4.2-37 of the Draft EIR is hereby amended as follows:**

Mitigation Measure AQ-2a: The construction contractor shall implement the following measures to reduce off-road exhaust emissions during grading and construction activities. To assure compliance, the City of Lafayette shall verify that these measures have been implemented during normal construction site inspections:

- ◆ Large off-road construction equipment with horsepower (hp) ratings of 50 hp or higher shall meet the United States Environmental Protection Agency-Certified emission standard for Tier 3 off-road equipment. Tier 3 engines between 50 and 750 horsepower are available for 2006 to 2008 model years. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site.
- ◆ All construction equipment shall be properly serviced and maintained to the manufacturer's standards to reduce operational emissions.
- ◆ Nonessential idling of construction equipment shall be limited to no more than five consecutive minutes.
- ◆ Construction activities shall be suspended on "Spare the Air" days.

**Mitigation Measure AQ-2b on page 4.2-37 of the Draft EIR is hereby amended as follows:**

Mitigation Measure AQ-2b: The construction contractor shall implement one of the following measures to reduce on-road emissions from soil hauling. To assure compliance, the City of Lafayette shall verify that these measures have been implemented during normal construction site inspections.

- ◆ The construction contractor shall contract with haulers for soil export that use engines certified to 2007 or newer standards. Prior to construction, the Project engineer shall ensure that grading plans clearly show the requirement for 2007 engines for soil haul trucks; Or

- ◆ Off-site disposal of soil shall be transported in trucks that can carry a minimum of 12 cubic yards (CY) of soil and shall be limited to no more than ~~303~~252 truck trips per day (~~4,520~~ 1,512 CY/day).

Table 4.2-10 on pages 4.2-39 of the Draft EIR is hereby amended as shown below.

TABLE 4.2-10 *AVERAGE DAILY CONSTRUCTION EMISSIONS – MITIGATED SCENARIO*

Pollutant	Average Daily Construction Emissions <sup>a</sup> (lbs/day)			
	ROG	NO <sub>x</sub>	Exhaust PM <sub>10</sub>	Exhaust PM <sub>2.5</sub>
Average Daily Emissions Over 19.9-Month Construction Period	<del>44</del> <u>38</u>	<del>133</del> <u>104</u>	<del>6</del> <u>5</u>	<del>6</del> <u>5</u>
BAAQMD Daily Threshold	54	54	82	54
Exceeds Threshold	No	Yes	No	No

Source: CalEEMod, Version 2011.1.1. Includes restrictions on daily haul amount and use of Tier 3 off-road equipment.

### Chapter 4.3 Biological Resources

Mitigation Measure BIO-2 on page 4.3-45 of the Draft EIR is hereby amended as follows:

Mitigation Measure BIO-2: Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act when in active use. This shall be accomplished by taking the following steps.

- ◆ If vegetation removal and initial construction is proposed during the nesting season (March to August), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7~~14~~ days prior to the onset of vegetation removal or construction, in order to identify any active nests on the proposed

Project site and in the vicinity of proposed construction. The site shall be resurveyed to confirm that no new nests have been established if vegetation removal has not been completed or if construction has been delayed or curtailed for more than 7 days during the nesting season.

- ◆ If no active nests are identified during the construction survey period, or if development is initiated during the non-breeding season (September to February), vegetation removal and construction may proceed with no restrictions.
- ◆ If bird nests are found, an adequate setback shall be established around the nest location and vegetation removal and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the CDFG, and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site.
- ◆ A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season (March to August). The report shall either confirm absence of any active nests or should confirm that any young are located within a designated no-disturbance zone and construction can proceed.

Significance After Mitigation: *Less than significant.*

#### *Chapter 4.6 Greenhouse Gas Emissions*

Table 4.6-3 on page 4.6-18 of the Draft EIR is hereby amended as shown on the following page.

TABLE 4.6-3 **PROJECT-RELATED GREENHOUSE GAS (GHG) EMISSIONS**

Category	GHG (MTons/Year)
<b>Construction (total)</b>	<del>4,961</del> <u>4,013</u>
<b>Operation</b>	
Area Sources	210
Energy –Natural Gas and Purchased Electricity	<del>542</del> <u>520</u>
Transportation	2,491
Waste	66
Water/Wastewater	<del>43</del> <u>40</u>
<b>Total</b>	<del>3,351</del> <u>3,327</u>
<b><u>Total Without the Waste Sector</u></b>	<u>3,261</u>
Service Population (SP) <sup>b</sup>	658
Metric (MTons CO <sub>2</sub> e/SP/year)	5.1
<b><u>Metric (MTons CO<sub>2</sub>e/SP/year) without the Waste Sector</u></b>	<u>5.0</u>
<b>Threshold<sup>a</sup> (MTons CO<sub>2</sub>e/SP/year)</b>	<b>4.6</b>
<b>Exceeds Threshold</b>	<b>Yes</b>

Note: CO<sub>2</sub>e = carbon dioxide equivalent. BAAQMD's per capita threshold was created without the waste sector emissions. Therefore, GHG emissions impacts are based on the Project's per capita emissions from the land use sectors (transportation, area sources, electricity, water/wastewater).

<sup>a</sup> BAAQMD CEQA Guidelines Section 2.2, the GHG threshold for projects other than stationary sources.

<sup>b</sup> Service Population is based on the average household size of renter-occupied units of 2.09 persons for Lafayette per the United States Census Bureau, Census 2010.

Source: CalEEMod, Version 2011.1.1.

**Mitigation Measures GHG-1a and GHG-1b on page 4.6-19 of the Draft EIR are hereby amended as follows:**

Mitigation Measure GHG-1a: Residential units shall be prohibited from having wood burning or gas burning fireplaces. The City shall verify that residential units/buildings comply with one of the following:

1. Ensure that 157 residential units are constructed without fireplaces (fireplaces are acceptable in the other 158 residential units).
2. Build the residential units to achieve a 25 percent reduction in building energy efficiency compared to the 2008 Building and Energy Efficiency Standards, which is equivalent to the new 2013 Building and Energy Efficiency Standards.
3. Build the residential units to achieve a 15 percent reduction in building energy efficiency compared to the 2008 Building and Energy Efficiency Standards AND ensure that 78 residential units are constructed without fireplaces (fireplaces are acceptable in the other 237 residential units).

Mitigation Measure GHG-1b: Implement Mitigation Measure TRAF-1416. The Project applicant shall provide subsidized, frequent shuttle service between the Project site and the Lafayette BART station during the AM and PM peak commute periods, until such time that a bus route on Pleasant Hill Road serving the BART station is implemented (as called for in the Lamorinda Action Plan), at which point the Project applicant may provide transit vouchers in lieu of a shuttle.

**Table 4.6-4 on page 4.6-20 of the Draft EIR is hereby amended as shown on the following page.**

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TABLE 4.6-4 PROJECT-RELATED GHG EMISSIONS – MITIGATED

Category	GHG (MTons/Year) With 50% Fewer Fireplaces	GHG (MTons/Year) With 15% Above 2008 Title 24 Building Energy Efficiency and 25% Fewer Fireplaces	GHG (MTons/Year) With 25% Above 2008 Title 24 Building Energy Efficiency
		<u>4,013</u>	<u>4,013</u>
<b>Construction (Total)</b>	<del>4,961</del> <u>4,013</u>	<u>4,013</u>	<u>4,013</u>
<b>Operation</b>			
Area Sources	<del>4</del> <u>107</u>	<u>159</u>	<u>210</u>
Energy –Natural Gas and Purchased Electricity	<del>542</del> <u>520</u>	<u>484</u>	<u>460</u>
Transportation	2,346	<u>2,346</u>	<u>2,346</u>
Waste	66	<u>66</u>	<u>66</u>
Water/Wastewater	<del>36</del> <u>33</u>	<u>33</u>	<u>33</u>
<b>Total</b>	<del>2,993</del> <u>3,072</u>	<u>3,088</u>	<u>3,115</u>
<b>Total Without the Waste Sector</b>	<u>3,006</u>	<u>3,022</u>	<u>3,049</u>
Service Population (SP)	658	<u>658</u>	<u>658</u>
Metric (MTons CO <sub>2</sub> e/SP/yr)	<del>4.5</del> <u>4.7</u>	<u>4.7</u>	<u>4.7</u>
<b>Metric (MTons CO<sub>2</sub>e/SP/ year) Without the Waste Sector</b>	<u>4.6</u>	<u>4.6</u>	<u>4.6</u>
<b>Threshold<sup>a</sup> (MTons CO<sub>2</sub>e/SP/yr)</b>	4.6	<u>4.6</u>	<u>4.6</u>
<b>Exceeds Threshold</b>	No	<u>No</u>	<u>No</u>

<sup>a</sup> BAAQMD CEQA Guidelines Section 2.2, the GHG threshold for projects other than stationary sources. BAAQMD's per capita threshold was created without the waste sector emissions. Therefore, GHG emissions impacts are based on the Project's per capita emissions from the land use sectors (transportation, area sources, electricity, water/wastewater).

Note: The mitigated scenario includes the following features of the proposed Project: density of 14.1 units/acre; distance to transit of 1.4 miles to BART; on-site pedestrian network; and the following CALGreen water efficiency measures: low-flow bathroom faucets, low-flow kitchen faucets, low-flow toilets, low-flow showers, and water-efficient irrigation systems. ~~In addition, the mitigated scenario includes a prohibition on gas and wood burning fireplaces.~~

Source: CalEEMod, Version 2011.1.1.

*Chapter 4.8 Hydrology and Water Quality*

**Footnote 2 on page 4.8-6 of the Draft EIR is hereby amended as follows:**

<sup>2</sup> Contra Costa Clean Water Program, Stormwater Quality Control for Development Projects Fact Sheet, <http://lafayette.govoffice.com/vertical/sites/%7BC1C49B72-3D02-4C7B-82A7-92186ABD75FF%7D/uploads/%7B1F9B8A44-EA5D-4319-A456-7CAFBE030C74%7D.PDF>—~~<http://www.cccleanwater.org/permits.html>~~, accessed on ~~September 26, 2012~~ ~~November 10, 2014~~.

**Mitigation Measure HYDRO-1a on page 4.8-26 of the Draft EIR is hereby amended as follows:**

Mitigation Measure HYDRO-1a: Prior to the issuance of grading permits, additional hydrologic analyses and detailed drainage design drawings for the bioretention basins shall be submitted in a Final Stormwater Control Plan to the City for review and approval. The analyses shall include:

- ◆ 10-year peak flows.
- ◆ Comparison of post-development peak flow rates ~~and volumes~~ to pre-development conditions.
- ◆ Final calculations providing size, capacity, location, and infiltration rates for the 18 proposed bioretention basins.
- ◆ On-site storm drain system piping layout and pipe size calculations.

**Mitigation Measure HYDRO-2 on page 4.8-27 of the Draft EIR is hereby amended as follows:**

Mitigation Measure HYDRO-2: As part of the Final Stormwater Control Plan, the Project applicant shall provide to the City an analysis that shows the peak discharge from the Project site for the 10-year and 100-year storm and demonstrate that this discharge can be safely conveyed through the existing off-site storm drain system. ~~The condition of the downstream conveyance system shall be investigated to confirm that the capacity of the existing system is sufficient to meet existing and Project-related demands.~~Chapter 4.9 Land Use and Planning

The last paragraph on page 4.9-13 and the four bullet points and the first paragraph on page 4.9-14 of the Draft EIR are hereby amended as follows:

However, ~~subsequently~~ after several years of consideration and discussion at public hearings, the City Council determined that a Specific Plan for the Eastern Deer Hill Road Planning Area was not required, ~~and on June 8, 2009, directed City staff to initiate General Plan and zoning amendments for several of the subject properties in order to ensure that development in the area would be compatible with adopted General Plan goals and policies.<sup>6</sup> This directive has resulted in a Planning Commission recommendation that the City Council~~. This decision was added, along with other land use and zoning changes, on April 26, 2010 to the General Plan and zoning amendments, which had been initiated on June 8, 2009. The following outlines the revisions made to the General Plan and zoning amendments on April 26 (although the amendments include changes for all of the parcels that made up the proposed Eastern Deer Hill Road Specific Plan area, only the Project site is discussed in this EIR):

- ~~◆ Certify and adopt a 2011 Addendum to the Lafayette General Plan Revision Final Environmental Impact Report demonstrating that the proposed General Plan and zoning amendments will not result in any new impacts or increase the significance of potential impacts and will not impact or reduce the City's ability to comply with the Housing Element and provision of housing;~~
- ◆ Amend General Plan Land Use Map I-1 to reclassify the proposed Project parcel's Land Use to Rural Residential Single Family-5.
- ◆ Amend the General Plan to revise the text regarding Eastern Deer Hill Road and the preparation of a Specific Plan and General Plan Land Use Map I-1 to remove the boundary line and notation for "Eastern Deer Hill Road Study Area;" and
- ◆ Rezone the Project parcel to Low Residential (LR-5), which allows for 1 dwelling unit per 5 acres.

~~Since this directive, the City has reconsidered whether to proceed with the rezoning. The purpose of the General Plan and zoning amendments for properties along Deer Hill Road, including the Project site, is to ensure that development in the area would be compatible with adopted General Plan goals and policies. The General Plan and zoning amendments, however, have not been acted on and are currently pending.~~ On April 9, 2012, the City Attorney issued a staff report indicating that the City will wait until after this EIR for the proposed Project has been completed before recommencing General Plan amendments and rezoning for the Project site.<sup>62</sup> Given this and because the Eastern Deer Hill Road Specific Plan was never prepared or adopted, Project consistency with the policies listed above is not discussed below. However, Project consistency with the General Plan's Residential Entryways standards described above is discussed below.

**The last paragraph on page 4.9-17, continuing onto page 4.9-21, of the Draft EIR is hereby amended as follows:**

~~The Project would be inconsistent with Goal LU-13 in the General Plan. Regarding the inconsistency with Goal LU-13, please see the discussion of Impact AES-2 in Chapter 4.1, Aesthetics and Visual Resources, with regard to impacts associated with community character. Regarding the inconsistency with Policy LU-4.1, please see the discussion of Impact AES-14 in Chapter 4.1, Aesthetics and Visual Resources, pertaining to impacts associated with lighting. As discussed in Chapter 4.1, the Project would increase lighting and glare levels from the existing conditions. Proposed lighting would comply with the levels permitted for residential uses in the Lafayette Municipal Code and would be installed in conformance with the City's exterior lighting requirements. In addition, lighting would be low level illumination and exterior lighting would be shielded (downward facing) to minimize light spill, glare, and reflection and maintain "dark skies." Nevertheless, because the Project would bring new light and glare sources to the site, which currently contains no light sources, Impact AES 2 is found to be significant and unavoidable.~~

**Table 4.9-1 on pages 4.9-18 to 4.9-20 of the Draft EIR is hereby amended as shown on the following page.**

TABLE 4.9-1 LAFAYETTE GENERAL PLAN POLICY CONSISTENCY ANALYSIS

Goal/Policy Number	Goal/Policy Content	Consistency Discussion
Goal LU-2	Ensure that development respects the natural environment of Lafayette. Preserve the scenic quality of ridgelines, hills, creek areas, and trees.	<b>Not Consistent.</b> The proposed Project would involve the removal of trees and filling an estimated 295 linear feet of creek channel on the site. As discussed in Chapter 4.8, construction of the Project could result in the creation of impervious surfaces (roads, houses) and slight changes of local topography that have the potential to alter surface runoff rates and drainage patterns from the site and increase surface runoff rates, peak flows, and sediment transport downstream. Mitigation Measures HYDRO-1a, -1b, and -2 would ensure that impacts to water quality would be less than significant. As described in Chapter 4.3, Mitigation Measures BIO-1 through BIO-8 would all serve to reduce the potential impacts of the Project on wildlife habitat and wildlife movement opportunities, particularly measures recommended to retain existing native grasslands and oaks, and provide for avoidance of sensitive resources and adequate replacement of sensitive habitat affected by proposed grading and development. However, Impacts BIO-5 and BIO-7 would be significant and unavoidable because proposed mitigation would not be sufficient to reduce impacts to less-than-significant levels. In addition, Mitigation Measure BIO-8 would further reduce the impacts of the Project on movement opportunities and habitat values along the existing creek.
Policy LU-2.1	Density of Hillside Development: Land use densities should not adversely affect the significant natural features of hill areas.	<b>Not Consistent.</b> As described above, the construction of 315 units on the 22.27-acre site as proposed would result in a residential density of 14 du/acre. The proposed residential density would not exceed the maximum of 35 du/acre allowed under the existing General Plan land use designation; however, construction of the proposed Project would result in substantial development on the hillside within the Project site such that the hillside would no longer appear undeveloped, as described below. Therefore, while the Project site is a highly disturbed area, the proposed residential density would adversely affect the natural appearance of the Project site and as such, construction of the Project would not be consistent with Policy LU-2.1.
Policy LU-2.2	Cluster Development: Preserve important visual and functional open space by requiring development to be clustered on the most buildable portions of lots, minimizing grading for building sites and roads.	<b>Not Consistent.</b> The Lafayette Municipal Code defines clustering as the grouping of residential buildings on a parcel so as to create substantial contiguous open space that is separate from development on the parcel (Section 6-2003). As shown on Figure 3-7 of this EIR, the 14 proposed buildings are generally spread throughout the Project site and after buildout of the Project substantial contiguous open space would not remain. Although the Project would not exceed the maximum FAR permitted for the General Plan land Use designation applicable to the site, the proposed site plan is not consistent with the requirement for cluster development specified in Policy LU-2.2.

TABLE 4.9-1 LAFAYETTE GENERAL PLAN POLICY CONSISTENCY ANALYSIS (CONTINUED)

Goal/Policy Number	Goal/Policy Content	Consistency Discussion
Policy LU-2.3	Preservation of Views: Structures in the hillside overlay area shall be sited and designed to be substantially concealed when viewed from below from publicly owned property. The hillsides and ridgelines should appear essentially undeveloped, to the maximum extent feasible.	<b>Not Consistent.</b> Visual simulations were prepared for the Project and are provided in Chapter 4.1. As shown in the six representative views, with substantial landscaping on the site within 5 years of completion of construction of the Project, the structures would be screened from view at these locations. The same visual simulations indicate that ridgelines would appear generally undeveloped; however, the hillside of the Project site would appear substantially developed. Therefore, the proposed Project is not consistent with Policy LU-2.3.
Goal LU-3	Encourage well-designed residential development.	<b>Consistent.</b> Pursuant to section 6-271 of the Lafayette Municipal Code, the proposed Project would be subject to design review. Design review would be conducted by the Design Review Commission in order to evaluate the aesthetic elements of the Project, including: height, mass, lot coverage, setbacks, relationship of structures, site plan, continuity of design, relationship to neighboring properties and terrain, and other aspects. The Lafayette Municipal Code stipulates specific findings which the Design Review Commission must make in granting final approval for a project. Therefore, compliance with the design review provisions of the Lafayette Municipal Code would ensure consistency with Goal LU-3 to the maximum extent practicable.
Policy LU-4.1	Infrastructure Design: Public and private infrastructure should reinforce the semi-rural qualities of residential neighborhoods.	<b>Not Consistent.</b> Figure 3-8 of this EIR shows the proposed lighting plan for the Project site. As described above, the Project would be subject to design review and the lighting plan would be evaluated together with the other aesthetic elements of the Project at that time. In granting final approval for a project, the Design Review Commission must make specific findings, including findings related to screening of exterior appurtenances and exterior lighting. Therefore, compliance with the design review provisions of the Lafayette Municipal Code would help to ensure consistency with Policy LU-4.1 to the maximum extent practicable. <del>However, as discussed in Chapter 4.1, the introduction of new light and glare sources on the essentially unlit Project site would result in significant lighting impacts and the Project would not be consistent with Policy LU 4.1. Please see Impact AES 24 for a discussion of impacts associated with proposed lighting.</del>

TABLE 4.9-1 LAFAYETTE GENERAL PLAN POLICY CONSISTENCY ANALYSIS (CONTINUED)

Goal/Policy Number	Goal/Policy Content	Consistency Discussion
Goal LU-14	Protect the single family residential neighborhoods north of Highway 24 from commercial and multi-family development.	<b>Consistent.</b> North of State Highway 24, two single family residential neighborhoods are located in proximity to the Project site. Immediately to the east of the Project site across Pleasant Hill Road, the closest residences are located approximately 150 feet from the eastern boundary of the Project site. A residential neighborhood is also located to the west of the Project site on the far side of Elizabeth Street; the nearest residence in this neighborhood is approximately 0.25 miles from the western boundary of the Project site. Neither of these neighborhoods adjoins the Project site. Pleasant Hill Road physically separates the Project site from the neighborhood to the east, and undeveloped open space on the hillside to the north of Deer Hill Road acts as a buffer between the Project site and the neighborhood west of Elizabeth Street.
Goal LU-13	<u>Ensure that the Eastern Deer Hill Road area near the intersection of Pleasant Hill Road is developed, where development is appropriate, in a manner consistent with Lafayette’s community identity.</u>	<b>Not Consistent.</b> The General Plan Land Use Element defines Lafayette’s community identity as semi-rural. As discussed in Chapter 4.1, Aesthetics and Visual Resources, of the Draft EIR, construction of the proposed 2- and 3-story buildings would change the semi-rural character of the site and the vicinity of the site. Therefore, the Project would be inconsistent with Goal LU-13. See Impact AES-2 for a discussion of impacts associated with community character.
Policy LU-13.2	<u>Consider options for development south of Deer Hill Road and north of Deer Hill Road where adjacent to Pleasant Hill Road.</u>	<b>Consistent.</b> The Project site is located south of Deer Hill Road adjacent to Pleasant Hill Road. This location is where Policy LU-13.2 calls for development options.
Policy LU-20.1	Traffic Service Standards: Consider the level of service (LOS) goals and standards set forth in the Circulation Chapter when evaluating development proposals.	<b>Not Consistent.</b> Chapter 4.13, Transportation and Traffic, of this EIR evaluates the proposed Project against the LOS standards set forth by the City’s General Plan. Impact TRAF-1 would be significant and unavoidable because no feasible mitigation measures are available to reduce this impact to a less-than-significant level.
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.	<b>Consistent.</b> As described in Chapter 4.12, the Contra Costa County Fire Prevention District would assess an impact fee of \$285 per dwelling unit on the Project and collection of this fee would be sufficient to accommodate new development without further compromising the delivery of fire services in the vicinity of the Project site.

TABLE 4.9-1 *LAFAYETTE GENERAL PLAN POLICY CONSISTENCY ANALYSIS* (CONTINUED)

<b>Goal/Policy Number</b>	<b>Goal/Policy Content</b>	<b>Consistency Discussion</b>
Policy LU-20.12	Growth Management Implementation: Review development projects for conformance with adopted performance standards and require mitigation measures where necessary to maintain adopted standards. Capital improvements shall be in place at the time of project implementation when necessary to maintain adopted performance standards.	<b>Consistent.</b> As described in Chapter 4.11, the Project is consistent with local and regional growth projections and would not result in unplanned growth. Additionally, as explained in Chapter 3, Project utilities would connect to existing water, sewer, stormwater, natural gas, and electrical infrastructure and no new capital improvements would be required to support development of the proposed Project.

Source: Lafayette General Plan, 2002; The Planning Center | DC&E, 2012.

*Chapter 4.11 Population and Housing*

Table 4.11-1 on pages 4.11-3 to 4.11-4 of the Draft EIR is hereby amended as shown below.

TABLE 4.11-1 *GENERAL PLAN GOALS AND POLICIES RELEVANT TO POPULATION AND HOUSING*

Goal/Policy Number	Goal/Policy Content
<u>Deer Hill Road Corridor</u>	<p><u>Deer Hill Road, a major arterial in Lafayette, runs parallel to Hwy 24 from Pleasant Hill Road to Happy Valley Road. As stated in the Circulation Element, the primary traffic generator along this arterial is the BART station and its attendant parking lots. Both the freeway and Deer Hill Road serve as dividing lines between the Downtown to the south and the semi-rural single-family residential neighborhoods to the north. The development allowed under current zoning along the Deer Hill Road corridor must be consistent with Lafayette’s semi-rural community identity.</u></p> <p><u>Eastern Deer Hill Road (from Elizabeth Street east to Pleasant Hill Road)</u></p> <p><u>This area, particularly the triangular shaped parcel south of Deer Hill Road, is the most significant undeveloped property in the community because of its high visibility, its location as an entryway to the community, and its proximity to major thoroughfares as well as regional open space. For these reasons, any development that occurs should be consistent with the semi-rural character of the community. This area deserves a careful and detailed analysis of all the opportunities and constraints that will form the basis of future land use decisions. It is therefore recommended that a specific plan be prepared for this area immediately following the adoption of the General Plan. (See Map I-1)</u></p>
<b>Land Use Element</b>	
<i>Goal LU-13</i>	<i>Ensure that the Eastern Deer Hill Road area near the intersection of Pleasant Hill Road is developed, where development is appropriate, in a manner consistent with Lafayette’s community identity.</i>
<i>Policy LU 13.1</i>	<i>Preserve and enhance the semi-rural single family residential character north of Deer Hill Road where not adjacent to Pleasant Hill Road.</i>

TABLE 4.11-1 GENERAL PLAN GOALS AND POLICIES RELEVANT TO  
 POPULATION AND HOUSING (CONTINUED)

Goal/Policy Number	Goal/Policy Content
Policy LU-13.2	Consider options for development south of Deer Hill Road and north of Deer Hill Road where adjacent to Pleasant Hill Road.
<u>Program LU-13.2.2</u>	<p><u>Prepare through a community planning process an Eastern Deer Hill Road Specific Plan that includes the following requirements:</u></p> <ul style="list-style-type: none"> <li>a) <u>Protect and enhance the rural character of the area north of Deer Hill Road where not adjacent to Pleasant Hill Road</u></li> <li>b) <u>Preserve prominent views.</u></li> <li>c) <u>Include development standards that maintain the semi-rural character of the area and the community</u></li> <li>d) <u>Utilize the property south of Deer Hill Road to help communicate the image of Lafayette as a semi-rural community.</u></li> </ul>
<i>Goal LU-14</i>	<i>Protect the single family residential neighborhoods north of Hwy 24 from commercial and multifamily development.</i>
Policy LU-14.1	Continue to maintain the freeway as the dividing line separating the Downtown from the semi-rural, single family residential areas to the north.
<i>Goal LU-19</i>	<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.
<u>Program LU-19.2.4</u>	Require new developments to pay their "fair share" of capital improvements and the cost of public services to maintain adequate levels of service. New development that creates incremental demand that exceeds the capacity of existing infrastructure shall be considered only through the development agreement process.
<b>Housing Element</b>	
<u>Goal H-1</u>	<u>Conserve and improve the existing housing supply to provide adequate, safe, and decent housing for all residents, with emphasis on maintaining the semi-rural character of the City.</u>

TABLE 4.11-1 *GENERAL PLAN GOALS AND POLICIES RELEVANT TO POPULATION AND HOUSING (CONTINUED)*

Goal/Policy Number	Goal/Policy Content
Goal H-2	<i>Facilitate and encourage the development of diverse housing types and additional affordable housing units to accommodate a diversity of Lafayette citizens in terms of age and socio-economic background and to meet regional housing needs as quantified in this Chapter.</i>
Policy H-2.1	<u>Mixed Use</u> : Encourage the rehabilitation and development of residential uses in commercial areas where the viability of the commercial activities would not be adversely affected.
Program H-2.1.1	<del>Housing Rehabilitation in Non-Residential Areas: Encourage housing rehabilitation in commercial zoning districts.</del>
Policy H-2.4	Regional Housing Needs: Provide for additional housing by encouraging the construction of multifamily housing <del>to meet the City's regional housing needs</del> <u>in areas where there is appropriate zoning for this use.</u>
Program H-2.4.2	Multifamily Housing Development: Amend the Zoning Ordinance to allow the development of multifamily housing as of right in areas where such development now requires a discretionary land use permit. Continue to require design review to ensure that developments are compatible with surrounding uses.
Program H-2.4.3	<u>RHNA Monitoring Program: Maintain the residential sites inventory that can accommodate the City's regional housing needs allocation of 361 units. Update the inventory annually to monitor the consumption of residential and mixed use properties. If sites in the inventory are developed for non-housing purposes, new sites will be added to the inventory to ensure the City's ongoing compliance with the "no net loss" provisions of Housing Element Law. Post the Housing Element sites inventory on the City's website as a tool for developers, and provide as a handout at the public counter.</u>
Policy H-2.7	<u>Infill Housing: Encourage private housing development on existing infill sites in order to efficiently utilize existing infrastructure.</u>
Program H-2.7.1	<u>Infill Sites: Develop and maintain an inventory of vacant and/or underdeveloped residential land, distinguishing between land within the City limits and land within the City's Sphere of Influence.</u>
Goal H-3	<i>Expand affordable housing opportunities for persons with special housing needs such as the elderly, developmentally disabled, households with very low to moderate incomes, and first time home buyers.</i>

TABLE 4.11-1 GENERAL PLAN GOALS AND POLICIES RELEVANT TO  
 POPULATION AND HOUSING (CONTINUED)

Goal/Policy Number	Goal/Policy Content
Policy H-3.5	<u>Large Families:</u> Recognize the need for providing multifamily housing for large families. Encourage developers of housing to include larger units (2+ bedrooms) in their proposed projects for families.
<u>Program H-3.5.1</u>	<u>Consider requiring that developers include three-bedroom units in proposed multifamily developments. As part of this analysis determine what percentage of the total units should be three bedroom units, and what size of development should trigger this requirement. Provide fast tracking to projects that provide larger units suitable for families.</u>
<u>Goal H-4</u>	<u>Promote housing opportunities for all persons regardless of race, age, gender, sexual orientation, marital status or national origin.</u>
<u>Goal H-5</u>	<u>Adopt and implement a Housing Chapter that is in compliance with State Law.</u>
<u>Program H-5.1.1</u>	<u>Fast-Track Processing: Provide fast track processing for projects with affordable housing. Fast track processing means giving projects with affordable housing units a priority over other non-public health and safety related projects in the processing and review by City staff. It does not mean eliminating any of the City's regular public notice and hearings or other project review procedures. Publicize this incentive by adding it to the City's development application forms and posting it on the City's web site.</u>
<u>Program H-5.1.2</u>	<u>Application Fees: Consider a reduction in development application fees for housing projects containing 25% or more units that are affordable to extremely low, very low, low and moderate income households.</u>
<u>Program H-5.1.3</u>	<u>Development Impact Fees: Consider deferring the collection of City impact fees to the certificate of occupancy stage for projects containing 25% or more units that are affordable to very low, low and moderate income households.</u>
<u>Program H-5.1.4</u>	<u>CEQA Process: Follow CEQA procedures to expedite permit processing for all development, including a) encouraging preliminary project review by staff and b) considering the use of mitigated negative declarations, focused EIR's and other procedures where appropriate.</u>

Source: Lafayette General Plan, 2002; Lafayette Housing Element, ~~2009~~2011, available at <http://www.ci.lafayette.ca.us>, accessed on ~~September 24, 2012~~ ~~October 31, 2014~~.

**The second paragraph on page 4.11-6 of the Draft EIR is hereby amended as follows:**

During the period between 1999 and 2007, the City of Lafayette has been generally moderately successful in achieving the RHNA goals, as shown in Table 4.11-3. The City's RHNA goal for the 2007-2014 cycle is 361 units, as shown in Table 4.11-2. HCD requires that the City project new construction needs over the next five years. Based on the ~~seven-year housing needs as shown in Table 4.11-1~~ 2007-2014 cycle, the City has estimated that a total of 258 units are needed for the five-year period from July 1, 2007 through June 30, 2012. As shown in Table 4-1 of this Draft EIR, five housing projects have been approved by the City and would bring a total of 221 residential units to Lafayette. This represents approximately 85 percent of the City's 2007-2014 RHNA goal.<sup>6</sup>

#### *Chapter 4.12 Public Services*

**Footnote 2 on page 4.12-2 of the Draft EIR is hereby amended as follows:**

<sup>2</sup> Leach, Ted. Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center | DC&E. October ~~19~~20, 2011.

**Footnote 4 on page 4.12-4 of the Draft EIR is hereby amended as follows:**

<sup>4</sup> Leach, Ted. Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center | DC&E. October ~~19~~20, 2011.

**The first paragraph, and footnotes 6, 7, and 8, on page 4.12-5 of the Draft EIR are hereby amended as follows:**

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~~ primary objective is to respond within five minutes for 90 percent of all calls ~~of a call 90 percent of the time~~. Currently, however, the CCCFPD is not meeting this primary response time objective, responding to only 20 percent

of calls within five minutes. In 2011, the CCCFPD's average system-wide response time was six minutes.<sup>6</sup> 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.<sup>6z</sup> ~~Currently, however, 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.~~<sup>7</sup>

<sup>6</sup> Leach, Ted. Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center | DC&E. October ~~19~~20, 2011.

<sup>7</sup> Leach, Ted, Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center|DC&E. ~~January 9, 2012-October 20, 2011.~~

<sup>8</sup> Leach, Ted. Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center | DC&E. October ~~19~~20, 2011.

**Footnote 14 on page 4.12-7 of the Draft EIR is hereby amended as follows:**

<sup>14</sup> Leach, Ted, Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center|DC&E. ~~November 29, October 20, 2011.~~

**Footnotes 18 and 19 on page 4.12-12 of the Draft EIR are hereby amended as follows:**

<sup>18</sup> Hubbard, Mike. Chief of Police, Lafayette Police Department. Personal communication with The Planning Center | DC&E. October ~~19~~17, 2011.

<sup>19</sup> Hubbard, Mike. Chief of Police, Lafayette Police Department. Personal communication with The Planning Center | DC&E. October ~~19~~17, 2011.

**Footnotes 22 and 23 on page 4.12-13 of the Draft EIR are hereby amended as follows:**

<sup>22</sup> Hubbard, Mike. Chief of Police, Lafayette Police Department. Personal communication with The Planning Center | DC&E. October ~~19~~17, 2011.

<sup>23</sup> Hubbard, Mike. Chief of Police, Lafayette Police Department. Personal communication with The Planning Center | DC&E. October ~~19~~17, 2011.

Footnote 59 on page 4.12-43 of the Draft EIR is hereby amended as follows:

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

#### *Chapter 4.13 Transportation and Traffic*

Figure 4.13-1 on page 4.13-10 of the Draft EIR is hereby amended as shown on the following page.

Figure 4.13-2 on page 4.13-17 of the Draft EIR is hereby amended as shown on page 3-31.

Table 4.13-6 on page 4.13-19 of the Draft EIR is hereby amended as shown on page 3-33.

The third bullet point on page 4.13-25 of the Draft EIR is hereby amended as follows:

- ◆ Substantially increase hazards due to a design feature (e.g. sharp curves; intersections or driveways with restricted visibility, or causing unacceptable weaving conditions ~~by such as decreasing average speed by 10 percent or more on the weaving segment, etc. exceeding the following speed reduction thresholds~~).
- 1 mile per hour (mph) within Speed Range Zone I (0 – 5.0 mph)
- 1.5 mph within Speed Range Zone II (5.1 – 10.0 mph)
- 2.0 mph within Speed Range Zone III (10.1 – 15.0 mph)
- 2.5 mph within Speed Range Zone IV (15.1 – 20.0 mph)
- 3.0 mph within Speed Range Zone V (20.1 – 25.0 mph)
- 4.0 mph within Speed Range Zone VI (25.1 – 30.0 mph)

*Figure 4.13-1 Project Site Vicinity*

*Figure 4.13-2 Existing Traffic Volumes, Lane Geometry, and Controls*  
(11x17)

Back of Figure 4.13-2

TABLE 4.13-6 *EXISTING INTERSECTION LEVEL OF SERVICE SUMMARY*

Analysis Intersection	Traffic Control	AM Peak Hour		School PM Dismissal		PM Peak Hour	
		Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>	Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>	Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>
1. Rancho View Drive/Pleasant Hill Road	<u>Signalized</u>	7.3	A	6.9	A	5.3	A
2. Green Valley Drive/Pleasant Hill Road	<u>Signalized</u>	5.8	A	7.7	A	4.9	A
3. Reliez Valley Road/Pleasant Hill Road	<u>Signalized</u>	24.5	C	8.5	A	9.8	A
4. Springhill Road – Quandt Road/Pleasant Hill Road	<u>Signalized</u>	21.2	C	10.6	B	12.9	B
5. Deer Hill Road –Stanley Boulevard/Pleasant Hill Road	<u>Signalized</u>	<b>189.7</b>	<b>F</b>	39.7	D	<b>58.5</b>	<b>E</b>
6. Mount Diablo Boulevard – State Highway 24 EB On-Ramp/Pleasant Hill Road	<u>Signalized</u>	14.7	B	16.7	B	16.9	B
7. State Highway 24 EB Off-Ramp – Old Tunnel Road/Pleasant Hill Road	<u>Signalized</u>	13.2	B	15.0	B	16.2	B
8. Deer Hill Road/Brown Avenue	<u>Unsignalized</u>	<b>145.5</b>	<b>F</b>	NA	NA	<b>271.1</b>	<b>F</b>
9. Deer Hill Road/First Street – Sierra Vista Way	<u>Signalized</u>	13.4	B	11.3	B	14.4	B
10. Deer Hill Road/State Highway 24 WB Ramps -Laurel Drive	<u>Signalized</u>	<b>46.6</b>	<b>D</b>	35.7	D	<b>45.3</b>	<b>D</b>

Notes: **Bold** indicates unacceptable operational conditions based on applicable City standards. For signalized and all-way stop controlled intersections, Delay / LOS is for overall intersection. For unsignalized one- and two-way stop controlled intersections, Delay / LOS is for critical minor stop-controlled approach. NA=Not analyzed. At intersection #8, AM and PM commute peaks provide worst-case results.

<sup>a</sup> Delay = Average control delay per vehicle in seconds (sec/veh).

<sup>b</sup> LOS = Level of Service.

Source: TJKM, 2012.

Figure 4.13-3 on page 4.13-29 of the Draft EIR is hereby amended as shown on page 3-35.

Figure 4.13-4 on page 4.13-30 of the Draft EIR is hereby amended as shown on page 3-36.

Figure 4.13-6 on page 4.13-33 of the Draft EIR is hereby amended as shown on page 3-37.

Tale 4.13-9 on page 4.13-34 of the Draft EIR is hereby amended as shown on page 3-38.

Table 4.13-10 on page 4.13-37 of the Draft EIR is hereby amended as shown on page 3-39.

**Section vi., Existing plus Project Pleasant Hill Road Conditions, on pages 4.13-42 through 4.13-45 of the Draft EIR is hereby amended as follows:**

TJKM analyzed Existing plus Project weaving traffic conditions on segments of Pleasant Hill Road between the free-flow freeway ramp junctions at State Highway 24 and the proposed Project driveway on Pleasant Hill Road using CORSIM, for comparison to the existing speeds shown previously in Table 4.13-7. The resulting Existing plus Project peak-hour average speeds on the study segments are shown in Table 4.13-12. The PM peak-hour average speeds for the northbound Pleasant Hill Road segments include the effects of delays and queues extending back from the intersection at Deer Hill Road – Stanley Boulevard past Acalanes Avenue and near the off-ramp, ~~making weaving very difficult~~. Note that the southbound Pleasant Hill Road segment assumes the existing lane configuration.

Northbound Pleasant Hill Road weaving conditions between the State Highway 24 westbound off-ramp and the Project driveway would be caused by vehicles merging from the right across traffic lanes to make left turns into the Project driveway. As shown in Table 4.13-12, the average speed reductions during the AM peak hour and the school PM peak hour are *less than significant*.

*Figure 4.13-3 Project Trip Distribution and Assignment*  
(11x17)

*Figure 4.13-4 Existing plus Project Traffic Volumes, Lane Geometry, and Controls*

(11x17)

*Figure 4.13-6 Proposed Project Deer Hill Road at Pleasant Hill Road Improvements*

TABLE 4.13-9 EXISTING PLUS PROJECT INTERSECTION LEVEL OF SERVICE SUMMARY

Intersection	Traffic Control	AM Peak Hour		School PM Dismissal		PM Peak Hour	
		Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>	Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>	Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>
1. Rancho View Drive/Pleasant Hill Road	<u>Signalized</u>	7.4	A	6.8	A	5.3	A
2. Green Valley Drive/Pleasant Hill Road	<u>Signalized</u>	5.8	A	7.7	A	4.9	A
3. Reliez Valley Road/Pleasant Hill Road	<u>Signalized</u>	24.4	C	8.4	A	9.8	A
4. Springhill Road – Quandt Road/Pleasant Hill Road	<u>Signalized</u>	21.3	C	10.6	B	12.9	B
5. Deer Hill Road –Stanley Boulevard/Pleasant Hill Road	<u>Signalized</u>	<b>198.7</b>	<b>F</b>	40.4	D	<b>59.8</b>	<b>E</b>
6. Mount Diablo Boulevard – State Highway 24 EB On-Ramp/Pleasant Hill Road	<u>Signalized</u>	14.8	B	16.7	B	16.9	B
7. State Highway 24 EB Off-Ramp – Old Tunnel Road/Pleasant Hill Road	<u>Signalized</u>	13.2	B	15.0	B	16.3	B
8. Deer Hill Road/Brown Avenue	<u>Unsignalized</u>	<b>163.0</b>	<b>F</b>	NA	NA	<b>315.1</b>	<b>F</b>
9. Deer Hill Road/First Street – Sierra Vista Way	<u>Signalized</u>	13.9	B	11.6	B	14.9	B
10. Deer Hill Road/State Highway 24 WB Ramps -Laurel Drive	<u>Signalized</u>	<b>47.9</b>	<b>D</b>	35.8	D	<b>45.9</b>	<b>D</b>
11. Pleasant Hill Road/Project Driveway	<u>Unsignalized</u>	10.5	B	9.3	A	9.1	A
12. Deer Hill Road/East Project Driveway	<u>Unsignalized</u>	10.5	B	11.9	B	16.1	C
13. Deer Hill Road/West Project Driveway	<u>Unsignalized</u>	24.8	C	18.0	C	23.4	C

Notes: **Bold** indicates unacceptable operational conditions based on applicable City standards. For signalized and all-way stop controlled intersections, Delay / LOS is for overall intersection. For unsignalized one- and two-way stop controlled intersections, Delay / LOS is for critical minor stop-controlled approach. NA=Not analyzed. At intersection #8, AM and PM commute peaks provide worst-case results.

<sup>a</sup> Delay = Average control delay per vehicle in seconds (sec/veh).

<sup>b</sup> LOS = Level of Service.

Source: TJKM, 2012.

TABLE 4.13-10 EXISTING PLUS PROJECT INTERSECTION LEVEL OF SERVICE WITH MITIGATION OPTIONS

Analysis Intersection	Traffic Control	AM Peak Hour		School PM Dismissal		PM Peak Hour	
		Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>	Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>	Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>
5: Deer Hill Road –Stanley Boulevard/Pleasant Hill Road	<u>Signalized</u>	198.7	F	40.4	D	59.8	E
TRAF-1 Mitigation Option: Additional Southbound Lane on Pleasant Hill Road	<u>NA</u>	192.5	F	40.6	D	56.4	E
<del>TRAF-3 Mitigation Option: Prohibited Northbound Turn at Project Driveway on Pleasant Hill Road</del>		<del>216.1</del>	<del>F</del>	<del>41.6</del>	<del>D</del>	<del>61.0</del>	<del>E</del>
8: Deer Hill Road/Brown Avenue	<u>Unsignalized</u>	163.0	F	NA	NA	315.1	F
TRAF-2 Mitigation Option: Traffic Signal at Deer Hill Road/Brown Avenue	<u>NA</u>	23.6	C	NA	NA	24.4	C
11: Pleasant Hill Road/Project Driveway	<u>Unsignalized</u>	10.5	B	9.3	A	9.1	A
TRAF-1 Mitigation Option: Additional Southbound Lane on Pleasant Hill Road	<u>NA</u>	10.6	B	11.2	B	10.7	B

Notes: **Bold** indicates unacceptable operational conditions based on applicable City standards. For signalized and all-way stop controlled intersections, Delay / LOS is for overall intersection. For unsignalized one- and two-way stop controlled intersections, Delay / LOS is for critical minor stop-controlled approach. NA=Not analyzed. At intersection #8, AM and PM commute peaks provide worst-case results.

<sup>a</sup> Delay = Average control delay per vehicle in seconds (sec/veh).

<sup>b</sup> LOS = Level of Service.

Source: TJKM, 2012.

TABLE 4.13-12 PLEASANT HILL ROAD WEAVING SEGMENT SPEEDS – EXISTING PLUS PROJECT

Segment of Pleasant Hill Road		AM Peak Hour			School PM Dismissal			PM Peak Hour		
		Existing Speeds	Average Speed (mph) <sup>a</sup>	% Speed Reduction	Existing Speeds	Average Speed (mph) <sup>a</sup>	% Speed Reduction	Existing Speeds	Average Speed (mph) <sup>a</sup>	% Speed Reduction
Northbound	Between State Highway 24 WB Off-Ramp and Acalanes Avenue	29.3	29.2	<-1% <u>0.1</u>	29.0	29.0	0% <u>0</u>	4.60	3.80	-17% <u>0.8</u>
	Between Acalanes Avenue and Project Driveway Location	32.3	31.1	-4% <u>1.2</u>	32.3	30.0	-7% <u>2.3</u>	2.80	2.60	-7% <u>0.2</u>
Southbound	Between Project Driveway Location and State Highway 24 WB On-Ramp	22.2	21.1	-5% <u>1.1</u>	24.3	24.0	-1% <u>0.3</u>	26.9	24.7	-8% <u>2.2</u>

Notes: Average speeds are CORSIM simulation model results.

<sup>a</sup> mph = miles per hour

Source: TJKM, 2012.

However, in During the PM peak hour, the average speed in the northbound segment of Pleasant Hill Road between the State Highway 24 WB off-ramp and Acalanes Avenue ~~shows~~ would reduce from 4.6 miles per hour (mph) to 3.8 mph. This would not exceed the speed reduction thresholds of 1 mph for the Speed Range Zone I (0 - 5.0 mph), as shown in Section 3 above, and therefore the impact would be less than significant. ~~a significant speed reduction percentage. Because of the persistent PM peak hour queues indicated by the very low average speed between Acalanes Avenue and the project driveway, Project trips would effectively have to complete the weave within the segment between the State Highway 24 off-ramp and Acalanes Avenue to be able to make the left turn at the driveway. The Project would reduce the average speed in this segment during the PM peak hour from 4.6 miles per hour. (mph) to 3.8 mph, a 17 percent reduction. This speed reduction of more than 10 percent is considered an unacceptable weaving condition that would substantially increase hazards, resulting in a significant impact.~~

~~During the PM peak hour on northbound Pleasant Hill Road, if some drivers are unable complete the weaving movement from the State Highway 24 westbound off-ramp in time to make a left turn at the Project driveway, they will most likely make a left or U-turn at the Deer Hill Road signal to access the Project site. Some drivers may instead try the alternative of turning right on Acalanes Avenue and then using Nogales Street, Camino Diablo, and westbound Stanley Boulevard to the signal at Pleasant Hill Road, where they would make a left turn or continue straight onto Deer Hill Road to access the Project site. However, a typical travel time along this route, including the average delay of approximately one minute on westbound Stanley Boulevard at the Pleasant Hill Road signal, would be longer than the average delay for drivers continuing northbound on Pleasant Hill Road to make a left or U-turn at Deer Hill Road. Drivers attempting this alternative route would quickly recognize the longer travel time and return to the conventional route.~~

~~A potential mitigation for the unacceptable weaving condition would prohibit the proposed left turn into the Project driveway from northbound Pleasant Hill Road, forcing Project traffic to make a left or U turn at Deer Hill Road.~~

~~Table 4.13-10 shows the level of service results at the Deer Hill Road—Stanley Boulevard/Pleasant Hill Road intersection with this mitigation, referenced as “TRAF 3 Mitigation Option.” Under Existing plus Project conditions, prohibiting the northbound left turn into the Project driveway on Pleasant Hill Road would increase the AM peak hour LOS F delay at the Pleasant Hill Road/Deer Hill Road intersection by 17 seconds more than with left turns allowed at the driveway, resulting in 26 seconds more delay than under the Existing Conditions scenario. This mitigation option would significantly exacerbate the Project impact at the Deer Hill Road—Stanley Boulevard/Pleasant Hill Road intersection, which would be a *significant secondary* impact.~~

~~Prohibiting the left turn from northbound Pleasant Hill Road at the Project driveway would also impact emergency access to the Project site, which would be a *significant secondary* impact. A short median section designed to safely and effectively obstruct left turns by the public but still provide acceptable emergency vehicle access, using beveled curbs or other designs that emergency apparatus can safely cross, would be required to avoid this secondary impact.~~

~~Because potential mitigation measures would result in significant secondary impacts, the mitigation measures described above are not recommended.~~

Figure 4.13-7B on page 4.13-49 of the Draft EIR is hereby amended as shown on the following page.

The third paragraph on page 4.13-53 is hereby amended as follows:

The primary emergency response route along Pleasant Hill Road would be northbound from Mount Diablo Boulevard, originating from Station 15. Because the primary response route would be northbound, the Project’s ~~significant~~ impact on AM peak-hour traffic delay for southbound Pleasant Hill

*Figure 4.13-7B Deer Hill Road Project Driveway Sight-Distance: East Driveway*

8x11

Road extending north from Deer Hill Road would not substantially affect emergency access. Areas north of Rancho View Drive would be served adequately by Station 2, located on Geary Road at Larkey Lane. ~~However,~~ Additionally, the Project's ~~significant~~ impact on PM peak-hour traffic speeds for northbound Pleasant Hill Road between the off-ramp from westbound State Highway 24 and the proposed Project driveway would not result in inadequate emergency access to other areas of Lafayette served by Pleasant Hill Road between State Highway 24 and Rancho View Drive. The result would be a less-than-significant impact.

**Figure 4.13-8 on page 4.13-55 of the Draft EIR is hereby amended as shown on page 3-45.**

**Table 4.13-14 on page 4.13-58 of the Draft EIR is hereby amended as shown on page 3-46.**

**Figure 4.13-9 on page 4.13-59 of the Draft EIR is hereby amended as shown on page 3-47.**

**Figure 4.13-10 on page 4.13-65 of the Draft EIR is hereby amended as shown on page 3-48.**

**Table 4.13-18 on page 4.13-67 of the Draft EIR is hereby amended as shown on page 3-49.**

**Section iv., Cumulative Year 2030 plus Project Pleasant Hill Road Conditions, on pages 4.13-74 through 4.14-78, including Table 4.13-19 on page 4.13-50, of the Draft EIR is hereby amended as follows:**

TJKM analyzed Cumulative Year 2030 plus Project weaving traffic conditions on segments of Pleasant Hill Road between the free-flow freeway ramp junctions at State Highway 24 and the proposed Project driveway on Pleasant Hill Road using CORSIM, for comparison to the Cumulative Year 2030 No Project speeds shown previously in Table 4.13-15. The resulting Cumulative Year 2030 plus Project peak-hour average speeds on the study segments are shown in Table 4.13-19. The PM peak-hour average speeds for the

*Figure 4.13-8 Location of On-Site Turning Radius Deficiencies*

8x11

TABLE 4.13-14 CUMULATIVE YEAR 2030 NO PROJECT INTERSECTION LEVEL OF SERVICE SUMMARY

Intersection	Traffic Control	AM Peak Hour		School PM Peak Hour		PM Peak Hour	
		Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>	Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>	Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>
1: Rancho View Drive/Pleasant Hill Road	<u>Signalized</u>	8.5	A	6.7	A	7.7	A
2: Green Valley Drive/Pleasant Hill Road	<u>Signalized</u>	7.2	A	7.9	A	8.2	A
3: Reliez Valley Road/Pleasant Hill Road	<u>Signalized</u>	33.5	C	10.7	B	15.4	B
4: Springhill Road – Quandt Road/Pleasant Hill Road	<u>Signalized</u>	69.5	E	14.7	B	40.8	D
5: Deer Hill Road –Stanley Boulevard/Pleasant Hill Road	<u>Signalized</u>	<b>224.1</b>	<b>F</b>	<b>47.4</b>	<b>D</b>	<b>139.8</b>	<b>F</b>
6: Mount Diablo Boulevard – State Highway 24 EB On-Ramp/Pleasant Hill Road	<u>Signalized</u>	17.3	B	17.3	B	17.6	B
7: State Highway 24 EB Off-Ramp – Old Tunnel Road/Pleasant Hill Road	<u>Signalized</u>	22.3	C	17.5	B	18.5	B
8: Deer Hill Road/Brown Avenue	<u>Unsignalized</u>	> 300	F	NA	NA	> 300	F
9: Deer Hill Road/First Street – Sierra Vista Way	<u>Signalized</u>	19.2	B	17.3	B	25.2	C
10: Deer Hill Road/State Highway 24 WB Ramps -Laurel Drive	<u>Signalized</u>	57.6	E	43.8	D	66.2	E
11: Pleasant Hill Road/Project Driveway	<u>Unsignalized</u>	8.5	A	6.7	A	7.7	A
12: Deer Hill Road/East Project Driveway	<u>Unsignalized</u>	7.2	A	7.9	A	8.2	A
13: Deer Hill Road/West Project Driveway	<u>Unsignalized</u>	33.5	C	10.7	B	15.4	B

Notes: **Bold** indicates unacceptable operational conditions based on applicable City standards. For signalized and all-way stop controlled intersections, Delay / LOS is for overall intersection. For unsignalized one- and two-way stop controlled intersections, Delay / LOS is for critical minor stop-controlled approach. NA = Not analyzed. At intersection #8, AM and PM commute peaks provide worst-case results.

<sup>a</sup> Delay = Average control delay per vehicle in seconds (sec/veh).

<sup>b</sup> LOS = Level of Service.

Source: TJKM, 2012.

*Figure 4.13-9 Cumulative No Project Traffic Volumes, Lane Geometry,  
and Controls*

(11x17)

*Figure 4.13-10 Cumulative Year 2030 plus Project Traffic Volumes, Lane  
Geometry, and Controls*

(11x17)

TABLE 4.13-18 CUMULATIVE YEAR 2030 PLUS PROJECT INTERSECTION LEVEL OF SERVICE SUMMARY

Analysis Intersection	Traffic Control	AM Peak Hour		School PM Dismissal		PM Peak Hour	
		Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>	Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>	Delay (sec/veh) <sup>a</sup>	LOS <sup>b</sup>
1: Rancho View Drive/Pleasant Hill Road	<u>Signalized</u>	8.6	A	6.8	A	7.8	A
2: Green Valley Drive/Pleasant Hill Road	<u>Signalized</u>	7.2	A	8.0	A	8.4	A
3: Reliez Valley Road/Pleasant Hill Road	<u>Signalized</u>	33.7	C	10.7	B	15.6	B
4: Springhill Road – Quandt Road/Pleasant Hill Road	<u>Signalized</u>	70.0	E	14.8	B	41.7	D
5: Deer Hill Road –Stanley Boulevard/Pleasant Hill Road	<u>Signalized</u>	<b>226.0</b>	<b>F</b>	<b>48.8</b>	<b>D</b>	<b>142.0</b>	<b>F</b>
6: Mount Diablo Boulevard – State Highway 24 EB On-Ramp/Pleasant Hill Road	<u>Signalized</u>	17.4	B	17.3	B	17.6	B
7: State Highway 24 EB Off-Ramp – Old Tunnel Road/Pleasant Hill Road	<u>Signalized</u>	22.2	C	17.6	B	18.6	B
8: Deer Hill Road/Brown Avenue	<u>Unsignalized</u>	> 300	<b>F</b>	NA	NA	> 300	<b>F</b>
9: Deer Hill Road/First Street – Sierra Vista Way	<u>Signalized</u>	20.0	C	18.5	B	25.7	C
10: Deer Hill Road/State Highway 24 WB Ramps -Laurel Drive	<u>Signalized</u>	<b>59.2</b>	<b>E</b>	43.8	D	<b>66.4</b>	<b>E</b>
11: Pleasant Hill Road/Project Driveway	<u>Unsignalized</u>	12.6	B	10.0	B	9.5	A
12: Deer Hill Road/East Project Driveway	<u>Unsignalized</u>	11.2	B	12.9	B	18.9	C
13: Deer Hill Road/West Project Driveway	<u>Unsignalized</u>	38.4	E	21.7	C	30.1	D

Notes: **Bold** indicates unacceptable operational conditions based on applicable City standards. For signalized and all-way stop controlled intersections, Delay / LOS is for overall intersection. For unsignalized one- and two-way stop controlled intersections, Delay / LOS is for critical minor stop-controlled approach. NA=Not analyzed. At intersection #8, AM and PM commute peaks provide worst-case results.

<sup>a</sup> Delay = Average control delay per vehicle in seconds (sec/veh).

<sup>b</sup> LOS = Level of Service.

Source: TJKM, 2012.

TABLE 4.13-19 PLEASANT HILL ROAD WEAVING SEGMENT SPEEDS – CUMULATIVE YEAR 2030 PLUS PROJECT CONDITIONS

		AM Peak Hour			PM Peak Hour		
		Cumulative No Project Average Speeds (mph) <sup>a</sup>	Cumulative Plus Project Average Speeds (mph) <sup>a</sup>	%-Speed Reduction	Cumulative No Project Average Speeds (mph) <sup>a</sup>	Cumulative Plus Project Average Speeds (mph) <sup>a</sup>	%-Speed Reduction
Segment of Pleasant Hill Road							
Northbound	Between State Highway 24 WB Off-Ramp and Acalanes Avenue	29.1	29.0	<1% <u>0.1</u>	2.70	2.40	-11% <u>0.3</u>
	Between Acalanes Avenue and Project Driveway Location	32.0	30.7	-4% <u>1.3</u>	2.40	2.30	-4% <u>0.1</u>
Southbound	Between Project Driveway Location and State Highway 24 WB On-Ramp	21.3	20.9	-2% <u>0.4</u>	24.8	23.9	-4% <u>0.9</u>

Notes: Average speeds are CORSIM simulation model results.

<sup>a</sup> mph = miles per hour

Source: TJKM, 2012.

northbound Pleasant Hill Road segments include the effects of delays and queues extending back from the intersection at Deer Hill Road – Stanley Boulevard past both Acalanes Avenue and the off-ramp from westbound State Highway 24, ~~making weaving very difficult~~. The queue would also extend back onto the off-ramp toward the freeway mainline, similar to Cumulative Year 2030 No Project conditions. Note that the southbound Pleasant Hill Road segment assumes the existing lane configuration.

Northbound Pleasant Hill Road weaving conditions between the State Highway 24 westbound off-ramp and the Project driveway would be caused by vehicles merging from the right across traffic lanes to make left turns into the Project driveway. As shown in Table 4.13-19, the average speed reductions during the AM peak hour are not significant. During the PM peak hour, the average speed in the northbound segment of Pleasant Hill Road between the State Highway 24 WB off-ramp and Acalanes Avenue would reduce from 2.7 mph to 2.4 mph. ~~However, in the PM peak hour, the northbound segment of Pleasant Hill Road between the State Highway 24 WB off ramp and Acalanes Avenue shows a significant speed reduction percentage.~~ Because of the persistent PM peak hour queues indicated by the very low average speeds on both northbound segments between the State Highway 24 off-ramp and the Project driveway, Project trips ~~would~~ might have ~~great~~ difficulty completing the weave to be able to make the left turn at the driveway. However, this would not exceed the speed reduction thresholds of 1 mph for the Speed Range Zone I (0 - 5.0 mph), as shown in Section 3 above, and therefore the impact would be less than significant. On the segment between Acalanes Avenue and the Project driveway, the speed reduction resulting from the Project is ~~less than 10 percent~~ not significant because the segment is already expected to operate at very low speed during the PM peak hour under Cumulative Year 2030 No Project conditions. ~~However, the Project would reduce the average speed on the segment between the State Highway 24 off ramp and Acalanes Avenue during the PM peak hour from 2.7 mph to 2.4 mph, an 11 percent reduction. This speed reduction of more than 10 percent is considered an unacceptable weaving~~

~~condition that would substantially increase hazards, resulting in a *significant* cumulative impact.~~

~~As described above in Section A.4.a.vi, Existing plus Project Pleasant Hill Conditions, during the PM peak hour on northbound Pleasant Hill Road, if some drivers are unable to complete the weaving movement from the State Highway 24 westbound off ramp in time to make a left turn at the project driveway, they will most likely make a left or U turn at the Deer Hill Road signal to access the Project site. Some drivers may instead try the alternative of turning right on Acalanes Avenue and then using Nogales Street, Camino Diablo, and westbound Stanley Boulevard to the signal at Pleasant Hill Road, where they would make a left turn or continue straight onto Deer Hill Road to access the Project site. Under Cumulative Year 2030 plus Project conditions, a typical travel time along this route, including the average delay of approximately one minute on westbound Stanley Boulevard at the Pleasant Hill Road signal, could be similar to the average delay for drivers continuing northbound on Pleasant Hill Road to make a left or U turn at Deer Hill Road. As a result, a few of the 30 PM peak hour Project trips from the State Highway 24 westbound off ramp might use this route on local residential streets as an alternative to making a left turn from northbound Pleasant Hill Road to access the Project site. However, this small potential increase in traffic volume on the local streets would be within the range of typical day-to-date fluctuations in volume on such streets, and furthermore it would be speculative to determine that such traffic diversion is likely to occur at all.~~

~~As described above in Section A.4.a.vi, Existing plus Project Pleasant Hill Conditions, a potential mitigation for the unacceptable weaving condition would prohibit the proposed left turn into the Project driveway from northbound Pleasant Hill Road, forcing Project traffic to make a left or U turn at Deer Hill Road. As described in the TJM TIA (see Appendix J), prohibiting the northbound left turn into the Project driveway on Pleasant Hill Road would increase AM peak hour LOS F delay at the Deer Hill Road/Pleasant Hill Road intersection by 5.4 seconds more than with left turns allowed at the driveway, resulting in 7.3 seconds more delay than Cumulative Year 2030 No~~

~~Project conditions. It would also increase delay at this intersection by less than 5 seconds during the school PM and commute PM peak hours. Because prohibiting northbound left turns into the Project driveway on Pleasant Hill Road would increase delay by more than 5 seconds at an intersection operating at unacceptable level of service, this mitigation would result in a *significant secondary* impact under the Cumulative Year 2030 plus Project scenario.~~

~~As described above in Section A.4.a.vi, Existing plus Project Pleasant Hill Conditions, prohibiting the left turn from northbound Pleasant Hill Road at the Project driveway would also impact emergency access to the Project site, which would be a *significant secondary* impact under the Cumulative Year 2030 plus Project scenario. A short median section designed to safely and effectively obstruct left turns by the public but still provide acceptable emergency vehicle access, using beveled curbs or other designs that emergency apparatus can safely cross, would be required to avoid this secondary impact.~~

~~The TJKM TIA analyzes traffic conditions in the Cumulative Year 2030 plus Project scenario with an added a third lane for southbound through traffic on Pleasant Hill Road, which Project plans propose to mitigate impacts under the Existing plus Project scenario. The construction of an additional southbound lane on Pleasant Hill Road could reduce the delay at the Deer Hill Road/Pleasant Hill Road intersection that would result with the left turn prohibited at the Project driveway, as described above. However, the additional southbound lane would also result in *significant secondary* impacts as described in Section A.4.a.iv, Existing plus Project Intersection Level of service, and is not recommended as a mitigation measure.~~

As described above, the primary emergency response route along Pleasant Hill Road would be northbound from Mount Diablo Boulevard, originating from Station 15. ~~As under Existing plus Project conditions,~~ Under Cumulative Year 2030 plus Project conditions, the Project's impact on PM peak-hour traffic speeds for northbound Pleasant Hill Road, which results in a significant impact on the Delay Index, ~~between the off ramp from westbound State Highway 24 and the proposed Project driveway~~ would result in inadequate

emergency access to other areas of Lafayette served by Pleasant Hill Road between State Highway 24 and Rancho View Drive. This would result in a significant cumulative impact on emergency access. ~~The result would be a significant cumulative impact.~~

Impact TRAF-3 on page 4.13-83 of the Draft EIR is hereby deleted as follows:

~~Impact TRAF-3: Under Existing plus Project conditions, the Project would reduce the average speed on northbound Pleasant Hill Road between the State Highway 24 westbound off ramp and Acalanes Avenue during the PM peak hour from 4.6 miles per hour (mph) to 3.8 mph, a 17 percent reduction. This speed reduction of more than 10 percent is considered an unacceptable weaving condition that would substantially increase hazards, resulting in a significant impact.~~

~~Mitigation Measure TRAF-3: No feasible mitigation measures are available to reduce this impact to a less than significant level.~~

~~Significance after Mitigation: Significant and unavoidable.~~

Impact TRAF-4 on page 4.13-83, continuing onto page 4.13-84, of the Draft EIR is hereby renumbered as follows:

**TRAF-43:** Project design features would increase traffic hazards because the potential for inadequate sight-distance would exist at all of the Project driveways, and the proposed location of the west Project driveway on Deer Hill Road would provide inadequate sight-distance for westbound traffic. This would be a *significant* impact.

Mitigation Measure TRAF-43: The Project applicant shall implement the following measures:

- ◆ West of the East Driveway on Deer Hill Road: All landscaping along the south side of Deer Hill Road that is located in the line of sight for eastbound traffic within 360 feet west of the east Project driveway shall be limited to plants with foliage no more than 30 inches fully mature height

above the closest adjacent curb elevation, or trees with canopy foliage no less than 7 feet above the closest adjacent curb elevation, or other dimensions as specified by the City Engineer. The line of sight is defined as the area between the south curb on Deer Hill Road and a straight line connecting a point 10 feet behind the back of the sidewalk on the centerline of the east driveway and a point 360 feet to the west where it intersects the south curb line, or as otherwise specified by the City Engineer.

- ◆ All other Project Driveways: All landscaping along the Project street frontage that is located in the line of sight of traffic approaching Project driveways in either direction shall be limited to plants with foliage no more than 30 inches fully mature height above the closest adjacent curb elevation, or trees with canopy foliage no less than 7 feet above the closest adjacent curb elevation, or other dimensions as specified by the City Engineer. The line of sight is defined as an area within 10 feet behind the back of the sidewalk or shared-use path and within 50 feet of the driveway edge, or as otherwise specified by the City Engineer.
- ◆ Entryway Features: All monument signs, walls, slopes and other vertical features that could otherwise block visibility shall be no more than 3 feet higher than the adjacent driveway elevation in the area within 15 feet behind the back of the sidewalk or shared-use path and within 50 feet of the driveway edge, or as otherwise specified by the City Engineer.
- ◆ The west Project driveway on Deer Hill Road shall be relocated at least 100 feet to the west of the location shown on the Project site plan.

Significance after Mitigation: *Less than significant.*

**Impact TRAF-5 on page 4.13-84, continuing onto page 4.13-85, of the Draft EIR is hereby renumbered as follows:**

**TRAF-54:** Because westbound Deer Hill Road speeds increase as vehicles descend the hill east of the west Project driveway, westbound vehicles slowing or stopping in the westbound Deer Hill Road through lane before turning left into the west Project driveway would present potential safety issues. This

Project design feature would substantially increase traffic hazards, resulting in a *significant* impact.

Mitigation Measure TRAF-54: The Project applicant shall either:

- ◆ Widen Deer Hill Road as needed to add a striped westbound left turn lane and appropriate taper lengths approaching the west Project driveway, and maintain appropriate widths for bike lanes, traffic lanes, and proposed sidewalks, as well as legal left-turn access at the adjacent driveway on the north side of the roadway; or
- ◆ Post signs prohibiting left turns from westbound Deer Hill Road into the west driveway. In the mouth of the driveway on the south side of Deer Hill Road, a raised island designed to physically obstruct left turns into the driveway shall be constructed, if emergency access can be maintained to the satisfaction of the Contra Costa County Fire Prevention District (CCCFPD) and the eastbound bike lane is not obstructed. Raised centerline or median features to obstruct the westbound left turn are not recommended on Deer Hill Road at this location because of prevailing speeds, as well as potential obstruction of left turns out of the Project driveway and access at the adjacent driveway on the north side of the roadway.

Selection between these two alternative mitigation measures should be coordinated with the potential prohibition of left turns at the east Project driveway, which is not required as mitigation, but is recommended in the TJKM TIA to address design and operational concerns as described in Section A.4.a.v, Existing plus Project Left-Turn Queue Conditions.

Significance after Mitigation: *Less than significant.*

**Impact TRAF-6 on page 4.13-85, continuing onto page 4.13-86, of the Draft EIR is hereby renumbered as follows:**

**Impact TRAF-65:** Under ~~both Existing plus Project and Cumulative Year 2030 plus Project~~ conditions, the Project's significant impact on PM peak-hour traffic speeds for northbound Pleasant Hill Road, which results in a sig-

nificant impact on the Delay Index, between the off-ramp from westbound State Highway 24 and the proposed Project driveway would result in inadequate emergency access to other areas of Lafayette served by Pleasant Hill Road between State Highway 24 and Rancho View Drive. The result would be a *significant* impact.

Mitigation Measure TRAF-65: The Project applicant shall contribute a fair share to the cost of installing advance detection equipment for the existing Opticom system as needed to assure effective traffic signal preemption for responding emergency vehicles on northbound Pleasant Hill Road approaching the Deer Hill Road intersection and the other four signalized study intersections to the north. The advance detection system shall be designed to activate a green signal for northbound Pleasant Hill Road at Deer Hill Road with enough time before the emergency vehicle arrives to allow traffic congestion between State Highway 24 and the intersection to clear sufficiently to facilitate passage of the emergency vehicle. At a minimum, the advance detection system shall allow emergency vehicles responding from CCCFPD Station 15 (located at 3338 Mount Diablo Boulevard) to activate traffic signal preemption for northbound Pleasant Hill Road at Deer Hill Road as soon as they turn north from eastbound Mount Diablo Boulevard.

Significance after Mitigation: *Less than significant.*

**Impact TRAF-7 on page 4.13-86 of the Draft EIR is hereby renumbered as follows:**

**Impact TRAF-76:** The emergency vehicle access shown on the Project site plans does not comply with minimum turning radius requirements at several on-site driveway locations. The restricted turning radii would result in inadequate emergency access to the Project site, which would be a *significant* impact.

Mitigation Measure TRAF-76: The Project site plans shall be revised such that corner radii and medians at on-site driveway intersections pro-

vide a minimum inside turning radius of 25 feet and a minimum outside turning radius of 45 feet, per CCCFPD requirements.

Significance after Mitigation: *Less than significant.*

**Impact TRAF-8 on page 4.13-87, continuing onto page 4.13-88, of the Draft EIR is hereby amended as follows:**

**Impact TRAF-87:** During the grading phase of construction on the Project site, large truck traffic on Pleasant Hill Road and Deer Hill Road and elimination of the existing passenger loading zone along the Project frontage on Pleasant Hill Road would result in a temporary *significant* impact.

Mitigation Measure TRAF-87: The Project applicant shall prepare and submit a Construction Staging Plan for review and approval by the City Engineer. The Construction Staging Plan shall include flaggers for trucks entering and exiting the Project site, and a designated liaison to coordinate with the City, schools, and the public as needed. In addition, the Construction Staging Plan shall include the following measures:

- ◆ Large trucks involved in the grading phase of construction shall be prohibited from arriving at or departing from the Project site during the hours of 7:00 to 9:00 a.m. and 3:00 to 7:00 p.m. on any school day, and 7:00 to 9:00 a.m. and 4:00 to 7:00 p.m. on any non-school weekday.
- ◆ Large trucks shall be prohibited from making U-turn movements from northbound to southbound Pleasant Hill Road at the Deer Hill Road intersection during construction. The Construction Staging Plan shall specify for each construction phase whether access to the Project site from northbound Pleasant Hill Road will be allowed, either by providing a median opening for left turns directly into the site south of Deer Hill Road, or will require a left turn onto Deer Hill Road and a subsequent left turn into the Project site at the east Deer Hill Road Project driveway.

- ◆ If the Construction Staging Plan allows large trucks to turn left from northbound Pleasant Hill Road to Deer Hill Road, accommodation of their turning radius may require the following temporary measures: modifications to the south median within up to 15 feet from the nose; relocation of the limit line for eastbound Deer Hill Road traffic lanes by up to 15 feet behind the existing crosswalk marking; adjustments to vehicle detectors, any other affected traffic signal equipment, and traffic signal timing as required to maintain safe and effective operations; and measures as otherwise specified by the City Engineer.
- ◆ The proposed locations and configuration of access points on Pleasant Hill Road and Deer Hill Road where large trucks would turn into or out of the Project site during construction shall be subject to approval by the City Engineer, to ensure consideration of sight-distance constraints and implementation of appropriate safety precautions.
- ◆ During any construction phase when access to the existing passenger loading zone on the west curb of Pleasant Hill Road along the Project frontage would be unavailable on school days, one of the following measures:
  - Provide a safe, temporary alternative loading zone in the immediate area, subject to approval by the City Engineer. Potential alternatives may include temporary use of the property on the northwest corner of Pleasant Hill Road and Deer Hill Road, which would require surface improvements to facilitate safe vehicle and pedestrian access.
  - Stage construction on the subject portion of the site such that during the school break for summer, the existing passenger loading zone would be demolished and replaced by construction of the recommended roadway configuration and passenger loading zone on the Pleasant Hill Road Project frontage.
- ◆ The Construction Staging Plan shall require restriping of bike lanes and other pavement markings at the discretion of the City Engineer to address wear from construction traffic.

- ◆ Special school events, such as swim meets, shall be addressed by the designated liaison required in the Construction Staging Plan, or any additional measures that the City Engineer may require in that Plan.
- ◆ The Construction Staging Plan shall include an engineering analysis to estimate the percentage of the pavement service life that will be used by Project construction truck trips on Pleasant Hill Road and Deer Hill Road. Based on this analysis, appropriate mitigation of the resulting damage shall be required from the Project sponsor, which may include construction of pavement improvements to restore the lost service life, or an in-lieu contribution of equivalent value, at the discretion of the City Engineer.

Significance after Mitigation: *Less than significant.*

**Impact TRAF-9 on page 4.13-89 of the Draft EIR is hereby amended as follows:**

**Impact TRAF-98:** Project driveways would provide inadequate truck turning radii for large trucks. The resulting improper lane use and other potential unsafe maneuvers by trucks on heavily travelled public streets would substantially increase hazards due to a design feature, which is a *significant* impact.

Mitigation Measure TRAF-98: The Project site plan shall be revised at the three Project driveways such that adequate truck turning radii are provided, by widening the portion of the entry roadway near each intersection, modifying the median configuration, and/or increasing the corner radius.

Significance After Mitigation: *Less than significant.*

**Impact TRAF-10 on page 4.13-89 of the Draft EIR is hereby amended as follows:**

**Impact TRAF-499:** Under the Cumulative Year 2030 plus Project scenario, the Brown Avenue/Deer Hill Road intersection would continue to operate at an unacceptable LOS F during the AM and PM peak hours, with delay in-

creases substantially higher than 5 seconds. This would be a *significant* cumulative impact.

Mitigation Measure TRAF-409: Implement Mitigation Measure TRAF-2.

Significance after Mitigation: *Less than Significant*. With signalization, the Brown Avenue/Deer Hill Road intersection would operate at Good LOS D during the AM peak hour and LOS C during the PM peak hour under Cumulative Year 2030 plus Project conditions, reducing the Project impact to less than significant.

**Impact TRAF-11 on page 4.13-89, continuing onto page 4.13-90, of the Draft EIR is hereby amended as follows:**

**Impact TRAF-4410**: Under the Cumulative Year 2030 plus Project scenario, Project traffic exiting the west Project driveway on Deer Hill Road would experience an LOS E delay during the AM peak hour. Although LOS E is acceptable at a one-way stop control intersection such as the driveway, the amount of delay suggests that drivers turning left out of the driveway would have some difficulty finding an acceptable gap in traffic flow on Deer Hill Road, at a location where prevailing speeds are relatively high. This would pose a traffic hazards, resulting in a *significant* impact.

Mitigation Measure TRAF-4410: The Project applicant shall either:

- ◆ Widen Deer Hill Road at the west Project Driveway as needed to add a striped westbound median refuge lane to receive left turns from the driveway, and provide appropriate taper lengths west of the refuge land, and maintain appropriate widths for bike lanes, traffic lanes, and proposed sidewalks; or
- ◆ Implement Mitigation Measure TRAF-3 and install a side road symbol (California MUTCD No. W2-2) warning sign facing westbound Deer Hill Road traffic in advance of the relocated driveway.

Significance after Mitigation: *Less than significant*.

**Impact TRAF-12 on page 4.13-90 of the Draft EIR is hereby amended as follows:**

**Impact TRAF-~~42~~11:** Under the Cumulative Year 2030 plus Project scenario, the peak estimated 95th-percentile left-turn queue length for northbound traffic on Pleasant Hill Road at Deer Hill Road would be 306 feet during the AM peak hour, would exceed the capacity of the existing 250-foot storage lane. This would be a *significant* cumulative impact.

Mitigation Measure TRAF-~~42~~11: No feasible mitigation measures are available to reduce this impact to a less-than-significant level.

Significance after Mitigation: *Significant and unavoidable.*

**Impact TRAF-13 on page 4.13-90 of the Draft EIR is hereby amended as follows:**

**Impact TRAF-~~43~~12:** Under the Cumulative Year 2030 plus Project scenario, the peak estimated 95<sup>th</sup>-percentile left-turn queue length for northbound traffic on Pleasant Hill Road at the Project driveway would be 124 feet and 177 feet, during the school PM and commute PM peak hours, respectively, which would exceed the capacity of the 100-foot storage lane proposed in the Project plans. This would be a *significant* cumulative impact.

Mitigation Measure TRAF-~~43~~12: ~~No feasible mitigation measures are available to reduce this impact to a less than significant level. The Project applicant shall extend the proposed left-turn storage lane an additional 75 through 100 feet to the south by widening Pleasant Hill Road on the Project frontage to accommodate the peak left-turn queue length. Extending the entrance to the left-turn further south toward the off-ramp from westbound SR 24 would shorten the available weaving distance on northbound Pleasant Hill Road for left turns at the Project driveway, but this would not be considered a significant secondary impact, and therefore the mitigation is considered feasible.~~

Significance after Mitigation: ~~*Significant and unavoidable. Less than significant.*~~

Impact TRAF-14 on page 4.13-91 of the Draft EIR is hereby deleted as follows:

~~Impact TRAF-14:~~ Under Cumulative Year 2030 plus Project conditions, the Project would reduce the average speed on northbound Pleasant Hill Road between the State Highway 24 westbound off ramp and Acalanes Avenue during the PM peak hour from 2.7 miles per hour (mph) to 2.4 mph, an 11 percent reduction. This speed reduction of more than 10 percent is considered an unacceptable weaving condition that would substantially increase hazards, resulting in a *significant* cumulative impact.

~~Mitigation Measure TRAF-14:~~ No feasible mitigation measures are available to reduce this impact to a less than significant level.

~~Significance after Mitigation:~~ *Significant and unavoidable.*

Impact TRAF-15 on page 4.13-91 of the Draft EIR is hereby renumbered as follows:

~~Impact TRAF-4513:~~ Under Cumulative Year 2030 plus Project conditions, the addition of Project trips to Pleasant Hill Road would increase the peak hour peak direction Delay Index by approximately 0.41 for southbound traffic in the AM peak hour and northbound traffic in the PM peak hour. The Delay Index would increase by more than 0.05 for peak hour peak direction traffic where the Delay Index exceeds 2.0 on Pleasant Hill Road, the result would be a *significant* cumulative impact.

~~Mitigation Measure TRAF-4513:~~ No feasible mitigation measures are available to reduce this impact to a less-than-significant level.

~~Significance after Mitigation:~~ *Significant and unavoidable.*

Impact TRAF-16 on page 4.13-112 of the Draft EIR is hereby amended as follows:

~~Impact TRAF-4614:~~ The Project would generate an additional weekday parking demand for up to 50 spaces at the Lafayette BART station, which

represents approximately 3 percent of the 1,526 spaces in the lot. The parking lot demand already exceeds capacity on weekdays, this would be a *significant* impact.

Mitigation Measure TRAF-4614: The Project applicant shall provide subsidized, frequent shuttle service between the Project site and the Lafayette BART station during the AM and PM peak commute periods, until such time that a bus route on Pleasant Hill Road serving the BART station is implemented (as called for in the Lamorinda Action Plan), at which point the Project applicant may provide transit vouchers in lieu of a shuttle.

Significance after Mitigation: *Less than significant*.

**Impact TRAF-17 on page 4.13-112, continuing onto page 4.13-113, of the Draft EIR is hereby amended as follows:**

**Impact TRAF-4715**: The Project site plan does not include a loading and unloading area for school bus service, and peak hour traffic congestion on Pleasant Hill Road and Deer Hill Road would be exacerbated if all traffic would be required to stop for a school bus in the traffic lane. This would be a *significant* impact.

Mitigation Measure TRAF-4715: The Project applicant shall coordinate with the Lamorinda School Bus Program to determine the appropriate locations and designs for bus stop pullouts along the Project frontage, which the Project applicant shall construct as part of the Project site frontage improvements. A bus stop on the southbound Pleasant Hill Road frontage may need to be located south of the Project driveway to avoid driveway sight-distance issues as well as conflicts with passenger loading activity for Acalanes High School north of the driveway. On eastbound Deer Hill Road, a bus stop would need to be located to avoid sight-distance issues at Project driveways.

Significance after Mitigation: *Less than significant*

**Impact TRAF-18 on page 4.13-113, continuing onto page 4.13-114, of the Draft EIR is hereby amended as follows:**

**Impact TRAF-~~18~~16:** The 5-foot sidewalks proposed by the Project plans would be narrower than those existing in the immediate vicinity or recently approved by the City on arterial roadways. Therefore, the Project would be inconsistent with City guidelines for pedestrian facilities. This would be a *significant* impact.

Mitigation Measure TRAF-~~18~~16A: On the south side of Deer Hill Road along the Project site frontage, construct new sidewalk and curb at a width of at least 6½ feet, or as otherwise specified by the City Engineer.

Mitigation Measure TRAF-~~18~~16B: On the west side of Pleasant Hill Road along the Project site frontage, construct a new shared path for bicycles and pedestrians at a paved width of 10 feet with a buffer strip at least 4 feet wide between the path and the curb, or as otherwise specified by the City Engineer. The buffer strip's surface treatment shall be appropriate to accommodate pedestrians accessing vehicles at curb parking and passenger loading areas. At the southwest corner of Pleasant Hill Road and Deer Hill Road, the path shall be designed to accommodate expected volumes of pedestrians and bicyclists waiting for the traffic signal. This measure shall be implemented in addition to the Class II (on-street) bike lane on southbound Pleasant Hill Road described in Mitigation Measure TRAF-~~20~~18 and other improvements described in Mitigation Measures TRAF-~~24~~19, TRAF-~~22~~20, and TRAF-~~23~~21.

Significance after Mitigation: *Less than significant.*

**Impact TRAF-19 on page 4.13-114 of the Draft EIR is hereby amended as follows:**

**Impact TRAF-~~19~~17:** Project driveways on Deer Hill Road and Pleasant Hill Road would interrupt the new sidewalks and would cross existing and proposed Class II bike lanes. This would present conflicting vehicle traffic for pedestrians and bicyclists, which would be a *significant* impact.

Mitigation Measure TRAF-1917: Implement Mitigation Measure TRAF-43. In addition, the Project applicant shall install stop signs for traffic exiting Project driveways, and special design treatments such as paving to be specified by the City Engineer to alert drivers exiting the Project site that they are crossing pedestrian and bicycle facilities.

Significance after Mitigation: *Less than significant*.

**Impact TRAF-20 on page 4.13-114, continuing onto page 4.13-115, of the Draft EIR is hereby amended as follows:**

**Impact TRAF-2018**: Proposed widening of southbound Pleasant Hill Road to add a vehicle traffic lane includes adding a 5-foot-wide Class II bike lane along the west curb north of the Project driveway. South of the Project driveway, the bike lane would be forced to shift to the left side of the additional southbound traffic lane that would become a right-turn-only lane for the on-ramp to westbound State Highway 24. This configuration would cause unacceptable weaving conflicts with vehicle traffic for the planned southbound bike lane, resulting in a *significant* impact.

Mitigation Measure TRAF-2018: The Project shall implement an alternative configuration for widening southbound Pleasant Hill Road, which would not add a vehicle traffic lane. Southbound Pleasant Hill Road shall be widened along the Project frontage to provide a 6-foot-wide Class II bike lane between an 8-foot-wide curb loading and parking lane and the existing traffic lanes, or dimensions otherwise specified by the City Engineer. This configuration would maintain the existing curb loading and parking lane, except for a segment extending up to 100 feet north from the Project driveway, where the roadway shall be widened to accommodate an additional 12-foot-wide right-turn lane along with the 6-foot wide Class II bike lane, or dimensions otherwise specified by the City Engineer. This measure shall be implemented in addition to the improvements described in Mitigation Measures TRAF-1816B, TRAF-2119, TRAF-2220, and TRAF-2321.

Significance after Mitigation: *Less than significant.*

**Impact TRAF-21 on page 4.13-115 of the Draft EIR is hereby amended as follows:**

**Impact TRAF-~~21~~19:** Project plans could preclude accommodation of a planned bike path along the Project boundary, and the plans propose a narrower facility on the west side of Pleasant Hill Road than those recently constructed by the City for shared bicycle and pedestrian use. Therefore, the Project would interfere with planned bicycle facilities, resulting in a *significant impact*.

Mitigation Measure TRAF-~~21~~19: Implement Mitigation Measure TRAF-~~48~~16B. In addition, the Project applicant shall coordinate with the City and Caltrans to ensure that Project site improvements adjacent to the Caltrans State Highway 24 right-of-way, such as grading, drainage, retaining walls, or other structures, do not preclude construction of a Class I bicycle path meeting applicable vertical and horizontal alignment standards, at a paved width of 10 feet with graded shoulders at least 2 feet wide on both sides, or as otherwise specified by the City Engineer. The Project applicant shall dedicate additional right-of-way as needed to ensure the feasibility of constructing such a path. The Project applicant shall coordinate with the City to develop an appropriate alignment of the path to connect with the shared bicycle/pedestrian path described in Mitigation Measure TRAF-~~48~~16-B while also intersecting the Project driveway on Pleasant Hill Road as described in Mitigation Measure TRAF-~~22~~20. This measure shall be implemented in addition to the improvements described in Mitigation Measures TRAF-~~20~~18 and TRAF-~~23~~21.

Significance after Mitigation: *Less than significant.*

**Impact TRAF-22 on page 4.13-115, continuing onto page 4.13-116, of the Draft EIR is hereby amended as follows:**

**Impact TRAF-~~22~~20:** Traffic entering and exiting the proposed Project driveway on Pleasant Hill Road would interfere with the shared bicycle and pedes-

trian path that is planned along the west side of the roadway, causing hazards to bicyclists at the driveway intersection. This would be a *significant* impact.

Mitigation Measure TRAF-~~2220~~: The Project applicant shall coordinate with the City to develop an appropriate route and dedicate right-of-way on the Project site for a bike path alignment that would intersect the driveway approximately 50 feet or more from Pleasant Hill Road. Additionally, the Project applicant shall provide the necessary grading and structural support on the site to allow for a Class I bike path that meets applicable width and slope standards, provides adequate sight-distance where it intersects the driveway, and connects with the shared bicycle/pedestrian path described in Mitigation Measure TRAF-~~1816B~~ and the planned bike path described in Mitigation Measure TRAF-~~2419~~ on both ends. Where the driveway intersects the bike path, the Project applicant shall also install special design treatments, such as paving, to be specified by the City Engineer, to alert drivers that they are crossing a bike path. This measure shall be implemented in addition to the improvements described in Mitigation Measures TRAF-~~2018~~ and TRAF-~~2321~~.

Significance after Mitigation: *Less than significant*.

**Impact TRAF-23 on page 4.13-122 of the Draft EIR is hereby renumbered as follows:**

**Impact TRAF-~~2321~~**: Project plans propose widening southbound Pleasant Hill Road between Deer Hill and the on-ramp to westbound State Highway 24 to add a vehicle traffic lane and a bike lane along the west curb, where the plans show elimination of the existing curb parking and passenger loading zone. The proposed elimination of the existing designated spaces on the west curb of Pleasant Hill Road that are currently used for school passenger loading would result in additional hazardous passenger loading activity at unsuitable locations. The loss of these designated curb spaces used for passenger loading would substantially increase hazards for school pedestrians and vehicle traffic in the immediate area, resulting in a *significant* impact.

Mitigation Measure TRAF-2321: Implement Mitigation Measure TRAF-~~2018~~. The entire curb segment between Deer Hill Road and the recommended right-turn lane shall be designated as a passenger loading zone, which would accommodate eight cars in approximately the same location as the existing curb spaces used for passenger loading. This measure shall be implemented in addition to the improvements described in Mitigation Measures TRAF-~~1816B~~, TRAF-~~2018~~, TRAF-~~2119~~, and TRAF-~~2220~~.

Significance after Mitigation: This configuration would maintain the existing curb loading and parking lane, except for a segment extending up to 100 feet north from the Project driveway, and would accommodate only one vehicle less vehicle than the maximum observed curb loading space demand. This alternative configuration for widening southbound Pleasant Hill Road would reduce this impact to a *less-than-significant* level.

#### *Chapter 4.14 Utilities and Service Systems*

**The last paragraph on page 4.14-17, continuing onto page 4.14-18, of the Draft EIR is hereby amended as follows:**

The EBMUD is the water provider to the City of Lafayette, including the Project site. The EBMUD's Colorado<sub>2</sub> Pressure Zone, with a service elevation between 250 and 450 feet, would serve the proposed Project. Depending on the final elevations of the development, portions of the development located above 450 feet would require a Low Pressure Service Agreement, as described above.

**The second paragraph on page 4.14-19 of the Draft EIR is hereby amended as follows:**

The Aqueducts at the Project site are referred to as the Pleasant Hill Tunnels. These tunnels are located in a "sub-surface tunnel easement only," which does not extend to the surface and would not restrict development on the Project site, provided that the proposed development would not interfere with, damage or endanger the tunnels, or the aqueducts themselves. Prior to construc-

tion of the proposed Project, final geotechnical reports and complete design drawings for work over EBMUD Aqueducts must be submitted to EBMUD for review and approval. Additionally, the EBMUD must be able to reach the Aqueducts from either end of the tunnel for operation and maintenance.

**The first sentence of the last paragraph on page 4.14-19 of the Draft EIR is hereby amended as follows:**

The EBMUD provides ~~wholesale water, retail~~ water, wastewater collection, and wastewater treatment services for an area of approximately ~~331~~332 square miles ~~in~~to parts of Contra Costa and Alameda counties.

**The second paragraph on page 4.14-21 of the Draft EIR is hereby amended as follows:**

The EBMUD operates six water treatment plants (WTPs) to ensure the safety and quality of drinking water. Three of these are full conventional plants: the Upper San Leandro WTP, the San Pablo WTP, which has been mothballed, and the Sobrante WTP. These receive water from the Upper San Leandro and San Pablo reservoirs, and serve the northern and southern parts of the EBMUD service area. In addition, there are three other in line filtration plants located in Walnut Creek, Lafayette, and Orinda.<sup>42</sup>

**The third paragraph on page 4.14-22 of the Draft EIR is hereby amended as follows:**

Capacity constraints are particularly severe at the Lafayette WTP, located closest to the Project site. As shown in Table 4.14-5, the facility is currently not able to treat enough water to meet service area demand. The EBMUD board has authorized numerous improvements to increase capacity and improve reliability at the Lafayette WTP. These improvements include rebuilt filters providing better backwash capacity, a new blower building for more efficient combined air and water filter backwash, a new Backwash Water Recycle System, and two new clear wells to eliminate the hydraulic constraint on filter production.<sup>45</sup> Work is expected to start in ~~2012~~2022<sup>46</sup> and be completed within 4 to 6 years. With these improvements, the expanded Lafayette

WTP would be able to meet the forecasted future demand within the area it serves.

<sup>46</sup> William R. Kirkpatrick, Manager of Water Distribution Planning, EBMUD, Re: Notice of Availability of a Draft Environmental Impact Report for the Terraces of Lafayette Project, June 4, 2012.

**The last paragraph on page 4.14-23 of the Draft EIR is hereby amended as follows:**

Water is transported from ~~Camanche~~ Pardee Reservoir to the initial EBMUD water treatment plants, located in Walnut Creek. Any water not immediately treated and distributed is stored in one of five East Bay reservoirs. The combined maximum storage capacity of these reservoirs is 155,150 acre-feet. San Pablo Reservoir is the northernmost (located in Contra Costa County) and the Briones Reservoir is the largest (located outside of Orinda), and the others include Lafayette Reservoir (located in the southwest corner of Lafayette), Upper San Leandro Reservoir, and Chabot Reservoir (both located in Alameda County).

**The last paragraph on page 4.14-24 of the Draft EIR is hereby amended as follows:**

As discussed above, EBMUD has developed the Water Treatment and Transmission Improvements (WTTI) Program to address water treatment capacity constraints in its service area. Under this program, the Lafayette WTP will be expanded and upgraded to allow it to meet forecasted future demand across a territory, which includes the Project site. Work is expected to start in ~~2012~~ 2022 and be completed within 4 to 6 years. As previously discussed, an EIR addressing the impact of this work was certified by the EBMUD Board in 2006.

**The first sentence of the last paragraph on page 4.14-26 of the Draft EIR is hereby amended as follows:**

In the 2009 Water Supply Management Program, the EBMUD assessed future water demand for its service area, which includes parts, not all, of Alameda and Contra Costa Counties.

*Chapter 5. Alternatives*

The first full paragraph on page 5-2 of the Draft EIR is hereby amended as follows:

- ◆ **Mitigated Project Alternative.** This alternative describes a revised Project designed to avoid the significant impacts associated with the proposed Project that are evaluated in Chapter 4 of this EIR. Figure 5-1 shows the Project site plan, revised to illustrate the Mitigated Project Alternative. Under this alternative, there would be no development except roadways within the ridgeline setback area and along the creek and its riparian area. The oak woodland area would remain unchanged. Due to the reduced development footprint under this alternative, it is assumed that this alternative would require less grading, and therefore less hauling of soil off site, than the proposed Project. This alternative proposes six two- or three-story residential buildings with 153 dwelling units. The five, three-story buildings would be built at the same location as Buildings H, I, J, K, and L of the proposed Project. Building A, located in the southwest corner of the site, would be relocated on the site or redesigned to avoid blockage of ridgelines. Similar to the proposed Project, a one-story leasing office would be built approximately 240 feet northeast of the main entrance on Pleasant Hill Road. The parking areas adjacent to Buildings A, H, I, J, K, and L, would be retained. Parking areas adjacent to Buildings B, C, D, E, F, G, M, and N would not be developed. Portions of the parking area near Buildings L and A that are within the ridgeline setback would not be developed. Under the Mitigated Project Alternative, to avoid some of the traffic and transportation impacts of the proposed Project, the west proposed Project driveway on Deer Hill Road would be relocated by at least 100 feet to the west of the proposed location and adequate turning radii for emergency response vehicles would be provided on-site.

Section a., Aesthetics and Visual Resources, on page 5-7 of the Draft EIR is hereby amended as follows:

**a. Aesthetics and Visual Resources**

The proposed Project would result in ~~four~~ three significant and unavoidable impacts, associated with blocking views of ridgelines, ~~and~~ degrading the existing visual character, and introducing new sources of light and glare. The proposed Project would result in a significant but mitigable impacts associated with glare from photovoltaic panels. Under the No Project Alternative, the Project site would remain in its existing state. The Project site would maintain its appearance as a largely undeveloped, grassy site. No new structures would be developed that would block views to ridgelines, and no new ~~lighting or~~ sources of glare would be introduced to the site. Therefore, the No Project Alternative would avoid the significant and unavoidable, and significant but mitigable, impacts associated with the Project, and this alternative would be a *substantial improvement* over the proposed Project.

Section m., Transportation and Traffic, on page 5-12 of the Draft EIR is hereby amended as follows:

**m. Transportation and Traffic**

The proposed Project would increase vehicle miles traveled (VMT) in the area and have ~~two~~ one significant and unavoidable impacts on the level of service (LOS), at the Deer Hill Road – Stanley Boulevard/Pleasant Hill Road intersection, for arterial segments and intersections in the vicinity of the Project site. ~~Four~~ Two significant and unavoidable cumulative impacts associated with left-turn queue length, ~~speed reduction, or~~ and Delay Index would occur. Construction of the Project would also result in significant impacts associated with traffic hazards due to inadequate sight distance, construction traffic, parking conditions, and inadequate emergency access. Additionally, the Project would conflict with adopted policies or plans regarding transit, bicycle, and pedestrian facilities, as well as increase hazards with vehicles, pedestrians, and bicyclists. These impacts could be mitigated to less-than-significant levels. There would be no impact to air traffic. In comparison, the No Project Alternative does not propose any development that would alter vehicular, pedestrian, or bicycle traffic within the Project site or in its

vicinity. Furthermore, this alternative would not affect demand for parking. Intersections, including those that currently operate at unacceptable levels, would continue to operate at existing levels. Overall, because the No Project Alternative would avoid the significant impacts of the proposed Project, the No Project Alternative would be considered a *substantial improvement* when compared to the proposed Project.

**Section a., Aesthetics and Visual Resources, on page 5-15 of the Draft EIR is hereby amended as follows:**

**a. Aesthetics and Visual Resources**

The proposed Project would result in ~~four~~three significant and unavoidable impacts, associated with blocking views of ridgelines, ~~and~~ degrading the existing visual character, ~~and introducing new sources of light and glare.~~ The proposed Project would result in a significant but mitigable impacts associated with glare from photovoltaic panels. Under the Mitigated Project Alternative, there would be new structures on the site, but the development would not block the views to ridgelines. As described above, Building A would be shifted or redesigned to avoid blocking the views. New lighting or sources of glare, including buildings, photovoltaic panels, and parked cars, would be introduced to the site. ~~Although this alternative would involve a lesser amount of development than the proposed Project, because the site is currently undeveloped, like the proposed Project this alternative would result in a significant and unavoidable lighting and glare impact. As under the proposed Project, it is assumed that lighting and glare impacts would be mitigated by landscaping and design considerations for photovoltaic panels.~~ This alternative would not result in significant impacts associated with visual character or scenic resources. Overall, this alternative would be a *slight improvement* over the proposed Project.

**Section b., Air Quality, on page 5-15, continuing onto page 5-16, of the Draft EIR is hereby amended as follows:**

**b. Air Quality**

The proposed Project would not conflict with the 2010 Bay Area Clean Air Plan, but would result in significant but mitigable and significant and una-

voidable impacts related to construction emissions. In addition, the Project would pose a risk to on-site receptors (residents) due to average annual PM<sub>2.5</sub> concentrations that would exceed the BAAQMD significance threshold. Other impacts associated with community risks and hazards, odors, carbon monoxide hotspots, and operational emissions would be less than significant following mitigation. Under the Mitigated Project Alternative, air quality impacts would occur at a lower level than those of the proposed Project due to a reduced amount of development and grading on the site and associated reduction in transport of soil off site. The risk to on-site receptors due to average annual PM<sub>2.5</sub> concentrations that would exceed the BAAQMD significance threshold would remain. Construction activities and the number of new traffic trips would be reduced. The “no build areas” indicated in Figure 5-1 would remain largely undeveloped, with the exception of the on-site roadway. Moreover, this alternative would generate less pollutant emissions associated with long-term operation of a residential development. Both the proposed Project and this alternative would be consistent with the 2010 Bay Area Clean Air Plan. All mitigation measures that are applicable to the proposed Project would also be applied to this alternative, as needed. Overall, because the vehicle air emissions and construction-related air emissions would be lower than the proposed Project, this alternative would be a *slight improvement* over the proposed Project.

**Section f., Greenhouse Gas Emissions, on page 5-17, continuing onto page 5-18, of the Draft EIR is hereby amended as follows:**

**f. Greenhouse Gas Emissions**

The proposed Project would result in a significant but mitigable GHG emissions impact, due primarily to GHG emissions from the relatively high number of VMT. GHG emissions associated with construction period activities of the proposed Project were found to be less than significant. In addition, the proposed Project was found not to conflict with applicable GHG reduction plans. Under the Mitigated Project Alternative, the fewer number of housing units would result in lower VMT compared to the proposed Project. The “no build areas” indicated in Figure 5-1 would remain largely undeveloped, with the exception of the on-site roadway, and therefore the Mitigated

Project Alternative would result in fewer emissions associated with construction, grading, and construction vehicle trips. Additionally, given the larger size of the proposed Project, operational GHG emissions would be higher compared to the Mitigated Project Alternative. Overall, the Mitigated Project Alternative would be considered *a slight improvement* in relation to the proposed Project.

**Section m., Transportation and Traffic, on pages 5-20 through 5-25, excluding Table 5-2 on page 5-22, of the Draft EIR is hereby amended as follows:**

**m. Transportation and Traffic**

The proposed Project would increase VMT in the area and have one significant and unavoidable impacts on the level of service at the Deer Hill Road – Stanley Boulevard/Pleasant Hill Road intersection ~~for arterial segments and intersections in the vicinity of the Project site~~ under Existing plus Project conditions. ~~Four~~ Two significant and unavoidable cumulative impacts associated with left-turn queue length, ~~speed reduction, or~~ and Delay Index would occur. Construction of the Project would also result in significant impacts associated with traffic hazards due to inadequate sight distance, construction traffic, parking conditions, and inadequate emergency access. Additionally, the Project would conflict with adopted policies or plans regarding transit, bicycle, and pedestrian facilities, as well as increase hazards with vehicles, pedestrians, and bicyclists. These impacts could be mitigated to less-than-significant levels. There would be no impact to air traffic. Under the Mitigated Project Alternative, because of the reduction in dwelling units, there would be a reduction in daily vehicle trips, as shown in Table 5-2. Consequently, this alternative would have a reduced impact on the affected arterial segments and intersections. Although traffic levels would be reduced, many of the same impacts would ~~still be expected to occur~~ under this alternative. Overall, there would be the same potential for impacts associated with safety hazards, bicycle and pedestrian circulation, and transit facilities under this alternative, and the same mitigation measures would apply. However, under the Mitigated Project Alternative the west Project driveway on Deer Hill Road would be relocated to provide adequate sight distance for vehicles trav-

eling westbound on Deer Hill Road, and adequate turning radii would be provided for emergency response vehicles and large trucks at Project drive-ways and on site. In addition, under this alternative southbound Pleasant Hill Road would be reconfigured to avoid significant impacts associated with the design of pedestrian facilities, conflicts between vehicular traffic and bicycle and pedestrian facilities, and the elimination of parking and loading spaces.

The following significant impacts of the proposed Project would be expected to also occur under the Mitigated Project Alternative:

- ◆ Impact TRAF-1: At the Deer Hill Road – Stanley Boulevard/Pleasant Hill Road intersection, the Project’s significant and unavoidable impact on existing AM peak-hour traffic delay would be expected to also occur under the Mitigated Project Alternative. However, the increase in average delay during the AM peak hour with the Mitigated Project Alternative would be close to the five-second threshold for a significant impact, compared to a nine-second delay increase under the proposed Project.
- ◆ Impacts TRAF-2 and TRAF-49: At the Deer Hill Road/Brown Avenue intersection, the Project’s significant impact under Existing plus Project and Cumulative Year 2030 traffic delay during peak hours would also occur under the Mitigated Project Alternative.
- ~~◆ Impact TRAF 3: On northbound Pleasant Hill Road between the State Highway 24 westbound off ramp and Acalanes Avenue under Existing plus Project conditions, the Project’s significant and unavoidable impact on traffic safety during the PM peak hour would be expected to also occur under the Mitigated Project Alternative. However, the reduction in average speed during the PM peak hour with the Mitigated Project Alternative could be close to the 10 percent threshold for this significant impact, compared to a 17 percent speed reduction with the proposed Project.~~
- ◆ Impacts TRAF-34 and TRAF-45: The Project’s significant impact to traffic safety on Deer Hill Road at new driveway locations proposed with both the Mitigated Project Alternative and the Project, which would be mitigated to a less-than-significant level by implementing specified design

features and requirements, would be expected to also occur under the Mitigated Project Alternative. The exception would be the west driveway on Deer Hill Road, which would be located 100 feet to the west under the Mitigated Project Alternative.

- ◆ Impact TRAF-~~56~~: Under Cumulative Year 2030 conditions, the Project's significant impact to emergency vehicle access because of the impacts on PM peak hour traffic speeds for northbound Pleasant Hill Road, on the Delay Index would also occur under the Mitigated Project Alternative. This impact, which would be mitigated to a less-than-significant level with implementation of Mitigation Measure TRAF-5, which requires the Project applicant contribute a fair share to the cost of by-installing advance detection for emergency vehicle preemption of traffic signals, would be expected to also occur under the Mitigated Project Alternative.
- ◆ Impact TRAF-~~78~~: The Project's significant impact on traffic delay and safety for school pedestrians and vehicle traffic during construction, which would be mitigated to a less-than-significant level by implementing a Construction Staging Plan, would be expected to also occur under the Mitigated Project Alternative.
- ◆ Impacts TRAF-~~1142~~ and TRAF-~~1243~~: On northbound Pleasant Hill Road at the driveway and at Deer Hill Road, the Project's significant ~~and unavoidable~~ impacts during peak hours under Cumulative Year 2030 conditions, which would result from left-turn queue lengths exceeding available storage lane capacities, would be expected to also occur under Mitigated Project Alternative. Similar to the proposed Project, Impact TRAF-12 would be mitigated to a less-than-significant level by extending the proposed left-turn storage lane to the south by widening Pleasant Hill Road on the Project frontage. However, the peak 95<sup>th</sup> percentile left turn queue length at the proposed driveway with the Mitigated Project Alternative could be close to the proposed 100 foot storage lane length, compared to a peak estimated 95<sup>th</sup> percentile left turn queue length of 177 feet with the proposed Project.

- ◆ Impact TRAF-1345: On Pleasant Hill Road, the Project's significant and unavoidable impact on the peak-hour peak direction Delay Index under Cumulative Year 2030 conditions would be expected to also occur under the Mitigated Project Alternative.
- ◆ Impacts TRAF-1446 and TRAF-1547: The Project's significant transit impacts because of increased parking demand at the Lafayette BART station and lack of a loading area for school bus service, which would be mitigated to less than significant by implementing shuttle service to the BART station and construction of bus stop pullouts, would be expected to also occur under the Mitigated Project Alternative.

The following impacts of the proposed Project would not be expected to occur under the Mitigated Project Alternative:

- ◆ Impact TRAF-56: On northbound Pleasant Hill Road, under Cumulative Year 2030 conditions, a significant emergency vehicle access impact caused by speed reduction with the proposed Project would be less than significant with the Mitigated Project Alternative.
- ◆ Impact TRAF-67: The Project's significant impact to emergency vehicle access because of the proposed Project's inadequate turning radii on-site would not occur under the Mitigated Project Alternative because the site plan would incorporate adequate turning radii.
- ◆ Impact TRAF-89: The Project's significant impact associated with large truck access at Project driveways would not occur under the Mitigated Project Alternative because the site plan would incorporate adequate turning radii at Project driveways.
- ◆ ~~Impact TRAF-14: On northbound Pleasant Hill Road between the State Highway 24 westbound off ramp and Acalanes Avenue, under Cumulative Year 2030 conditions, the Project's significant and unavoidable impact associated with weaving conditions would be less than significant under the Mitigated Project Alternative.~~
- ◆ Impacts TRAF-1648B, TRAF-1820, TRAF-1924, TRAF-2022, and TRAF-2123: Significant impacts on existing and planned pedestrian and

bicycle facilities along Pleasant Hill Road, which would be mitigated to a less-than-significant level by implementing specified design features and accommodation requirements for such facilities, would not occur under the Mitigated Project Alternative.

Because several significant impacts would be avoided and others impacts would be reduced measurably, this alternative would be a *substantial improvement* over the proposed Project.

**Section a., Aesthetics and Visual Resources, on page 5-27, continuing on to page 5-28, of the Draft EIR is hereby amended as follows:**

The proposed Project would result in ~~four~~three significant and unavoidable impacts, associated with blocking views of ridgelines, ~~and~~ degrading the existing visual character, and introducing new sources of light and glare. The proposed Project would result in a significant but mitigable impacts associated with glare from photovoltaic panels. As described above, under the Office Development Alternative, there would be no development in the ridgeline setback area, and Building A would be replaced with a surface parking lot. Therefore, this alternative would not block the views to ridgelines. This alternative would not result in significant impacts associated with visual character or scenic resources. New lighting or sources of glare, including buildings, photovoltaic panels, and parked cars, would be introduced to the site. ~~Although this alternative would involve a lesser amount of development and would be kept darker than the proposed Project when offices are empty after business hours, because the site is currently undeveloped and some lighting would remain on site due for security purposes, this alternative would result in significant and unavoidable lighting and glare impacts as under the proposed Project. As under the proposed Project, it is assumed that lighting and glare impacts would be mitigated by landscaping and design considerations for photovoltaic panels.~~ Overall, this alternative would be a *slight improvement* over the proposed Project.

**Section m., Transportation and Traffic, on pages 5-33 through 5-37 of the Draft EIR is hereby amended as follows:**

**m. Transportation and Traffic**

The proposed Project would increase VMT in the area and have ~~two~~ one significant and unavoidable impacts on the level of service at the Deer Hill Road – Stanley Boulevard/Pleasant Hill Road intersection for arterial segments and ~~intersections in the vicinity of the Project site~~ under Existing plus Project conditions. ~~Four~~ Two significant and unavoidable cumulative impacts associated with left-turn queue length, ~~speed reduction, or~~ and Delay Index would occur. Construction of the Project would also result in significant impacts associated with traffic hazards due to inadequate sight distance, construction traffic, parking conditions, and inadequate emergency access. Additionally, the proposed Project would conflict with adopted policies or plans regarding transit, bicycle, and pedestrian facilities, as well as increase hazards with vehicles, pedestrians, and bicyclists. These impacts could be mitigated to less-than-significant levels. There would be no impact to air traffic.

Under the Office Development Alternative, there would be a reduction in total daily vehicle trips in comparison to the proposed Project, as shown in Table 5-2. Office land uses have different trip generation characteristics than residential uses particularly concerning the relative proportions of entering and exiting traffic during peak commute hours. Overall, there would be the same potential for impacts associated with safety hazards, bicycle and pedestrian circulation, and transit facilities under this alternative, and the same mitigation measures would apply. However, under the Office Development Alternative the west Project driveway on Deer Hill Road would be relocated to provide adequate sight distance for vehicles traveling westbound on Deer Hill Road, and adequate turning radii would be provided for emergency response vehicles and large trucks at Project driveways and on site. In addition, under this alternative southbound Pleasant Hill Road would be reconfigured to avoid significant impacts associated with the design of pedestrian facilities, conflicts between vehicular traffic and bicycle and pedestrian facilities, and the elimination of parking and loading spaces.

The following significant impacts of the proposed Project would be expected to also occur under the Office Development Alternative:

- ◆ Impact TRAF-1: At the Deer Hill Road – Stanley Boulevard/Pleasant Hill Road intersection, the Project’s significant and unavoidable impact on existing AM peak-hour traffic delay would be expected to also occur under the Office Development Alternative. Additionally, under Cumulative Year 2030 conditions at this intersection, a significant and unavoidable impact on AM peak-hour traffic delay would occur under the Office Development Alternative, where the cumulative impact under the proposed Project would be less than significant.
- ◆ Impacts TRAF-2 and TRAF-40~~2~~: At the Deer Hill Road/Brown Avenue intersection, the Project’s significant impact under Existing plus Project and Cumulative Year 2030 traffic delay during peak hours would also occur under the Office Development Alternative.
- ~~◆ Impact TRAF-3: On northbound Pleasant Hill Road between the State Highway 24 westbound off ramp and Acalanes Avenue under Existing plus Project conditions, the Project’s significant and unavoidable impact on traffic safety during the PM peak hour would instead occur during the AM peak hour under the Office Development Alternative.~~
- ◆ Impacts TRAF-3~~4~~ and TRAF-4~~5~~: The Project’s significant impact to traffic safety on Deer Hill Road at new driveway locations, which would be mitigated to a less-than-significant level by implementing specified design features and requirements, would be expected to also occur under the Office Development Alternative. The exception would be the west driveway on Deer Hill Road, which would be located 100 feet to the west.
- ◆ Impact TRAF-5~~6~~: The Project’s significant impact to emergency vehicle access because of the impacts on PM peak-hour traffic speeds for northbound Pleasant Hill Road under Cumulative Year 2030 conditions, which would be mitigated to a less-than-significant level by installing advance detection for emergency vehicle preemption of traffic signals, would be expected to instead occur during the AM peak hour under the Office Development Alternative. However, the northbound traffic speeds during the AM peak hour with the Office Development Alternative would provide better emergency access than the low PM peak-hour traffic speeds on this roadway segment.

- ◆ Impact TRAF-~~78~~: The Project's significant impact on traffic delay and safety for school pedestrians and vehicle traffic during construction, which would be mitigated to a less-than-significant level by implementing a Construction Staging Plan, would be expected to also occur under the Office Development Alternative.
- ◆ Impacts TRAF-~~1142~~ and TRAF-~~1243~~: On northbound Pleasant Hill Road at the driveway and at Deer Hill Road, the Project's significant ~~and unavoidable~~ impacts during peak hours under Cumulative Year 2030 conditions, which would result from left-turn queue lengths exceeding available storage lane capacities, would be expected to also occur under Office Development Alternative. However, the excessive left-turn queue length at the proposed driveway with the Office Development Alternative would occur during the AM peak hour instead of the during the PM peak hours, as found under the proposed Project. Additionally, under Existing plus Project conditions on northbound Pleasant Hill Road at the proposed driveway, a significant ~~and unavoidable~~ impact resulting from excessive left-turn queue lengths during the AM peak-hour would occur for the Office Development Alternative, where the impact under the proposed Project would be less than significant. Both Impact TRAF-12 and the impact under Existing plus Project conditions could be mitigated to a less-than-significant level by extending the proposed left-turn storage lane to the south by widening Pleasant Hill Road on the Project frontage, similar to the proposed Project.
- ◆ Impact TRAF-~~1345~~: On Pleasant Hill Road, the Project's significant and unavoidable impact on the peak-hour peak direction Delay Index under Cumulative Year 2030 conditions would be expected to also occur under the Office Development Alternative.

The following impacts of the proposed Project would not be expected to occur under the Office Development Alternative:

- ◆ Impact TRAF-~~67~~: The Project's significant impact to emergency vehicle access because of the proposed Project's inadequate turning radii on-site

would not occur under the Office Development Alternative because the site plan would incorporate adequate turning radii.

- ◆ Impact TRAF-~~89~~: The Project's significant impact associated with large truck access at Project driveways would not occur under the Office Development Alternative because the site plan would incorporate adequate turning radii.
- ◆ Impacts TRAF-~~1446~~ and TRAF-~~1517~~: The Project's significant transit impacts because of increased parking demand at the Lafayette BART station and lack of a loading area for school bus service would not ~~be expected to occur~~ under the Office Development Alternative.
- ◆ Impacts TRAF-~~1648B~~, TRAF-~~1820~~, TRAF-~~1924~~, TRAF-~~2022~~, and TRAF-~~2123~~: Significant impacts on existing and planned pedestrian and bicycle facilities along Pleasant Hill Road, which would be mitigated to less than significant by implementing specified design features and accommodation requirements for such facilities, would occur with either the Office Development Alternative or the proposed Project.

Although total daily trip generation would be decreased under the Office Development Alternative, in many instances traffic impacts would be shifted to a different peak hour rather than altogether avoided. Under this alternative, some significant but mitigable impacts would be avoided, but ~~two~~ one new significant and unavoidable impacts would be created. The Lafayette BART station parking impact would be avoided under this alternative, and all other impacts would be the same as the proposed Project with its mitigations. Therefore, overall the Office Development Alternative would be a *slight deterioration* in comparison to the proposed Project.

**The following text is hereby added to page 5-38 of the Draft EIR, following the bulleted list at the top of the page.**

Objective #2 shown on page 3-12 (“Develop a financially feasible project with a “critical mass” of units to support: a) developer provided moderate income subsidies; b) City property development requirements/standards; and c) environmental objectives.”) is not included in this evaluation because an evalua-

tion of the financial feasibility of the alternatives is not required under CEQA Guidelines and a determination of the financial feasibility of the alternatives would require a pro forma analysis that is outside the purview of this EIR.

### *Chapter 6. CEQA-Required Assessment Conclusions*

**Section B., Unavoidable Significant Impacts, on pages 6-2 to 6-5 of the Draft EIR is hereby amended as follows:**

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. This section lists the impacts for the proposed Project that were found to be significant and unavoidable. More information on these impacts is found in Chapter 4 of this Draft EIR.

**Impact AES-1:** The Project would block views of ridgelines, causing a *significant* impact to scenic vistas.

**Impact AES-2:** The Project would develop a grassy, largely undeveloped site that many members of the community consider to be a visual resource, causing an impact to visual character that would be considered *significant*.

**Impact AES-3:** The Project would develop a largely undeveloped site that is visible from State Highway 24, a State-designated scenic highway, blocking views to Lafayette Ridge. This would be a *significant* impact.

~~**Impact AES-4:** The Project would be lighted in conformance with the City's exterior lighting requirements. In addition, proposed lighting would be low level illumination and exterior lighting would be shielded (downward facing) to minimize light spill, glare, and reflection, and maintain "dark skies." Nevertheless, the Project would bring new light sources to the Project site, which currently contains no light sources, which would cause a *significant* impact.~~

**Impact AQ-2:** Use of heavy off-road and on-road construction equipment would produce substantial emissions of criteria air pollutants, which would

exceed the BAAQMD threshold of significance for NO<sub>x</sub> and could contribute to the O<sub>3</sub> and particulate matter nonattainment designations of the Air Basin. This would be a *significant* impact.

**Impact AQ-5:** Construction activities associated with the Project would result in a temporary increase in criteria air pollutants that exceed the BAAQMD's regional significance thresholds and, when combined with the construction of cumulative projects, would further degrade the regional and local air quality. This would be a *significant* cumulative impact.

**Impact BIO-5:** Proposed grading would eliminate the estimated 2 acres of native blue wildrye from the site, considered a sensitive natural community, and additional areas of native grassland could be affected by off-site wetland enhancement activities if native grasslands are present in those locations. This would be considered a *significant* impact.

**Impact BIO-7:** The proposed Project would remove 91 of the 117 existing trees on the site which qualify as "protected trees" under the City's Tree Protection Ordinance, eliminating about 78 percent of the trees on the site, including the 58-inch valley oak which is one of the largest trees of its kind in the City. An additional nine trees are proposed for relocation on the site, with the locations indicated in the Landscape Plan (see Figure 3-9), although no details have been provide on how they would be relocated and managed. The loss of healthy trees on the site would conflict with relevant policies and programs in the City's General Plan which call for preservation of healthy trees and native vegetation to the "maximum extent feasible." This would be considered a *significant* impact.

**Impact LU-1:** The Project would be inconsistent with General Plan Policy LU-2.1 and Policy LU-2.3. Policy LU-2.1 states, "Density of Hillside Development: Land use densities should not adversely affect the significant natural features of hill areas." Policy 2.3 states, "Preservation of Views: Structures in the hillside overlay area shall be sited and designed to be substantially concealed when viewed from below from publicly owned property. The hillsides

and ridgelines should appear essentially undeveloped, to the maximum extent feasible.” This would be a *significant* impact.

**Impact LU-2:** The proposed Project would be inconsistent with General Plan Policy LU-2.2: “Cluster Development: Preserve important visual and functional open space by requiring development to be clustered on the most buildable portions of lots, minimizing grading for building sites and roads.” This would be a *significant* impact.

**Impact LU-3:** The Project would be inconsistent with the several Hillside Development Permit requirements set forth in the Municipal Code. This would be a *significant* impact.

**Impact TRAF-1:** Under Existing plus Project conditions, the Deer Hill Road – Stanley Boulevard/Pleasant Hill Road intersection would operate at LOS F during the AM peak hour, with delay increasing by 9.0 seconds as a result of the Project. The Project would increase delay by more than 5 seconds at an intersection operating below the acceptable standard.

~~**Impact TRAF-3:** Under Existing plus Project conditions, the Project would reduce the average speed on northbound Pleasant Hill Road between the State Highway 24 westbound off ramp and Acalanes Avenue during the PM peak hour from 4.6 miles per hour (mph) to 3.8 mph, a 17 percent reduction. This speed reduction of more than 10 percent is considered an unacceptable weaving condition that would substantially increase hazards, resulting in a *significant* impact.~~

**Impact TRAF-121:** Under the Cumulative Year 2030 plus Project scenario, the peak estimated 95th-percentile left-turn queue length for northbound traffic on Pleasant Hill Road at Deer Hill Road would be 306 feet during the AM peak hour, would exceed the capacity of the existing 250-foot storage lane. This would be a *significant* cumulative impact.

~~**Impact TRAF-13:** Under the Cumulative Year 2030 plus Project scenario, the peak estimated 95<sup>th</sup> percentile left turn queue length for northbound traffic on Pleasant Hill Road at the Project driveway would be 124 feet and 177 feet, during the school PM and commute PM peak hours, respectively, which would exceed the capacity of the 100 foot storage lane proposed in the Project plans. This would be a *significant* cumulative impact.~~

~~**Impact TRAF-14:** Under Cumulative Year 2030 plus Project conditions, the Project would reduce the average speed on northbound Pleasant Hill Road between the State Highway 24 westbound off ramp and Acalanes Avenue during the PM peak hour from 2.7 miles per hour (mph) to 2.4 mph, an 11 percent reduction. This speed reduction of more than 10 percent is considered an unacceptable weaving condition that would substantially increase hazards, resulting in a *significant* cumulative impact.~~

**Impact TRAF-153:** Under Cumulative Year 2030 plus Project conditions, the addition of Project trips to Pleasant Hill Road would increase the peak hour peak direction Delay Index by approximately 0.41 for southbound traffic in the AM peak hour and northbound traffic in the PM peak hour. The Delay Index would increase by more than 0.05 for peak hour peak direction traffic where the Delay Index exceeds 2.0 on Pleasant Hill Road; the result would be a *significant* cumulative impact.

## **4 LIST OF COMMENTORS**

Comments on the Draft EIR were received from the following agencies, organizations, and individuals. Letters are arranged by category; within each category, letters are arranged by date received, and then alphabetically. Each comment letter has been assigned a number, as indicated below.

### **A. Written Comments**

Written comments were received from the following agencies, organizations, and individuals. Letters are arranged by category; within each category, letters are arranged by date received, and then alphabetically.

#### **State Agencies**

- SA1 Randi Adair, Environmental Scientist, Bay Delta Region, California Department of Fish and Game. May 22, 2012.
- SA2 Scott Morgan, Director, State Clearinghouse, Governor's Office of Planning and Research. June 19, 2012.

#### **Regional Agencies**

- RA1 Anne Muzzini, Director of Planning and Marketing, Central Contra Costa Transit Authority. May 17, 2012.
- RA2 William Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utility District. June 4, 2012.

#### **Local Agencies**

- LA1 Tony Coe, Engineering Services Manager, City of Lafayette Engineering Services Division. June 21, 2012.

#### **Organizations**

- ORG1 Allan Moore, Gagen McCoy. June 28, 2012.

#### **Members of the Public**

- IND1 Bob Fisher. May 8, 2012.

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- IND2 Lynn Hidden. May 9, 2012.
- IND3 Jacquelyn A. Weiss. May 12, 2012.
- IND4 Robert Barter. May 13, 2012.
- IND5 Michelle Chan. May 14, 2012
- IND6 Bonnie Macbride. May 26, 2012.
- IND7 Aamir & Susan Farid. May 27, 2012.
- IND8 Paul Schweibinz. June 15, 2012.
- IND9 Carol & David George. June 16, 2012.
- IND10 Lisa Whitehead. June 16, 2012.
- IND11 Piers Whitehead. June 17, 2012.
- IND12 Robert Barter. June 18, 2012.
- IND13 Tristan deTimofeev. June 18, 2012.
- IND14 Suzanne Ellis. June 18, 2012.
- IND15 Ari Lauer. June 18, 2012.
- IND16 Ann Porcella. June 18, 2012.
- IND17 Whitney M. Conley. June 19, 2012.
- IND18 Rebecca Chandler. June 20, 2012.
- IND19 Norm Dyer. June 20, 2012.
- IND20 Kathleen K. Hamm. June 20, 2012.
- IND21 Steven Dietsch. June 21, 2012.
- IND22 Lynn & Gordon Lasko. June 21, 2012.
- IND23 Michael Griffiths. June 22, 2012.
- IND24 James P. Tuthil. June 24, 2012.
- IND25 Beryl & Ivor Silver. June 25, 2012.
- IND26 Thomas Thie. June 25, 2012.
- IND27 Nancy & Charles Whyte. June 25, 2012.
- IND28 Michael Baker. June 26, 2012.

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- IND29 Carol Davis. June 26, 2012.
- IND30 Scott Frazer. June 26, 2012.
- IND31 Stephen & Catherine McLin. June 26, 2012.
- IND32 Mark Mitchell. June 26, 2012.
- IND33 Carol Mills & Jonathan Posin. June 26, 2012.
- IND34 Linda Riebel. June 26, 2012.
- IND35 Sharon Thie. June 26, 2012.
- IND36 Jamie Whelehan. June 26, 2012.
- IND37 James Bach. June 27, 2012.
- IND38 Francis Carrington. June 27, 2012.
- IND39 Bill Clark. June 27, 2012.
- IND40 Carol Escajeda. June 27, 2012.
- IND41 Madeline Fleischmann. June 27, 2012.
- IND42 Charmaine Henderson. June 27, 2012.
- IND43 Theresa & Michael Kaviani. June 27, 2012.
- IND44 Deanne & Nick Kosturos. June 27, 2012.
- IND45 Kathleen Krentz. June 27, 2012.
- IND46 Scott Loughran-Smith. June 27, 2012.
- IND47 Frank & Ann Masi. June 27, 2012.
- IND48 Colin McKenna. June 27, 2012.
- IND49 Gabrielle Ohleyer. June 27, 2012.
- IND50 Joan Seet. June 27, 2012.
- IND51 Farrel Vance. June 27, 2012.
- IND52 Robert Vance. June 27, 2012.
- IND53 Joseph & Angela White & Family. June 27, 2012.
- IND54 Sheila & David Williamson. June 27, 2012.
- IND55 Will Workman, MD. June 27, 2012.

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- IND56 Amy Zawadski. June 27, 2012.
- IND57 Michael Zawadski, JD. June 27, 2012.
- IND58 Colin Anderson. June 28, 2012.
- IND59 Guy Atwood. June 28, 2012.
- IND60 Guy Atwood. June 28, 2012.
- IND61 Joni Avery. June 28, 2012.
- IND62 Lisa Bishop. June 28, 2012.
- IND63 Kerry Bolen. June 28, 2012.
- IND64 Sean Carlin. June 28, 2012.
- IND65 Marjorie Cusick. June 28, 2012.
- IND66 Sharon Doi. June 28, 2012.
- IND67 James Emery. June 28, 2012.
- IND68 Laura Emery. June 28, 2012.
- IND69 Jean Follmer. June 28, 2012.
- IND70 Kevin Foster. June 28, 2012.
- IND71 Michelle Foster. June 28, 2012.
- IND72 Vali Frank. June 28, 2012.
- IND73 John & Amy Fritschi. June 28, 2012.
- IND74 Wendi & Jim Giordano. June 28, 2012.
- IND75 Julie Hansen. June 28, 2012.
- IND76 Gene Holit. June 28, 2012.
- IND77 Betsy Hyatt. June 28, 2012.
- IND78 Keith Jarett. June 28, 2012.
- IND79 Sharon Kidd. June 28, 2012.
- IND80 Louanne Klein & Dave Radosevich. June 28, 2012.
- IND81 Dawn Lynn Lanier. June 28, 2012.
- IND82 Owen Linderholm. June 28, 2012.

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- IND83 Pamela Locati. June 28, 2012.
- IND84 Conor MacKinnon. June 28, 2012.
- IND85 David MacKinnon. June 28, 2012.
- IND86 Tatia MacKinnon. June 28, 2012.
- IND87 Amy DeLong-Martin. June 28, 2012.
- IND88 Marie & John Mlynek. June 28, 2012.
- IND89 Richard Morrison. June 28, 2012.
- IND90 Linda Murphy. June 28, 2012.
- IND91 Suzy Pak & Mark Gundacker. June 28, 2012.
- IND92 Cosmo Rotundo. June 28, 2012.
- IND93 Lynda Rotundo. June 28, 2012.
- IND94 Stacy Schirmer. June 28, 2012.
- IND95 Paul Scipi. June 28, 2012.
- IND96 Holly Sonne. June 28, 2012.
- IND97 Mig Stallworth. June 28, 2012.
- IND98 Heather Stanford. June 28, 2012.
- IND99 Virginia Steuber. June 28, 2012.
- IND100 Lori Suppiger. June 28, 2012.
- IND101 Mark Vierengel. June 28, 2012.
- IND102 Lisa Warren. June 28, 2012.
- IND103 Lisa Warren. June 28, 2012.
- IND104 George Paul Wilson, PhD. June 28, 2012.
- IND105 Erik Yewell. June 28, 2012.
- IND106 Karen Zemelman. June 28, 2012.
- IND107 Leslie & Graham Westphal. June 29, 2012.

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*B. Oral Comments*

Oral comments made during Planning Commission public hearings are included as comment letters in Chapter 5, as listed below.

PC1 Planning Commission Hearing. June 18, 2012.

## 5 COMMENTS AND RESPONSES

This chapter includes a reproduction of, and responses to, comments received during the public review period. Comments are presented in their original format in Appendix P, along with annotations that identify each comment letter.

Responses to those individual comments are provided in this chapter alongside the text of each corresponding comment. Comment letters in this chapter follow the same order as listed in Chapter 4 of this Final EIR and are categorized by:

- ◆ Written Comments:
  - State Agencies
  - Regional Agencies
  - Local Agencies
  - Organizations
  - Members of the Public
- ◆ Oral Comments

Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to the Draft EIR, these revisions are explained and shown in Chapter 3 of this Final EIR document.

Exhibits referenced in responses to comments are included at the end of this chapter.

During the review period for the Draft EIR, members of the public submitted comments that relate to the details of the proposed Project itself, convey the commentor's opinion of the Project, or address the relative consequences or benefits of the Project (referred to here as "merits of the Project"), rather than the adequacy of the Draft EIR or the environmental issues, impacts, and mitigation measures addressed in the Draft EIR.

A Lead Agency is only required by CEQA to respond in its Final EIR to comments related to pertinent environmental issues and the adequacy of the

Draft EIR. However it is important for a Lead Agency in its decision-making process to consider both the adequacy of the Draft EIR and the merits of the Project. Therefore, all comment letters are included in the Final EIR to be available to the decision-makers when considering whether to adopt the Project.

Comment #	Comment	Response
<b>STATE AGENCIES</b>		
SA1	Randi Adair, Environmental Scientist, Bay Delta Region, California Department of Fish and Game (5/22/2012)	
SA1-1	I've reviewed the draft EIR for the Terraces of Lafayette residential project (State Clearinghouse #2011072055), and I have a couple of comments on the biological resources mitigation measures.	The comment serves as an introduction to the comments that follow. No response is necessary.
SA1-2	First, Measure BIO-2 states that nesting bird surveys will be conducted before construction. The surveys should not be conducted over the entire site at once but should be phased with construction. It's usually better during the peak of the nesting season if surveys are conducted no more than one week in advance of vegetation removal and construction. Also, I would recommend that the surveys be repeated any time there is a lapse in construction of more than a week.	The intent of Mitigation Measure BIO-2 is to ensure that inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act are avoided. In response to the comment, Mitigation Measure BIO-2 on page 4.3-45 of the Draft EIR has been revised in response to the comment, as shown in Chapter 3 of this Final EIR.
SA1-3	My second comment is regarding elimination of California bay laurel ( <i>Umbellularia californica</i> ) from the planting plan (Measure BIO-7). This species is a California native and is important to several native vegetation communities. The California bay laurel is only one of several known host plants for the sudden oak pathogen; the list also includes several other native plants. Rather than restricting use of SOD hosts in landscaping, which could have a detrimental effect on the diversity of native plant communities, I would recommend an alternative SOD approach focusing on best management practices. The California Oak Mortality Task Force has compiled a good list of management practices at: <a href="http://www.suddenoakdeath.org/diagnosis-and-management/best-management-practices/">http://www.suddenoakdeath.org/diagnosis-and-management/best-management-practices/</a> . In addition, if plant materials are sourced from a nursery that has a certificate of annual inspection and compliance with USDA SOD quarantine regulations, the likelihood that the plants are carriers of the disease is very low.	California bay laurel is not indigenous to the proposed Project site, is a very slow growing species, and could eventually be susceptible if sudden oak death (SOD) were to become established in the vicinity. There were no signs that SOD is present on the Project site or in immediate vicinity, and adhering to the rigorous best management practices developed by the California Oak Mortality Task Force appear unwarranted and excessive. No revisions to the Draft EIR are considered necessary in response to the comment.
SA2	Scott Morgan, Director, State Clearinghouse, Governor's Office of Planning and Research (6/19/12)	
SA2-1	The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on June 18, 2012, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse	The comment acknowledges that the City complied with State Clearinghouse review requirements, and that no State agencies submitted comments to the State Clearinghouse.

Comment #	Comment	Response
	<p>review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.</p> <p>Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.</p>	
<b>REGIONAL AGENCIES</b>		
RA1	Anne Muzzini, Director of Planning and Marketing, Central Contra Costa	Transit Authority (5/17/12)
RA1-1	I want to comment on the Draft Environmental Impact Report for the Terraces of Lafayette.	The comment serves as an introduction to the comments that follow. No response is necessary.
RA1-2	The location of this project makes it difficult for future residents to access public transportation. There is no safe pedestrian access to existing bus stops on Mt Diablo and Pleasant Hill road. Because the apartment complex is focused on moderate income units we can predict that there will be significant demand for public transportation and this makes it even more concerning. The City and the developer should consider significant pedestrian improvements so that the site is linked to the pathways south of Highway 24 on Pleasant Hill Road. CCCTA does not have resources or the demand to expand route service on Pleasant Hill Road north of Highway 24 at this time or in the foreseeable future. Even if service were eventually expanded north of 24 on Pleasant Hill Road, pedestrian access through the site does not appear to be connected to the main arterial. The Terraces project is not a good example of transit oriented development.	The commentator is correct that the proposed Project is not a good example of a transit-oriented development. The Project site is over a mile from the BART station. As mitigation, the Project would be required to provide shuttle service. See Mitigation Measure TRAF-16 (as numbered in the Draft EIR) on page 4.13-105 of the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project application subsequent to the environmental review process.
RA2	William Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utility District	(6/4/12)
RA2-1	East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report for the Terraces of Lafayette Project (Project) located in the City of Lafayette. EBMUD has the following comments.	The comment serves as an introduction to the comments that follow. No response is necessary.
RA2-2	On page 4.14-17, under Existing Conditions, please change Colorado Pressure Zone to Colorados Pressure Zone.	The name of the pressure zone has been corrected, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.

Comment #	Comment	Response
RA2-3	<p>On page 4.14-19, under a. Water Supply, EBMUD is not a wholesale and retail water company but a water purveyor; please change the first sentence as follows:</p> <p>“The EBMUD provides <del>wholesale water, retail water,</del> wastewater collection, and wastewater treatment services for an area of approximately <del>331</del> 332 square miles <del>in to parts</del> of Contra Costa and Alameda counties.”</p>	<p>This sentence on page 4.14-9 has been corrected, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.</p>
RA2-4	<p>On page 4.14-21, first paragraph under b. Water Treatment, please note that the San Pablo WTP is a mothballed facility.</p>	<p>It has been noted, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, that the San Pablo WTP has been mothballed.</p>
RA2-5	<p>On page 4.14-22, fourth paragraph under b. Water Treatment and 4. Impact Discussion, please update the construction schedule for the Lafayette WTP; based on EBMUD’s current Capital Improvement Program, construction is scheduled to start in 2022.</p>	<p>The construction schedule for the Lafayette WTP has been corrected, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.</p>
RA2-6	<p>On page 4.14-26, second paragraph under 5. Cumulative Impacts, EBMUD provide water service to parts, not all, of Alameda and Contra Costa Counties.</p>	<p>The EBMUD service area has been corrected, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.</p>
RA2-7	<p>At stated on page 4.14-18, EBMUD’s Lafayette No.1 and No.2 Aqueducts (Aqueducts) traverse the northern portion of the Project site. Prior to construction of the proposed development, final geotechnical reports as well as complete design drawings (hard copy in either full-size or half-size and electronic copy in pdf format) for any work over EBMUD Aqueducts must be submitted to EBMUD for review and approval. 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.</p>	<p>A statement, “prior to construction of the proposed development, final geotechnical reports as well as complete design drawings for any work over EBMUD Aqueducts must be submitted to EBMUD for review and approval,” has been added, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.</p>
<b>LOCAL AGENCIES</b>		
LA1	Tony Coe, Engineering Services Manager, City of Lafayette Engineering Services Division (6/21/12)	
LA1-1	<p>Thank you for the opportunity to comment on the May 8, 2012 Terraces of Lafayette Draft Environmental Impact Report. Engineering Services staff has reviewed the Transportation and Traffic section, and we have</p>	<p>The comment serves as an introduction to the comments that follow. No response is necessary.</p>

Comment #	Comment	Response
	developed the following list of questions and comments.	
LA1-2	On Table 4.13-6 and throughout the DEIR on similar tables, add a column indicating the type of traffic control at each of the analysis intersections.	Tables 4.13-6, 4.13-9, 4.13-10, 4.13-14, and 4.13-18 of the Draft EIR have been revised to address this comment, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
LA1-3	When evaluating the existing conditions, existing plus project and cumulative conditions, how were approved projects in upstream jurisdictions (e.g. Pleasant Hill) incorporated in the traffic analysis? Is there a list of approved projects in the pipeline that were considered in the traffic analysis?	The Existing and the Existing plus Project scenarios do not include other projects in the analysis. The 2030 scenarios are derived from the latest CCTA travel demand model for Year 2030. This model includes future land use and transportation network assumptions for the entire county, including Lafayette, Pleasant Hill, Martinez, Walnut Creek, Moraga, and unincorporated areas.
LA1-4	On Figure 4.13-3 and throughout the DEIR on similar figures, intersection #15 is not shown on the map.	Figures 4.13-1, 4.13-2, 4.13-3, 4.13-4, 4.13-9, and 4.13-10 have been revised to show intersection #15, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
LA1-5	On Figure 4.13-3 and throughout, the lane configuration for intersection #9 in the northbound direction is incorrect. Intersection #14 is a tee-intersection.	The lane configuration for intersection #9 has been verified and is correct in the figures and in the calculations shown in Draft EIR. Figures 4.13-2, 4.13-3, 4.13-4, 4.13-9, and 4.13-10 have been revised to correct intersection #14, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
LA1-6	The title of Figure 4.13-6 suggests all proposed improvements on Deer Hill Road are depicted, but the figure actually only depicts the easterly improvements. Consider changing the title.	The title of Figure 4.13-6 has been revised as suggested, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
LA1-7	The driveway serving Sienna Ranch at 3232 Deer Hill Road should be clearly shown and labeled in all relevant figures such as Figure 4.13-6.	Figures 4.13-6 and 4.13-7B, have been revised to show the driveway, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
LA1-8	The proposed medians on Deer Hill Road may interfere with the driveway operations of the Sienna Ranch at 3232 Deer Hill Road across the street from the proposed easternmost project driveway. It appears that the Ranch's driveway may be restricted to right-in and right-out only movements. The DEIR should evaluate and include a discussion on the access into and out of the Sienna Ranch driveway.	As discussed in Mitigation Measure TRAF-5 (as numbered in the Draft EIR), a raised centerline or median features to obstruct the westbound left turn are not recommended on Deer Hill Road at this location because of prevailing speeds, as well as potential obstruction of left turns out of the proposed Project driveway and access at the adjacent driveway on the north side of the roadway. (See page 4.13-85 of the Draft EIR.)
LA1-9	Additional discussion is needed to explain why the methodology used results in the upstream LOS calculations registering as relatively good as they are, despite the observed congestion along Pleasant Hill Road. Perhaps explain the differing results when intersections are analyzed individually as standalone facilities versus the roadway segment as a	While levels of service for individual intersections along Pleasant Hill Drive shows acceptable operations upstream of the intersection at Deer Hill Road, TJKM performed a simulation utilizing the Simtraffic software to supplement the intersection level of service results. As discussed on page 4.13-35 of the Draft EIR, during the AM peak hour, traffic on southbound Pleasant Hill Road that backs up

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system of signals. For example, the LOS C at the project driveway discussed in the first paragraph on page 36 would imply that there is not an operational problem. This paragraph should be expanded to explain that because the methodology looks only at the 1 stop-controlled leg, which in this case is only making a right-turn out, the LOS is C, but the weaving analysis discussed later captures more of the issues at the project driveway.

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from the intersection at Deer Hill Road – Stanley Boulevard would extend the queue further past the intersection at Green Valley Drive with the addition of Project traffic. In effect, as described for the Existing Conditions scenario, the LOS F conditions at the Deer Hill Road – Stanley Boulevard intersection would also occur upstream at the Springhill Road/Quandt Road, Reliez Valley Road, and Green Valley Drive intersections, which impacts southbound Pleasant Hill Road traffic and other traffic movements that conflict with southbound traffic at each intersection. However, the City’s intersection LOS standards are based on the LOS results calculated at each intersection individually. It should be noted that all approaches at the proposed Project driveway with Pleasant Hill Road would operate at acceptable LOS C or better. These findings are supported by field observations; traffic gaps at the segment of Pleasant Hill Road between Deer Hill Road and the State Highway 24 interchange would allow the Project driveway intersection to operate at acceptable LOS.

As discussed in response to Comment ORG1-232, the weaving analysis has been revised and it concluded that the impact is less than significant. In addition, the weaving analysis does not suggest a detriment in driveway operations, but a reduction in speeds in traffic on Pleasant Hill Road.

LA1-10 Due to the potential eastbound queuing on Deer Hill Road, if westbound to southbound and/or northbound to westbound left-turns are permitted into or from the project’s westernmost driveway, a “Keep Clear” pavement legend should be required on eastbound Deer Hill Road in front of the project’s driveway.

Peak-hour queues on eastbound Deer Hill Road from the Pleasant Hill Road intersection would frequently extend past the location of the proposed east driveway, making left turns into and out of the driveway difficult. To address this issue, restricting the east Project driveway to right-turn-only access is recommended. This restriction could be implemented by posting signs prohibiting left turns to and from westbound Deer Hill Road at the east driveway, and potentially constructing a raised island designed to physically obstruct left turns at the driveway. The relatively small number of Project trips would be expected to turn left into the east Deer Hill Road driveway. These trips would instead enter at the Pleasant Hill Road driveway via right turns, and the negligible number of trips that might have turned left out of the east Deer Hill Road driveway would do so at the west Deer Hill Road driveway. If left turns would be allowed, it would be at the City’s discretion to require the Project applicant to mark the pavement with a “keep clear” sign at the western driveway according to applicable guidelines,

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		determined by City staff.
LA1-11	The term “large truck” is vague and the length of a large truck should be provided and/or used instead.	According to the American Association of State Highway and Transportation Officials (AASHTO), large, or heavy trucks are defined as having a gross vehicle weight rating (GVWR) of 10,001 pounds or more. Typical length of a tractor-trailer combo is approximately 60 feet long.
LA1-12	The title and legend of Figure 4.13-8 are unnecessarily confusing. The solid circles on the figure should be labeled “Inadequate turning radius locations” instead of “adequate turning radius not provided.” The figure title should be retitled “Location of on-site turning radius deficiencies” not “Proposed site plan turning radii” since the figure is intended to show the deficiencies.	The title and legend of Figure 4.13-8 have been revised as suggested, as shown in Chapter 3, Revisions for the Draft EIR, of this Final EIR.
LA1-13	Add an explanation of what happens when a project would result in a delay index that violates the Lamorinda Action Plan.	MTSOs serve as thresholds of significance in the environmental review. If a delay index exceeds what is provided for in the Lamorinda Action Plan, as is the case here, it will be considered a significant impact pursuant to Section 3.2 of the Implementation Guide of the Growth Management Program Implementation Documents. Additionally, CCTA staff has provided information about the County traffic model used to forecast the future delay index estimates described in the Lamorinda Action Plan final report. The 315 households proposed by the Project represents a significant increase from the growth of 200 households assumed by year 2030 in the County traffic model zone that contains the Project site, a zone which extends westerly from Pleasant Hill Road to Happy Valley Road in the area north of State Highway 24. This information further supports the Draft EIR finding that the Project would result in a delay index that exceeds what is provided for in the Lamorinda Action Plan.
LA1-14	The column headings on Table 4.13-19 are confusing and unclear. Clarify if the numbers listed below Cumulative No Project Speeds are averages and if the columns labeled average speeds are for Cumulative Plus Project speeds.	Table 4.13-19 has been revised to address this comment, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
LA1-15	Could construction trucks arrive via the off-ramp at Deer Hill Road at Laurel 87 Drive and leave via Pleasant Hill Road? This would result in right-in and rightout turns only at the project, but would it create more of other impacts?	If construction trucks arrive at the site from State Highway 24 via Deer Hill Road, they would travel directly in front of the Montessori School and very close to a number of residences. Approximately one mile of pavement surface on Deer Hill Road would be exposed to additional wear, compared with approximately one-quarter mile on northbound Pleasant Hill Road and up to one-third mile (to the

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LA1-16	Due to the number of truck trips related to development construction, degradation of the roadway pavement will occur. The project should mitigate the percentage of pavement service life used by the truck trips. The project could include an overlay resurfacing of both sides of Pleasant Hill Road along the entire project frontage as a mitigation measure, or make an in-lieu monetary contribution of equal value.	west Project limit) on westbound Deer Hill Road.  Mitigation Measure TRAF-8 (as numbered in the Draft EIR) has been revised to add the following to the list of measures to be included in the Construction Staging Plan: The Construction Staging Plan shall include an engineering analysis to estimate the percentage of the pavement service life that will be used by Project construction truck trips on Pleasant Hill Road and Deer Hill Road. Based on this analysis, appropriate mitigation of the resulting damage shall be required from the Project sponsor, which may include construction of pavement improvements to restore the lost service life, or an in-lieu contribution of equivalent value, at the discretion of the City Engineer.
LA1-17	Seating and a shelter should be provided at the bus stop on Pleasant Hill Road.	Requiring seating and a shelter at the bus stop pullout on Pleasant Hill Road for the Lamorinda School Bus Program that is specified as Mitigation Measure TRAF-17 (as numbered in the Draft EIR) would be at the City's discretion. No existing bus stops are located on the proposed Project site frontage on Pleasant Hill Road. See Draft EIR pages 4.13-104 to 4.13-105 regarding possible future bus stops on Pleasant Hill Road.

**ORGANIZATIONS**

ORG1	Allan Moore, Gagen McCoy (6/28/12)	
ORG1-1	Our offices, and the Law Office of David J. Bowie, continue to represent both Anna Maria Dettmer as Trustee of the AMD Family Trust (Dettmer) and the O'Brien Land Company, LLC (O'Brien). As you know, Dettmer is the owner of the property known by the City as APN 232-150-027 (Property or Project site), and O'Brien is the developer of the Property. Together, Dettmer and O'Brien have submitted the application documents (Application) for the 315-unit apartment project known as the Terraces of Lafayette Project (Apartment Project or Project).	The comment serves as an introduction to the comments that follow. No response is necessary.
	The City has issued the Draft Environmental Impact Report (DEIR) for the Apartment Project, dated May 8, 2012. Please consider this cover letter, together with Attachment 1 (General Comments and Legal Analysis); Attachment 2 (Specific Comments) and all Appendices thereto	

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	as the Dettmer/O’Brien comments (Comments) on the DEIR.	
ORG1-2	Needless to say, Dettmer/O’Brien and each of their consultants are extremely disappointed in the DEIR. As shown in these Comments, the DEIR attempts to serve two conflicting purposes: (i) to review the impacts of the Apartment Project; and (ii) to address the City’s long-proposed downzone of the Project site (City Downzoning). This “dual-purpose” approach results in a DEIR that is inadequate and illegal under CEQA and all relevant case law.	Pursuant to CEQA Guidelines Section 15124, Chapter 3, Project Description, of the Draft EIR discloses the intended uses of the EIR and describes the Project as proposed. The EIR for the proposed Project is an informational document that will be used by the City to evaluate the proposed Project; however, the possibility for downzoning of the project site referred to by the commentor is not part of the proposed Project and, subsequently, is not analyzed in the Draft EIR. Please also see response to Comment ORG1-12.
ORG1-3	Respectfully, the DEIR reads -- not as an “informational document” as required by CEQA --but rather as an advocacy document, addressing both the Apartment Project and the City Downzoning. Please note that the City as the lead agency is responsible for both the adequacy and the objectivity of the DEIR.	The EIR was prepared in accordance with CEQA Guidelines and is intended to be an informational document for City decision makers and other interested parties. It does not address any downzoning of the proposed Project site. The comment expresses the opinion of the commentor and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Therefore, a more detailed response cannot be provided.
ORG1-4	<p>These Comments will show, based on substantive evidence, that the DEIR violates the most basic requirements of CEQA. The DEIR: (i) fails to set forth a valid project description; (ii) fails to provide an accurate baseline of existing environmental conditions; (iii) misleads and confuses the public; (iv) fails to consider the Application data; (v) fails to identify mitigation measures and alternatives; and (vi) fails to address the Project’s consistency with the City’s General Plan and zoning designations.</p> <p>Finally, these Comments will show that the DEIR violates Dettmer/O’Brien’s constitutional rights of due process, equal protection, and to a fair hearing.</p>	<ul style="list-style-type: none"> <li>◆ Regarding the comment’s point i), please see responses to Comments ORG1-17 through ORG1-20.</li> <li>◆ Regarding the comment’s point ii), please see responses to Comments ORG1-21, ORG1-22, and ORG1-78.</li> <li>◆ Regarding the comment’s point iii), please see response to Comment ORG1-25.</li> <li>◆ Regarding the comment’s point iv), please see responses to Comments ORG1-23 and ORG1-27 through ORG1-34.</li> <li>◆ Regarding the comment’s point v), please see responses to Comments ORG1-26 and ORG1-36 through ORG1-41.</li> <li>◆ Regarding the comment’s point vi), please see responses to Comments ORG1-43 through ORG1-50.</li> <li>◆ Please see responses to Comments ORG1-8, ORG1-12, and ORG1-16, regarding Dettmer/O’Brien’s constitutional rights of due process, equal protection, and to a fair hearing.</li> </ul>
ORG1-5	Respectfully, whatever the intentions of the City and/or the DEIR	All materials submitted to the City as part of the Project application were

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	<p>consultants, the DEIR should have at minimum considered and addressed the Project Application, filed on March 21, 2011 and March 24, 2011, together with professional consultant data and letters from our office and David Bowie’s office.</p>	<p>considered in the preparation of the Draft EIR, and are part of the administrative record before the City’s decision makers. Please see response to Comment ORG1-27.</p>
<p>ORG1-6</p>	<p>Please reference specifically the Dettmer/O’Brien information regarding the City’s interpretation and application of the Hillside Development Ordinance and related Class I Ridgeline setback issues. The Application specifically sets forth Dettmer/O’Brien’s position that the City’s Hillside Development Ordinance does not apply to the Project, and that the Project site does not fall within a Ridgeline setback. Further, Dettmer/O’Brien’s soils consultant Engeo, Incorporated submitted extensive reports, including “Existing Site Conditions” and “Geotechnical Evaluation of Ridge Ordinance.” The Engeo reports confirm, professionally and precisely, that: (i) approximately over 85% of the Project site has been graded/disturbed by earlier quarrying and other development activity; and (ii) there is no Class I Ridgeline or Class I Ridgeline setback on the site. The Engeo reports back up their conclusions with precise measurements, and attach maps and figures illustrating the Engeo findings.</p> <p>In response, the DEIR merely states, multiple times: “The City’s [Ridge Map} shows a Class I Ridgeline located on the Project site,” and “[A} Class I Ridgeline setback is located on the Project site. As shown by the Project Application and the Engeo reports, the City’s Ridge Map is in error and these statements are false. Nevertheless, on the basis of these unsupported statements and similar claims, the DEIR finds numerous significant and unavoidable impacts.</p> <p>Given that nearly half of the “significant and unavoidable” impacts referenced in the DEIR concern hillside development issues, the DEIR’s failure to consider and discuss the Application, the Engeo reports and related data on these critical threshold issues is incomprehensible. Simply stated, Dettmer/O’Brien and their Project consultants have never</p>	<p>The Draft EIR is correct The proposed Project site is within the Hillside Overlay District Lafayette Ridge, a Class I Ridgeline does extend across Deer Hill Road onto the Project site, and a Class I Ridgeline Setback does exist on a portion of the Project site. The conclusions of the Draft EIR are supported by <i>Geotechnical &amp; Geologic Review, Geotechnical Evaluation of Ridge Ordinance, AMD Trust Property, Deer Hill Road, Lafayette, California</i>, dated February 3, 2012, prepared by Mitchell Wolfe, P.G., E.G., Cal Engineering &amp; Geology, Inc. The Cal Engineering &amp; Geology report is included in Appendix M of this Final EIR. In summary, this report concluded the following:</p> <ol style="list-style-type: none"> <li>1. From a geologic, geomorphic, and geotechnical perspective, the Lafayette Ridge land form extends between the Russell Peak area to the west and the valley floor near the southeast corner of the AMD Trsut property (proposed Project site). The landform does not terminate at the Lafayette fault, but extends eastward beyond the fault and encompasses all of the AMD Trust property. The Lafayette Ridge landform is generally consistent with the usually accepted definition of a “ridge.”</li> <li>2. The portion of the Lafayette Ridge landform east of the Lafayette Fault which includes the AMD property is not a spur ridge, but it is a continuation of the stratigraphic ridge which begins near Russell Peak to the west and terminates at the valley floor to the east. This segment of the Lafayette Ridge landform does not meet the generally accepted definition of a spur ridge.</li> <li>3. The report concurs with the ENGEO report that the configuration of the AMD Trust property and hillside along Deer Hill Road differs from that shown on the USG topographic quadrangle maps. The difference was brought about by the construction of Deer Hill Road and quarry operations on the AMD Trust property which occurred after the baseline topographic data was developed for the quadrangle maps. However, the Cal Engineering report disagrees with the ENGEO report that the difference in the topography necessarily supports the conclusion that the Class I ridge / ridgeline was not</li> </ol>

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	<p>experienced a DEIR that so completely fails to address a project application and related consultant reports.</p>	<p>properly located on the City’s Lafayette Area Ridge Map (LARM). The cut and fill grading on the AMD Trust property lowered and widened the crest of the ridge and steepened the side slopes; however, the ridge was not removed. What remains is the eastern segment of the Class I ridge with the ridge crest lowered widened and the gradient of the side slopes increased.</p> <p>4. The designation of the Class I ridge / ridgelines extending between Elevation 759 and the AMD Trust property is consistent with other Class I and II ridge / ridges shown on the LARM. The orientation of this segment follows the same general pattern as the other portions of the Class I ridge / ridgelines.</p> <p>5. The LARM showing the Class I ridge / ridgeline extending into the AMD Trust property is reasonable from a visual perspective. Historical oblique aerial photographs and recent photos provide perspective views of the Lafayette Ridge landform. These photographs make it clear that the Class I ridge / ridgeline on the LARM are reasonable from a visual perspective and the Class I ridge / ridgeline extends into the AMD property.</p>
ORG1-7	<p>The City Council has directed that the Project site be downzoned to allow one unit per five acres, an open space/single-family residential designation (City Downzoning). The DEIR states that, following the preparation of the EIR, the City will immediately recommence such City Downzoning. Finally, the DEIR states that the City will utilize the DEIR to address both the Apartment Project and the City Downzoning.</p>	<p>Please see response to Comment ORG1-12, which explains that the purpose of the Draft EIR is to provide an environmental review of the proposed Project .</p>
ORG1-8	<p>As stated throughout these Comments, these City pre-determinations violate Dettmer/O’Brien’s constitutional rights, and are improper and invalid under CEQA and relevant case law. Respectfully, we can only state that this DEIR is the latest in a long line of efforts by the City to ensure that the Project site is downzoned.</p> <p>We request that the City and DEIR consultant carefully review our Comments, and prepare a Final EIR (FEIR) that fairly, impartially and objectively evaluates the Apartment Project as required by CEQA.</p>	<p>The comment expresses the opinion of the commentor and does not state a specific concern or question regarding the sufficiency of the environmental analysis or mitigation measures contained in the Draft EIR. Therefore, a more detailed response cannot be provided. The City does reject, however, the assertions that it has prejudged the merits of the underlying application for entitlements. The fact that the applicant feels that the conclusions of the Draft EIR are unfavorable to its Project is not evidence that the City is biased against the proposed Project or that its constitutional rights have been violated.</p>
ORG1-9	<p>This General Comments and Legal Analysis, together with the Specific Comments at Attachment 2 (Comments) will show, based on the administrative record, that the Draft Environmental Impact Report</p>	<p>Please see response to Comment ORG1-12, which explains that the purpose of the Draft EIR is to provide an environmental review of the proposed Project .</p>

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	<p>(DEIR) improperly proposes to serve two conflicting purposes: (i) to evaluate the Terraces of Lafayette Project (Apartment Project); and (ii) to justify the City-proposed downzone of the Project parcel known as APN 232-050-027 (Property, or Project site).</p>	
<p>ORG1-10</p>	<p>These Comments will further show that the DEIR violates the requirements of the California Environmental Quality Act (CEQA). The DEIR: (i) fails to set forth a valid project description; (ii) fails to provide an accurate baseline of existing environmental conditions; (iii) misleads and confuses the public; (iv) fails to consider the Application data; (v) fails to identify mitigation measures and alternatives; and (vi) fails to address the Project’s consistency with the City’s General Plan and zoning designations.</p> <p>Finally, these Comments will show that the DEIR violates Dettmer/O’Brien’s constitutional rights of due process, equal protection, and to a fair hearing.</p>	<p>Please see response to Comment ORG1-4.</p>
<p>ORG1-11</p>	<p><b>II. PLANNING HISTORY</b></p> <p>The DEIR fails to set forth an accurate history of the Project site and the Apartment Project. A history is set forth below, including the City’s 10-year attempt to downzone the Project site. The history confirms the DEIR’s stated intent to utilize the DEIR for both the review of the Apartment Project and to justify the City’s downzone of the Project site.</p> <p><b>A. The City’s 10-year Attempt to Downzone the Property</b></p> <p>The background of the Apartment Project and the City’s preparation of the DEIR can be summarized in the following statements.<sup>1</sup></p> <p>1. For the past ten years, from 2002 through the present date, the City has made repeated attempts to downzone the Project site from the City’s highest density General Plan and zoning designations (AP0/35 dwelling units per acre) to a low density, primarily single-family designation (City Downzoning).</p> <p>2. On April 26, 2010, the City Council directed Staff to prepare documents for the City Downzoning, and specifically to amend the</p>	<p>As disclosed in Chapter 1, Introduction, of the Draft EIR on page 1-1, the Draft EIR provides an assessment of potential environmental consequences of the construction and operation of the proposed Project and was prepared in accordance the CEQA. The history of the Project site is provided in Chapter 3, Project Description, on pages 3-7 through 3-9 of the Draft EIR. The history of the planning context of the site is provided in Chapter 4.9, Land Use and Planning, on pages 4.9-10 through 4.10-13 of the Draft EIR. It is important to note that while various proposals have been made at various times with regard to the proper planning and zoning for the Project site, the Draft EIR analyzes the project that has been proposed by the applicant. The information provided in this comment has no bearing as to and whether the City has engaged in a good faith, independent effort to comply with the requirements of CEQA regarding this proposal.</p> <p>Regarding footnote #1, please see responses to Comments ORG1-94 and ORG1-95.</p>

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	<p>General Plan and zoning designations of the Project site to LR- 5, an open space designation allowing only 1 dwelling unit per 5 acres. In making this determination, the City Council stated that the Project site can only support a maximum of 4 single-family residences.</p>	
	<p>3. On March 21, 2011, Dettmer/O'Brien submitted a project application (Application) for the Apartment Project consistent with the City General Plan and zoning designations (APO). The Apartment Project is a moderate income housing project as defined under the Housing Accountability Act. 3 The City formally determined the Application was complete by letter dated July 5, 2011.</p>	
	<p>4. On May 9, 2011, in response to the Dettmer/O'Brien Application, the City Council directed Staff to amend the General Plan to prepare documentation for the currently-proposed City Downzoning.</p>	
	<p>5 Dettmer/O'Brien submitted correspondence to the City confirming that the City's "dual processing" of the Apartment Project and the City Downzoning violates Dettmer/O'Brien's constitutional rights.</p>	
	<p>5. The City Council nevertheless thereafter moved forward with the City Downzoning concurrently with processing the Apartment Project Application under the APO designations.</p>	
	<p>6. On September 12, 2011, the City held a hearing on the City Downzoning. At that hearing, Dettmer/O'Brien submitted significant information to the effect that the City Downzoning would result in a "taking" of all reasonable use of the Property -- a reduction from a potential of approximately 770 units down to 1 or less units. The City indicated that given the amount of information received, the City would continue the City Downzoning hearing to a future date.</p>	
	<p>7. Numerous Lafayette citizens opposing the Apartment Project appeared at the September 12, 2011 hearing. The opponents requested that the City deny the Apartment Project, and further requested that the City approve the City Downzoning.</p>	
	<p>8. Thereafter, project opponents prepared an on-line Petition, severely criticizing the City for its failure to complete the City Downzoning. The</p>	

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	<p>Petition demands that the City (i) deny the Apartment Project; and (ii) move forward with the City Downzoning.</p> <p>9. On April 9, 2012, the City Attorney published notice to the public that the City will utilize the DEIR -- not only for the Apartment Project -- but also to evaluate the extent of the City Downzoning. The City Attorney's notice (incorporated into the DEIR) states that following the preparation of the DEIR the City will recommence the City Downzoning.</p> <p><sup>1</sup> As set forth in the <u>Specific Comments</u>, the DEIR's section on "Planning Context" on pp. 4.9-13 <i>et seq.</i> is entirely inaccurate and misleading to the DEIR reader.</p>	
<p>ORG1-12</p>	<p><b>B. The City's "dual-purpose" DEIR</b></p> <p>When viewed in the above 10-year planning context, the City's direction in preparing the DEIR becomes quite clear. The City, in response to citizen "demands" to deny the Apartment Project and to complete the City Downzoning, has stated that it will utilize the DEIR for two conflicting purposes: (i) to review the Apartment Project; and (ii) to justify the City Downzoning.</p> <p>Please reference in this regard the DEIR at Section 3, Project Description. This Section describes the Apartment Project, including the location, site characteristics, and surrounding lands uses. However, throughout the remainder of the DEIR, the document references the second intended use of the DEIR -- to evaluate the extent of the City Downzoning.</p> <p>The DEIR at Section 4.9, Land Use and Planning, states as follows: On April 9, 2012, the City Attorney issued a staff report indicating that the City will wait until after this EIR for the proposed Project has been completed before recommencing General Plan amendments and rezoning for the Project site.</p> <p>The City Attorney's staff report as referenced in the DEIR states as follows:</p>	<p>This comment expresses an opinion about the use of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR.</p> <p>The comment correctly states the purpose of the Draft EIR is to provide an environmental review of the proposed Project, and correctly states that the Project Description of the Draft EIR describes the project as proposed; however, the comment incorrectly states that a purpose of the Draft EIR is "to justify the City Downzoning" of the Project site. Pursuant to CEQA Guidelines Section 15124, Chapter 3, Project Description, of the Draft EIR discloses the intended uses of the EIR. Specifically, the Project's required permits and approvals are listed on pages 3-27 and 3-28.</p> <p>Chapter 4.9, Land Use and Planning, on page 4.9-1 of the Draft EIR, provides a description of the existing land uses in the vicinity of the Project site and an analysis of the effects that the proposed Project would have on land use in the surrounding area. Additionally, Chapter 4.9 contains an analysis of the Project's consistency with local plans, policies, and regulations applicable to the Project, which include, amongst others, the City of Lafayette's General Plan and Zoning Code.</p> <p>The commentor correctly describes the long-range planning process for the Project</p>

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.... [T]he data collected for the [DEIR] environmental review will likely provide new and useful information for the City as it makes its final determinations regarding the most appropriate zoning designation for the Property. Therefore, once the City has had the opportunity to thoroughly review the EIR and its description of the likely impacts that development would bring to the eastern Deer Hill Road area, the City will recommence the appropriate general plan and zoning amendments for the Property.

The City thus makes the extraordinary statement in the DEIR confirming that the City will utilize the EIR -- not only to evaluate the Apartment Project -- but also to determine the extent of the City's proposed General Plan and zoning amendments (City Downzoning) of the Project site. Again, the current direction from the City Council is to downzone the Project site to LR-5, allowing a maximum of only 4 single family homes on the site.

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site as discussed in Subsection B.3, Planning Context, on pages 4.9-13 through 4.9-15 in Chapter 4.9, Land Use and Planning, of the Draft EIR. As disclosed in Subsection B.3 of Chapter 4.9 and Appendix Q of this Final EIR, the Project site and surrounding area has been the topic of the City's long-range planning efforts regarding the land use and zoning designation of the Project site and surrounding area; however, the City has opted to postpone this process in order to allow the environmental review process for the proposed Project to be fulfilled under its current land use and zoning designation.

The comment incorrectly states that, apart from Chapter 3, Project Description, of the Draft EIR, the remainder of the Draft EIR references a second intended use of the EIR. The EIR for the proposed Project is an informational document that will be used by the City to evaluate the proposed Project, while the Eastern Deer Hill Road General Plan and zoning options (as described in the applications GP02-08 and RZ02-08) are subject to a separate environmental review document: *2011 Addendum to the Lafayette General Plan Revision Final EIR(GP02-08/RZ02-08) - SCH No. 2002042035*. The potential General Plan and zoning changes of the Project site are only addressed as a matter of planning context and are not the subject of the environment evaluation in the Draft EIR. In fact, the rezoning is only mentioned two times in the Draft EIR, in the following places:

- ◆ On page 2-7 of the Draft EIR, the rezoning is described as an area of controversy.
- ◆ On pages 4.9-13 to 4.9-15 of the Draft EIR, as described above, the rezoning is discussed as a matter of planning context.

The commentator's allegation seems to rest mainly on the idea that the City Attorney's comments, quoted in the EIR, were dispositive of the City's intended use of the EIR (i.e., that the City supposedly would use the EIR to approve the downzoning). That is not correct; the comments were made with the idea that a disclosure of the environmental impacts of developing the site would be of use in the future from a policy standpoint, should further planning initiatives for the site be pursued by the City Council. The EIR only quotes those comments as part of a discussion of the historical context of the Project site and the various processes and

Comment #	Comment	Response
ORG1-13	<p>The City further makes the extraordinary statement that it will recommence the general plan and zoning amendments for the Property regardless of the information and outcome of the DEIR, and regardless of the City’s decision on the Apartment Project. This pre-determination by the City is absolutely improper. What happens if the City approves the Apartment Project consistent with the current General Plan and zoning designations of APO? Why would the City recommence its General Plan and zoning amendments if the EIR was certified and the Apartment Project was approved? Clearly, the City has either (i) pre-determined that the Project will be not be approved, or (ii) committed to downzoning the Project site even if the Apartment Project is approved. Either way, these pre-determinations are illegal and invalid.</p>	<p>proposals that have previously affected it.</p> <p>This comment incorrectly states that the City has stated it will continue the City’s long-range planning efforts regarding the land use and zoning designation of the Project site and surrounding area “regardless of the outcome of the Draft EIR.” The City has not made any final decisions regarding the certification of the Final EIR or approval of the proposed Project. As discussed in Subsection B.3, Planning Context, on pages 4.9-13 through 4.9-15 in Chapter 4.9, Land Use and Planning, of the Draft EIR, the City has opted to postpone the long-range planning efforts regarding the land use and zoning designation of the project site and surrounding area in order to allow the environmental review process for the proposed Project to be fulfilled. The statement that the commentor points to was simply an acknowledgement that further planning efforts for the site may commence. It does not necessarily mean that the City is going to downzone the site, as it is possible that other uses may be contemplated for the site. As pointed out in the General Plan (and evidenced by that document’s requirement that a specific plan be prepared for this area), the locale is of importance to the City and thus, depending on whether the Project is approved, further planning may or may not occur. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.</p>
ORG1-14	<p>Under the Housing Accountability Act, the City is required to make specific findings prior to denying or making infeasible housing projects, based upon the General Plan and zoning designations in place at the time the Application is complete. The City Attorney has confirmed that these provisions apply to the Apartment Project. Under these circumstances, what purpose is served by continuing the City Downzoning process even if the Apartment Project is approved?</p>	<p>The comment is noted. The comment asks for the purpose behind continuing the downzoning process. As described above, the consideration of General Plan and zoning changes for the Project site and surrounding area is a separated project with its own separated environmental review document. The commentor does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Therefore, a more detailed response cannot be provided. It should be noted that the Act only applies if the project is consistent with the applicable General Plan and zoning standards and criteria, including design review standards. are consistent, This was a statement of general law and not an application of this law to the specific facts of the Project.</p>
ORG1-15	<p>The City Council has stated on the record the Council’s intent to downzone the Project site to LR-5, an open space and single family zoning designation, allowing only a maximum of 4 single family residences. The</p>	<p>The comment is noted. The comment expresses the opinion of the commentor and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Therefore, a more</p>

Comment #	Comment	Response
	<p>City has stated on the record that the City is processing the Apartment Project because it has “no choice but to process” the Application under the law. The City has stated on the record that it intends to recommence the City Downzoning following the preparation of the EIR -- and regardless of the results of the EIR. Finally, the City has stated on the record that it will use the EIR to evaluate not only the Apartment Project, but also the extent of the City Downzoning.</p> <p>Clearly, any reader of the City’s statements and the DEIR would reasonably conclude that the City Council opposes the Apartment Project, and would not process the Application except for the fact that the City is required by law to do so. Such reader would further reasonably conclude that following preparation of the EIR -- and regardless of the results of the EIR or of the City’s decision on the Apartment Project-- the City Council will immediately proceed with the City Downzoning as demanded by opponents of the Apartment Project.</p>	<p>detailed response cannot be provided, other than to repeat that the City is processing this application like all other applications, and the Planning Commission has not arrived at a predetermined decision or outcome with regard to the Project.</p>
ORG1-16	<p><b>III. LEGAL ANALYSIS</b></p> <p>The City’s dual-purpose use of the DEIR for the evaluation of both the Apartment Project and the City Downzoning violates the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The DEIR further violates Dettmer/O’Brien’s constitutional rights of due process, equal protection, and to a fair hearing.</p>	<p>Please see response to Comment ORG1-12, which explains that the purpose of the Draft EIR is to provide an environmental review of the proposed Project.</p>
ORG1-17	<p><b>A. The DEIR violates CEQA requirements for an accurate, stable and finite project description</b></p> <p>An accurate project description throughout the entire EIR is an essential part of the EIR. California appellate case law confirms that “(A)n accurate, stable and finite project description is the <i>sine qua non</i> of an informative and legally sufficient EIR.”</p> <p>The leading case regarding the need for an accurate project description is County of Inyo v. City of Los Angeles. In County of Inyo, the project description section defined the “project” as a proposal to increase the city’s exaction of water for use in Inyo and Mono Counties. In subsequent</p>	<p>Please see response to Comment ORG1-12, which explains that the purpose of the Draft EIR is to provide an environmental review of the proposed Project, and addresses the undercurrent in the commentor’s comment regarding the supposed bias of the City. With regard to the commentor’s recitation of CEQA and applicable case law on the requirements for an adequate project description, the City maintains that the applicable case law speaks for itself. To the extent that the commentor is alleging that the Project EIR’s Project Description violates these requirements, the City denies those allegations, for the reasons described in the following responses.</p>

Comment #	Comment	Response
	<p>parts of the EIR, however, the project was more broadly defined to reference a larger operation of the Los Angeles Aqueduct System.</p> <p>The court in County of Inyo stated that this broadening of the project description violated CEQA and invalidated the EIR. The court stated:</p> <p style="padding-left: 40px;">The incessant shifts among different project descriptions do vitiate the city’s EIR process as a vehicle for intelligent public participation.</p> <p style="padding-left: 40px;">... Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefits against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project alternative”) and weigh other alternatives in the balance.</p> <p>Stated another way, when the DEIR attempts to shift the use and objectives of the DEIR, the public and decisionmakers become uncertain regarding the “project” and cannot accurately discuss or make determinations regarding the project. This is precisely what is happening here.</p>	
ORG1-18	<p><b>1. The DEIR amends the project description regarding the dual purposes</b> In the (Terraces) DEIR, the Project Description describes the apartment Project while other sections indicate that the DEIR will be used to evaluate the City Downzoning. These two intended descriptions and uses of the DEIR -- for apartment uses and separately for single family uses -- are inherently inconsistent. How can the Lafayette City Council utilize the same DEIR to fairly evaluate the 315-unit Apartment Project, and concurrently to evaluate the City Downzoning of the Project site?</p> <p>Please reference in this regard the City’s own Addendum, prepared on direction of the City Council for the proposed City Downzoning to LR-5. The City’s consultant states as follows:</p>	<p>Please see responses to Comments ORG1-12 through ORG1-15, which explain that the purpose of the Draft EIR is to provide an environmental review of the proposed Project. The Project Description used in the Draft EIR is for the applicant’s Project. It does not include any hypothetical future downzoning.</p>

Comment #	Comment	Response
	<p>It should be noted that an application for a multi-family residential project has been filed with the City ... This project (the Terraces of Lafayette) is not a “related project” in the context of this CEQA document as the Terraces Project and the proposed Project [the City Downzoning} are mutually exclusive: i.e., either one of the other can be implemented but both cannot be implemented at the same time.”</p> <p>The City thus states, in August, 2011, that the Apartment Project and the City Downzoning are mutually exclusive and cannot be implemented at the same time. Now, in 2012, the DEIR states the Council will move forward with both “projects” and that the DEIR can be used to analyze the impacts of both projects. Simply stated, the DEIR cannot serve both objectives.</p>	
<p>ORG1-19</p>	<p><b>2. The DEIR amends the project description regarding the southbound traffic lane</b></p> <p>The DEIR further amends the Project Description by “removing” the Project’s proposed southbound traffic lane on Pleasant Hill Road -- and thereafter analyzing the revised Project without such lane.</p> <p>The Project Application sets forth each of the Project components for the 315-unit Apartment Project. The Project components are listed and outlined in the Application and on site plans submitted with the Application. The components include 14 buildings containing the apartments; an internal roadway system to access the buildings; three entryways; and a new southbound lane on Pleasant Hill Road.</p> <p>The DEIR’s Project Description confirms that the Project includes a new southbound lane:</p> <p>In addition, [the Project] would construct a new southbound through-lane on Pleasant Hill Road from north of Deer Hill to the State Highway 24 freeway on ramp. This new southbound through lane would be constructed within the existing right-of-way and a minor dedication from</p>	<p>The comment includes a quote directly from Chapter 3, Project Description, of the Draft EIR on page 3-25, which is excerpted from Section E.4.b.i, Pleasant Hill Road Access Point. The quote from the Draft EIR states that the Project “would construct a new southbound through lane on Pleasant Hill Road,” which “would be constructed within the existing right-of-way and a minor dedication of the Project property.”</p> <p>Immediately preceding the section of the Draft EIR from which the above quote was excerpted, the last sentence of the introductory paragraph to Section E.4.b, Vehicular Access, on page 3-25, states: “Roadway and access improvements would be subject to City approval, and therefore it is the City’s decision as to whether the following improvements will be part of the Project.” This reference to “the following improvements” clearly includes the new southbound through lane.</p> <p>It should be noted that, usually, an applicant only proposes projects on property to which it has some sort of interest. Off-site improvements are usually considered to be conditions of approval or mitigation measures because the applicant often does not have direct control over them. Here, the portion of the proposed southbound through lane on Pleasant Hill Road north of Deer Hill Road would require dedication of right-of-way from a separate parcel that is not part of the Project</p>

Comment #	Comment	Response
	<p>the Project property.</p> <p>The DEIR recognizes that the new southbound lane would reduce the Project traffic delay impacts at the Deer Hill Road-Stanley Boulevard intersection. Following the Project Description, however, the DEIR describes the new southbound lane --not as part of the Project Application-- but as mere potential “mitigation” for the Project:</p> <p>Project plans propose adding a third lane for south-bound through traffic on Pleasant Hill Road . . . This project is considered below [throughout the Traffic Section] as a potential mitigation, and not part of the baseline for Project conditions.</p> <p>The DEIR converts the new southbound lane from being part of the Project Application to being a potential mitigation measure. The DEIR then reviews --not the original Project with a southbound lane -- but the Project as “revised” by the DEIR without the southbound lane.</p>	<p>application. Additionally, the City has discretionary authority to approve or deny improvements and dedications of property to the public right-of-way (i.e., the City’s property), including the entire area of the proposed southbound through lane on Pleasant Hill Road north and south of Deer Hill Road. The City has not indicated in any manner, explicit or implied, any intention to accept such dedication of property to the public right-of-way or grant permission or approval for the subject improvement on Pleasant Hill Road. Accordingly, the City could have rejected the Project application as submitted with the proposed southbound through lane included. However, City staff elected to process the application and proceed by directing the EIR consultant team to consider the new southbound through lane as a potential mitigation measure. Regardless of whether the new lane is termed to be part of the Project or a proposed mitigation measure, the EIR would come to the same conclusions with regard to the feasibility and consistency with approved plans of this improvement. Hence, no revisions to the Draft EIR are required.</p>
ORG1-20	<p>The DEIR states several reasons why the southbound lane as a “mitigation measure” is infeasible. Each of these reasons is addressed in our Specific Comments, however, for purposes of this General Comments and Legal Analysis, it is clear that the DEIR’s analysis is invalid because it amends the Project Application and the Project Description.</p> <p>The DEIR concludes:</p> <p>Because adding a southbound land [sic] on Pleasant Hill Road would result in significant secondary impacts and other undesirable effects, the additional southbound lane on Pleasant Hill Road is not considered as feasible as mitigation for the impact to the Deer Hill Road - Stanley Boulevard/Pleasant Hill Road intersection.</p> <p>The inherent problem with the DEIR’s analysis is that the new southbound lane was not proposed as mitigation -- it was proposed as part</p>	<p>Regardless of whether the southbound lane is considered as part of the Project Description or as a mitigation measure for proposed Project impacts, it conflicts with the Gateway Constraint Policy of the Lamorinda Action Plan, resulting in a significant and unavoidable impact. See response to Comment ORG1-228 for a detailed discussion of this issue. The Project applicant also seems to believe that the City is only allowed a “take it or leave it” choice with regard to the Project and this proposed improvement. However, the new lane occupies the public right of way, under the control of the City, and it is not strictly within the power of the applicant to develop this land, rather, it can only request the City to do it. See response to Comment ORG1-19 for a detailed discussion of this issue. Furthermore, it is without dispute that cities are allowed to approve only portions of a project or to condition them such as to remove problematic components. The City believes that the secondary impacts and consistency issues associated with the new southbound lane, as set out in the Draft EIR, renders it problematic in this manner. If the Planning Commission agrees with these conclusions and certifies the Draft EIR, then the applicant is free to refuse to accept the Project as</p>

Comment #	Comment	Response
	<p>of the Project Application. The southbound lane utilizes the Project site, and is an integral part of the Apartment Project, no different than the entryways, internal road systems, and placement of buildings. The DEIR thus “amends” the Project Application (including the site plans) and the Project description – from a Project that has a new southbound lane to a Project that does not have such a lane. On that basis, the DEIR concludes that the Project would have significant and unavoidable traffic impacts.</p> <p>The DEIR’s amendment of the Project Application without the Applicant’s knowledge or consent, and the DEIR’s subsequent review of the “revised Project,” is invalid and improper under CEQA. Stated simply-- the DEIR reviews a different project than the one proposed.</p>	<p>conditioned (i.e., without the new southbound lane). Alternatively, the applicant can seek to persuade the Planning Commission that the new lane should be approved.</p>
<p>ORG1-21</p>	<p><b>B. The DEIR fails to establish a baseline of environmental conditions</b> CEQA requires that the EIR establish a firm “baseline” of existing environmental conditions.</p> <p>An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published ...</p> <p>This environmental setting will normally constitute the baseline physical condition by which a Lead Agency determines whether an impact is significant.</p> <p>The purpose of CEQA’s requirements are to ensure that the Lead Agency establishes a firm and accurate baseline from which to determine a project’s impacts. Without such baseline, the DEIR may improperly conclude that a project causes impacts based upon past “natural” environmental conditions -- without recognition of the existing state of property. Therefore, appellate cases confirm that if property has been extensively quarried, graded or mined, and is significantly “disturbed” by such uses-- the baseline for environmental review is the site in such “disturbed” condition.</p>	<p>The Draft EIR describes the baseline conditions of the site. The previously disturbed nature of the Project site is acknowledged throughout the Draft EIR. For example, page 3-7 of the Draft EIR states: “... the Project site is currently developed with approximately 27,000 square feet in paved surfaces and approximately 5,000 square feet in various structures, including a vacant single-family residence, two small office buildings, a garage, a cargo storage box, and a construction trailer. [...] A gravel road from Deer Hill Road provides access to the middle portion of the site, where a former quarry was permitted and operated from 1967 to 1970. [...] A part of the north east portion of the site has served as a seasonal Christmas tree lot since 1997. The remainder of the site is vacant. Approximately 85 percent of the Project site has either been graded or disturbed as a result of these uses.” In addition, page 3-9 of the Draft EIR states that the current topography of the site has been altered and is not in its natural condition: “On-site topography ... consists of four relatively flat-lying areas (terraces) [...] The original topography of the site has been altered due to grading for Deer Hill Road, State Highway 24, and the on-site quarry operations in the late 1960’s.”</p> <p>As described in the Draft EIR, quarry operations ended on the site over 40 years ago, and the biological surveys of the site, including those submitted by the Project applicant, confirm that natural habitats do cover the site.</p>

**Comment # Comment**

**Response**

Dettmer/O'Brien submitted to the City extensive information regarding the existing, "disturbed" state of the Project site during the Application process. This extensive information includes three reports by Engeo, Incorporated: "Geotechnical Evaluation, The Terraces of Lafayette" (Revised September 2, 2011); "Geotechnical Evaluation of Ridge Ordinance" (Revised August 20, 2011); and "Existing Site Conditions" (September 2, 2011) (together Engeo Reports).

While the site may have been disturbed in the past, this fact has been acknowledged in the Draft EIR, and the Draft EIR correctly characterizes the current state of the site, which has recovered in some respects from the earlier activities that occurred there. Thus, the EIR's baseline is correct and accurate.

The Engeo Reports confirm the "baseline" of physical, existing conditions for CEQA purposes as follows:

**Existing Conditions:**

Approximately 85% of the [site] has been disturbed by past site use, as depicted in Figure 1. A comparison of USGS topography to existing topography shows that cuts of as much as 60 to 80 feet were made on the site as part of quarry operations. Areas adjacent to Highway 24 and Deer hill road were filled to create road embankments ...

The current topography is a series of artificial terraces and graded slopes upon which natural soils and native vegetation are absent...

The referenced Figure 1 contains a detailed map showing areas of significant cut, areas of significant fill, and areas of other disturbance. The ENGEO Reports confirm that the "baseline" is a site that has been almost completely disturbed (85%), and topography that consists of a series of artificial terraces and graded slopes, void of natural soils and native vegetation.

The DEIR fails to reference the ENGEO Reports, and fails to identify or recognize the established "baseline." The DEIR, under "Site History," makes reference to the fact that quarry operations resulted in the disturbance of 85% of the site. However, thereafter, the DEIR proceeds

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	<p>to analyze the Project site as though the topography is in a natural, undeveloped state. The DEIR references the site as “characterized as a steep hillside” (without reference to the artificially -created terraces). “ At another point, the DEIR references the Project site as being “four relatively flat lying areas (terraces)” -again without referencing the man-made creation of the terraces. Thereafter, the DEIR states that the Project would develop a “grassy largely undeveloped site.” All of these references infer a “natural” setting which simply does not exist.</p>	
<p>ORG1-22</p>	<p>The DEIR’s failure to set an accurate baseline as part of the Project site’s environmental setting allows the DEIR to find “significant and unavoidable impacts” starting from a baseline of a natural, undisturbed project setting. The DEIR states:</p> <p>Mitigation Measure LU-1: No feasible mitigation measure would maintain the natural, undeveloped appearance of the hillside on the Project site.</p> <p>The DEIR makes this false conclusion without reference, analysis, or discussion of the Engeo Reports.</p> <p>The DEIR’s descriptions of the site as “natural and undeveloped” are easily shown to be false and misleading. One need only walk the site -- or look at any of the current aerial photos in the DEIR, to confirm that the site is not a natural setting. A walk of the site shows the cut and fill, the compacted soils, the loss of ridges and the terraces -- all created by the earlier quarrying, the construction of Deer Hill Road, and the widening of Highway 24. The DEIR’s aerial photos show a large level grey-colored area lacking soil or vegetation that dominate the entire central portion of the Project site.</p>	<p>The City’s Hillside Development policies and regulations are not based on geology or previous use of a hillside site. They are based on the appearance of the hillsides and preserving the semi-rural character of the community. Using the City’s Viewing Evaluation Map, the proposed Project site does appear to be natural and undeveloped. Walking the site is not relevant to the City’s hillside policies.</p>
<p>ORG1-23</p>	<p>As stated herein, Dettmer/O’Brien submitted the Engeo Reports to the City and its DEIR consultants in a timely manner to professionally confirm the extent of soil disturbance of the site. The DEIR completely ignores this professional analysis.</p>	<p>Two of the ENGEO reports were not submitted as part of the Project application; they were submitted to the City Council during its September 12, 2011 meeting when the Council was considering General Plan and zoning options for the Eastern Deer Hill properties. The Draft EIR acknowledges these professional analyses. Page 4.5-1 states: “The information and analysis in this chapter is</p>

Comment #	Comment	Response
	<p>Respectfully, if the drafters of the DEIR did not agree with the Engeo Reports, then such drafters should have, at minimum, referenced the Engeo Reports and pointed out in a professional manner where they disagree. Such a professional discussion and analysis would allow for the informed decision process required under CEQA.</p>	<p>primarily based on a third party peer review by Alan Kropp &amp; Associates of the following documents prepared for the Project applicant, which are included in Appendix M, Geology and Soils Data, of the Draft EIR:</p> <ul style="list-style-type: none"> <li>◆ <i>Preliminary Geotechnical Feasibility, The Terraces of Lafayette, Lafayette, California</i> prepared by ENGEO Incorporated on February 23, 2011.</li> <li>◆ <i>Geotechnical Exploration: The Terraces of Lafayette</i> prepared by ENGEO Incorporated on August 18, 2011 and revised September 2, 2011.</li> <li>◆ <i>Existing Site Conditions (with regards to existing soil and topographic conditions)</i> by ENGEO Incorporated on September 2, 2011.”</li> </ul> <p>Note that the first report listed above appeared in the Draft EIR as an earlier draft and was included as an attachment (Appendix A, Geotechnical Report) to Draft EIR Appendix G. The third report listed above was included as an attachment (Appendix D, Guide Contract Specifications) to Draft EIR Appendix M. Appendix M of the Draft EIR has been revised in this Final EIR to include the March 18, 2011 draft of the <i>Preliminary Geotechnical Feasibility</i> report.</p>
<p>ORG1-24</p>	<p>Given the second objective of the DEIR -- to review the City Downzoning, it is clear why the DEIR avoids discussion of the Engeo Reports and other related, professional analyses. The DEIR relies heavily on the Hillside Development Ordinance (HDO) to find significant impacts from the Apartment Project. However, the HDO limits its protection to the “natural topographic features” and “natural hillsides.” The Engeo Reports and other Application documents confirm that the Project site is almost completely disturbed and artificial, with no significant remaining natural features. If the DEIR contained a thorough discussion of the Engeo Reports, such analysis would undermine the DEIR’s conclusions regarding impacts to natural topographic features and natural hillsides.</p> <p>The DEIR avoids discussion of the extensive Engeo Reports and other Dettmer/O’Brien information, which professionally confirm that the Project site contains no natural features and consists of a series of artificially created level terraces and intervening steepened slope areas.</p>	<p>Please see response to Comment ORG1-12, which explains that the Draft EIR is the environmental review document for the proposed Project. It does not include an analysis of the Easter Deer Hill Road General Plan and zoning options.</p> <p>Please also see response to Comment ORG1-23, which explains that the ENGEO reports are acknowledged and included in the Draft EIR and that Appendix M has been revised to include an updated ENGEO report.</p> <p>Please see response to Comment ORG1-30, which explains that the location of Lafayette Ridge within the Project site is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering &amp; Geology. The Cal Engineering &amp; Geology report is included in Appendix M of this Final EIR.</p> <p>Lastly, there is nothing inaccurate about the Draft EIR’s characterizations of the appearance of the existing hillside as being undeveloped and natural. It is this appearance that constitutes the baseline for the Draft EIR’s analysis, in compliance with the CEQA Guidelines. The historical fact that the site was used as a quarry</p>

Comment #	Comment	Response
	<p>Instead, the DEIR attempts, without authority, to set the baseline for project impacts as a “grassy largely undeveloped site,” with a “natural, undeveloped appearance.” This baseline description is entirely inaccurate.</p>	<p>does not nullify the actual facts as to the site’s current appearance.</p>
<p>ORG1-25</p>	<p><b>C. The DEIR confuses and misleads the public</b></p> <p>In the County of Inyo case, referenced above, the appellate court noted that the EIR, by failing to have a stable project description, confused and misled the public.</p> <p>Among the public comments in the final EIR were many objections and expressions of uncertainty aroused by the [City’s] homemade project description.</p> <p>The defined project and not some different project must be the EIR’s bona fide subject.</p> <p>In the referenced on-line Petition, opponents to the Apartment Project requested that the City deny the Apartment Project and move forward with the City Downzoning. At the recent Planning Commission hearing on the DEIR, neighbors appeared and requested that the DEIR consider an alternative to the Apartment Project consistent with the City Downzoning. One neighbor specifically requested that the City Council’s directed zoning to LR-5 be considered in the DEIR. Another neighbor requested review of a 14-lot alternative. As set forth herein in our Comments regarding Project Alternatives, a valid alternative must be consistent with the General Plan and with the project objectives. Given that the General Plan designation is Administrative/Professional Office/Multifamily Residential, a single family alternative is infeasible (and would require a General Plan amendment and rezoning).</p> <p>This is precisely the type of public confusion that occurs when the DEIR attempts to serve multiple objectives.</p>	<p>Please see response to Comment ORG1-12, which explains that the purpose of the Draft EIR is to provide an environmental review of the proposed Project. The alternatives to the proposed Project considered in Chapter 5, Alternatives to the Proposed Project, of the Draft EIR include the No Project Alternative, Mitigated Project Alternative, and Office Development Alternative. The Draft EIR does not consider an alternative in which the General Plan and/or zoning land use designations of the proposed Project site would be changed. The fact that various members of the public suggested several different alternatives to the Project, or commented on issues that are not immediately related to the environmental review of the Project, does not mean that the EIR is inadequate or in noncompliance with CEQA.</p>
<p>ORG1-26</p>	<p><b>D. The DEIR fails to: (i) provide information on project impacts and (ii) identify mitigation measures and alternatives.</b></p>	<p>The EIR was prepared in accordance with CEQA Guidelines and is intended to be an informational document for City decision makers and other interested parties.</p>

Comment #	Comment	Response
	<p>The basic purposes of CEQA are: (i) to inform decisionmakers and the public about potential significant impacts of proposed activities; and (ii) to identify ways the impacts can be reduced through mitigation measures and project alternatives.</p> <p>Similarly, CEQA provides that an EIR is an informational document: An EIR is an informational document which will inform public agency decisionmakers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.</p> <p>The City’s proposed DEIR does not act as an informational document with a professional discussion of the extensive submitted materials regarding the potential impacts of the Apartment Project.</p> <p>Respectfully, as shown in these Comments, the DEIR instead reads as an “advocacy” document, designed to lead the reader to conclude that the Apartment Project would result in significant, unavoidable impacts, and that the City Downzoning should be approved.</p>	<p>The comment expresses the opinion of the commentor and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Therefore, a more detailed response cannot be provided. With regard to the allegations that the Draft EIR analyzes a project other than the proposed Project, or that the City is biased against the Project, please refer to responses to Comments ORG1-12 through ORG1-15.</p>
ORG1-27	<p><b>1. The DEIR fails to consider the Application’s extensive consultant reports and data</b></p> <p>By cover letter dated March 21, 2011, the Applicants submitted applications for a Land Use Permit, Design Review, and Tree Removal Permit. By letter dated March 24, 20 11, the Applicants submitted an application for a Hillside Development Permit. The Project Applicants submitted extensive information and reports as part of the Project Application. The information included reports by leading consultants, including: LCA Architects (Architectural drawings and Visual Assessment); Marylee Guinon (Biological Resource Assessment); Engeo Incorporated (Geotechnical Feasibility); BKF Engineers (civil engineering); and Abrams Associates (Traffic Assessment.).</p> <p>Further, Dettmer/O’Brien submitted with the Application several letters</p>	<p>The following is the list of applicant submitted documents. Many of these documents were included in the Draft EIR and some are included in this Final EIR, as indicated below. All of these documents have been reviewed and considered by the City and EIR consultant team as indicated below.</p> <p><b>Project Applicant Documents included in the Draft EIR:</b></p> <p>Chapter 3</p> <ul style="list-style-type: none"> <li>◆ Driveway Profiles Exhibit, September 27, 2011, by BKF. <i>(Reviewed by The Planning Center   DC&amp;E and TJKM, September 2011.)</i></li> </ul> <p>Appendix B. Notice of Preparation and Scoping Meeting Comments</p> <ul style="list-style-type: none"> <li>◆ Letter to EBMUD in response to their August 22, 2011 letter, from BKF on September 16, 2011. <i>(Reviewed by The Planning Center   DC&amp;E, October 2011.)</i></li> </ul>

Comment #	Comment	Response
	<p>from land use attorneys. The attorney letters review the City’s Hillside Development Ordinance (HDO), and state reasons why the Apartment Project does not fall within the provisions of the HDO.</p>	<p>Appendix C. Project Conceptual Site Plans</p> <ul style="list-style-type: none"> <li>◆ Architectural Plans prepared by LCA Architects on March 21, 2011, revised on September 21, 2011. <i>(Reviewed by The Planning Center   DC&amp;E, September/October 2011.)</i></li> </ul>
	<p>The Applicants were concerned that the extensive Application documents would be ignored in the DEIR. The Applicants therefore met with Staff and ensured that a Technical Documents List was drawn up, confirming that the DEIR consultant would review the information and include discussion thereof in the DEIR. A copy of the Technical Documents List is attached to this General Comments and Legal Analysis at Appendix 1.</p>	<p>Appendix D. Project Conceptual Landscaping Plans</p> <ul style="list-style-type: none"> <li>◆ Landscape Plans prepared by LCA Architects on March 21, 2011, revised on September 21, 2011. <i>(Reviewed by The Planning Center   DC&amp;E, September 2011.)</i></li> </ul>
	<p>Inexplicably, the DEIR fails to reference, discuss or consider the most critical project Application documents and information. On such basis, the DEIR finds seventeen (17) “significant impacts” which “cannot be mitigated.” Examples include the following.</p>	<p>Appendix E. Project Preliminary Civil Engineering Plans</p> <ul style="list-style-type: none"> <li>◆ Civil Plans prepared by LCA Architects on May 6, 2011, revised on September 23, 2011. <i>(Reviewed by The Planning Center   DC&amp;E, September/October 2011.)</i></li> <li>◆ Water System Exhibit, prepared by BKF Engineers on October 5, 2011. <i>(Reviewed by The Planning Center   DC&amp;E, October 2011.)</i></li> </ul>
		<p>Appendix F. Biological Resources Data</p> <ul style="list-style-type: none"> <li>◆ <i>Biological Resource Assessment for The Terraces of Lafayette and Appendix A, B, and C</i> prepared by Marylee Guinon and Olberding Environmental on March 17, 2011. <i>(Reviewed by Environmental Collaborative, September 2011.)</i></li> <li>◆ <i>Special-Status Plant Survey Report for the Terraces at Lafayette Property</i> prepared by Olberding Environmental in October 2011. <i>(Reviewed by Environmental Collaborative, October 2011.)</i></li> <li>◆ <i>Vegetation Communities Map</i> prepared by Olberding Environmental, Inc. on March 11, 2011, revised on October 1, 2011. <i>(Reviewed by Environmental Collaborative, October 2011.)</i></li> <li>◆ <i>U.S. Army Corps of Engineers Jurisdictional Delineation for the Terraces of Lafayette Property</i> prepared by Olberding Environmental in March 2011. <i>(Reviewed by Environmental Collaborative, September 2011.)</i></li> <li>◆ <i>Tree Inventory &amp; Assessment for the Deer Hill &amp; Pleasant Hill Rd. Project</i> prepared by Traverso Tree Service on March 15, 2011. <i>(Reviewed by Environmental Collaborative, November 2011.)</i></li> </ul>

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- ◆ *Jurisdictional Wetland Map* prepared by Olberding Environmental, Inc. on March 11, 2011 (submitted by City [9-19-11] and Marylee Guinon [9-23-11]). (Included as an attachment [Attachment 5, Jurisdictional Waters Map] to Draft EIR Appendix F3.) (Reviewed by Environmental Collaborative, September 2011.)

Appendix G. Project Preliminary Stormwater Control Plan

- ◆ *Preliminary Stormwater Control Plan for The Terraces of Lafayette* prepared by BKF Engineers on September 23, 2011. (Reviewed by The Planning Center | DC&E, September 2011.)
- ◆ *Preliminary Geotechnical Feasibility the Terraces of Lafayette* prepared by ENGEO Incorporated on February 23, 2011. (Included as an attachment [Appendix A, Geotechnical Report] to Draft EIR Appendix G.) (Reviewed by Alan Kropp Associates, September/October 2011.)

Appendix I. Noise Data

- ◆ *CCR Title 24 Noise Study for The Terraces of Lafayette* prepared by Wilson Ihrig & Associates, June 16, 2011. (Reviewed by The Planning Center | DC&E, September 2011.)

Appendix J. Traffic Data

- ◆ *Traffic Impact Study* prepared by Abrams Associates, Inc. on June 30, 2011. (Reviewed by TJKM, October 2011.)

Appendix K. Phase I and Phase II Environmental Site Assessment

*Phase I and Phase II Environmental Site Assessment The Terraces Of Lafayette* prepared by ENGEO Incorporated on June 21, 2011. (Reviewed by The Planning Center | DC&E, September 2011.)

Appendix M. Geology and Soils Data

- ◆ *Geotechnical Exploration the Terraces of Lafayette* prepared by ENGEO Incorporated on August 18, 2011 and revised September 2, 2011. (Reviewed by Alan Kropp Associates, September/October 2011.)

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- ◆ *Existing Site Conditions* (with regards to existing soil and topographic conditions) by EN GEO Incorporated on September 2, 2011. (Included as an attachment [Appendix D, Guide Contract Specifications] to Draft EIR Appendix M.) *(Reviewed by Alan Kropp Associates, September/October 2011.)*

**Project Applicant Documents that are included in the Final EIR appendix:**

Appendix F. Biological Resources Data

- ◆ Conceptual Mitigation Plan for Blue Wildrye Native Grassland Avoidance and Replacement Program, Terraces of Lafayette, August 2012, Prepared by Marylee Guinon LLC Loving Campos Architects. *(Reviewed by Environmental Collaborative, September 2012.)*
- ◆ Creek Enhancement and Mitigation Plan, Terraces of Lafayette, August 2012, Prepared by Marylee Guinon LLC Loving Campos Architects. *(Reviewed by Environmental Collaborative, September 2012.)*
- ◆ Exhibit 1: Drainage Impact Avoidance and Minimization Alternatives, March 15, 2012, by BKF. *(Reviewed by Environmental Collaborative, September 2012.)*
- ◆ Exhibit 2 - Creek Drainage Enhancement Zone and Plant Material Key, August 29, 2012, by Camp & Camp Associate. *(Reviewed by Environmental Collaborative, September 2012.)*
- ◆ Exhibit 3A - Re: Terraces of Lafayette Alternatives Evaluation, Emails from Katie Hart to Randi Adair and Marylee Guinon, April 4, 2012. *(Reviewed by Environmental Collaborative, September 2012.)*
- ◆ Exhibit 3B - CDFG Complete Notification. *(Reviewed by Environmental Collaborative, September 2012.)*
- ◆ Exhibit 3C - Draft Streambed Alteration Agreement. *(Reviewed by Environmental Collaborative, September 2012.)*
- ◆ M-1 Blue Wildrye Mitigation - Project Plan. *(Reviewed by Environmental Collaborative, September 2012.)*
- ◆ M-2 Blue Wildrye Mitigation – ARAP. *(Reviewed by Environmental Collaborative, September 2012.)*
- ◆ Terraces Tree Exhibit, September 2, 2012, LCA. *(Reviewed by Environmental Collaborative, September 2012.)*
- ◆ Terraces Tree Preservation Summary, August 21, 2012. *(Reviewed by*

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*Environmental Collaborative, September 2012.)*

Appendix J. Traffic Data

- ◆ *Site Distance Exhibit – Deer Hill Road* prepared by ENGEO Incorporated on March 8, 2012. *(Reviewed by TJKM, September 2012.)*

Appendix M. Geology and Soils Data

- ◆ *Preliminary Geotechnical Feasibility the Terraces of Lafayette* prepared by ENGEO Incorporated on March 18, 2011. (Note that the February 23, 2011 version of the Preliminary Geotechnical Feasibility report is included as an attachment [Appendix A, Geotechnical Report] to Draft EIR Appendix G.) *(Reviewed by Alan Kropp Associates, September/October 2011.)*

**Project Applicant Documents Submitted as Comments on the Draft EIR and Included in Appendix P of this Final EIR:**

Aesthetics

- ◆ Comment ORG1-63: *Visual Simulations*, prepared by LCA Architects on May 6, 2011 (12 viewpoints: existing, day of completion, 5 years post construction). *(Reviewed by The Planning Center | DC&E, September 2011.)*
- ◆ Comment ORG1-64: *Parcel 27 Visual Analysis*, prepared by LCA Architects on August 19, 2011. *(Reviewed by The Planning Center | DC&E, September 2011.)*

Geology and Soils Data

- ◆ Comment ORG1-62: *Geotechnical Evaluation of Ridge Ordinance* prepared by ENGEO Incorporated on August 3, 2011 and revised August 30, 2011. *(Reviewed by Alan Kropp Associates, September/October 2011.)*

**Project Applicant Documents Available for Review at the City Planning Services Division Office:**

Aesthetics

- ◆ *Lighting Data* sent on December 7, 2011. *(Reviewed by The Planning Center | DC&E, December 2011.)*
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Air Quality, Greenhouse Gas Emission, and Health Risk Assessment Data

- ◆ *Screening Analyses of GHG, Criteria Pollutants and Air Toxics*, prepared by ENVIRON on June 8, 2011. (Reviewed by The Planning Center | DC&E, September 2011.)
- ◆ *Truck Hauling Capacity*, August 21, 2012, Letter from LCA Architects. (Reviewed by The Planning Center | DC&E, September 2012.)

Biological Resources Data

- ◆ *U.S. Army Corps of Engineers Jurisdictional Delineation for the AMD Property* prepared by Olberding Environmental in September 2011. (Reviewed by Environmental Collaborative, October 2011.)
- ◆ *Draft Alternative Site Plan Exhibits* prepared by BKF Engineers on October 8, 2011. (Reviewed by The Planning Center | DC&E, September 2011.)
- ◆ *Draft Wetland Delineation Map for AMD Properties North of Deer Hill Rd* prepared by Olberding Environmental on July 13, 2011. (Reviewed by Environmental Collaborative, September 2011.)
- ◆ *Eastern Deer Hill Opportunities and Constraints Analysis* prepared by MHA Environmental Consulting, Inc., August 2006. (Reviewed by The Planning Center | DC&E, September 2012.)
- ◆ *U.S. Army Corps of Engineers, Verified Wetland Delineation*, March 19, 2012. (Reviewed by Environmental Collaborative, March 2012.)

Cultural Resources Data

- ◆ *AcalanesHighSchool1950v3.jpg* - an aerial from 1950 which shows the portion of the site (in the lower left corner) and no Deer Hill Road. (Reviewed by The Planning Center | DC&E, September 2011.)
- ◆ *Historic Topographic Maps*. (Reviewed by The Planning Center | DC&E, September 2011.)
- ◆ *Historic Photos*. (Reviewed by The Planning Center | DC&E, September 2011.)

Population and Housing

- ◆ *Moderate Housing Letter* from O'Brien Land Company (Applicant) to Ann

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ORG1-28	<p><b>a. Application data regarding the Hillside Development Ordinance</b></p> <p>One of the most important parts of the Project Application is the interpretation of the City’s Hillside Development Ordinance (HDO). The HDO establishes standards and restrictions for development within the Hillside Overlay District. The Hillside Overlay District is defined by the Hillside Overlay District Map, attached as Figure 3-4 to the DEIR.</p> <p>The critical threshold question is whether the Apartment Project falls within the provisions of the HDO. In the Application, Dettmer/O’Brien set forth the position that the Apartment Project is not governed by the HDO for the primary reason that the HDO is intended to protect “natural hillsides and ridgelines” – not the heavily altered and quarried property of the Project site.</p> <p>Further, the HDO specifically limits the application of the Hillside Overlay District to the following:</p> <ol style="list-style-type: none"> <li>(1) a residential lot existing on July 8, 2002;</li> <li>(2) a division of two or more lots; and</li> <li>(3) a lot line adjustment.</li> </ol> <p>Dettmer/O’Brien submitted extensive information as part of the Project Application confirming that the Apartment Project does not come within any of these three categories. The Project site is not a “residential lot” existing on July 8, 2002 – the Project site is designated Administrative/Professional Office/Multifamily Residential in the General Plan and APO in the zoning ordinance. The Project does not involve a subdivision – because the Apartment Project does not require a subdivision map under the Subdivision Map Act. For these reasons, the Application documents carefully set forth our position and specifically reserved the right to contest the application of the HDO to the</p>	<p>Merideth (City), August 15, 2011. <i>(Reviewed by The Planning Center   DC&amp;E, September 2011.)</i></p> <p>The Project is subject to the Hillside Overlay District. Section 6-2013 provides that the regulations applies to a residential lot existing on July 8, 2002. The following are the reports submitted by the applicant, which support the evidence that the Project site was used for residential purposes and the applicability of the residential lot existing on July 8, 2002:</p> <ul style="list-style-type: none"> <li>◆ ENGEO, <i>Existing Site Conditions</i>, September 2, 2011: Page 1, 2<sup>nd</sup> paragraph: “Review of aerial photographs from 1928 to 2005 shows that the site was undeveloped until the existing residence was constructed in 1941.”</li> <li>◆ ENGEO, <i>Phase I and Phase II Environmental Site Assessment</i>, June 21, 2011:             <ul style="list-style-type: none"> <li>• Page 1, 2<sup>nd</sup> paragraph: “The Property is currently occupied by: An approximately 1,437-square foot single-family residence...”</li> <li>• Page 1, 3<sup>rd</sup> paragraph: “Review of historical records indicates the residence was constructed in 1941.”</li> <li>• Page 6, Section 2.3. Current Use of Property / Description of Site Improvements: “The small area in the northern portion of the Property is occupied by: An approximately 1,437-square foot single-family residence...”</li> <li>• Page 9, 1<sup>st</sup> paragraph: “1958 and 1965 Photographs – Three small structures are visible in the northern portion of the Property. These include the primary residence, one of the two offices and the garage.”</li> <li>• Page 9, Section 3.2.4. City Directory: “The 1974 and 1981 sources list the Property address as residential.”</li> <li>• Page 10, 4<sup>th</sup> paragraph: “We contacted the Contra Costa County Assessor’s Office Mapping Information Center website for information pertaining to historic uses of the Property....A 1,437-square foot building is listed as built in 1941.”</li> <li>• Appendix G: Environmental Site Assessment Key Site Manager Questionnaire:                 <ul style="list-style-type: none"> <li>• Current property owner: Anna Marie Dettmer, Trustee</li> <li>• Date current property owner assumed title of property: 1987</li> <li>• Current property development/improvements: 1 residence, 2 small</li> </ul> </li> </ul> </li> </ul>

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	Apartment Project based on the submitted information.	<p>offices, 1 garage</p> <ul style="list-style-type: none"> <li>• Past property use: Residential, Office Rental</li> <li>• Signature: Anna Marie Dettmer</li> </ul> <p>◆ ENGEO, Preliminary Geotechnical Feasibility, March 18, 2011 – Page 1, 3<sup>rd</sup> paragraph: “Several existing structures, including a residence and maintenance buildings, are present in the eastern portion of the site.”</p> <p>◆ Traverso Tree Service, Tree Inventory &amp; Assessment for the Deer Hill &amp; Pleasant Hill Rd. Project, March 15, 2011 – Page 1, last paragraph: “There is one dominant over mature valley oak located against the existing residence.”</p> <p>Lafayette Municipal Code Section 6-2012 provides that the Hillside Overlay District shall overlay and be combined with the principal underlying zoning district for land located within the Hillside Overlay District, which is shown on the Hillside Overlay District map. The Project is clearly depicted on the Hillside Overlay District map and, coupled with the fact that a residential lot existing on the property on July 8, 2002, the property is subject to the regulations of the Hillside Overlay District and the APO zoning designation. Furthermore, per Lafayette Municipal Code Section 6-2013, should there be a conflict between the Hillside Overlay District regulations and the APO zoning designation, the Hillside Overlay District regulations shall control.</p>
ORG1-29	The DEIR does not reference the extensive Application materials. The DEIR simply states, without reference or authority, that the Project is within the HDO. Given the extensive information on this issue submitted by Dettmer/O’Brien, and the importance of this issue to the determination of project impacts, it is utterly inexplicable why the DEIR does not address this issue.	<p>Please see response to Comment ORG1-23, which explains that the ENGEO reports are acknowledged and included in the Draft EIR and that Appendix M has been revised to include an updated ENGEO report submitted by the Project applicant.</p> <p>Please also see response to Comment ORG1-30, which explains that Lafayette Ridge on a portion of the Project site is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering &amp; Geology. The Cal Engineering &amp; Geology report is included in Appendix M of this Final EIR. Please see response to Comment ORG1-6 for a summary of conclusions from this report.</p> <p>Lastly, see response to Comment ORG1-107a regarding the use of consultants to</p>

Comment #	Comment	Response
ORG1-30	<p><b>b. Application data regarding the Class I Ridgeline Setback</b></p> <p>The City’s Hillside Overlay District Map also shows the location of Class I, II, and III Ridgelines, and the required building setbacks from such Ridgelines (400 ft. from a Class I Ridge line, and 250 ft. from a Class II Ridgeline).</p> <p>The DEIR states repeatedly as follows:</p> <p>“As previously noted, the City’s Lafayette Area Ridge Map shows a Class I Ridgeline located on the project site. LMC 6-2023 states that no development may take place within 400 feet . . .of a Class I Ridgeline without an exception.”</p> <p>The DEIR makes this same statement numerous times throughout the entire document -- and each time the statement is made, it is entirely false.</p> <p>There is no Class I Ridgeline on the Project site as claimed repeatedly in the DEIR. As the City is well aware, the City’s Lafayette Area Ridge Map (Ridge Map) is based on outdated USGS contour maps prepared prior to the construction of Deer Hill Road, the widening of Highway 24, and the removal of the topography on the Project site. These projects occurred over 40 years ago. The Ridge Map is so outdated that it shows a Ridgeline passing right through existing Highway 24. The Ridge Map further shows that portions of Pleasant Hill Road and Acalanes High School are within the Class I Ridgeline setback. Of course, none of these portrayals are even remotely accurate.</p> <p>The fact that the DEIR states repeatedly that there is a Class I Ridgeline on the Project site calls into question the extent of the professional analysis performed on site for the DEIR. A walk of the site confirms that the City’s Ridge Map is totally inaccurate and that there is no ridge topography on the Project site as portrayed on the Ridge Map. The Ridge</p>	<p>determine the ridges when it created the Hillside Overlay District.</p> <p>The evaluation of the proposed Project site as located within the Hillside Overlay District with a Class I ridgeline and setback on a portion of the site is based on the City’s Lafayette Area Ridge Map/Hillside Overlay District Map, which is included in the Draft EIR as Figure 3-4. Page 3-5 of the Draft EIR states: “The Project is within the City’s Hillside Overlay District (HOD) as defined by the HOD Map as shown on Figure 3-4. [...] As illustrated on Figure 3-4, the City’s Lafayette Area Ridge Map shows a Class I Ridgeline located on the Project site.” The location of the Project site within the Lafayette Ridge is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering &amp; Geology. The Cal Engineering &amp; Geology Report states on page 2: “... from a geologic, geomorphic, and geotechnical perspective the Lafayette Ridge landform extends between the Russell Peak area to the west and the valley floor near the southeast corner of the AMD Trust property. In our opinion, the landform does not terminate at the Lafayette fault as postulated by ENGEO, but extends eastward beyond the fault and encompasses all of the AMD Trust property. The Lafayette Ridge landform as defined above is generally consistent [with] the usually accepted definition of a ‘ridge.’” The Cal Engineering &amp; Geology report is included in Appendix M of this Final EIR. Based on this analysis, the City disagrees with the commentor, and concludes that no revisions to the Draft EIR are necessary.</p> <p>Please see response to Comment ORG1-6 for a summary of conclusions from this report.</p> <p>Lastly, please see response to Comment ORG1-107a regarding the use of consultants to determine the ridges when it created the Hillside Overlay District.</p>

Comment #	Comment	Response
	<p>Map portrays a ridgeline running approximately northwest/southeast--while the artificial terraces of the Project site run northeast/southwest. It appears that the consultants relied heavily on information provided by the City (including the City's outdated Ridge Map) rather than on independent analysis and/or documents submitted with the Application.</p>	
<p>ORG1-31</p>	<p>Dettmer/O'Brien and their consultants submitted extensive information as part of the Project Application on this issue. Please reference the Engeo Report entitled "Geotechnical Evaluation of Ridge Ordinance," revised August 30, 2011 (Engeo Ridge Report). A copy of the Engeo Ridge Report is attached to this General Comments and Legal Analysis at Appendix 2. The Engeo Ridge Report professionally addresses the history and setting of the Lafayette Ridge, the Lafayette Ridge Map, and the Hillside Development Ordinance (HDO) provisions for Class I Ridges and setbacks. The Engeo Ridge Report includes precise definitions and measurements, and attaches three figures illustrating its analysis. The Engeo Ridge Report concludes as follows:</p> <ol style="list-style-type: none"> <li>1. The landform designated as "Lafayette Ridge" by the USGS terminates well north of the Project site, at an elevation of approximately 750 feet. (See point A2 on Figure 2 of the Report.)</li> <li>2. A separate Class II spur ridge exists, again well to the north of the Project site (See points B1 to B2 on Figure 2 of the Report). This spur ridge ends approximately 650 feet to the northwest of the Project site.</li> <li>3. The City's Ridge Map inaccurately shows an extension of the Class I Ridge southward all the way across Deer Hill Road. There is in fact no Ridge in that area. The City's Ridge Map evidently utilized outdated USGS contours that do not accurately reflect the ground surface. Stated simply, there is no Class I Ridge near the Project site, and no setbacks apply.</li> </ol> <p>The Engeo Ridge Report further notes that the HDO specifically recognizes that the Ridge Map may not be accurate. The HDO provides that if a precise onsite measurement shows that the boundary of the</p>	<p>The ENGEO report entitled "Geotechnical Evaluation of Ridge Ordinance" was not submitted as part of the proposed Project application. The Project application was deemed complete on July 5, 2011. The referenced ENGEO report is dated August 30, 2011, and it was submitted to the City at the September 12, 2011 City Council meeting regarding General Plan and zoning options for the Project site and surrounding area. Please see response to Comment ORG1-30, which explains that Lafayette Ridge located on the Project site is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering &amp; Geology. The Cal Engineering &amp; Geology report is included in Appendix M of this Final EIR.</p>

Comment #	Comment	Response
	<p>Hillside Overlay District or the location of a ridge varies from the City Ridge Map – then such precise onsite measurement applies.</p> <p>The Engeo Ridge Report sets forth the precise onsite measurement referenced in the HDO, confirming that the Class I Ridge terminates well to the north of the Project site, and therefore no Ridgeline exception is required.</p>	
ORG1-32	<p>What is the City DEIR’s response to the Applicant’s submitted information and the Engeo Ridge Report? The DEIR fails to consider the Engeo Ridge Report, and fails to even attach the Report as an Appendix. Instead, the City’s DEIR merely repeats, multiple times, the “fact” that a Class I Ridgeline and/or its setback extends onto the Project site. Based on such “fact,” the City’s DEIR finds numerous significant impacts that cannot be mitigated.</p> <p>CEQA states that any person, including the applicant, may submit information to the lead agency to assist in the preparation of the DEIR. CEQA provides that in such case the lead agency “must consider all information and comments received.” We do not believe the DEIR consultant considered the extensive consultant information submitted, both as part of the Application and thereafter. Respectfully, we would ask the City to compare the professional report prepared by Engeo regarding the definition and precise location of the Class I and Class II Ridgelines and setbacks, with the summary analysis provided in the DEIR.</p>	<p>Please see response to Comment ORG1-23, which explains that the ENGEO reports are acknowledged and included in the Draft EIR and that Appendix M has been revised to include an updated ENGEO report submitted by the Project applicant.</p> <p>Please also see response to Comment ORG1-30, which explains that Lafayette Ridge located on the Project site is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering &amp; Geology. The Cal Engineering &amp; Geology report is included in Appendix M of this Final EIR.</p> <p>Lastly, see response to Comment ORG1-107a regarding the use of consultants to determine the ridges when it created the Hillside Overlay District.</p>
ORG1-33	<p>Please further note that the DEIR purports to list the issues that may be of particular concern or controversy during the process. The DEIR’s list does not include the critical threshold issue of whether the Hillside Development Ordinance applies to the Apartment Project, or whether a Class I Ridgeline and its setback exists on the Project site. A reader of the DEIR would not even be aware of these critical issues, and would not have an opportunity to review the Engeo Ridge Report or other professional documents.</p>	<p>As stated on pages 2-5 (under Aesthetics/Visual Resources) and 2-6 (under Land Use and Planning) of the Draft EIR, the Draft EIR already addresses that the Project site includes a Class I Ridgeline Setback and is located within the Hillside Overlay District. Page-3-32 of the Draft EIR also correctly lists the required permits and approvals for the Project. The submitted application for the proposed Project includes applications for a Hillside Development Permit and a Class I Ridgeline Exception. Nevertheless, the Geology, Soils, and Seismicity bullet point on page 2-6 of the Draft EIR has been revised, as shown in Chapter 3 of this Final EIR, to inform the reader of the existence of a Class I Ridgeline Setback on a</p>

Comment #	Comment	Response
ORG1-34	<p><b>c. Application data regarding aesthetics and visual analysis</b>                      LCA Architects submitted two extensive visual analyses, dated May 6, 2011 (“Visual Simulations”) and August 19, 2011 (“Parcel 27 Visual Analyses”). The LCA visual analyses contain precise photo simulations from the vantage points requested by the City Staff. The DEIR fails to reference, discuss or consider the LCA visual analyses. The DEIR merely states that the DEIR analysis “is based on visual simulations prepared by the EIR consultant.”</p> <p>Given that, as cited above, an EIR is intended to be an informational document --providing the public and decisionmakers the information needed to evaluate a project--we cannot understand the DEIR’s failure to reference or consider the applicant’s visual analyses. At minimum, the DEIR could have stated the differences between the LCA Visual Analyses and the EIR’s analysis -- and explained why the consultant believes the EIR’s analysis is more accurate. The LCA visual analyses are not even attached as an Appendix to the DEIR. A copy of the visual analyses is attached to this General Comment and Legal Analysis at Appendix 3 and Appendix 4, respectively.</p>	<p>portion of the site.</p> <p>The visual simulations prepared by LCA Architects (see Comments ORG1-63 and ORG1-64 in Appendix P of this Final EIR) were reviewed by the City and EIR consultant and were determined to be inadequate for the purposes of analyzing the proposed Project’s impact on visual character for the following reasons: the simulations either</p> <ol style="list-style-type: none"> <li>1. show the Project at distances too great to meaningfully compare before and after conditions;</li> <li>2. show the Project to the side of a viewpoint’s central focal point, giving the effect of a lesser impact;</li> <li>3. use viewpoint locations from the City’s evaluation list where the impacts are least visible;</li> <li>4. depict the Project in a “wide-angled lens” format, which distorts the photo in a “fish-eyed” manner and photographically minimizes impacts;</li> <li>5. are simulated such that the Project is hidden behind heavy landscaping in the foreground; and/or</li> <li>6. does not give a full sense of the grading changes proposed in the Project.</li> </ol> <p>For these reasons, the EIR utilizes simulations prepared by the EIR consultant.</p>
ORG1-35	<p>We further note, under our Specific Comments, that the DEIR Visual Analysis includes photosimulations that exaggerate the visual impacts of the site. On that basis, the DEIR Visual Analysis finds significant impacts that cannot be mitigated. As stated in our Specific Comments, we respectfully disagree with those conclusions.</p>	<p>Please see response to Comment ORG1-127 below. The City does not agree that the Draft EIR’s visual analysis was exaggerated. The visual analysis was prepared by qualified professionals, and the City believes that it represents an accurate prediction of expected future visual effects.</p>
ORG1-36	<p><b>2. The DEIR contains gross overstatements of Apartment Project impacts, without recommendation of mitigation measures and alternatives.</b></p> <p>The City’s use of the DEIR for more than one purpose, and the City’s failure to reference or consider Dettmer/O’Brien’s submitted information, allows the City to make gross overstatements of the Apartment Project impacts -- without recommendations of mitigation and alternatives as required by CEQA.</p>	<p>Please see response to Comment ORG1-12, which explains that the purpose of the Draft EIR is to provide an environmental review of the proposed Project.</p> <p>The previously disturbed nature of the proposed Project site is acknowledged throughout the Draft EIR. For example, page 3-7 of the Draft EIR states: “... the Project site is currently developed with approximately 27,000 square feet in paved surfaces and approximately 5,000 square feet in various structures, including a vacant single-family residence, two small office buildings, a garage, a cargo storage</p>

Comment #	Comment	Response
	<p>Example: The DEIR states as follows:</p> <p>Impact AES-2: The Project would develop a grassy, largely undeveloped site that many members of the community would consider to be a visual resource, causing an impact to visual character that would be considered significant .. [t]here is no feasible mitigation measure ...</p> <p>As stated, Dettmer/O’Brien submitted significant information confirming that 85% of the Project site has been developed and altered, and that there is virtually no natural terrain or ridgeline left on the site. We respectfully ask how the DEIR could ignore such information and conclude that the Apartment Project would develop “a grassy largely undeveloped site”?</p>	<p>box, and a construction trailer. [...] A gravel road from Deer Hill Road provides access to the middle portion of the site, where a former quarry was permitted and operated from 1967 to 1970. [...] A part of the north east portion of the site has served as a seasonal Christmas tree lot since 1997. The remainder of the site is vacant. Approximately 85 percent of the Project site has either been graded or disturbed as a result of these uses.”</p> <p>Chapter 4.1, Aesthetics and Visual Resources, of the Draft EIR acknowledges the previously disturbed nature of the Project site. Page 4.1-8 of the Draft EIR states: “As discussed in the Project Description, the Project site has previously been used as a quarry and construction staging area and has been subject to a significant amount of materials removal and grading [...]. The Project site landscape is typical of a previously disturbed site which has been allowed to re-vegetate. As a result of uncontrolled re-vegetation, the Project site has taken on a semi-rural aesthetic. From neighboring land, streets, and the State Highway, the site largely appears speckled with trees and grassy inclines.”</p> <p>The impact discussion in Chapter 4.1, Aesthetics and Visual Resources, considers potential impacts to the aesthetic quality of the Project site. The discussion of Impact AES-2 on page 4.1-40 of the Draft EIR states: “The existing visual character along the frontage above State Highway 24 is of sloping, terraced hillsides, representing visual open space, distinct from the more urban character of the area on the south side of the freeway. As shown on the photo simulation for Viewpoint 6, construction of the five three-story buildings along this frontage would result in a change in the visual character of the site. The view of an undeveloped hillside would change to a view in which the proposed buildings are prominently located on the Project site.” The description on page 4.1-40 does not assert that the Project site has never been disturbed, but rather acknowledges that the Project site has the visual appearance of a grassy site, with a hillside that does not contain buildings. The development of the proposed Project on the Project site would therefore greatly alter the aesthetic appearance of the Project site.</p>
ORG1-37	<p>Impact AES-2 utilizes as its objective standard the statement that “many members of the community would consider [the site] to be a “visual</p>	<p>The community’s value of the proposed Project site is acknowledged on Page I-22 of the Land Use Element of the City’s General Plan, which states: “Eastern Deer</p>

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	<p>resource.” Given that this is private property zoned for decades for multi-family use, we do not concur in the DEIR’s conclusion that there is a significant impact merely because “members of the community” driving by the property consider the site to be a “visual resource.” We note the DEIR makes no reference to documentation of the supposed community’s concerns -- we can only surmise that the City is considering here the public comments regarding visual impacts submitted during the extensive 10-year process for the City Downzoning.</p>	<p>Hill Road (from Elizabeth Street east to Pleasant Hill Road): This area, particularly the triangular shaped parcel south of Deer Hill Road [i.e. the Project site], is the most significant undeveloped property in the community because of its high visibility, its location as an entryway to the community, and its proximity to major thoroughfares as well as regional open space. For these reasons, any development that occurs should be consistent with the semi-rural character of the community.” Thus, the determination in the Draft EIR that this is a visual resource is entirely appropriate.</p>
<p>ORG1-38</p>	<p>Finally, we note that in this example and numerous other examples throughout the DEIR, the document fails to reference any meaningful mitigation measures, including landscape screening, architectural design, project layout, and related measures.</p> <p>Example: The DEIR states as follows:                      Impact AES-4: The Project would be lighted in conformance with the City’s exterior lighting requirements. In addition, proposed lighting would be shielded (downward facing) to minimize light spill, glare, and reflection, maintaining “dark skies.” Nevertheless, the Project would bring new light sources to the Project site, which currently contains no light sources, which would cause a significant impact. There is no feasible mitigation ...</p> <p>The DEIR confirms that the Project is in 100% compliance with all of the City’s lighting requirements. The DEIR does not identify any objective standards that have been exceeded under CEQA. Despite this evidence, the DEIR summarily concludes that the impact from lighting and glare is significant and that there is no possible mitigation.</p> <p>The DEIR concludes that whenever a light source is introduced to a dark area there is a significant impact that cannot be mitigated. We respectfully submit that this is an absurdity -- this position would require an EIR for almost any project within the City’s hillside areas -- including a single</p>	<p>In response to the comment, the EIR preparers have conducted additional modeling to assess lighting impacts. The results of this modeling are contained in Appendix O of this Final EIR. The revised modeling considers the mitigation effects of the proposed landscaping plan. Based on the revised modeling, it can be determined that with the proposed planting plan, the spillover lighting impact would be less than significant. Major entry points into the site requiring lighting are intentionally more visible to provide adequate entry identification and safety. Nevertheless, lighting levels are modest and in keeping with nearby developed areas, and no high intensity lights proposed. Therefore, the impact is considered to be less than significant and Impact AES-4 (as numbered in the Draft EIR) has been deleted, as shown in Chapters 2 and 3 of this Final EIR.</p>

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	<p>family residence-- and would require the conclusion that there is no possible mitigation.</p>	
ORG1-39	<p><b>3. The DEIR fails to include feasible project alternatives</b>                      CEQA requires that the DEIR describe a “range” of reasonable alternatives to a project. The “range” must: feasibly obtain most of the basic objectives to the project, while avoiding or substantially lessen any of the significant effects of the project. The DEIR must further evaluate the comparative merits of the alternatives.</p> <p><b>a. The DEIR’s alternatives are inadequate</b>                      The DEIR offers only two substantive alternatives: (i) a Mitigated Project Alternative; which reduces the number of units to 153; and (ii) an Office Development Alternative, which proposes an office development on the site.</p> <p>The DEIR’s alternatives do not even attempt to provide feasible alternatives to the Apartment Project.</p>	<p>The commentor is correct that Chapter 5, Alternatives to the Proposed Project, of the Draft EIR evaluates two alternatives in addition to the No Project Alternative: the Mitigated Project Alternative and the Office Development Alternative. Both of these alternatives are considered to be feasible. CEQA does not require that an EIR evaluate alternatives that are not economically feasible. Both alternatives would be consistent with General Plan and Zoning land use requirements for the Project site. In addition, as stated on page 5-2 of the Draft EIR, both alternatives are designed to avoid significant impacts associated with the proposed Project. This is a reasonable range of alternatives per Section 15126.6(a) of CEQA Guidelines: “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project.” Additionally, it should be noted that further analysis of an alternative submitted by the applicant has also been conducted (see Exhibit 5-1 of this Final EIR).</p>
ORG1-40	<p>The City’s Mitigated Project Alternative reduces the number of units to less than half of the 315-unit Apartment Project. Please note that the Apartment Project is already less than half of the maximum density provided for the General Plan designation. We do not know how or why the DEIR drafters chose the number of 153 units – however such reduced density would not achieve the objectives of the Project. The primary Project objectives include: (i) providing multi-family moderate-income rental housing in Lafayette; and (ii) developing a financially feasible project with a “critical mass” of units to support the developer-provided moderate income subsidies.</p>	<p>The commentor is correct that the density of the proposed Project is below the maximum allowed by the General Plan land use designation. As stated on page 4.9-16 of the Draft EIR, “Under [the Administrative/Professional/Office/Multi-Family Residential] designation, the maximum allowable residential density is 35 dwelling units per acre (DU/acre) and the maximum allowable floor area ratio (FAR) is 0.4. [...] Development of 315 units on the 22.27-acre site as proposed would result in a residential density of 14 du/acre. The total area of the proposed buildings is 332,395 gross square feet (gsf), which is equivalent to an FAR of 0.34.”</p> <p>As described on page 5-13 of the Draft EIR, the Mitigated Project Alternative is designed to avoid the aesthetic, biological resource, and land use impacts of the proposed Project. Under the Mitigated Project Alternative, no buildings would be constructed within the Ridgeline Setback area, creek corridor, or oak woodland area. With the removal of buildings proposed in these areas, six building (Buildings A, H, I, J, K, and L) of the proposed Project would remain and the number of</p>

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residential units would be reduced from 315 units to 153 units. The amount of units included in this alternative is consistent with the amount of units that are proposed for these six buildings under the proposed Project.

The commentor correctly references two of the Project objectives, which are shown on page 3-12 of the Draft EIR. The second objective referred to by the commentor is not considered in Chapter 5, Alternatives to the Proposed Project, because an evaluation of the financial feasibility of the alternatives is beyond the purview of CEQA, as indicated in Section 15126.6(b) of CEQA Guidelines: “Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” Page 5-38 of the Draft EIR has been revised, as shown in Chapter 3 of this Final EIR to explain why this objective is not included in the alternatives analysis. The commentor does not indicate why the Mitigated Project Alternative would be an infeasible project.

ORG1-41 The City’s Office Development Alternative would not achieve any of the objectives of the Apartment Project, and would not provide any of the affordable housing that is needed by the City of Lafayette.

Page 5-38 acknowledges that the Office Development Alternative would not achieve some of the proposed Project objectives. Page 5-38 states: “This alternative would not provide housing units, and would not meet the first two Project objectives. Therefore, this alternative would meet two Project objectives out of four.”

ORG1-42 **b. Applicant Refined Alternative Plan**  
 Please reference our Specific Comments, at Attachment 2. Contained therein is a letter from LCA Architects and Appendices setting forth a proposed “Applicant Refined Alternative Plan” (ARAP). The LCA letter confirms that the ARAP is a superior alternative to the City’s alternatives, while achieving most of the objectives of the Apartment Project.

The comment is not correct that the Applicant Refined Alternative is a superior alternative to the alternatives evaluated in the Draft EIR. The Applicant Refined Alternative is evaluated in detail in Exhibit 5-1 of this Final EIR. Contrary to the findings of the LCA letter, as shown in Exhibit 5-1, the Applicant Refined Alternative is not a superior alternative to the Mitigated Project Alternative, which is identified in the Draft EIR as the Environmentally Superior Alternative. As shown in Table 1 of Exhibit 5-1, the Mitigated Project Alternative would be more of an improvement in comparison to the proposed Project than the Applicant Refined Alternative would be in comparison to the proposed Project.

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ORG1-43	<p>4. The DEIR fails to address Apartment Project consistency with the General Plan and zoning designations and goals/policies. The general plan is the “constitution for all future development. “The California Supreme Court has confirmed that the general plan is the “single most important planning document.” Because of the supremacy of the general plan, any subordinate land use action that is not consistent with a city’s general plan is invalid when passed.</p> <p>A City’s zoning ordinance (including the City’s HDO) is subordinate to the General Plan, and is required to be consistent with the general plan.</p>	<p>The Draft EIR does address the consistency of the proposed Project with the relevant General Plan land use goals and policies in the revised Table 4.9-1. Also, the argument that the entire Hillside Overlay District is not consistent with the General Plan is not tenable, as policies relating to the preservation of such resources are clearly contained in the General Plan.</p> <p>See also see response to Comment ORG1-45.</p>
ORG1-44	<p><b>a. The Apartment Project is consistent with the General Plan</b></p> <p>The General Plan designation for the Project site is Administrative/Professional Office/Multifamily Residential. The General Plan states as follows regarding this designation:</p> <p>This designation provides for a mixture of professional office and multifamily residential uses adjacent to Downtown that are close to public transit, shopping, and shopping facilities. The height limit in the Multifamily/Residential/Office designation is 35 feet. The maximum density for multi-family residential uses is 3 5 units per acre.</p> <p>The City determined in its General Plan that the Project site is: (i) adjacent to Downtown; and (ii) close to public transit, shopping, and shopping facilities. Therefore, the City determined in its General Plan that the Project site should have the maximum density allowed in the City (35 dwelling units per acre), and a height limit of 35 feet.</p> <p>The proposed Apartment Project is entirely consistent with the City’s General Plan land use designation. The Apartment Project is less than half of the allowable density (approximately 14 dwelling units per acre); and does not exceed the 35 foot height limit. Stated another way, the Apartment Project is precisely the kind of project contemplated by the General Plan for the specific Project site.</p>	<p>The commentor is correct in that the proposed Project is consistent with the General Plan designation of Administrative/Professional Office/Multifamily Residential. However, the General Plan also anticipates that additional planning will be done on the area known as Eastern Deer Hill, which includes the proposed Project site, in keeping with the semi-rural character of the area. Rather than comply with the requirement to prepare a specific plan, the applicant is instead proposing to amend the General Plan to remove this requirement. In this sense, the Project is not consistent with the General Plan.</p>

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ORG1-45	<p>General plans have several required elements, including land use, housing, and open space elements. Such elements must be internally consistent -- both among the elements and within each element.</p> <p>Here, the City’s General Plan has a specific land use designation with a specific purpose and density. The General Plan further has goals and policies, throughout the General Plan, referencing the protection of open space, hillsides, and the natural hillsides of the City. A close reading of the General Plan, however, shows that these open space and natural hillside policies were not intended to usurp the General Plan designation of Administrative/Professional Office/Multifamily Residential. Indeed, if the open space and natural hillside policies are read to prevent the use of the Project site as designated-then the General Plan would be internally inconsistent and invalid.</p>	<p>The General Plan specifically addresses the Project property under the Deer Hill Road Corridor description, Goal LU-13, Policy LU-13.1, Policy LU-013.2 and Program LU-13.22. It is very clear from these goals, policies and programs that the property is to be development in a manner consistent with Lafayette’s community identity, which include preserving prominent views and imposing development standards that maintain the semi-rural character of the area and the community. Furthermore, the General Plan states that the development allowed under current zoning along the Deer Hill Road corridor must be consistent with Lafayette’s semi-rural community identity.</p> <p>In addition, Policy LU-2.3 clearly states that structures in hillside overlay area shall be sited and designed to be substantially concealed when viewed from below from publicly owned property.</p> <p>Section 6-2001(b)(1) of the Lafayette Municipal Code regarding the Hillside Development Overlay states, “The purpose of this chapter is to: Maintain the semi-rural character and beauty of the city by preserving its open and uncluttered topographic features in their natural state...”. Furthermore, another stated purpose is to “preserve the predominant views both from and of the hillside.”</p>
ORG1-46	<p>When the General Plan was adopted, it provided only for a small number of parcels to be zoned Administrative/Professional Office/Multifamily Residential. The General Plan references the Administrative/Professional Office/Multifamily Residential designation under its Commercial and Office Land Uses. For each of these parcels, the General Plan determined that they were close to downtown, and specifically needed by the City for higher density commercial, office and residential uses. Note that the Goals and Policies following the Commercial and Office Land Uses section primarily reference development in the Commercial and Downtown districts.</p>	<p>All of this demonstrates consistency within the General Plan and the zoning code.</p> <p>The Project property and APO designation is included in the Residential Land Uses description of the Land Use Chapter of the General Plan as listed on Table 7. The commentator is incorrect as the General Plan reference to Administrative/Professional Office/Multifamily Residential under the Commercial and Office Land Uses section of the Land Use Element is for the property depicted on Map I-3, which is not the subject Property. As the legend demonstrates the map depicts Downtown Core, West End Commercial, East End Commercial and APO property located in the downtown as described under the Commercial and Office Land Use section that also contains the exact same groups.</p>
	<p>In contrast, the Goals and Policies referenced in the DEIR regarding open</p>	

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	<p>space and hillsides follow the Residential Neighborhood section in the General Plan-- not the Commercial and Office Land Uses section.</p> <p>For example, see the following:</p> <p>Goal LU-2: Ensure that development respects the natural environment of Lafayette. Preserve the scenic quality of ridgelines, hills, creek area, and trees.</p> <p>Policy LU-2.1: Land use densities should not adversely affect the significant natural features of hill areas.</p> <p>The DEIR states that the Apartment Project is inconsistent with these goals and polices, and related goals/policies. Respectfully, this is a simplistic approach that does not recognize General Plan designation for the Project site and the Apartment Project.</p>	
ORG1-47	<p>The DEIR gives short discussion to the consistency of the Apartment Project with the specific designation of the Project site General Plan, and instead focuses on broader goals and policies protecting “natural hillsides.” There is simply no effective discussion balancing the competing interests of the General Plan designation and these “natural hillside” goals and policies.</p> <p>As stated herein, the Project site is not a natural site -- and there are no significant natural features for protection. Just as importantly, however, the fact of this matter is that the General Plan simply did not intend the Administrative/Professional Office/Multifamily Residential designation to be “overruled” by the hillside goals and polices.</p>	<p>The General Plan anticipates that the proposed Project site would be subject to further study. General Plan Policy LU-13.2 directs the City to “Consider options for development south of Deer Hill Road and north of Deer Hill Road where adjacent to Pleasant Hill Road,” and indicates that future planning for the area should preserve prominent views and maintain the semi-rural character of the community. In addition, the Land Use Element of the City’s General Plan acknowledges the unique planning circumstances for the Project site: “Eastern Deer Hill Road (from Elizabeth Street east to Pleasant Hill Road): This area, particularly the triangular shaped parcel south of Deer Hill Road [i.e. the Project site], is the most significant undeveloped property in the community because of its high visibility, its location as an entryway to the community, and its proximity to major thoroughfares as well as regional open space. For these reasons, any development that occurs should be consistent with the semi-rural character of the community.”</p> <p>Please see response to Comment ORG1-45.</p>

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ORG1-48	<p><b>b. The Apartment Project is consistent with the zoning ordinance</b>                      The zoning designation for the Project site is found within the City’s Municipal Code under Chapter 6-10: Office Districts. The Project site is designated Administrative/Professional Office District (APO). Multifamily buildings are allowed with a land use permit. Like the General Plan designation, the zoning designation was placed on the Project site with specific awareness of the site’s characteristics. In fact, the APO zoning district contains a plat map of the project site, showing the terraced areas of the site, and showing the allowable heights for each area.</p>	<p>The commentator is correct that the proposed Project would be consistent with the APO zoning district. Page 4.9-24 of the Draft EIR acknowledges that the proposed Project would be consistent with the use, height, setback, and landscaping requirements of the City’s zoning regulations. However, the proposed Project would be inconsistent with provisions of Chapter 6-20, Hillside Development, since the site is within the Hillside Overlay District and has a Class I Ridgeline and Setback is located on a portion of the site.</p>
ORG1-49	<p>The DEIR, however, relies heavily on the City’s Hillside Development Ordinance (HDO ), to find significant and unavoidable impacts. As stated herein, we believe the HDO does not apply to the Apartment Project. However, even assuming for sake of argument that the HDO does apply, it cannot be applied in a manner that conflicts with the General Plan.</p> <p>The DEIR states that the Apartment Project would be inconsistent with several HDO requirements regarding aesthetics and visibility. If these provisions were to be applied strictly as proposed, the City could not approve any project of any size on the site.</p> <p>Given that the General Plan explicitly designates the Project Site for Administrative/Professional Office/Multi-Family Residential, with the highest density allowed in the City, the HDO cannot be applied to “rezone” the site to open space.</p>	<p>Page 4.9-16 of the Draft EIR acknowledges that the proposed Project would be generally consistent with the General Plan land use designation for the Project site. However, as described above in response to Comment ORG1-47, the General Plan anticipates further planning for the Project site and therefore the General Plan does not explicitly designate the proposed Project site with a density of 35 units per acre. The City has the discretion through the Hillside Development Permit findings to evaluate projects within the Hillside Overlay District on a case-by-case basis.</p> <p>In addition, the density allowed under the General Plan land use designation is not the sole determinant of how much development may occur on a given site. As described on page 4.9-25 of the Draft EIR, the Project site is located within the Hillside Overlay District and a portion of the Project site is located within a Class I Ridgeline Setback. To be granted an exemption to the prohibition of development within the Ridgeline Setback, the Project must be consistent with the 15-degree declination restrictions and Hillside Development Permit requirements. However, as described on pages 4.9-26 through 4.9-28 of the Draft EIR, the proposed Project would not be consistent with several Hillside Development Permit requirements. Therefore, proposed construction of new buildings within the Ridgeline Setback is considered to be inconsistent with City requirements.</p>
ORG1-50	<p><b>c. The Apartment Project is consistent with General Plan goals and policies</b>                      As stated, the DEIR focuses on General Plan goals and policies that broadly reference the protection of natural hillsides -- while virtually</p>	<p>The Project is consistent with the General Plan designation of Administrative/Professional Office/Multifamily Residential. However, the General Plan specifically addresses the Property in the Deer Hill Road Corridor description, Goal LU-13, Policy LU-13.1, Policy LU-013.2 and Program LU-13.22.</p>

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	<p>ignoring the goals and policies that specifically apply to the Apartment Project and the Project site.</p> <p>Please reference in this regard two letters submitted as part of our Specific Comments at Attachment 2: (i) letter from LCA Architects, setting forth comments on the DEIR’s Section 4.1, “Aesthetics and Visual Resources,” and (ii) letter from Michael Henn, AICP, setting forth comments on the DEIR’s Section 4.11, “Population and Housing.”</p> <p>Appellate case law confirms that no project can comply with all policies of a general plan-- given the competing interests covered in the plan. Instead, a finding of consistency requires only that the project be compatible with the objectives, policies, etc., specified in the applicable plan. This has been interpreted as requiring that a project be “in harmony with” the terms of the applicable plan -- not in rigid conformity with every detail.</p> <p>The referenced letters and other Specific Comments confirm that the Apartment Project is consistent with the vast majority of the applicable General Plan goals and policies -- and specifically with the goals and policies most relevant to the Project.</p>	<p>It is very clear from these goals, policies, and programs that the property is to be development in a manner consistent with Lafayette’s community identity, which include preserving prominent views and imposing development standards that maintain the semi-rural character of the area and the community.</p> <p>In addition, Policy LU-2.3 clearly states that structures in hillside overlay area shall be sited and designed to be substantially concealed when viewed from below from publicly owned property.</p> <p>Section 6-2001(b)(1) of the Lafayette Municipal Code regarding the Hillside Development Overlay states, “The purpose of this chapter is to: Maintain the semi-rural character and beauty of the city by preserving its open and uncluttered topographic features in their natural state;”. Furthermore, another stated purpose is to “preserve the predominant views both from and of the hillside.”</p> <p>The significance of this property as specified in the above referenced goals, policies, and program requires that the Project comply at a minimum with this standards, which is does not, as further enumerated in response to Comment ORG1-49.</p>
ORG1-51	<p><b>E. The DEIR fails to address the City’s need for affordable housing</b>                      A primary Project objective is to provide an all-moderate income rental housing project to the City, which is desperate need of such housing. All (100%) of the units will be restricted to moderate income housing.</p> <p>The DEIR at Section 4.11 references “Population and Housing,” and in such Section discusses the City’s Housing Element. The DEIR confirms that the state Housing Element law requires each local jurisdiction (city) to provide its fair share of the region’s projected housing needs. This share is called the Regional Housing Needs Allocation (or RHNA).</p>	<p>Please see response to Comment ORG1-260.</p>

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	<p>The DEIR states as follows:</p> <p>During the period between 1999 and 2007, the City of Lafayette has been generally successful in achieving the RHNA goals.</p> <p>Respectfully, this statement and similar statements in the DEIR are entirely misleading to the reader. The fact of the matter is that, according to the City’s own data, no multi-family units have been constructed in the last eight years -- and only 182 multifamily units have been built City-wide in the past 32 years. By any measure, the City has been utterly and completely unsuccessful in providing for multi-family and/or affordable housing during the past several decades.</p>	
ORG1-52	<p>The DEIR fails to point out the City’s significant need for multi-family and affordable housing. The DEIR fails to reference the Housing Accountability Act and other state laws setting forth such need and requiring cities to make certain findings prior to denying housing projects. The DEIR fails to show the Apartment Project’s consistency with applicable laws and policies of the state -- and with General Plan policies in favor of a diverse housing stock (including affordable housing) and in-fill development.</p>	Please see response to Comment ORG1-258.
ORG1-53	<p>The fact of the matter is that the City is proposing to downzone the Project site -which is one of the few sites currently zoned and available for the multi-family and affordable housing that the City needs. The City instead points to other sites in the downtown area that the City believes are “available” for affordable housing -- however such sites are currently developed with other uses and are not available for affordable housing.</p> <p>A reader of the DEIR would reasonably believe that the City has met all state goals and has plenty of multi-family and affordable housing. As shown in our Specific Comments, this belief would be in error.</p>	Please see response to Comment ORG1-261.
ORG1-54	<p><b>F. The DEIR violates Dettmer/O’Brien’s constitutional rights of due process, equal protection and to a fair hearing.</b>                      The City’s actions in (i) processing the Apartment Project, and (ii)</p>	Please see response to Comment ORG1-12, which explains that the purpose of the Draft EIR is to provide an environmental review of the proposed Project only.

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	<p>concurrently moving forward with the City Downzoning, violate Dettmer/O'Brien's rights of due process, equal protection and fair hearing.</p> <p><b>1. The City Cannot Fairly Review Both the Apartment Project and the City Downzoning .</b></p> <p>Given that the City Council has already stated on the record its intent to downzone the Project site to LR-5, and has stated that it will recommence the City Downzoning upon completion of the EIR, we question how the City Council can fairly evaluate this DEIR for the Apartment Project.</p>	
ORG1-55	<p><b>2. The City's Costs for Preparation of the DEIR violate due process Dettmer/O'Brien's constitutional rights</b></p> <p>As shown below, Dettmer/O'Brien have to date paid hundreds of thousands of dollars for the DEIR.</p> <p>Following the start of the DEIR consultant's work on the project, the City informed Dettmer/O'Brien stating that the original cost of the EIR would be raised by \$116,482 --a 50% increase. Dettmer/O'Brien counsel expressed concern regarding the increase and the expanded scope of work to be addressed in the DEIR. Dettmer/O'Brien representatives requested a meeting with Staff, and prepared an Agenda for such meeting to address issues of concern. The Agenda lists Dettmer/O'Brien's concerns about increased costs and scope of work, and the need for communication between the Project consultants and the DEIR consultants as part of the Administrative Draft EIR. The Agenda shows Dettmer/O'Brien further raised issues regarding the City's interpretation of the Hillside Ordinance and Ridgeline exceptions.</p> <p>A meeting was held with Staff and the Dettmer/O'Brien consultants on November 21, 20 11. All issues on the Agenda were discussed, the Engeo Reports were given to the City, and Dettmer/O'Brien consultants believed the City would address the issues raised.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. While it does not bear on the adequacy of the EIR, it should be noted that all the costs incurred by the City have been reasonable, given the City's need to maintain its independent judgment and role in preparing the EIR (necessitating the commissioning of further studies), the great deal of work that the commentator's lengthy comment letter has required the City to expand in order to prepare written responses, as well as the special nature of the Project site, which implicates several important environmental issues. Furthermore, this EIR is not being used to analyze the effects of downzoning the property. See response to Comment ORG1-12.</p>

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	<p>However, as shown in these Comments, the City did not follow through with any of the items on the Agenda (except of course regarding the increased costs of the DEIR). Indeed, the City allowed almost no further communication with the DEIR consultants as part of the DEIR -- and the DEIR did not reference or discuss the Engeo Reports regarding the Hillside Ordinance and Ridgeline exceptions.</p> <p>At time of this writing, Dettmer/O'Brien has paid the City approximately \$337,652 for DEIR costs. This sum does not include separate Staff and Attorney time the City continues to charge to Dettmer/O'Brien, and other potential fees to complete the process. For the size of this Project, this sum is by far the most costly EIR that our office has ever experienced in 40 years of land use practice.</p> <p>Please note the inherent due process violations from this process. Dettmer/O'Brien have now paid the City hundreds of thousands of dollars for the DEIR. In response, the DEIR has failed to discuss or address several of the most critical Dettmer/O'Brien Application documents. This has caused Dettmer/O'Brien to submit significant comments and to "re-submit" several of the documents that should have been considered in the DEIR. Further, and even more damaging, the DEIR now states that the DEIR/EIR will be utilized to determine the extent of the City Downzoning. Stated another way, the City is requiring Dettmer/O'Brien to fund the downzoning of the Project property.</p>	
ORG1-56	<p><b>3. Comparison of recent CEQA documents prepared by City shows bias against the Apartment Project.</b></p> <p>The DEIR for the Terraces of Lafayette finds a total of seventeen (17) significant impacts that cannot be mitigated. A brief comparison of recent CEQA documents prepared by the City clearly shows the City's bias against the Apartment Project.</p> <p><b>a. Soldier Field Subdivision EIR</b></p> <p>The Soldier Field Subdivision EIR was prepared in 2005 for a residential</p>	<p>The EIR for the proposed Project was prepared in accordance with CEQA Guidelines and is intended to be an informational document for City decision makers and other interested parties about the proposed Project and alternatives described in the EIR. A previous analysis of a very different project on a very different site in a very different setting and completed over seven years ago cannot pre-determine the findings of this EIR. Location and time can greatly affect environmental conditions as they pertain to a project's impacts, including traffic, biological resources, and aesthetics. Environmental analysis is also affected by changes in the practice of environmental review as required by CEQA.</p>

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	<p>project within the City’s Hillside Development Ordinance (HDO) area. The project consisted of 8 custom estate lots clustered in an area (approximately 28 acres) similar in size to the Terraces of Lafayette Project site. The Soldier Field application consisted of a Tentative Map, a Hillside Development Plan, and exceptions to the HDO for Class I and Class II Ridgeline setbacks.</p> <p>The Soldier Field Subdivision EIR, after listing extensive mitigation measures, found no significant and unavoidable impacts. With regard to visibility, the EIR noted that the site is located on a prominent hillside within the HDO overlay district -- and that the project is visible from lower areas. However, the EIR found that with identified mitigation measures (Design Guidelines and other measures) the visibility can be reduced to less-than-significant levels. With regard to the alteration of “natural” features of the hillsides, the EIR found that with identified mitigation measures, including design and orientation of the buildings, the construction would be less-than-significant. This is the type of analysis, discussion and mitigation that Dettmer/0 ‘Brien would have expected to find in the {Terraces} DEIR.</p>	<p>The Soldier Field Subdivision was proposed on an 87.9-acre site into eight single-family residential lots and a remainder parcel. The application included a subdivision into residential lots ranging in size from 1.5 to 5 acres (average size of 3.5 acres). The remainder parcel was 59.6 acres for permanent open space. The residential density of the site was 0.09 units per acre. The project also included applications for a Hillside Development Permit and exceptions to the Hillside Development Ordinance. The project included a balance of on-site cut and fill. It was estimated that the project would generate 114 daily trips.</p>
ORG1-57	<p>We further note that the Soldier Field EIR does not raise lighting/glare, grassland and several other impacts found to be “significant and unavoidable” in the Terraces DEIR.</p>	<p>Please see response to Comment ORG1-38, which explains that Impact AES-4 (as numbered in the Draft EIR) has been deleted, as shown in Chapters 2 and 3 of this Final EIR.</p>
ORG1-58	<p><b>b. City Downtown Specific Plan EIR</b>          The City’s Downtown Specific Plan (DSP) is currently under consideration by the City. The DSP is an enormously large project, covering the entire Downtown area, and providing the land use and design policies for such area over the next 20 years. Aside from the extensive land use policies, we understand the buildout projection for the DSP area includes an additional 730 units, 138,000 square feet of retail, and 138,000 square feet of office space.</p> <p>The DSP DEIR sets forth the scope of this project -- and raises dozens of potentially significant impacts. However the DSP DEIR further identifies,</p>	<p>The comment compares the findings of the Downtown Lafayette Specific Plan EIR to the findings of the Draft EIR for the proposed Project. It should be noted that the Downtown Lafayette Specific Plan EIR is a programmatic EIR that evaluates the Downtown Specific Plan at a planning policy level in an urban infill setting over a 20-year period, while the Draft EIR is a project-level EIR that evaluates the site-specific impacts of the proposed Project. Because the Downtown Lafayette Specific Plan EIR is a programmatic EIR, future projects proposed in the downtown will be subject to case-by-case review to determine whether additional, project-level CEQA review is required. The comment does not contain a specific comment or question on the adequacy of the Draft EIR.</p>

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	<p>analyzes, and proposes extensive mitigation measures. As a result, after all of such identified mitigation, the DSP DEIR lists only a total of seven (7) significant and unavoidable impacts. In comparison, the Terraces DEIR, with a project size consisting of a small fraction of the DSP, finds ten (10) more significant and unavoidable impacts (17).</p> <p>A simple side-by-side comparison of the Terraces DEIR and the DSP DEIR shows that the DSP DEIR contains a far greater analysis and discussion of potential mitigation measures. The DSP DEIR does not merely dismiss potential impacts as “significant and unavoidable with no feasible mitigation” (as consistently done in the Terraces DEIR). Instead, the DSP DEIR contains a lengthy, thoughtful analysis of each potentially significant impact and of all the mitigation measures that reduce such impact to less-than significant levels.</p> <p>Dettmer/O’Brien would have hoped for a similar analysis in the Terraces DEIR. Dettmer/O’Brien can only conclude that the extensive differences significance and mitigation analysis in the two documents can be found in the fact that the City supports the DSP as a benefit to the City -- while the City has indicated on the record that the Apartment Project site should be downzoned to single family uses.</p>	
ORG1-59	<p><b>c. City Staff CEQA Review for Multi-Family Development on Project Site</b> In 2009, City Staff prepared environmental review for a potential zoning on the Project Site that would allow total of 33 dwellings, including 29 townhome and 4 single family homes (Staff CEQA Analysis). The Staff CEQA Analysis was not certified by the City, but it confirms Staffs earlier view of visibility impacts and other potentially significant impacts on Parcel 27. The Staff CEQA Analysis states:</p> <p>Multi-family development on the southerly part of Parcel 27 would be visible, but views in this area are already compromised by views of Highway 24, Pleasant Hill Road, a gas station, and high school, and the</p>	<p>The commentor points to the analysis prepared for an unidentified project from 2009, comparing the aesthetic and hillside analyses’ approach to that of the present EIR. However, this comparison is not valid because the CEQA document there was never certified or adopted by the City. Hence, at the most it was merely a draft document and it was never endorsed by the City, and thus it cannot be viewed as representing the City’s official approach to these types of impacts.</p>

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	<p>visibility effect would not be expected to be significant given compliance with the required design review.</p> <p>The Staff CEQA Analysis does not raise aesthetics, hillside development, lighting and glare and other significant and unavoidable impacts as raised by the Terraces DEIR and ultimately finds no significant and unavoidable impacts.</p>	
ORG1-60	<p><b>IV. Conclusion</b></p> <p>As shown herein, the City’s DEIR: (i) fails to set forth a valid project description; (ii) fails to provide an accurate baseline of existing environmental conditions; (iii) misleads and confuses the public; (iv) fails to consider the Application data; (v) fails to identify mitigation measures and alternatives; and (vi) fails to address the Project’s consistency with the City’s General Plan and zoning designations.</p> <p>We must respectfully state that in failing to reference significant information submitted as part of the Application, the DEIR does a great disservice to the Applicant, the general public as readers of the EIR, and to the City decisionmakers. By systematically ignoring information that does not support the City’s pre-determined position, the DEIR conveys to the reader and City decisionmakers a false and misleading impression of the Apartment Project.</p> <p>As stated, the purpose of the DEIR under CEQA is to provide information -- not to advocate a City position regarding the Apartment Project or the City Downzoning. Without careful discussion of the submitted information, and a professional and impartial analysis, the EIR becomes meaningless.</p> <p>The ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decisionmakers, and the public, with the information about the project that is required by CEQA.<sup>92</sup></p>	<p>Please see response to Comment ORG1-4. The comment serves as a conclusion to the comments above. Please see responses to Comments ORG1-9 through ORG1-59.</p>

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	We respectfully request that the City carefully consider these Comments and make changes and additions to the DEIR as requested herein.	
ORG1-61	ATTACHMENT, Technical Documents List	Comment ORG1-61 is a list of technical documents (revised on September 23, 2011) prepared by The Planning Center   DC&E summarizing technical documents received from the Project applicant. Please see response to Comment ORG1-27.
ORG1-62	ATTACHMENT, ENGEO Geo Report	Comment ORG1-62 is a report containing a geotechnical analysis of the Lafayette Area Ridge Map Hillside Overlay Ridge Map, prepared by ENGEO and revised on August 30, 2011. This attachment can be found in Appendix P of this Final EIR and is referred in Comments ORG 1-6, ORG1-21,ORG1-23, ORG1-24, ORG1-27, ORG1-31, ORG1-32, and ORG1-33.
ORG1-63	ATTACHMENT, Obrien Visual Sims	Comment ORG1-63 is an attachment that provides visual simulations of the proposed Project, prepared by LCA Architects on May 6,2011. This attachment can be found in Appendix P of this Final EIR and is referenced in Comments ORG 1-27, ORG1-34, ORG1-114, ORG1-127, and ORG1-133.
ORG1-64	ATTACHMENT, Obrien Parcel 27 Visual Analysis	Comment ORG1-64 is an attachment that provides a visual analysis of the Project site, prepared by LCA Architects on August 19, 2011. This attachment can be found in Appendix P of this Final EIR and is referred in Comments ORG 1-27 and ORG1-34.
ORG1-65	ATTACHMENT 2, Specific Comments TOC	The comment provides a table of contents of the comments that follow (Comments ORG1-66 through ORG1-278). No response is necessary.
ORG1-66	This letter will set forth our office’s Specific Comments on certain Sections of the DEIR. This letter will accompany several other consultant letters and Appendices prepared on remaining Sections of the DEIR, all as part of our Specific Comments.	The comment serves as an introduction to the comments that follow. No response is necessary.
	This letter will primarily address the DEIR at Sections 1, 2, 3, 4.9, and 6. This letter will cross-reference our office’s General Comments and Legal Analysis dated June 28, 2012 (General Comments, submitted as Attachment 1), and other Specific Comments prepared by consultants, where appropriate.	

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ORG1-67	<p>Section 1 Introduction</p> <p>1. DEIR at p. 1-1. The DEIR confirms that the document is intended to inform City decision-makers, other responsible agencies, and the public-at-large, of the nature of the Project and its potential impacts. We concur. We would ask, therefore, why the DEIR does not consider or reference the extensive materials submitted as part of the Project Application. As set forth in our General Comments at Section III.D., Dettmer/O'Brien submitted extensive information as part of the Project Application regarding the City's application of the Hillside Development Ordinance (HDO) and the Class I Ridge line setback. The Project Application states that the Project is not within the HDO and not within a Class I Ridgeline setback. Dettmer/O'Brien further submitted several Engeo documents to confirm its position, including The Engeo Geotechnical Evaluation of Ridge Ordinance (Ridge Report) dated August 30, 2011. These and other documents were not considered in the DEIR. Given that CEQA provides that an EIR is an informational document -- we cannot understand why this critical information was not considered.</p>	<p>Please see response to Comment ORG1-23, which explains that the ENGEO reports are acknowledged and included in the Draft EIR and that Appendix M has been revised to include an updated ENGEO report submitted by the Project applicant.</p> <p>Please see response to Comment ORG1-27, which explains that all the documents submitted by the applicant were reviewed and considered during the preparation of the Draft EIR.</p> <p>Please see response to Comment ORG1-34, which explains that the EIR consultant did review the visual simulations prepared by LCA and found that the simulations were inadequate for the purpose of determining the impacts of the Project.</p>
ORG1-68	<p>Section 2. Report Summary</p> <p>1. DEIR at p. 2-1. The DEIR states at Section A.2 on page 2-1 as follows:</p> <p>The Project is within the City's Hillside Overlay District (HOD) <i>and a Class I Ridgeline setback is located on the Project site.</i> (Emphasis added).</p> <p>This exact same statement is repeated numerous times throughout the DEIR, and it is false. There is no Class I Ridge line on the Project site, and there is no Class I Ridgeline on the Project site.</p> <p>The DEIR bases this statement solely on the map entitled "Lafayette Area Ridge Map and Hillside Overlay District Map" at Figure 3-4 of the DEIR (Ridge Map).</p> <p>As set forth in our General Comments, the Ridge Map is based on outdated USGS contour maps prepared prior to the construction of Deer</p>	<p>Please see response to Comment ORG1-30, which explains that Lafayette Ridge on the Project site is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering &amp; Geology. The Cal Engineering &amp; Geology report is included in Appendix M of this Final EIR.</p>

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	Hill Road, the widening of Highway 24, and the removal of the topography on the Project site. These construction projects occurred over 40 years ago.	
ORG1-69	<p>Please reference the Engeo Ridge Report. The Ridge Report addresses the history and setting of the Lafayette Ridge, the Ridge Map, and the Hillside Development Ordinance (HDO) provisions for Class I Ridges and setbacks. The Ridge Report includes precise definitions and measurements, and attaches three figures illustrating its analysis. The Ridge Report concludes as follows:</p> <ol style="list-style-type: none"> <li>1. The landform designated as “Lafayette Ridge” by the USGS terminates well north of the Project site, at an elevation of approximately 750 feet. (See point A2 on Figure 2 of the Report.)</li> </ol>	Please see response to Comment ORG1-30, which explains that Lafayette Ridge on the Project site is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering & Geology. The Cal Engineering & Geology report is included in Appendix M of this Final EIR.
ORG1-70	<ol style="list-style-type: none"> <li>2. A separate Class II spur ridge exists, again well to the north of the Project site (See points B 1 to B2 on Figure 2 of the Ridge Report). This spur ridge ends approximately 650 feet to the northwest of the Project site.</li> </ol>	Please see response to Comment ORG1-30, which explains that Lafayette Ridge on the Project site is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering & Geology. The Cal Engineering & Geology report is included in Appendix M of this Final EIR.
ORG1-71	<ol style="list-style-type: none"> <li>3. The City’s Ridge Map inaccurately shows an extension of the Class I Ridge southward all the way across Deer Hill Road. There is in fact no Ridge in that area. The City’s Ridge Map evidently utilized outdated USGS contours that do not accurately reflect the ground surface. Stated simply, there is no Class I Ridge near the Project Property, and no setbacks apply.</li> </ol>	Please see response to Comment ORG1-30, which explains that Lafayette Ridge on the Project site is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering & Geology. The Cal Engineering & Geology report is included in Appendix M of this Final EIR.
ORG1-72	The HDO provides that if a precise onsite measurement shows that the boundary of the Hillside Overlay District or the location of a ridge varies from the City Ridge Map -- then such precise onsite measurement applies. The Engeo Ridge Report sets forth the precise onsite measurement referenced in the HDO, confirming that the Class I Ridge terminates well to the north of the Project site, and therefore no Ridgeline exception is required.	Please see response to Comment ORG1-30, which explains that Lafayette Ridge on the Project site is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering & Geology. Therefore, the Project site’s location within the Hillside Overlay District, as evaluated in the Draft EIR, is accurate. The Cal Engineering & Geology report is included in Appendix M of this Final EIR.
ORG1-73	Dettmer/O’Brien have further submitted extensive information as part of the Application confirming that the HDO was not intended to apply to the Project Site. This is because the HDO was intended to protect “natural ridge lines” and “natural topographical features”-- not the heavily-	Please see response to Comment ORG1-30, which explains that Lafayette Ridge on the Project site is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering & Geology. Therefore, the Project site’s location within the Hillside Overlay District, as evaluated in the Draft EIR, is

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	quarried Project site.	accurate. The Cal Engineering & Geology report is included in Appendix M of this Final EIR.
ORG1-74	Please further reference in this regard “The History of the Creation and Application of Lafayette’s Protected Ridgelines and Hillside Overlay District” dated September 1, 20 11 (History), attached to this letter as Appendix 1. This History traces the drafting and approval of the HDO; the drafting of the Hillside Overlay District and the Ridge Map, and concludes that the Project site was not/is not subject to the HDO.	Please see responses to Comments ORG1-107a through ORG1-107n.
ORG1-75	Finally, we note in this regard that the Dettmer/O’Brien Application, on its face, specifically stated our position that the HDO and Class I Ridgeline exceptions do not apply, and we reserved the right to object to the City’s interpretation of the HDO. Given Dettmer/O’Brien’s position on these issues – we question how the DEIR can set forth the opposite position as “fact” and without discussion of the Project Application and related consultant materials submitted.	The proposed Project application included a letter from David Bowie stating the Hillside Overlay District and Ridgeline Setback do not apply because the three qualifiers in the ordinance do not apply (although there is no proof offered in the letter to support that statement). However, the Project application did include a request for a Hillside Development Permit and Class I Ridgeline Exception. Please see response to Comment ORG1-28.
ORG1-76	2. DEIR at p. 2-5. The DEIR at p. 2-5 purports to set forth “Areas of Controversy” regarding the Apartment Project. As set forth in our General Comments, the DEIR fails to reference the two critical threshold issues: (i) whether the HDO includes the Project site; and (ii) whether a Class I Ridgeline and/or setback extends onto the Project site.	Please see response to Comment ORG1-33.
ORG1-77	3. DEIR at pp. 2-13 through 2-44. The DEIR sets forth a Summary of Impacts and Mitigation Measures. Please consider our General Comments and Specific Comments on the entire DEIR as also addressing this Summary.	Table 2-1 has been updated, as shown in Chapter 2, Report Summary, of this Final EIR. Specific responses to the commentor’s submitted comments are provided throughout this chapter.
ORG1-78	Section 3 Project Description 1. DEIR at p. 3-5. The DEIR states again that Figure 3-4, the City’s Ridge Map, “shows a Class I Ridgeline located on the Project site.” As set forth herein, the Ridge Map is wrong and the DEIR’s conclusions based thereon are false. Please note further that the DEIR at p. 3-9 states that, as shown on the Ridge Map, the “southern terminus of Lafayette Ridge is located immediately north of Deer Hill Road.” This statement is inconsistent with the DEIR’s earlier statements (to the effect that the Ridge extends onto the Project Site), however as set forth herein this statement is just as	Page 3.5 has been revised to read: “As illustrated on Figure 3-4, the City’s Lafayette Area Ridge Map shows a Class I Ridgeline <u>Setback</u> located on <u>a portion of</u> the Project site.” See Chapter 3, Revisions to the Draft EIR, of this Final EIR.

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	inaccurate.	
ORG1-79	<p>2. DEIR at p. 3-10. The DEIR sets forth Project Objectives at Section D. Please note that the objectives listed do not include several of the objectives provided by Dettmer/Brien consultants to the DEIR consultant. Please reference in this regard the letter of LCA Architects, submitted with the Specific Comments, setting forth the Applicant Refined Alternative Plan.” Such letter lists the Project Objectives and those omitted by the DEIR consultant.</p>	See the responses to Comments ORG1-147 through ORG1-149.
ORG1-80	<p>One of the significant objectives removed by the DEIR consultant is the new southbound lane proposed by the Apartment Project at the Pleasant Hill Road/Deer Hill Road intersection. As set forth throughout our Comments -- and as confirmed in the DEIR -- the new southbound lane would improve traffic conditions at this intersection. However, the DEIR unilaterally references such southbound lane as a mere “mitigation measure” and thereafter analyzes the Apartment Project traffic impacts without the presence of the lane. As stated, such review is improper under CEQA.</p>	Please see responses to Comments ORG11-19 and ORG11-20.
ORG1-81	<p>3. DEIR at p. 3-13. The DEIR states again as follows:</p> <p>As previously noted, the City’s Lafayette Ridge Map shows a Class I Ridgeline located on the Project site. LMC 6-2023 states that no development may take place within 400 feet (measured in plan view) of a Class I Ridgeline without an exception.</p> <p>As stated earlier, this repeated statement is false and misleading. The City’s Ridge Map is outdated and there is no Class I Ridgeline on the Project site. We note here that the DEIR does not even take the time to reference or consider the extensive Dettmer/O’Brien data, including the Engeo Ridge Report and other professional consultant data, confirming the inaccuracy of this statement. A reader of the EIR would consider the DEIR’s statement as fact and would not even be aware of the significant data conclusively showing that the statement is false. Given the importance of this critical threshold issue, the DEIR’s failure to consider</p>	<p>Page 3-13 has been revised to read: “As previously noted, the City’s Lafayette Area Ridge Map shows a Class I Ridgeline <u>Setback</u> located on <u>a portion of</u> the Project site.” See Chapter 3, Revisions to the Draft EIR, of this Final EIR.</p>

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	or reference such data is incomprehensible.	
ORG1-82	<p>At the Planning Commission public hearing on the DEIR held on June 18, 2012, the Commission asked the Staff and the DEIR consultant why the extensive information submitted on the HDO and Class I Ridgeline issues was not discussed as part of the DEIR. The Staff responded to the effect that such information would be addressed in the Response to Comments ... The problem with this approach is that the DEIR has already set forth seventeen (17) significant and unavoidable project impacts. The DEIR, however, has not referenced or considered the specific information needed to justify such conclusions. This problem is evident with regard to the City’s Ridge Map. The DEIR falsely concludes, in reliance on the Ridge Map, that a Class I Ridgeline extends onto the Project site. As shown, such conclusion permeates the entire DEIR. Based on such false conclusion, the DEIR wrongfully identifies numerous significant and unavoidable impacts. The question here is whether the DEIR consultant will go back, as part of preparation of the Response to Comments, and amend all of its earlier analysis and these wrong conclusions. With respect, we have a concern that given the significant amount of errors in the DEIR (and the significant amount of submitted data not referenced, discussed or addressed in the DEIR), the consultant will be reluctant to amend these and other faulty conclusions – even in the face of substantive evidence presented in these Comments.</p>	<p>CEQA Guidelines do not require public hearings during the public review period of a Draft EIR, as indicated in CEQA Guidelines Section 15087(i): “Public hearings may be conducted on the environmental documents, either in separate proceedings or in conjunction with other proceedings of the public agency. Public hearings are encouraged, but not required as an element of the CEQA process.” However, the City elected to hold a public hearing to provide members of the public with an additional means to contribute their comments on the documents.</p> <p>The purpose of the public hearing on the Draft EIR was to receive comments on the Draft EIR from the public and Planning Commission. It was not the purpose to respond to comments. Revisions have been made as necessary to ensure the Final EIR is correct in its analysis.</p>
ORG1-83	<p>4. DEIR at p. 3-32. The DEIR states at Section G that the Apartment Project will require a Class I Ridgeline Exception permit. As stated herein, we do not concur with that position.</p>	<p>Please see response to Comment ORG1-6. Please also note that the Project application included a request for a Class I Ridgeline Setback Exception.</p>
ORG1-84	<p>Section 4.9 Land Use and Planning                      1. DEIR at p. 4.9-1. The DEIR states that the purpose of the Land Use and Planning Section is to: (i) describe the existing land uses in the vicinity of the Project and to analyze the effects of the Project on the surrounding area; and (ii) provide an analysis of the Project’s consistency with local plans, policies and regulations applicable to the Project.</p>	<p>Page 4.9-16 of the Draft EIR acknowledges that the proposed Project would be generally consistent with the General Plan land use designation for the Project site. However, as described above in response to Comment ORG1-47, the General Plan anticipates further planning for the Project site and therefore the General Plan guidance for the Project site is more comprehensive than what is allowed under the General Plan land use designation.</p>
	<p>We concur with the stated purpose of Section 4.9. However, as set forth</p>	

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in our General Comments, the DEIR does not fairly reference “the Project’s consistency with local plans, policies and regulations.” The DEIR does not discuss in any meaningful way the Project’s consistency with the General Plan-- which is the “constitution” for all land use decisions. The General Plan designation for the Project site is Administrative/Professional Office/Multi-Family Residential, allowing up to 35 dwelling units per acre. The General Plan states:

This designation provides for a mixture of professional office and multifamily residential uses adjacent to Downtown that are close to public transit, shopping, and shopping facilities. The height limit in the Multifamily/Residential/Office designation is 35 feet. The maximum density for multi-family residential uses is 35 units per acre.

The City determined in its General Plan that the Project site is: (i) adjacent to Downtown; and (ii) close to public transit, shopping, and shopping facilities. Therefore, the City determined in its General Plan that the Project site should have the maximum density allowed in the City (35 dwelling units per acre), and a height limit of 35 feet.

The proposed Apartment Project is entirely consistent with the City’s General Plan designation. The Apartment Project is less than half of the allowable density (approximately 14 dwelling units per acre); and does not exceed the 35 foot height limit. Stated another way, the Apartment Project is precisely the kind of project contemplated by the General Plan for the specific Project site.

The problem with the DEIR analysis is that it skips quickly over the Project’s consistency with the General Plan designation, and focuses primarily on broader hillside and open space policies. The DEIR, in finding inconsistencies between the Project and those hillside policies, in effect states that no apartment project of any size would be consistent with the policies. If the hillside policies are strictly imposed -- such policies

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	<p>would allow only a single family residence or two on the site-- and such a project would be inconsistent with the high density General Plan designation. Stated another way, if Dettmer/O'Brien proposed a single family residential, low-density project in order to be "consistent" with the referenced hillside policies-- such project would be denied as being inconsistent with the General Plan designation. (Further, the APO zoning does not provide for single family homes.)</p>	
ORG1-85	<p>Finally, we note that if the General Plan hillside policies are interpreted strictly, then the General Plan's land use designation for the Project site (providing for high density uses near the downtown area) would be inconsistent with such policies-- and the General Plan would be found to be internally inconsistent.</p>	<p>The General Plan is not internally inconsistent; the General Plan provides for maximum densities, with no minimum density. It is clear from the General Plan that the Project Site is subject to the Hillside Overlay District Regulations, and therefore, the Project Site is subject to both the APO designation as well as the Hillside Overlay District Regulations.</p>
ORG1-86	<p>2. DEIR at p.4.9-2. The DEIR further references the zoning designation for the site as Administrative/Professional Office (APO). The DEIR properly notes that the APO zoning ordinance contains a plat map specific to the Project site -- showing heights and related information.</p>	<p>The Hillside Overlay District does not overrule the General Plan. Map III-1 of the General Plan shows the Hillside Overlay Area covering the proposed Project site. The General Plan and Zoning Ordinance are consistent.</p>
	<p>Again, the problem with the DEIR analysis is that, having set forth the Project zoning designation of APO, the DEIR focuses on the Hillside Development Ordinance (HDO) and other hillside policies. In this regard, the DEIR notes that the HDO "takes precedence over the regulations of the underlying principal "zoning district." This analysis fails to take into account the General Plan designation of the site for Administrative/Professional Office/Multi-Family Residential, up to 35 dwelling units per acre. The HDO cannot overrule the General Plan. The General Plan is the constitution for development, and all zoning ordinances and land use decisions are subordinate to the General Plan.</p>	<p>Please see response to Comment ORG1-45.</p>
ORG1-87	<p>3. DEIR at p. 4.9-4. The DEIR again states the requirements in the HDO for Ridgeline setbacks -- without confirming the fact that no Ridgeline or Ridgeline setback exists on the Project property.</p>	<p>Please see response to Comment ORG1-30, which explains that Lafayette Ridge on the Project site is supported by a peer review of the Engeo Ridge Report that was prepared by Cal Engineering &amp; Geology. The Cal Engineering &amp; Geology report is included in Appendix M of this Final EIR.</p>
ORG1-88	<p>4. DEIR at p. 4.9-6. The DEIR states that the majority of the Project site is "undeveloped grassland, situated on a steep hillside." As stated in the</p>	<p>Please see response to Comment ORG1-21, which explains that the previously disturbed nature of the proposed Project site is acknowledged throughout the</p>

Comment #	Comment	Response
	<p>General Comments, the DEIR repeatedly ignores the Engeo and related reports, which show that over 85% of the site has been developed and altered. As further stated in the General Comments, the DEIR’s failure to reference the Engeo reports and related data results in an invalid project description, and an invalid baseline of existing conditions.</p>	<p>Draft EIR.</p>
<p>ORG1-89</p>	<p>As stated in our General Comments, a valid description of the project, and a valid baseline of environmental conditions, are critical to the EIR process. The DEIR, however, contains so many varied descriptions of the site, a reader cannot possibly determine whether the site is even “developed” or “undeveloped.” See the following:</p> <p>The proposed Project involves the redevelopment of a previously used site. The site was previously quarried, and is currently developed with approximately 27, 000 square feet in paved surfaces and approximately 5,000 square feet in various structures .. Because the Project site is already developed and located in an urban area, in close proximity to the downtown and existing neighborhoods and schools, the Project is not expected to result in any land use changes... 1</p> <p>The above description in the DEIR accurately references a developed site. Compare this description, however, with other descriptions used by the DEIR to find significant impacts:</p> <p>The Project would develop a grassy, largely undeveloped site.</p> <p>The Project would develop a largely undeveloped site that is visible from Highway 24.</p> <p>The majority of the Project site is undeveloped grassland, situated on a steep hillside.</p> <p>As a result of uncontrolled re-vegetation, the Project site has taken on a semi-rural aesthetic.</p>	<p>Please see response to Comment ORG1-21, which explains that the previously disturbed nature of the proposed Project site is acknowledged throughout the Draft EIR. In addition, please see response to Comment ORG1-36, which explains that, while the aesthetics evaluation in the Draft EIR does not assert that the Project site has never been disturbed, the evaluation considers that the Project site has the visual appearance of a grassy site, with a hillside that does not contain buildings. The development of the proposed Project on the Project site would therefore significantly alter the existing aesthetic appearance of the Project site. There is a distinction in the Draft EIR between the historic use of the Project site and the baseline visual and ecological characteristics of the site.</p>

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	<p>The above descriptions are inconsistent with the earlier DEIR language confirming a developed site -- and are inconsistent with the Engeo findings that 85% of the Project site has been altered by prior use -- however, these descriptions are nevertheless used by the DEIR to find significant and unavoidable impacts.</p>	
	<p>Respectfully, the DEIR descriptions of the Project site are so varied that we do not see how a reader of the document could determine whether the Project site is urban or rural. Note that language above references the Project site as both (i) developed and in an urban area; and (ii) undeveloped with a “semi-rural aesthetic.”</p>	
ORG1-90	<p>As set forth in our General Comments, a walk of the site shows that the site has been heavily quarried and developed, and that the significant natural features have all been removed. We can only state that the DEIR’s references to “undeveloped grasslands” and “semi-rural aesthetics” must be based on documentation given to the DEIR consultant, rather than on on-site observations.</p>	<p>Please see response to Comment ORG1-22.</p>
ORG1-91	<p>5. DEIR at p. 4.9-8. The DEIR states again that the City’s Ridge map shows the eastern end of the Lafayette Ridge extends onto the project site. Here, the DEIR sets forth yet another slightly different discussion of these ridgeline issues. The DEIR states:</p> <p>[E]xisting topographical maps and site surveys indicate that Lafayette Ridge does not extend to the south of Deer Hill Road.</p> <p>Nevertheless, measured from the endpoint of the ridgeline north of Deer Hill Road, the Class I Ridgeline would still extend several hundred feet into the Project site.</p> <p>Respectfully, the DEIR’s statement of the location of the Class I Ridge and setback is false -- and does not even begin to address the professional analysis and conclusions of the Engeo Ridge Report. As stated, the HDO</p>	<p>Please see response to Comment ORG1-30, which explains that Lafayette Ridge on the Project site is supported by a peer review of the ENGeo Ridge Report that was prepared by Cal Engineering &amp; Geology. The Cal Engineering &amp; Geology report is included in Appendix M of this Final EIR. Please see response to Comment ORG1-6, which summarizes the conclusions of the report.</p>

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	<p>provides that if a precise onsite measurement shows that the boundary of the Hillside Overlay District or the location of a ridge varies from the City Ridge Map –then such precise onsite measurement applies. The Engeo Ridge Report sets forth the precise onsite measurement referenced in the HDO, confirming that the Class I Ridge terminates well to the north of the Project site, and therefore no Ridgeline exception is required.</p>	
ORG1-92	<p>We further note that the DEIR’s lone authority cited for the location of the Lafayette Ridge is the City of Lafayette’s “Eastern Deer Hill Road Opportunities and Constraints Analysis,” (the O&amp;CA) dated August, 2006, at p. 22.</p>	<p>Please see response to Comment ORG1-30, which explains that Lafayette Ridge on the Project site is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering &amp; Geology. The Cal Engineering &amp; Geology report is included in Appendix M of this Final EIR.</p>
ORG1-93	<p>We note that the O&amp;CA was drafted by a City consultant in support of the City’s proposed downzone of the Project site (City Downzoning). The DEIR therefore (i) rejects consideration of the Engeo Ridge Report, which sets forth a professional, precise definition and measurement of the Class I Ridgeline and setback; and (ii) instead relies on general documents prepared exclusively for the City Downzoning. In relying on City Downzoning documents, the DEIR further “blurs the lines” between use of the DEIR for the Apartment Project and use of the DEIR for the City Downzoning.</p>	<p>Please see response to Comment ORG1-30, which explains that Lafayette Ridge on the Project site is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering &amp; Geology. The Cal Engineering &amp; Geology report is included in Appendix M of this Final EIR.</p>
ORG1-94	<p>6. DEIR at p. 4.9-13. Under the heading “Planning Context,” the DEIR sets forth a summary on pages 4.9-13 through 4.9-15 of the planning history of the Project site. The City’s planning history is almost entirely inaccurate and is misleading to the reader.</p> <p>An accurate planning history is set forth in our General Comments at pp. 2-3. The DEIR history misstates the record in the following respects:</p> <p>a. The DEIR states that the City Council determined that a Specific Plan (as referenced in the General Plan) was not required. This statement is not correct. The City stated for years that it did not have the funds necessary to draft and adopt the Specific Plan. The City thereafter stated that the General Plan’s requirement of a Specific Plan was “just a goal or policy” and did not need to be followed. The City later stated that the City</p>	<p>The comment correctly states that the City Council initiated a General Plan amendment to remove Program LU-13.2.2 of the General Plan for preparation of an Eastern Deer Hill Road Specific Plan. The text on page 4.9-14 of the DEIR that “the City Council determined that a Specific Plan for the Eastern Deer Hill Road Planning Area was not required” is therefore correct and no revision to the Draft EIR has been made.</p>

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	<p>Downzoning process had resulted in enough documentation (including the O&amp;CA, referenced above) so that the Specific Plan was no longer required. Thereafter, and most recently, the City Council has instituted a General Plan Amendment (GPA) to delete any reference to requirement of a Specific Plan</p>	
<p>ORG1-95</p>	<p>b. The DEIR states that the current City Downzoning was the result of a City Council directive on June 8, 2009 (City directive). According to the DEIR, that same City directive is now pending. This is not true. There was no such City directive on June 8, 2009. Consistent with the City's own Chronology, here is what occurred:</p> <p>On June 8, 2009, the City Council directed staff to initiate proceedings for a General Plan and rezoning including a General Plan designation for the Project site of Low Density Multi-Family Residential and Rural Residential Single Family; and a zoning designation of MRA and LR-5.</p> <p>On November 19, 2009, the Planning Commission recommended General Plan and zoning amendments consistent with the City Council's directive (substituting MRT zoning for MRA).</p> <p>On February 10, 2010, the Council's June 8, 2009 directive was brought back to the Council. However, numerous neighbors appeared a "demanded" that the property be downzoned to an open space designation. In response, the Council reversed their own June 8, 2009 directive and recommended instead that the Project parcel be considered for downzoning to single family/open space designations.</p> <p>On April 26, 2010, the City Council directed Staff to prepare documentation for the City Downzoning in the form of a General Plan Amendment (GPA) to Rural Residential Single Family-5 and a zoning designation of LR-5.</p> <p>On May 9, 20 11, the City Council directed that all references to the</p>	<p>The commentor correctly states the City's chronology. The City's chronology for the eastern Deer Hill Road area is included in Appendix Q, Chronology for Eastern Deer Hill Road Area, of this Final EIR.</p> <p>The commentor is incorrect that the Draft EIR states that the current City Downzoning was the result of a City Council directive on June 8, 2009. However, the commentor is correct that the City directive stated on page 4.9-13 of the Draft EIR is not a direct result nor the Planning Commission's recommendation from the June 8, 2009 meeting. To clarify this, the Draft EIR has been revised as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.</p> <p>The commentor is incorrect that the City Council is directing Staff and the Planning Commission to move forward with the City Downzoning to LR-5. As stated in the comment, downzoning was brought up by the public in the February 10, 2010 meeting, and the Council's recommendation was based on discussions during the public hearings. In addition, as discussed in response to Comment ORG1-12, the City has opted to postpone this process in order to allow the environmental review process for the proposed Project to be fulfilled under its current land use and zoning designation.</p>

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	<p>Specific Plan be deleted as part of a new GP A.</p> <p>On August 15, 20 11, the Planning Commission, in response to the City Council direction to downzone the Project site to LR-5, voted 3-2 in favor of the Council’s direction. However, under state law, a recommendation for a GP A must be made by a majority of the Commission - so no recommendation was made.</p> <p>c. Compare the above, accurate history with the DEIR’s history. The DEIR states that the current, pending GP A is a result of the Planning Commission’s recommendation to the Council. This is inaccurate. This infers to the reader that the City Council is merely responding to the Planning Commission’s recommendation. As set forth above, the reverse is true -- the City Council reversed its own earlier directive and the City Council (not the Planning Commission) is directing a strict downzoning to LR-5. This distinction is an important one -- it confirms that the City Council is directing Staff and the Planning Commission to move forward with the City Downzoning to LR-5.</p>	
ORG1-96	<p>7. DEIR at p. 4.9-15. The DEIR states at the top of p. 4.9-15 that, since “this directive” (meaning the June 8, 2009 directive), the Council has reconsidered whether to proceed with the rezoning. Again, we respectfully disagree. As stated above, the June 8, 2009 directive did not initiate the current GP A/rezoning. At any rate, following June 8, 2009 hearing, there have been many hearings where the City Council considered the City Downzoning- including the September 12, 2011 hearing wherein the Council finally continued the City Downzoning.</p>	<p>The comment is correct. The subject sentence has been deleted as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.</p>
ORG1-97	<p>8. DEIR at p.4.915. The DEIR states as follows:                      On April 9, 2012, the City Attorney issued a staff report indicating that the City will wait until after this EIR for the proposed Project has been completed before recommencing General Plan amendments and rezoning for the Project site.</p> <p>The City Attorney’s staff report as referenced in the DEIR states as</p>	<p>Please see response to Comment ORG1-12, which explains that the purpose of the Draft EIR is to provide an environmental review of the proposed Project.</p> <p>The City Attorney’s comments were made with the idea that a disclosure of the environmental impacts of developing the site would be of use in the future from a policy standpoint, should further planning initiatives for the site be pursued by the City Council. The EIR only quoted those comments as part of a discussion of the</p>

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	<p>follows:</p> <p>[T]he data collected for the [DEIR] environmental review will likely provide new and useful information for the City as it makes its final determinations regarding the most appropriate zoning designation for the Property. Therefore, once the City has had the opportunity to thoroughly review the EIR and its description of the likely impacts that development would bring to the eastern Deer Hill Road area, the City will recommence the appropriate general plan and zoning amendments for the Property.</p> <p>As stated in our General Comments, the DEIR confirms that the City will utilize the EIR --not only to evaluate the Apartment Project-- but also to determine the extent of the City's proposed General Plan and zoning amendments of the Project site (City Downzoning). The DEIR further states that the City will recommence the general plan and zoning amendments for the Property regardless of the information and outcome of the DEIR/EIR, and regardless of the City's decision on the Apartment Project.</p> <p>This pre-determination by the City is absolutely improper. What happens if the City approves the Apartment Project consistent with the current General Plan and zoning designations of APO? Why would the City recommence its general plan and zoning amendments if the EIR was certified and the Apartment Project was approved? Clearly, the City has either (i) pre-determined that the Project will be not be approved, or (ii) committed to downzoning the Property even if the Apartment Project is approved. Either way, these pre-determinations are illegal and invalid.</p>	<p>historical context of the Project site and the various processes and proposals that have previously affected it.</p>
ORG1-98	<p>9. DEIR at p. 4.9-18. The DEIR at pp. 4.9-18 and 4.9-19 includes a Table setting forth the Project's consistency with the General Plan. As set forth in our General Comments and herein, and in other Specific Comments, the DEIR fails to sufficiently address the Project's consistency with the General Plan designation-- which is Administrative/Professional Office</p>	<p>Page 4.9-16 of the Draft EIR acknowledges that the proposed Project would be generally consistent with the General Plan land use designation for the Project site. However, as described above in response to Comment ORG1-47, the General Plan anticipates further planning for the Project site. The City has the discretion through the Hillside Development Permit findings to evaluate projects within the</p>

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	and Multi-Family-- and focuses instead on hillside policies.	Hillside Overlay District on a case-by-case basis.
ORG1-99	<p>The DEIR states that the Apartment Project is inconsistent with several listed hillside goals and polices. Respectfully, this is a simplistic approach that does not recognize General Plan designation for the Project site and the Apartment Project. The DEIR gives short discussion to the consistency of the Apartment Project with the specific designation of the Project site General Plan, and instead focuses on broader goals and policies protecting “natural hillsides.” There is simply no effective discussion balancing the competing interests of the General Plan designation and these “natural hillside” goals and policies.</p> <p>As stated herein, the Project site is not a “natural” site-- and there are no significant natural topographical features for protection. Just as importantly, however, the fact of this matter is that the General Plan simply did not intend the Administrative Professional Office/Multifamily Residential designation to be “overruled” by the hillside goals and polices.</p>	<p>Page 4.9-16 of the Draft EIR acknowledges that the proposed Project would be generally consistent with the General Plan land use designation for the Project site. However, as described above in response to Comment ORG1-47, the General Plan anticipates further planning for the Project site. The City has the discretion through the Hillside Development Permit findings to evaluate projects within the Hillside Overlay District on a case-by-case basis. Please also see response to Comment ORG1-21, which explains that the previously disturbed nature of the Project site is acknowledged throughout the Draft EIR.</p>
ORG1-100	<p>10. DEIR at p. 4.9-27. The DEIR at pp. 4.9-26 and 4.-27 sets forth a Table setting forth the Project’s consistency with the City’s Hillside Development requirements (the HDO). As set forth in our General Comments and herein, and in other Specific Comments, the DEIR fails to sufficiently address the Project’s consistency with the zoning designation (APO).</p> <p>Given that the General Plan explicitly designates the Project Site for Administrative/Professional Office/Multi-Family Residential, with the highest density allowed in the City, the HDO cannot be applied to “rezone” the site to open space.</p>	<p>Page 4.9-16 of the Draft EIR acknowledges that the proposed Project would be generally consistent with the General Plan land use designation for the Project site. However, as described above in response to Comment ORG1-47, the General Plan anticipates further planning for the Project site. The City has the discretion through the Hillside Development Permit findings to evaluate projects within the Hillside Overlay District on a case-by-case basis.</p>
ORG1-101	<p>11. DEIR at p.4.9-33. The DEIR states:                      Impact LU-1: The Project would be inconsistent with General Plan Policy LU-2.1 and Policy LU-2.3. Policy LU-2.1 sates, “Density of Hillside Development; Land use densities should not adversely affect the significant features of hill areas.” Policy 2.3 states, “Preservation of Views: Structures in the hillside overlay area shall be sited and designed to be</p>	<p>The City’s Hillside Development policies and regulations were intended to apply the Project site, because the site is included in the General Plan’s Hillside Overlay Area map.</p>

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	<p>substantially concealed when viewed from below from public owner property.”</p> <p>No feasible mitigation measure would maintain the natural, undeveloped appearance of the hillside on the Project site.</p> <p>As set forth in our General Comments and in other Specific Comments, we do not believe referenced General Plan policies were intended to apply to the Administrative/Professional Office/Multi-Family designation. The General Plan designation, specific to the site, allows up to 35 dwelling units per acre. Strict application of these policies would prevent any project from being constructed on the site-- and would effectively “rezone” the site to open space.</p>	
ORG1-102	<p>As further set forth throughout our Comments, the site does not have a “natural, undeveloped” appearance. The Project site is an ex-quarry site, with artificial terraces, and no natural topographical features. The policies cannot be strictly applied to prevent development on the site.</p>	<p>The City evaluates the Project site based on the appearance of the hillsides and preserving the semi-rural character of the community, which are addressed in the Hillside Overlay District requirements. Using the City’s Viewing Evaluation Map, the site does appear to be natural and undeveloped when viewed from off site. Walking the site is not relevant to the City’s hillside policies in terms of its appearance.</p>
ORG1-103	<p>12. DEIR at p. 4.9-33. The DEIR states:                      Impact LU-2. The proposed Project would be inconsistent with General Plan Policy LU-2.2. “Cluster Development: Preserve important visual and functional open space ... “</p> <p>No feasible mitigation measures would achieve the definition of “clustering” as set forth by the Lafayette Municipal Code.</p> <p>As set forth in our General Comments and in other Specific Comments, we do not believe referenced General Plan policy was intended to apply to the Administrative/Professional Office/Multi-Family designation. The General Plan designation, specific to the site, allows up to 35 dwelling units per acre. Strict application of these policies would prevent any project from being constructed on the site-- and would effectively</p>	<p>General Plan Policy LU-2.2 applies to “important visual and functional open space,” such as hillside areas. Because the Project site is located within the General Plan’s Hillside Overlay Area, Policy LU-2.2 applies to the Project site. This Policy also applies because the Project site is “important visual and functional open space.” The term “open space” refers to the physical state of the land and the use to which it is currently being put. Less than 3 percent of the proposed Project site is paved and 0.5 percent of the site has structures, and the site is covered with various mixes of native and non-native vegetation that are not maintained in any real sense.</p>

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	"rezone" the site to open space.	
ORG1-104	We further note that the referenced "clustering" policy is intended to preserve important open space. The Project site is not an open space site-- it has held a General Plan and zoning designation for decades for high density uses.	See the response to Comment ORG1-103.
ORG1-105	<p>13. DEIR at p. 4.9-33. The DEIR states:                      Impact LU-3: The Project would be inconsistent with the several Hillside Development Permit requirements as set forth in the Municipal Code.</p> <p>No feasible mitigation measures would achieve consistency with the Hillside Development Permit Ordinance.</p> <p>As set forth in our General Comments and in other Specific Comments, we do not believe the Hillside Development Ordinance was intended to include the Project site. We have further stated that the Hillside Ordinance cannot be applied to re-designate the Project site from its current General Plan designation to an open space designation/zone. We note further, with regard to this and related DEIR impacts, that the DEIR does not discuss or reference any of the several potential mitigation measures that would apply, including Project design, screening, landscaping, etc.</p>	<p>The Hillside Overlay District is not reserved only for open space. It covers a large portion of the city, including areas zoned for single-family residential uses. Its application on the Project site does not change the land use designation or zoning classification to open space.</p> <p>Lafayette Municipal Code Section 6-2012 provides that the Hillside Overlay District shall overlay and be combined with the principal underlying zoning district for land located within the Hillside Overlay District, which is shown on the Hillside Overlay District map.</p> <p>The Draft EIR does recognize proposed Project features that are consistent with Hillside Development requirements in Table 4.9-2.</p>
ORG1-106	<p>Section 6: CEQA-Required Assessment Conclusions</p> <p>1. DEIR at p. 6-2. For reasons set forth in our General Comments and in other Specific Comments, we do not agree with any of the "Unavoidable Significant Impacts" listed on pp. 6-2 through 6-5.</p> <p>Thank you for consideration of these Specific Comments.</p>	<ul style="list-style-type: none"> <li>◆ Regarding the unavoidable and significant impacts related to aesthetics, please see responses to Comments ORG1-109 through ORG1-133.</li> <li>◆ Regarding the unavoidable and significant impacts related to air quality, please see responses to Comments ORG1-162 through ORG1-178.</li> <li>◆ Regarding the unavoidable and significant impacts related to biological resources, please see responses to Comments ORG1-180 through ORG1-188.</li> <li>◆ Regarding the unavoidable and significant impacts related to land use and planning, please see responses to Comments ORG1-98 through ORG1-105.</li> <li>◆ Regarding the unavoidable and significant impacts related to traffic, please see responses to Comments ORG1-205 through ORG1-210, ORG1-222 through ORG1-228, ORG1-230 through ORG1-232, and ORG1-238 through ORG1-250.</li> </ul>

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ORG1-107	ATTACHMENT - The History of the Creation and Application of Lafayette’s Protected Ridgelines and Overlay District	The commentator states that the Project site should not be subject to the Hillside Development Ordinance and other “regulatory constraints” because the topographic mapping that the City relied on to make such decisions was obsolete. This attachment was referenced in Comment ORG1-74.
ORG1-107a	Staff reports related to GP2-08 and RZ02-08 describe Parcel 27 as being restricted by “regulatory constraints” and state that “one-third is located within a Class I ridgeline setback “where no development is allowed . In fact, Parcel 27 is not actually subject to regulatory constraints nor is that Parcel one for which the “protections” afforded by the Hillside Development Ordinance are required. The following detailed account of the genesis of the Hillside and Ridgeline regulations adopted in 2002 provides an historical reference to the manner in which those ordinances were adopted notwithstanding significant errors and inaccuracies in the data upon which they were based.	<p>The commentator provides a list of reasons why Parcel 27 (the proposed Project site) should not be governed by the City’s hillside and ridgeline regulations (Chapter 6-20), which were adopted in 2002. The commentator alludes to inadequate data that was supposedly used by the City’s Hillside Committee in 2000-2002 to determine which parcels were to be included in the Hillside Overlay District. Due to the 1960s construction of Highway 24, BART, and Deer Hill Road, the terminus of Lafayette Ridge shifted to an elevation higher than the Project site, and the ridgeline ordinance should not govern development of this parcel. The commentator is incorrect. The Project site has been consistently identified as a hillside and ridgeline site and a visually prominent parcel long before the 2000 hillside and ridgeline study. Its importance to the City was identified in the first General Plan which was adopted in 1974. Since the City adopted its first ridgeline ordinance in 1976, City maps have shown the Lafayette Ridge terminating on the Project site’s northern boundary at Deer Hill Road. The following City documents support these facts:</p> <ul style="list-style-type: none"> <li>◆ <b>1974: Lafayette General Plan.</b> Exhibit 5-2 of this Final EIR contains specific references to Parcel 27 and includes the following statements:                     <ul style="list-style-type: none"> <li>• <i>“The northwest section of the interchange contains the single most important and critical parcels in terms of impact, visual character, and image for the City.”</i></li> <li>• <i>“The significance to the City of this particular site is that it forms the terminus of Lafayette Ridge, the City’s most prominent ridge line, extending back to Briones Park. This should be considered in conjunction with the fact that, when approaching the City from the east, traffic on the freeway is pointed directly toward this prominence, giving people their first impression of Lafayette from the east.”</i></li> </ul> </li> <li>◆ <b>1976: Ordinance 175 establishing regulations for hillside and ridgeline</b></li> </ul>

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preservation. Exhibit 5-3 is City's first major ridgeline map, an exhibit to Ordinance 175. The map shows Lafayette Ridge terminating on the parcel's northern boundary at Deer Hill Road.

- ◆ **1988: Ordinance 366 amending the Hillside and Ridgeline Preservation Ordinance.** Exhibit 5-4 is the major ridge line map, an exhibit to Ordinance 366. The map shows Lafayette Ridge terminating on the parcel's northern boundary at Deer Hill Road.
- ◆ **1993: Ordinance 412 updating Hillside and Ridgeline Preservation regulations and adding "Sensitive Resources" and "Viewing Evaluation" maps.** Exhibit 5-5 is the Sensitive Resources Map, an exhibit to Ordinance 412. The map shows: (1) Parcel 27 as an area with "high scenic and biotic value", and (2) Lafayette Ridge terminating on the parcel's northern boundary at Deer Hill Road. Note that the Sensitive Resources Map was a precursor to the 2002 Hillside Overlay District map.
- ◆ **2002: Ordinance 528 updating Hillside and Ridgeline Preservation regulations and adding "Hillside Overlay District" "Viewing Evaluation" maps.** Exhibit 5-6 is the Hillside Overlay District Map, an exhibit to Ordinance 528. Map shows Lafayette Ridge terminating on the parcel's northern boundary at Deer Hill Road.
- ◆ **2002: Ordinance 528 Purpose of the Hillside Overlay District Regulations.** Section 6-2001(b)(1) states "The purpose of this chapter is to: Maintain the semi-rural character and beauty of the city by preserving its open and uncluttered topographic features in their natural state..."
- ◆ **2002: Lafayette General Plan update.** Regarding Parcel 27, the General Plan states, *"This area, particularly the triangular shaped parcel south of Deer Hill Road, is the most significant undeveloped property in the community because of its high visibility, its location as an entryway to the community, and its proximity to major thoroughfares as well as regional open space. For these reasons, any development that occurs should be consistent with the semi-rural character of the community."*

In summary, the 2002 Chapter 6-20 Hillside and Ridgeline Regulations reaffirms the City's long-standing positions that (1) the proposed Project site is a hillside

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ORG1-107b	<p>The referenced Staff reports were prepared in the context of a planned downzoning of Parcel 27. That planned downzoning has been justified by its proponents based upon concerns over excessive visibility and the application of “regulatory constraints” designed to protect high community asset views of ridgelines and scenic hillsides. The following historical narrative demonstrates why the Deer Hill Road area and Parcel 27 in particular should neither be downzoned nor be deemed subject to the regulations of LMC Chapter 6-20.</p> <ol style="list-style-type: none"> <li>1) The City of Lafayette relied on topographic mapping, known to be obsolete, in making critical decisions as to the application of severe development restrictions.</li> <li>2) The City relied on too-generalized contour mapping (20’ contour intervals) incapable of making the necessary distinctions to correctly define properties for inclusion into the Hillside Overlay District based on the selected .gradient parameters.</li> <li>3) The City selected the 15% gradient as the parameter defining which properties would be subject to the HOD restrictions. A 15% slope is generally regarded as gentle and is not typically recognized as a constraint threshold by other jurisdictions in the area.</li> <li>4) The City increased the number of protected ridgelines from 15 to over 50.</li> <li>5) The City increased the aggregate width of the No-Build buffer along the two sides of each ridgeline from 500 feet to 800 feet in the case of the Class I ridge affecting the subject property. Such a width subjects low-lying properties and sites within non-visible swales to severe No-Build restrictions.</li> <li>6) The City mis-identified minor ridges and spur ridges as Class I ridges when such ridges are not significant in relation to other nearby topographical features.</li> <li>7) The City followed procedures for legal notice for adoption of hillside</li> </ol>	<p>parcel of high scenic and biotic value and (2) the southern terminus of Lafayette Ridge has always been located on the site’s northern boundary.</p> <p>The following numbers correspond to the numbered points made by the commentor:</p> <ol style="list-style-type: none"> <li>1. The Hillside Development Study Steering Committee (HDSSC) contacted multiple GIS/mapping firms when soliciting bids for mapping services. The tasks before the HDSSC and the mapping work products desired were articulated to the firms and ultimately the HDSSC chose HJW (Hammen, Jensen, Wallen) from Oakland, California to provide the services. HJW provided topographic mapping, digital elevation modeling, and aerial imagery, and analyzed slope and ridgeline data. The City relied on the expertise of the firm and its professionals in this regard. Had the existing USGS topography been inadequate for the stated purposes, HJW could not have performed its duty and would have required the City to obtain more recent or more detailed topography.</li> </ol> <p>A review of the maps provided by HJW clearly show that they were suitable for the intended purposes of understanding the topography and studying the location and characteristics of hillsides and ridgelines within the city. Detailed, site-specific, survey-quality topography was not necessary at this broader scale, policy-level study of hillsides, ridgelines, vegetative cover, and off-site visibility thereof.</p> <ol style="list-style-type: none"> <li>2. As stated above, the City relied on the mapping firm of HJW to provide professional mapping services to suit the needs of the HDSSC. The mapping provided, with 20-foot contour intervals, was more than adequate to understand the topography, slopes and ridgelines throughout the city for developing policy on how to evaluate and process applications for hillside and ridgeline development. Detailed, site-specific, survey-quality topography was neither necessary, nor would it have proven more informative to the level of study and policy development which was the charge of the HDSSC by the City Council.</li> <li>3. The commentor incorrectly states that 15 percent slope was the only</li> </ol>

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regulations; . however, the adoption of rules and regulations for Hillside Development were largely developed without fanfare and with limited participation of citizens.

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parameter defining which properties would be included in the Hillside Overlay District. The Hillside Overlay District boundary was drafted considering multiple factors, including slope, visibility, vegetation, and development, as articulated in the staff reports that were prepared for the Planning Commission and City Council at the time the Hillside Overlay District was being considered. Exhibit 5-7 contains language articulating the criteria used when establishing the Environmentally Sensitive Areas (ESA) Boundary (re-named “Hillside Overlay District” prior to adoption of Chapter. 6-20):

- ◆ **“Environmentally Sensitive Areas Boundary and Property Lines.”**  
“After analysis and hand drawing the ESA boundary based on slope, visibility, vegetation and development, the Hillside Development Steering Committee directed staff to “snap” the ESA boundary to property lines wherever possible...” (January 10, 2001 Planning Commission Staff Report) [PC 2001-01-10 staff report, page 1]
- ◆ **“Environmentally Sensitive Area Boundary Criteria:** *It was believed by at least one commissioner that the Environmentally Sensitive Areas would include all currently zoned LR parcels. While largely true, the Hillside Development Study Steering Committee (HDSSC) reviewed the Environmentally Sensitive Area map at great length with the intent of making the boundaries more rational. For background, they began with a computer-generated map that located the boundary between land steeper than 15% and land less steep. Because that boundary line was frequently jagged and had small blips and islands, the HDSSC smoothed the line to correspond with property lines where possible. Because nearly all LR land is steeper than 15% it was included within the Environmentally Sensitive Area. However, we are aware of three areas where some gentle LR areas were excluded from the Environmentally Sensitive Area. One is the southerly few hundred feet of the Hynek property near Prado Way. Another is off the end of Franklin Lane. The third is at the Acalanes Road off-ramp area where three smaller developed lots have historically been zoned LR. Staff is not aware of a problem resulting from not having these areas in the Environmentally Sensitive Area since they do not meet the slope criteria for inclusion. However, if the commission finds it necessary to modify the Ridgeline and ESA map to include them, that is an option.”* [PC 2001-01-10 staff report,

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4. These numbers are generally correct, and depend on how one classifies or counts the number of ridgelines. In terms of independent line segments, the 15-to-50 is roughly accurate. It is important to note that the location of the ridgeline that terminates on the proposed Project site was not altered by the City.
5. The commentor acknowledges that Parcel 27 was subject to a 500-foot buffer prior to 2000. The setback on each side of a Class I Ridgeline was increased from 250 feet to 400 feet considering such ridgelines' prominence in the community, higher elevations, higher visibility and the nature of their slopes. There are only two Class I Ridges in Lafayette: Lafayette Ridge, and Burton Ridge. Both ridgelines can easily be seen from large areas of the community, including Highway 24 and the Lafayette BART Station platform.
6. The commentor offers no details supporting the misclassification of minor and spur ridges. However, the location and extent of Lafayette Ridge remains unchanged from the City's 1976, 1988, and 1993 ridge maps as demonstrated in response to Comment ORG1-107b(1) above. The only change implemented by the HDSSC was to consider the relative prominence and of the minor and spur ridges and classify them as Class I ridges or major ridges, and lower the level of the remaining ridges to Class II or Class III. Prior to the 2000 map, there was no distinction between ridges in terms of prominence and importance to the community – all ridges were considered and treated the same.
7. The commentor acknowledges that all rules, regulations, and notification requirements were followed by the City of Lafayette. Property owners were given adequate notice and had many opportunities to submit comments and participate in the proceedings. Public comment, including that from affected property owners, influenced the HDSSC's recommendations, as evidenced by the changed to the Hillside Overlay District boundary requested by property owners Bruzzone and Davis, amongst others. The administrative record contains hundreds of pages of public comment on the matter.

ORG1-107c *Background:* The foregoing statements are substantiated by the following

The commentor is incorrect. The correct name of the committee was the Hillside

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	<p>account of how Chapter 6-20 was conceived and written. The areas now subject to the Hillside Overlay District and the Protected Ridgelines adopted by the City of Lafayette in 2002 were based on studies and review conducted by the ad hoc Hillside and Ridgeline Development Review Committee in 2000. This Committee was created by the Lafayette City Council for the purpose of further regulating control on the remaining vacant and underdeveloped land in Lafayette. The LR Zone moratorium had been adopted in December 1999 affecting hillside and ridgeline development, and the City Council created the Committee to revise the Zoning Ordinance relative to hill area properties during the period of the moratorium. One member was selected from the City Council, and three members were from the Planning Commission. One member represented the Lafayette Homeowners' Council.</p>	<p>Development Study Steering Committee (HDSSC), and its charge was to study development on all hillside and ridgeline properties, not just vacant and underdeveloped land. "Hill area properties" had previously been shown on the City's Sensitive Resources Area map, which included the proposed Project site . The comment omits the land owner and developer representative on the HDSSC, Joseph Cusenza of DeSilva Gates Construction, Inc. (see HDSSC roster, Exhibit 5-8).</p>
ORG1-107d	<p>As a 16 year employee of the City and the then Planning Services Manager of Lafayette, I served as the lead staff person to the Committee. I prepared the Committee's agendas, transcribed all minutes reflecting Committee action and, in consultation with the City Attorney, drafted the bulk of the new, recommended zoning language that ultimately became the present Chapter 6-20 of the Lafayette Zoning Ordinance. Although, several changes were later made to the Zoning Ordinance language by the Planning Commission and City Council prior to final adoption on July 8, 2002, the adopted version largely followed the work of the Hillside and Ridgeline Development Review Committee. What particularly remained unchanged was the mapping of the boundaries of the Hillside Overlay District and the determination of the location and class ratings of the expanded list of protected ridgelines.</p>	<p>Please see Exhibit 5-8 of this Final EIR. The roster for the HDSSC includes five City staff members: Craig Ewing, Community Development Director; Mike Henn, Planning Services Manager; Greg Wolff, Associate Planner; Charlie Williams, City Attorney; and Natalie Glavinovich, law student. The commentor provided staff support to the HDSSC and contributed to the hillside and ridgeline regulations that were ultimately adopted by the City after the commentor left City employment; However the record shows that Mr. Wolff produced the bulk of the agendas, memos, and staff reports to the HDSSC. The HDSSC itself crafted the language of the regulations. The boundaries of the Hillside Overlay District were modified during the public hearing process in response to comments and input from hillside property owners.</p>
ORG1-107e	<p><i>Time and Attendance at Meetings:</i> The Committee met approximately 14 times from January 3, 2000 to July 17, 2000 at the City Offices ort Monday nights. Although the meeting notices were posted, there was very little public interest.</p>	<p>Many hillside property owners and members of the public attended meetings, provided testimony, submitted materials and affected the outcome of the deliberations. Exhibit 5-9, the staff report for the February 12, 2001 City Council meeting attached no fewer than 46 letters from the public that were received prior to publication of the report. This does not include letters received after the staff report was published, nor does it include speakers who submitted testimony at that, and other meetings that are documented in the administrative record.</p>

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ORG1-107f	<p><i>Need for Professional Quality Mapping to Make these Severe Changes:</i> From the beginning of the Committee’s work, staff recognized the need for accurate mapping in order to make defensible land-use decisions. The Committee had decided that physical, topographic characteristics such as slope, or the shape and steepness of a ridge were to be the principal criteria as to how different properties were to have their development opportunities established and their values affected. However, staff was not persuasive on this point relative to the greater desire of the Committee to make decisions on the properties in question more quickly, in conjunction with there being inadequate funding made available by the City Council for the necessary accurate mapping. After several attempts by staff to get newly created and accurate topography produced, it became apparent that the Committee required faster action, such that it was unwilling to wait for the completion of more accurate mapping. Additionally, the City Council was not prepared to fund newly flown aerial photography at the preferred one-foot pixel resolution. Instead, it was the direction of the Committee that only preexisting topographic maps be used. Such maps were obsolescent and inaccurate and could not provide the base data level required for the work to be completed in accordance with accepted professional planning standards.</p>	<p>The City Council and HDSSC recognized the need for good mapping, which was provided by HJW. Off-site visibility, existing screening, and vegetation were also factors considered. The HDSSC did not debate the need for higher resolution topography. The available topographic data was wholly adequate for the task before the HDSSC. The record does not reflect that any attempts were made to “get newly created and accurate topography produced” because the freely available topography was adequate. City staff member Wolff was the individual responsible for securing the mapping, topography, and analyses from the vendor, and he recalls no issue over the accuracy or timeliness of the data available to the consultant and the HDSSC.</p>
ORG1-107g	<p><i>Mapping Scheme Selected:</i> The topography including slope gradient and ridgeline locations, was plotted by an air photo company (HJW)* using pre-existing, older USGS topography maps with a 20-foot contour interval. The four USGS maps that collectively covered Lafayette reflected topography from the 1960s - even though new development had occurred and resulting changes had not been updated. The Committee believed that the dated maps would be adequate for General Plan purposes. Nevertheless, it was understood by the Committee - at least at the time - that the subject maps represented a poor approximation of what should have been obtained had the areas been re-mapped with the assistance of aerial overflights creating a far more accurate “topo”. To compensate for the known inadequacies of the data used in creating the new regulatory scheme, there was agreement to allow for later correction and refinement</p>	<p>Higher resolution topography was not needed for the purposes of the HDSSC. The mapping used for the HDSSC studies was appropriate to the task, as confirmed by staff, the consultant, the HDSSC itself, and ultimately the Planning Commission and City Council by their review of the mapping done and adoption of the maps into the Municipal Code. Section 6-2006 acknowledged if there was a difference between the City’s map (which was prepared with smaller scale topography) from a detailed survey of the site, that the more detailed topography would govern. It is commonly understood, as well as a legal concept, that the more detailed drawings govern when information differs.</p>

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	<p>in the new Ridgeline Ordinance. Section 6-2006 was the result of that agreement and was adopted to allow for correction of the actual ridgelines and corresponding No-Build buffers (i.e. “area within which development is prohibited”) as more accurate information and data became available.</p> <p><b>6-2006 Modification of Lafayette Area Ridge Map.</b>                      Each restricted ridgeline area within which development is prohibited by Sections 6-2023 and 6-2024 is described in the map adopted by Section 6-2004. If a precise onsite measurement shows that the area within which development is prohibited varies from that shown on the city’s map, the area shown by the onsite measurement controls</p>	
ORG1-107h	<p><i>Misapplication of the Class I Ridgeline affecting Parcel27, as well as Parcels 16 and 21:</i> Historically, the southerly end of Lafayette Ridge was removed as a part of massive quarry operations conducted pursuant to permit issued and approved by Contra Costa County. Additionally, in the late 1960s CAL TRANS widened Highway 24, BART was built in the freeway median, and Deer Hill Road was constructed through Parcel27 as a new major connector between Pleasant Hill Road and the BART Station area. The true location of the actual terminus of Lafayette Ridge is now located well northwest of Deer Hill Road on the Kim property. The physical characteristics of this minor, descending ridge are not consistent with Class I ridges generally. The City’s adopted but inaccurate ridgeline map, based on● obsolete topographical information, incorrectly shows the Class I ridge extending south and east of Deer Hill Road onto Parcel 27 (Dettmer). The net effect of inaccurate mapping is evident when one reviews the Opportunities and Constraints Analysis (OCA) prepared in ‘conjunction with downzoning efforts aimed at the Detmer Property - Parcel 27. Figure 10 of the OCA shows that parcel to be constrained in development by Ridgeline setback requirements. As properly mapped, and in accordance with the ridgeline correction process established by Section 6-2006, Parcel27 is actually outside setback lines and the “constraints” cited by the OCA simply vanish.</p>	<p>The comment does not mention that the former owner of proposed Project engaged in unpermitted and illegal grading and padding of the subject site periodically between 1978 and 1992 after the quarry operation permit had expired. Exhibits 5-10 and 5-11 are correspondence from the City to former owner, Anthony Lagiss, about the illegal grading operations. The commentor was employed by the City during much of this period and, was copied on the correspondence sent to the property owner. Exhibit 5-11, Item 2 shows that the property owner had a permit to only grade “the crest of the hill on the property so as to reduce the elevation to make it level with the crest of Deer Hill Road.” The property owner’s unpermitted and illegal padding of the site went beyond those restrictions.</p>
ORG1-107i	<p><i>Excessive Width of 400-foot No-Build buffer:</i> As an example of the</p>	<p>The comment states that, “As an example of the inaccuracy of the City’s</p>

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	<p>inaccuracy of the City’s methodology, the low-lying and flat former service station site fronting Pleasant Hill Road (Parcel 28); is considered to be a ridgeline. Such a designation is additional evidence of the misapplication of the ridgeline and its protected buffer. As is readily obvious, the former station site is level, and at an elevation comparable to Acalanes High School and the nearby Shell Station. The service station area is no more of a ridgeline than these two neighboring parcels. In effect, the ridgelines are inaccurate - but the Committee-selected 400 foot No-build buffer zone is so excessively wide that it restricts low-lying peripheral areas that cannot conceivably be considered ridges at all. The 400 feet extends on both sides of the ridge creating an 800 foot, no-build swath more than an 1/8 of a mile wide. (Even the western edge of Acalanes High School is mapped as within a protected ridgeline.) A further example of City mapping inaccuracy may be observed to the west, near Via Media, where the mapped protected ridgeline is shown as extending well into Highway 24’s travel lanes, while the accompanying No-Build zone is shown to cross over to the opposite side of the freeway.</p>	<p>methodology, the low-lying and flat former service station site fronting Pleasant Hill Road (Parcel 28) is considered to be a ridgeline.” This is incorrect. The former gas station site is not considered to be a ridgeline;, however, the site is within 400 feet of a mapped ridgeline. The HDSSC and City Council understood that there would be flatter areas within the mapped Hillside Overlay District and ridgeline setbacks where development would be appropriate. Findings were drafted that, if made by the hearing body, would allow development on those areas.</p> <p>The commentor previously acknowledges that proposed Project site was previously subject to a 250-foot ridgeline setback under the 1993 Hillside and Ridgeline Preservation Ordinance. The 250-foot setback was increased to 400 feet as part of the comprehensive hillside and ridgeline study in 2000, with the regulations stemming therefrom adopted in 2002. The regulations acknowledge that not all ridges are created equal, and thus differentiated ridgelines into classes – the two most prominent ridges in the community being designated as Class I. The setback was increased to 400 feet commensurate with the importance of the Class I ridges to the community, their topographic features, slope, vegetation and off-site visibility.</p> <p>The comment classifies the 400-foot buffer from a Class I ridge line as a “No-Build Buffer.” This is incorrect. Section 6-2026 of Chapter 6-20 Hillside and Ridgeline Regulations states that the Planning Commission may grant an exception to the restriction of development on a Class I ridge if it can make the required findings. The reason for requiring additional review of development near a protected ridge line is because the Lafayette General Plan provides that ridgelines constitute significant scenic topographical features and their retention in as near a natural state as feasible is an important community value. Undeveloped ridgelines also support a range of animal life, function as wildlife corridors for animal movement between open space areas, and contain native grassland, oak woodland, chaparral and riparian areas. The City has approved a number of developments within the environmentally and visually sensitive protected ridge line areas.</p>
ORG1-107j	<p><i>Hillside Overlay District Boundaries:</i> Concurrently with the establishment of the protected ridgelines, the boundaries of the Hillside Overlay District</p>	<p>The commentor states that the selection of 15 percent slope as the starting point for drafting the Hillside Overlay District map was arbitrary. This is incorrect.</p>

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were adopted by the City of Lafayette in 2002, after their creation by the Hillside and Ridgeline Development Review Committee in 2000. The Committee debated through more than one meeting, the degree of steepness (gradient), beyond which the new stricter regulations would apply. After some discussion and looking at the new, but inaccurate, HJW maps containing examples of how much land would be restricted at different gradients, ranging from 15% to 35%, the Committee arbitrarily agreed on a 15% slope. This was the most restrictive parameter under discussion. Staff and several speakers expressed the view that a 15% slope (only 15 feet of rise or fall over 100 feet horizontal) constituted a really gentle slope which did not impose any significant constraint on development. The majority of the Committee favored the option that would place the greatest portion of the city (more than 2/3rds of the land area of the City) within further regulatory constraints. Consequently, the agreed upon HOD boundary was intended to represent the break between areas steeper than a 15% slope, and areas less steep than a 15% slope.

*Inappropriate Mapping Defines the Boundaries of the Hillside Overlay District:*

The source map for the boundaries of the HOD was also the inaccurate HJW\* map taken from obsolete USGS topography, with a 20-foot contour interval. The use of a 20-foot contour interval is too crude a tool for the intended purpose. To illustrate, the City of Lafayette requires a 5-foot contour interval from subdivision applicants in order to adequately determine slopes for new developments. The use of the 20-foot interval meant that inherently there would be a high degree of error particularly around the margins, where properties only gradually increased in slope. Alternatively, smaller level areas would be “swallowed up” by the computer having read the next higher contour line located on an adjacent hillside. Again, the majority of the Committee believed that the inadequate maps would be adequate for General Plan purposes; however, it was understood that such maps represented a poor approximation of what could have been obtained with careful and more expensive re-flying of Lafayette in order to develop an accurate “topo”. In terms of Parcel27,

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The HDSSC intentionally selected 15 percent slope as the starting point for the Environmentally Sensitive Area after significant deliberation and review of maps because it most closely aligned with the City’s existing Sensitive Resources Area adopted in 1993. The HDSSC evaluated slopes in 5 percent increments and overlaid the existing Sensitive Resources Area. The result was a high degree of correlation between the Sensitive Resources Area and those areas of the city with slopes generally greater than 15 percent. Visibility, vegetation, and development were additional factors considered when determining the limits of the Environmentally Sensitive Area.

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	<p>another impact of the inaccurate mapping is the characterization of the nearly level area known as the Christmas Tree Lot and the 5 +/- acre shelf, as well as the level “corp yard” site at the corner of Elizabeth St. and Deer Hill Road, as hillside land.</p>	
<p>ORG1-107k</p>	<p><i>Recognition of Inaccuracy:</i> Similar to the discussion of inaccurate ridgelines, above, to allow for later correction and refinement, Zoning Ordinance Section 6-2005 was adopted to allow for refinement of the actual parameter as to whether a parcel fell into or outside of the 15% gradient parameter. However, by 2006, the City of Lafayette no longer felt the reasons to allow an adjustment for the initially inaccurate mapping were compelling, and repealed Section 6-2005. The repeal denied those whose properties were mischaracterized as hillside land the relief and protection that they once had. Section 6-2005 (in effect only between 2002 and 2006) read as follows:</p> <p><b>6-2005 Modification of Hillside Overlay District.</b>                      The Hillside Overlay District. within which development is regulated by this chapter is described in the map adopted by Section 6-2004. If a precise onsite measurement shows that the district boundary” varies from that shown on the city map, the boundary shown by onsite measurement controls.</p>	<p>The commentor states that “Section 6-2005 was adopted to allow for refinement of the actual parameter as to whether a parcel fell into or outside of the 15% gradient parameter.” This is incorrect. Section 6-2005 was adopted for the same reason as Section 6-2004 relating to the location of ridgelines – to acknowledge that if there was a difference between the City’s map and a detailed survey of the site (appropriate to developing on a specific parcel), that the more detailed map would govern. However, not all of the factors that went into drawing the Hillside Overlay District could be illustrated by way of a topographic survey, including visibility, vegetation, and development. The City Council did not recognize this until after the adoption of Chapter 6-20, and it was the reason behind the repeal of Section 6-2005 in 2006. The criteria that went into drafting the Hillside Overlay District boundary were not simply empirical; there were factors that were evaluated subjectively by the HDSSC, Planning Commission, and City Council.</p> <p>Section 6-2005 was not adopted to allow for modification of the Hillside Overlay District boundary based solely on a slope of less 15 percent. Had this been that case, then the language of the section would have reflected that a property owner need only demonstrate by submission of a topographic survey that an area of land was less than 15 percent slope. The HDSSC, Planning Commission, and City Council understood and acknowledged that there were many areas of less than 15 percent slope within the Hillside Overlay District and ridgeline setback areas. Perhaps the most glaring example would be the spine of Lafayette Ridge itself, which has a moderate slope down the spine, but drops off steeply to the sides. It would make little sense to exempt such areas from the requirements of the Hillside Overlay District when they clearly lie well within areas of the city that are generally over 15 percent slope and have high visibility, little existing development, and little-to-no existing vegetation with which to screen new development.</p>
<p>ORG1-107l</p>	<p><i>Failure to Honor City’s Own Ordinance:</i> New and accurate on-site</p>	<p>During the early processing of the City-initiated Eastern Deer Hill Road General</p>

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	<p>topography was supplied to the City in 2005 by Ms. Dettmer’s engineer with the areas less than 15% marked by a checkered pattern. However, instead of complying with Section 6-2005, Lafayette chose to eliminate the opportunity to correct the inaccurate maps. Zoning Ordinance Section 6-2005 was repealed, thus eliminating the possibility of relief from what was known to be inaccurate mapping. This elimination of Section 6-2005 was made effective city-wide.</p>	<p>Plan and zoning amendments, the proposed Project site’s property owner chose to hire a company to prepare a topographic map of the Eastern Deer Hill Area. The map was prepared using computer assisted, photogrammetric methods. The property owner subsequently provided the map to the City. However, at no time did the owner or the owner’s representatives submit an application or otherwise specifically request that the City re-evaluate the Hillside Overlay District designation on any of the Eastern Deer Hill properties, including the proposed Project site.</p>
ORG1-107m	<p><i>Inaccurate HOD Designation on Parcel 27:</i> The areas where inaccurate placement of the HOD in the Eastern Deer Hill Road area occurred are located on Parcel 27 as well as on Parcels 10, 16, 21 and 28. In 2007, the City commissioned a more accurate slope analysis as part of its own downzoning efforts for the Eastern Deer Hill Road area and concluded that 8.2 +/- acres were less than 15% slope on Parcel 27. Additionally, the same analysis showed that there were an additional 5.6 acres less than 15% slope on other properties subject to the Deer Hill Road downzoning effort. Thus, some 13.6 acres of the Deer Hill Road study area were misidentified as being steeper than 15% slope by the faulty mapping used by Lafayette in establishing the HOD.</p>	<p>During the Planning Commission’s consideration of GP03-04 and RZ02-04 for the Eastern Deer Hill area in 2006, the Commission requested that staff have an engineer prepare slope calculations for properties in the area. As evidenced in the minutes of the September 7, 2006 Planning Commission meeting, the purpose of the slope study was to provide information on the possible density that could be allowed on the subject properties in compliance with the slope/density calculations of Section 6-2043 of the hillside regulations. The following is an excerpt of the minutes:</p> <p><i>Chair Ateljevich requested a slope calculation on the R20 portion of both that lot and Lot 69 [sic]. She asked that the work be independently done by an engineer and also include the parcel fronting Pleasant Hill Road, which she thought was parcel No. 28. She also wanted a slope density calculation on Parcel No. 27 stating the information would enable the Commission to make a decision about the kind of density that can be built on the parcel.</i></p> <p>Additionally, the commentor spoke at the same meeting, and noted that the topographic map provided by the property owner and several of the properties shown on the map had slopes of 15 percent or less which could be available for development. As evidenced in the minutes, the commentor did not state that the purpose of the map was to show “the faulty mapping used by the Lafayette in establishing the HOD” or to determine the appropriateness of the Hillside Overlay District to the Eastern Deer Hill area.</p>
ORG1-107n	<p><i>HOD Restrictions Prevent Subdivision:</i> Once a property is within the HOD, further subdivision necessary to create any additional lots and houses is largely prohibited by the “substantially concealed” test.</p>	<p>The commentor’s statement that subdivision of property within the Hillside Overlay District is largely prohibited is incorrect. The City has approved several subdivisions in the Hillside Overlay District, including an eight-lot subdivision</p>

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	<p>Application of the “substantially concealed” test generally means that any new structure must be substantially concealed by existing vegetation or terrain when viewed from below from public streets, a finding that severely limits development potential (Zoning Ordinance Sections 6-2048 &amp; 6-2072-d).</p> <p><i>Conclusion:</i> I believe the foregoing review demonstrates that Parcel 27 should not be subject to Lafayette Zoning Ordinance Chapter 6-20. The constraints imposed on development by the ordinance were developed from inaccurate data and those constraints have no application to that particular parcel. Presumably, the ordinance and related regulations were enacted to protect such high value community attributes as scenic hillsides and ridgelines. There are no such community attributes physically existing on Parcel 27. While the City may currently desire to downzone that subject parcel, there are neither physical attributes nor actual constraints to development that would justify such a downzoning. The severe reduction - or even elimination - of all development potential for Parcel 27 may be a desirable political goal; such an outcome through the planned downzoning could have no planning justification.</p>	<p>(maximum density allowed) with Class I and Class II ridgelines. See Exhibit 5-12 of this Final EIR.</p>
ORG1-108	<p>Below please find my comments on Section 4.1 “Aesthetics and Visual Resources” of the above referenced document. As you will see by the comments we are extremely disappointed with the lack of professionalism exhibited in the document. The DEIR’s conclusion that 4 of 5 impacts are significant-and-unavoidable is not supported by the facts nor is it the result of a fair and impartial evaluation of the project.</p>	<p>This serves as an introductory comment to the comments that follow. Please see responses to Comments ORG1-109 through ORG1-136.</p>
ORG1-109	<p>The aesthetics evaluation of the Terraces Project in the context of the Environmental Impact Report Process is necessarily a subjective determination. As was noted in the DEIR, there are no specific federal regulations applicable to aesthetics nor can one find more than broad “goals” statements in state law and city regulation.</p>	<p>The comment correctly states that that there are no federal regulations relevant to the aesthetics discussion in the Draft EIR. This comment does not address the adequacy of the Draft EIR.</p>
ORG1-110	<p>It must be remembered that the project site has previously been used as a quarry and construction staging area and has been subject to a significant amount of materials removal and grading for the construction of Deer</p>	<p>Please see response to Comment ORG1-36, which explains that the previously disturbed nature of the Project site is acknowledged throughout the Draft EIR, including in Chapter 4.1, Aesthetics and Visual Resources. Please also see response</p>

Comment #	Comment	Response
	Hill Road, Pleasant Hill Road and Highway 24. The site and terrain were altered many years ago such that neither the original ridgeline nor formerly scenic hillsides have survived in a natural condition.	to Comment ORG1-30, which explains that Lafayette Ridge is on the Project site is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering & Geology. The Cal Engineering & Geology report is included in Appendix M of this Final EIR.
ORG1-111	The project setting at its lower elevations adjoining Pleasant Hill Road is typically suburban as was noted in the DEIR. The buildings and landscaping within that area are consistent with that setting and with other similar properties within Lafayette. The project setting which is to house the majority of units is the large level terrace area that comprises the most disturbed portions of the site. That same area was graded and then ignored as a part of quarry operations many years ago. The more than 700 trees and landscaping proposed by the project will effectively screen these previously disturbed portions of the site from off-site views. While it would be unfair to conclude that the proposed project is without any visual impact, it is equally inappropriate to conclude that intermittent screened views of a well designed and heavily landscaped residential project will create a significant visual and aesthetic impact.	The comment states that it is unfair to conclude that intermittent screened views of a well-designed and heavily landscaped project would create a significant visual and aesthetic impact. As demonstrated in the photo simulations in the Draft EIR from Viewpoints 3 through 6, that even after five years following Project construction, the proposed buildings would not be substantially screened. In addition to this five-year temporary impact, the buildings and landscaping on the site would not be consistent with the semi-rural settings in the vicinity of the Project, as discussed on pages 4.1-40 and 4.1-41 of the Draft EIR.
ORG1-112	<p>The Aesthetics and Visual Resources Section of the EIR is flawed because it:</p> <ul style="list-style-type: none"> <li>(1) Fails to evaluate the project application;</li> <li>(2) Evaluates the project against incorrect General Plan Policies;</li> <li>(3) Overstates impact by selectively choosing view evaluation locations;</li> <li>(4) Establishes arbitrary and unreasonable standards of significance;</li> <li>(5) Offers no reasonable mitigation consistent with project objectives; and</li> <li>(6) Fails to provide a feasible alternative which can mitigate impacts to less-than significant.</li> </ul>	<p>Regarding point #1 made by the commentor, please see response to Comment ORG1-34.</p> <p>Regarding point #2 made by the commentor, please see responses to Comments ORG1-116 through ORG1-124.</p> <p>Regarding point #3 made by the commentor, please see response to Comment ORG1-127.</p> <p>Regarding point #4 made by the commentor, please see responses to Comments ORG1-129 through ORG1-132.</p> <p>Regarding point #5 made by the commentor, please see response to Comment ORG1-133.</p> <p>Regarding point #6 made by the commentor, please see response to Comment</p>

Comment #	Comment	Response
ORG1-113	<p>An unbiased evaluation would conclude that the site is:</p> <ul style="list-style-type: none"> <li>(a) Generally not visible and cannot be seen from a majority of the City;</li> <li>(b) Significantly lower than the closest ridgeline and natural hillsides above and across Deer Hill Road;</li> <li>(c) Highly disturbed in appearance due to former quarry operations and road grading for Highway 24, Deer Hill Road and Pleasant Hill Road;</li> <li>(d) Only substantially visible from a few select close in locations and then only for very brief periods of time in one’s peripheral vision; and</li> <li>(e) A suitable, if not excellent, location for the proposed apartments because the impacts are less-than-significant and which can be further mitigated, if desired.</li> </ul>	<p>ORG1-134.</p> <p>The simulations provided in the Draft EIR were produced in order to provide the City with simulations that realistically depict the proposed Project from roadways and sites that are likely to be impacted most from distances immediate to the Project area. As shown in the simulations, the proposed Project would be visible from various roadways in the vicinity of the Project site, including State Highway 24, a State-designated scenic highway. Although the Project site is not visible from “a majority of the City,” as stated by the commentor, the site is visible from multiple sites on the City’s Viewing Elevation Map.</p> <p>Regarding the comment’s point b), please see response to Comment ORG1-126.</p> <p>Regarding the comment’s point c), please see response to Comment ORG1-36. The previously disturbed nature of the proposed Project site is acknowledged throughout the Draft EIR. However, the purpose of the aesthetics evaluation in the Draft EIR is to analyze the effects on the aesthetic quality and appearance of the Project site, which is not necessarily determined by the extent of previous activity on the site.</p> <p>Regarding the comment’s point d), please see responses to Comments ORG1-114 and ORG1-128.</p>
ORG1-114	<p>(1) Fails to Evaluate the Project Application</p> <p>In response to comments by City staff on the initial project application, LCA Architects provided visual simulations from 11 viewpoints within the City. Staff directed us to prepare simulations from locations listed on the “Viewing Evaluation Map and Viewing Evaluation Sites List” and required the simulation be submitted in order to find the application “complete”. LCA selected specific view locations based on this general instruction from staff. These specific locations were selected to be “representative” of views from the City directed view locations; neither the worst case nor best case, but a fair representation of the project. The</p>	<p>Regarding the comment’s point e), please see response to Comment ORG1-115.</p> <p>Please see response to Comment ORG1-34, which explains that the EIR consultant did review the visual simulations prepared by LCA and found that the simulations were inadequate for the purpose of determining the impacts of the Project. The visual simulations prepared by LCA are included as Comment ORG1-63 in Appendix P of this Final EIR.</p> <p>Although the Project applicant conducted visual simulations at viewpoint locations influenced by the City’s Viewing Evaluation Map, it was later determined, as explained in response to Comment ORG1-34, that some of these views are not useful for providing meaningful analysis of the Project’s impact on visual resources</p>

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	<p>original EIR scope of work was to include peer review of our simulations, which were available to the consultant prior to submitting his proposal. If there was any concern about the extent or accuracy of the simulations it was not brought up at that time.</p> <p>After the EIR commenced the consultant requested additional fees to prepare further simulations “because many of the vantage points utilized by the applicant do not fully convey the extent of potential impacts of the project on scenic views as experienced from a City Viewing Evaluation Site”. (The applicant agreed to fund the new simulations because they had no choice.) Since our simulations were based on direction from City staff and the consultant had full access to the simulations prior to developing their workscope, it is unclear why the additional work was needed and why it was not anticipated with the original EIR scope of work. We can speculate that the consultant advised the City that in order to find significant impacts they would need to ignore the LCA simulations and prepare new ones from a much less flattering location. While we suspect this may be the case we are still surprised that the DEIR did not include and evaluate, nor even reference the LCA visual simulations. The DEIR simulations present an incomplete and biased analysis of the visual impacts. By not including the LCA simulations and by selecting views which show only the “worst case”, a reader of the DEIR is not given an opportunity to fairly evaluate the project’s visual characteristics. We believe an impartial reader of an unbiased analysis could come to the conclusion that “while the project is visible from a few select locations and for brief periods of time, overall it does not result in a significant aesthetic impact”. We note that the LCA visual simulations were stated to be part of the project application on Page 2 of the October 17, 2011 Planning Commission staff report to scope the EIR (last bullet), yet inexplicably, they were not included or even referenced in the DEIR.</p>	<p>and community character. In reviewing the visual simulations prepared by LCA, it was determined that the City’s specific comments regarding the visibility of the Project site from various roads was loosely interpreted such that the proposed Project was represented in a less impactful way. The City provided the Project applicant with parameters for visual simulations, and it was determined that the visual simulations prepared by the Project applicant did not meet certain requests. For example, whereas the City requested a “lateral,” “downhill,” “uphill” view of the site from Deer Hill Road, the applicant’s chosen “uphill” vantage point depicts the Project as far as possible from view. Furthermore, the City’s specific request for “immediate” views of the Project site from Pleasant Hill Road was not addressed.<sup>1</sup> In response to this, six revised simulations were produced by the EIR consultant in order to provide the City with simulations that realistically depict the proposed Project from roadways and sites that are likely to be impacted most, from distances immediate to the Project area.</p>
ORG1-115	As stated above, we believe a fair and un-biased evaluation of the project	This comment serves as a summary of the comments above. Please see responses

<sup>1</sup> Merideth, Ann, City of Lafayette, email Correspondence with The Planning Center | DC&E on November 30, 2011.

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	<p>application, including the visual simulations provided by the applicant, will conclude the proposed project does not result in any significant impacts. Later in this comment letter we have provided such an evaluation, which includes the original applicant simulations. In addition, and to further test our conclusion, we have simulated a refinement of the Mitigated Alternate Plan, to see if Aesthetic and Visual Impacts could be further reduced.</p>	<p>to Comments ORG1-109 to ORG1-114.</p>
ORG1-116	<p>(2) Evaluates the Project Against Incorrect General Plan Policies Table 4.1-1 lists General Plan policies and goals purported to be applicable to the project. As it turns out, do not apply and have been referenced out of context. The first do not apply to the project because they are specific to “Residential Land Uses”. The proposed project is being developed under the existing APO land use designation which, in the General Plan, falls under “Commercial and Office Land Uses”. Therefore Goals LU-1, LU-2, LU-2.2 &amp; LU-5 and Policies LU-1.1, LU-1.2, LU-2.1, LU-2.2, LU-4.1 &amp; LU-5 are not applicable to the project because they are found in the residential policy section of the General Plan.</p>	<p>The General Plan Policies listed in Table 4.1-1 are relevant because all residential projects are subject to these policies regardless of the General Plan land use designation in which the project is built. In addition, while the General Plan (on page I-15) does include the Administrative/Professional Office/Multifamily Residential designation under Commercial and Office and Land Uses, the Eastern Deer Hill Road Specific Planning Area, which includes the proposed Project site, is included under Other Land Uses.</p>
ORG1-117	<p>Goal C-5 and Policies C-5.1, C-5.2 &amp; C-5.3 also do not apply as they relate solely to the design and construction of roadway projects.</p>	<p>The comment is correct. Goal C-5 and Policies C-5.1, C-5.2, and C-5.3 have been removed from Table 4.1-1, as shown in Chapter 3, Revisions for the Draft EIR, of this Final EIR.</p>
ORG1-118	<p>Goal OS-1 and Policies OS 1.1, OS-1.2, OS-1.3 and OS-1. 7 are related to property which falls into one of three categories as follows:</p> <ol style="list-style-type: none"> <li>(1) Publicly-owned land, such as Briones Regional Park and the Lafayette Reservoir;</li> <li>(2) Dedicated land, which is privately-owned and maintained, that has a recorded open space, scenic or conservation easement requiring that it remain permanently as open space; or</li> <li>(3) Land which has a trail easement permitting public use for hiking.</li> </ol> <p>The Terraces project is not located on land within any of these 3 categories. The closest land belonging in one of these categories is Briones Park, approximately 400 feet north of the northern corner of the project.</p>	<p>The Open Space and Conservation Element categorizes open space into three groups, but this does not mean that the goals and policies only apply to the properties under these three categories. Therefore, Goal OS-1 and Policies OS-1.1, OS-1.2, and OS-1.3 are still applicable. Policy OS-1.1 calls for preserving major ridgelines, which are illustrated on Map III-1: Hillside Overlay Area. As shown in Figure 3-4 of the Draft EIR, the Project site is located in the Hillside Overlay Area. As shown in Chapter 3, Revisions for the Draft EIR, of this Final EIR, however, Policy OS-1.7 has been deleted because this policy does not address aesthetic issues, and the proposed Project site is not located between open space areas and on ridges where could be a wildlife corridor for animal movement.</p>

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	These goals and policies are not applicable.	
ORG1-119	That leaves the following five remaining Goals and Policies and their associated Programs. Each one will be discussed further below.	See the responses to Comments ORG1-120 through ORG1-124.
ORG1-120	<ul style="list-style-type: none"> <li>• Goal LU-13: Ensure that the Eastern Deer Hill Road area near the intersection of Pleasant Hill Road is developed, where development is appropriate, in a manner consistent with Lafayette’s community identity.</li> <li>• Policy LU-13.2: Consider options for development south of Deer Hill Road and north of Deer Hill Road where adjacent to Pleasant Hill Road.</li> <li>• Program LU-13.2.2: Prepare through a community planning process an Eastern Deer Hill Road Specific Plan that includes the following requirements:                             <ul style="list-style-type: none"> <li>a) Protect and enhance the rural character of the area north of Deer Hill Road where not adjacent to Pleasant Hill Road;</li> <li>b) Preserve prominent views;</li> <li>c) Include development standards that maintain the semi-rural character of the area and the community; and</li> <li>d) Utilize the property south of Deer Hill Road to help communicate the image of Lafayette as a semi-rural community.</li> </ul> </li> </ul>	Goal LU-13 and Policy LU-13.2 are already included in Table 4.1-1 of the Draft EIR. Program LU-13.2.2 is not included because the General Plan policy consistency analysis focuses on policy-level guidance in the General Plan, rather than implementation programs. A policy consistency analysis with regard to Goal LU-13 and Policy LU-13-2 has been added to Table 4.9-1, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
ORG1-121	<ul style="list-style-type: none"> <li>• Goal OS-3: Maintain the semi-rural character and beauty of the city by preserving its open and uncluttered natural topographic features.</li> <li>• Policy OS-3 .1: Protect natural features of the lands. The character and natural features of hills, steep slopes, riparian areas, woodlands, and open areas will be preserved in as natural a condition as feasible.</li> <li>• Program OS-3.1.1: Ensure that grading does not detract from the natural forms of hillsides and that development retains the ecological characteristics of the site. This includes prominent geological features, individual trees, woodland, riparian vegetation, rock outcroppings, streams, ponds, drainage swales, and other natural features. Minimize the disturbance or removal of vegetation.</li> <li>• Program OS-3.1.2: Limit the scarring and cutting of hillsides caused by grading, especially for long roads and driveways.</li> <li>• Policy OS-3.2: Preserve the predominant views of the hill areas. Require that structures in identified environmentally sensitive areas be</li> </ul>	Goal OS-3 and Policies OS-3.1 and OS-3.2 are already included in Table 4.1-1 of the Draft EIR. Programs OS-3.1.1, OS-3.1.2, and OS-3.2.1 are not included because the General Plan policy consistency analysis focuses primarily on policy-level guidance in the General Plan, rather than implementation programs.

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	<p>substantially concealed by existing vegetation or terrain when viewed from lower elevations, to the maximum extent feasible. The Viewing Evaluation Map, on file at the City offices, illustrates areas within the city from which views will be considered.</p> <ul style="list-style-type: none"> <li>• Program OS-3 .2.1: Require structures in identified environmentally sensitive areas be located away from prominent locations such as hilltops, knolls and open slopes, wherever feasible.</li> </ul>	
ORG1-122	<p>Goal LU-13                      This goal is illuminated by Policy LU-13.2 and Program LU-13.2.2, all of which will be addressed here in context with each other. Program LU-13.2.2 calls for the preparation of a Specific Plan to include the subject property and 80 additional acres across Deer Hill Road. The Program addresses Policy LU-13.2 which is to “Consider options for development south of Deer Hill Road and north of Deer Hill Road where adjacent to Pleasant Hill Road”. The Program and Policy are intended to support the Goal of determining (1) where development in this area is appropriate and (2) ensure that it is consistent with Lafayette’s community character.</p> <p>Since the Specific Plan has not been prepared (and it appears the City has no intention of preparing one) then the question of “where” development is appropriate would naturally be answered by the current General Plan Designation, which for the project site is Administrative/Professional/Office/Multi-Family Residential. Consistency with “community character” is somewhat subjective, but can still be evaluated based on the existing development patterns. The property is zoned for apartments with height limits varying from 23’ to 36’. The City has numerous 2 and 3 story apartment projects with heights within this range, therefore the type of building, density, number of stories and height of building would not be out of character for Lafayette. In addition, the project is subject to the City’s Design Review Regulations and process which will serve to further ensure consistency with Lafayette’s community character. In conclusion, Goal LU-13 and its supporting policies and goals are for the primary purpose of directing</p>	<p>Goal LU-13 calls for the Eastern Deer Hill Road Area near the intersection of Pleasant Hill Road be developed in a manner consistent with Lafayette’s community identity. Community identity can be subjective, but the Land Use Element defines it as semi-rural (page I-22, “The development allowed under current zoning along the Deer Hill Road corridor must be consistent with Lafayette’s semi-rural community identity”).</p> <p>Additionally, as discussed in Chapter 4.1, Aesthetics and Visual Resources, of the Draft EIR, the proposed Project site is surrounded by open space and single-family homes, not two- and three-story apartment buildings. As shown on the photo simulation for Viewpoint 6, construction of the five three-story buildings along the frontage above State Highway 24 would result in a change in the visual character of the site. Therefore, the Project would be inconsistent with Lafayette’s semi-rural community character and with Goal LU-13. A policy consistency analysis with regard to Goal LU-13 and Policy LU-13-2 has been added to Table 4.9-1, as shown in Chapter 3, Revisions for the Draft EIR, of this Final EIR.</p>

Comment #	Comment	Response
ORG1-123	<p>“land use” and are not really applicable to visual and aesthetics because that is more appropriately regulated by Design Review.</p> <p>Goal OS-3                      This goal is illuminated by Policy OS-3.1 and OS-3.2 and their respective Programs, all of which will be addressed here in context with each other.</p> <p>Policy OS-3.1 and its associated Programs focus on “protecting” natural features from grading including “hills, steep slopes, riparian areas, woodlands, and open areas”. The project site is highly disturbed with 85% of it having been graded for the former quarry operation and for the construction of Highway 24, Deer Hill Road. and Pleasant Hill Road. There is a riparian zone sandwiched between areas which have been previously graded, and a planted oak woodland area which occurs within a mostly graded and paved portion of the site. The only potential conflict with this policy is related to the project’s proposed grading of the oak woodland and riparian area, about 15% of the site.</p> <p>If these conflicts are determined to be significant then a typical mitigation would include avoidance where feasible or replacement of trees and riparian area at a customary ratio used for other projects in the City and elsewhere in Contra Costa County. Since the area affected is minor, compared to the entire project, reduction of units based on avoidance of this area will not make the project “infeasible”. Goal OS-3 is about “grading” of natural areas and does not directly address visual impacts. 85% of the site has already been graded and a majority of the remaining portion has been occupied with structures and pavement for more than 50 years. Therefore, there is no significant impact relative to Policy OS-3.1.</p>	<p>The comment is correct in that the majority of the proposed Project site has been disturbed in the past.</p> <p>As described in subsection D.5 of Chapter 4.3, Biological Resources, protecting the large 58-inch valley oak and other oaks to the southeast would not be possible without substantial adjustments to the limits of grading and footprint of development. This would make the Project infeasible as proposed, and therefore this impact remains significant and unavoidable.</p>
ORG1-124	<p>Policy OS-3.2 and Program OS-3.2.1 focus on “preserving predominant views of hill areas” in “identified environmentally sensitive areas” by either locating buildings “away from predominant locations” or by “concealing with existing vegetation or terrain”. The General Plan does not define nor locate an “identified environmentally sensitive area”. Therefore, in order for this Policy and Program to apply, it would need to</p>	<p>As discussed on page 4.1-22 of the Draft EIR, the site is subject to “predominant views of hill areas” according to the City’s Viewing Evaluation Map. There would be no feasible mitigation as described in Mitigation Measures AES-1 and AES -2: “Given the building heights and topography of the Project site, there is no feasible mitigation measure that would reduce the visual prominence of the proposed Project when viewed from off-site locations to a less-than-significant level.”</p>

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	<p>be shown by a reasonable argument appealing to general principles that the site does in fact fall into such a category. If the project is determined to be in an “environmentally sensitive area” it would next need to be determined if “predominant views of hills” would be impaired. If so, buildings would need to be located away from predominant locations or concealed by existing vegetation in order to result in a finding of less-than-significant.</p>	<p>Mitigation is not considered to be feasible because any mitigation that would reduce the impact to a less-than-significant level would require substantial redesign of the proposed Project and would make the proposed Project infeasible as proposed. Therefore, the impact would remain significant and unavoidable.</p>
<p>ORG1-125</p>	<p>Is the project within an environmentally sensitive area? As described above, the property itself has been substantially (85%) disturbed by former quarry operations and grading for roadways which completely surround the site. In addition, the roadway grading continues off-site (across Deer Hill Road) and eventually transitions to natural slopes and hillsides to the north. Immediately south of the property is an 8-lane freeway and regional transit facility. To the north is a 2 lane arterial roadway and to the east is a 4 lane arterial. The subject property elevations and surrounding roadways range from 330 feet at the southeast corner to 460 feet at the crest of Deer Hill Road. Immediately across Deer Hill Road are cut and fill areas for the road. Beyond the road grading are the natural hills and the termination of the Lafayette Ridge. The termination of the Lafayette Ridge is 600 feet north of the site at elevation 625. The site includes about 600 LF of intermittent drainage which starts at a culvert under Deer Hill Road and terminates at a culvert under Pleasant Hill Road. In addition, there are about 100 mostly planted trees along the driveway and a parking area serving the existing home. The drainage and planted tree area encompasses less than 3 acres of the 22 acre site.</p>	<p>The vegetation and wildlife habitat conditions of the proposed Project site are thoroughly described in Chapter 4.3, Biological Resources, of the Draft EIR. This includes acknowledgement of the extent of past disturbance, which has contributed to the extent of “disturbed/ruderal herbaceous” cover occupying an estimated 14.56 acres, and fact that the Project site is bordered by Pleasant Hill Road to the east, Deer Hill Road to the northwest, and Highway 24 to the south, as indicated in Figure 4.3-1 on page 4.3-13 of the Draft EIR. However, as further described in Chapter 4.3 of the Draft EIR, the Project site continues to support areas that are considered to be environmentally sensitive, including native grasslands, jurisdictional wetlands, and other waters, and tree resources regulated under Chapter 6-17 of the Municipal Code, Tree Protection. While the entire site is not considered a biologically sensitive area, it does contain important biological resources that pose a constraint to development and for which mitigation is warranted where proposed Project improvements would modify or eliminate those areas and associated resources.</p> <p>Goal OS-3 of the City’s General Plan is to, “Maintain the semi-rural character and beauty of the city by preserving its open and uncluttered natural topographic features.” Policy OS-3.2 requires that structures built in environmentally sensitive areas be screened when viewed from lower elevations, to preserve predominant views of hills from areas on the City’s Viewing Elevation Map. This policy is interpreted to convey that areas where new structures would block views of hill areas are considered to be environmentally sensitive, because they are related to the preservation of the city’s natural topographic features. The comment correctly states that 85 percent of the Project site has previously been disturbed, and that the Project site is bordered by major roadways. Nevertheless, the roadways</p>

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		<p>surrounding the Project site are on the City’s Viewing Elevation Map. Chapter 4.1, Aesthetics and Visual Resources, of the Draft EIR evaluates potential impacts to important views, and Chapter 4.9, Land Use and Planning, evaluates the Project’s consistency with the City’s hillside policies.</p>
ORG1-126	<p>For the sake of discussion, let’s assume the less than 3 acre area is “environmentally sensitive”. Then the question is, “Would predominate views of hill areas be impaired by structures within that area?” The sensitive area ranges in elevation from 330 to 380. The highest elevation of the site and of Deer Hill Road is 460 feet, the top of the road cut is 53 5 feet and the end of the Lafayette Ridge is elevation 625 feet. The natural hills nearest the project sit well above the environmentally sensitive area and therefore views of the hills will not be impaired by any structures constructed within the 23’-3 5’ height limits of this limited portion of the site. In addition, even the highest proposed apartment structures are located well away and well below all the natural hills within the area. Therefore, even if the low portion of the site is considered environmentally sensitive, there are no conflicts with Policy OS-3.2 and Program OS-3.2.1 and the impact would be less-than-significant.</p>	<p>Please see response to Comment ORG1-125 regarding whether the proposed Project site is considered to be environmentally sensitive. The way in which a view may be blocked depends on the location of the viewer in relation to the object being viewed. Predominate views of the hill areas would be impaired by three-story, 35-foot tall buildings along Pleasant Hill Road from the east side of the street because the proposed buildings would sit on top of approximately 20 feet of fill, making the effective height 55 feet tall. This would effectively increase the viewing angle from an observer from this location. While it is true that from a greater distance, the height of proposed buildings on top of the graded Project site would not obstruct certain views, the aesthetics evaluation in the Draft EIR accurately describes impacts to scenic views as viewed from the selected sites from the City’s List of Viewing Evaluation Sites. Please see response to Comment ORG1-127 for further explanation of the viewpoints used in the Draft EIR analysis.</p>
ORG1-127	<p>(3) Overstates Impact by Selectively Choosing View Evaluation Locations Notwithstanding the discussion and conclusions above, the DEIR “cherry picks” isolated view locations to support a pre-determined conclusion that the project would have a significant adverse impact on aesthetics. A more accurate and more informative analysis would look at the site in a broader, more representative context, such as was provided by LCA (at staffs direction) with the project application.</p> <p>The LCA simulations show in a balanced and “representative” fashion how the project will develop a scarred property with high quality architecture and extensive landscape. Upon completion the project will be similar in appearance to many other 2 and 3 story developments along Highway 24 within Lafayette and the neighboring communities. The addition of over 700 trees will serve to soften the buildings and create a dense landscaped visual experience. Currently along Highway 24 there are</p>	<p>Please see responses to Comments ORG1-34 and ORG1-114, which explain that the visual simulations prepared by LCA were found to loosely interpret the City’s direction such that a meaningful visual impact analysis could not be conducted. The visual simulations prepared by LCA either use viewpoint locations with the least amount of impact possible, or altogether ignore specific locations, such as immediately adjacent to the Project site at Pleasant Hill Road. The simulations prepared by the EIR consultant use viewpoints on roads and sites defined on the City List of Viewing Evaluation Sites from distances that provide realistic potential visual impacts that would be noticed by the public. In an urbanized environment, the visual presence of built structures two to three stories high are generally most felt between 0 and 600 feet, or two city blocks, and it is at this distance that the most meaningful analysis of potential visual impacts can take place.</p> <p>According to the landscaping plan, the proposed Project would include over 700 trees planted. However, most of these are not indigenous to the site, and tend to be</p>

Comment #	Comment	Response
	<p>three general visual experiences:</p> <ol style="list-style-type: none"> <li>1) Densely planted landscaping (typically associated with and including development);</li> <li>2) Natural hillsides with scattered trees and homes and non-natural landscaping; and</li> <li>3) Highly disturbed, bare and eroding land (the Terraces site).</li> </ol> <p>The proposed project will transform the Terraces site into a densely planted landscaping experience which will NOT block views of any protected ridgelines.</p>	<p>relatively small in size, are used for ornamental purposes, and would not contribute substantially to the replacement of natural tree resources lost as a result of development. Coast live oak, valley oak, and California buckeye represent only 278 of the trees to be planted in the landscaping plan. The remaining species tend to be non-native ornamental species such as Strawberry Tree, Hawthorn, Raywood Ash, Olive, Ornamental Pear, Flowering Cherry, Holly Oak, Chinese Elm, and Chinese Pistache. This would not help blend the proposed Project to the surrounding natural environment.</p> <p>It would take at least five years for the proposed landscaping to reach maturity. Even at maturity, the landscaping as proposed would not screen the majority of the built structures. At day of completion the landscaping would most likely consist of mulch and young plants and trees.</p>
ORG1-128	<p>Attached to this comment letter, in Appendix 1-Contextual Narrative is a description of the visual context of the site from several of the major roadways in Lafayette. In addition, we have provided (on CD) Appendix 2, video images supporting the written descriptions in Appendix 1.</p>	<p>The videos submitted by the commentor are attached to this Final EIR on a CD. The videos show views of the proposed Project site taken from a car traveling at moderate to high speeds on roadways in proximity to the Project site. The videos are described in Comments ORG1-137 to ORG1-144.</p> <p>It should be noted that, although CEQA provides thresholds of significance for an aesthetics impact analysis, CEQA does not stipulate exactly how a lead agency should conduct its evaluation of potential impacts. For instance, CEQA does not require that an aesthetics evaluation only take into consideration the point of view of a driver in a moving vehicle. The Draft EIR uses photosimulations to represent the proposed Project as it would be realistically viewed by the public, including people hiking in the nearby open space area. The videos submitted by the commentor show the Project site as viewed from a forward-facing passenger in a moving vehicle. In contrast, the simulations in the Draft EIR provide a meaningful representation of the proposed Project, including views of the Project site as it would be viewed from a pedestrian or a westbound vehicle stopped at the Stanley Boulevard / Pleasant Hill Road intersection facing the Project site.</p>
ORG1-129	<p>(4) Establishes Arbitrary and Unreasonable Standards of Significance                      Below is a more objective and reasonable discussion of the five significance criteria under CEQA.</p>	<p>Please see response to Comment ORG1-127, which explains that the simulations in the Draft EIR use viewpoints on roads and sites defined on the City List of Viewing Evaluation Sites from distances that provide realistic potential visual</p>

**Comment # Comment**

1) Would the project have a substantial adverse effect on a scenic vista?  
 As described above and detailed in the Contextual Narrative (Appendix 1) the project site itself is marginally visible, and then for only very brief periods of time. The DEIR completely ignores this context and focuses its analysis on six “snapshots” taken from locations which are not representative of the overall impact of the project. Despite the biased selection of the viewpoints the DEIR discussion had a hard time finding significant impacts. The following are quotes contained within discussions of the six DEIR viewpoints.

View 1 - “ ... the top of the new buildings would be located below the existing ground plane, and do not block far field views of Acalanes Ridge.”

View 2 - “While the proposed project would be visible from the trail, it would not block far field views of the East Bay Hills from this location”.

View 3 - “The proposed development does not block the view of the southern edge of the terminus of the Lafayette Ridge ... “

View 4 - “ ... views of the Lafayette Ridge and Briones Park hills are preserved.”

View 5 - “At this location the project would block the existing view to the Lafayette Ridge, as well as the views of all ridgelines to the west.”

While we cannot dispute this statement, the following should be considered. View 5 is 150 feet south of View 4 and if one were to move a few hundred feet further south the ridge would be blocked by existing topography and trees. This is a prime example of “cherry picking” a view location which is not representative in order to prove a point. View 5 is directly across the street and in front of the proposed building. Any project complying with the existing and long standing zoning for this property will create the same “impact”. The zoning district for this property has a very specific height limit for this portion of the property. One wonders why this height limit was established if views of the ridge from this isolated location were so important? This view is not representative of one which will be experienced by vehicle passengers or

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impacts that would be noticed by the public. As described in response to Comment ORG1-114, the visual simulations prepared by LCA interpreted the City’s comments such that the proposed Project was represented in a less impactful way and did not address the City’s specific request for “immediate” views of the Project site from Pleasant Hill Road was not addressed. In response to this, four revised simulations were produced for the Draft EIR to provide the City with simulations that realistically depict the proposed Project from roadways and sites that are likely to be impacted most, from distances immediate to the Project area. In an urbanized environment, the visual presence of built structures two to three stories high are generally perceived between 0 and 600 feet, or two city blocks, and it is at this distance that the most meaningful analysis of potential visual impacts should occur.

Regarding the height requirements for the Project site, please see responses to Comments ORG1-48 and ORG1-49, which explain that, because the Project site is located within the Hillside Overlay District, the City has the authority to apply its hillside development requirements on a case-by-case basis.

The comment states that the Project site is only briefly visible and that a driver would have to stop and turn his head to view the Project site. As described in response to Comment ORG1-128, CEQA does not require that an EIR evaluate aesthetic impacts from the point of view of a driver in a moving vehicle. The simulations in the Draft EIR provide a meaningful representation of the proposed Project, including views of the Project site as it would be viewed from a pedestrian or a westbound vehicle stopped at the Stanley Boulevard / Pleasant Hill Road intersection facing the Project site.

The comment asserts that the Draft EIR is incorrect to state that the simulation for Viewpoint 5 shows the proposed Project blocking “all ridgelines to the west.” As stated on page 4.1-17 of the Draft EIR, from Viewpoint 5 Lafayette Ridge is visible, as well as the hills of Briones Regional Park. The text on page 4.1-34 has been revised to state that the Project would block “all ~~ridgelines~~ hillsides to the west,” as shown in Chapter 3, Revisions to the Draft EIR, of the Final EIR.

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	<p>pedestrians on Pleasant Hill Road. In order to experience this view one would have to stop and turn his head 90 degrees from the direction of travel. And finally, the text implies that many ridges are being blocked by the project from this location. The only ridge visible from this location is the Lafayette Ridge, so the statement that “all ridgelines to the west” are blocked is simply false and inflammatory.</p> <p>View 6 - “ ... the far field view of Lafayette Ridge visible on the left side of the existing condition would also be blocked.”</p> <p>As in View 5, this statement by itself is correct but does not represent a fair or balanced assessment. One could have taken the photo a few feet to the west and the project would not have blocked the ridge. One also could have more accurately described what is being blocked. At most what is being “blocked” is the last few feet of a 2 mile long ridge which extends across the entire City. The text sounds like the entire ridge is being blocked. In addition, there is a reasonable argument that this portion of hillside is not actually the ridge at all and that the ridge is not even visible in this photo. The DEIR worked hard to find a location along Mt. Diablo Blvd. for which the project might block a view of the “ridge”. There is no other potential location along Mt. Diablo Blvd. where this would occur. And finally, this view is not representative of one which will be experienced by vehicle passengers or pedestrians in that location. In order to experience this “snapshot” view one will have to stop and turn his head 90 degrees from the direction of travel.</p> <p>The “Analysis of Impacts to Scenic Vistas” section of the DEIR states, “scenic corridor views would be obstructed ... from viewpoints 3, 4, 5 and 6 ... “ The DEIR discussion (along with the LCA simulations and the Contextual Narrative) does not support that conclusion. This Section goes on to state that, “From Viewpoints 5 and 6 all the ridge line views are blocked.” This statement is misleading; a minor portion of one ridge will be blocked from these no representative viewpoints. The text then says,</p>	<p>The comment states that the Drat EIR misrepresents the extent to which Lafayette Ridge would be blocked. As described above, the simulations in the Draft EIR were prepared to realistically portray public viewpoints of the Project from roadways and sites on the City’s Viewing Elevation map. The Draft EIR describes blockage of scenic resource views from the specific viewpoints utilized in the simulations, and does not make general statements regarding any views of scenic resources not visible from a given viewpoint.</p> <p>Please see response to Comment ORG1-116, which explains that Goal LU-2 is relevant to the proposed Project. As shown on page 4.9-18 of the Draft EIR, the proposed Project would be inconsistent with Goal LU-2.</p>

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	<p>“From Viewpoints 3 and 4, the proposed project buildings obstruct views of the existing undeveloped project site, while maintaining views of Lafayette Ridge.” We completely agree with this statement and take it to be a positive thing but wonder why the author would use the word “obstruct” with regard to view of the project site. That term carries a negative connotation whose only purpose seems to be to editorialize. One could easily have said, “The proposed project significantly improves the aesthetics of the former quarry site and its degraded/eroding appearance”.</p> <p>The Analysis concludes by quoting Goal LU-2, “Ensure that development respects the natural environment of Lafayette. Preserve the scenic quality of ridgelines ... “ As noted earlier in these comments we do not believe this goal is applicable to the project because it is specific, and limited to “Residential Land Uses”. The proposed project is being developed under the existing APO land use designation, which in the General Plan falls under “Commercial and Office Land Uses”. However, if the Goal is applicable, the project is completely consistent with it. The project respects the natural environment of Lafayette and preserves the scenic quality of all ridgelines in the area because of the marginal visibility of the property to begin with, its low elevation compared to the natural and scenic ridgelines and hills that surround it, its previously disturbed nature as the result of quarry and road grading, and the high quality of architectural design and extensive landscaping which will be provided.</p>	
ORG1-130	<p>2. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?                      As pointed out many times, the site visual character is already degraded by the former quarry operations and the grading for Highway 24, Pleasant Hill Road and Deer Hill Road. The site contains none of its former natural visual character. The proposed project includes modern 2 and 3 story apartment buildings with associated landscaping. The project will visually improve the former quarry site and will be consistent with other similar nearby projects in Lafayette. The DEIR discussion includes the following quote which is not only misleading but draws an unsupported</p>	<p>Please see response to Comment ORG1-36, which explains that the previously disturbed nature of the proposed Project site is acknowledged throughout the Draft EIR. Despite the previously disturbed nature of the Project site, Chapter 4.1, Aesthetics and Visual Resources, of the Draft EIR evaluates impacts associated with the aesthetic value of the Project site. The Draft EIR does not state that the Project site is in an open space land use, but rather describes that appearance of the Project site, which is characterized by open grasslands and hillsides. Please also see response to Comment ORG1-37, which explains that the community’s value of the Project site is acknowledged in the Land Use Element of the City’s General Plan.</p>

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	<p>conclusion: “The current visual character is primarily open space, either graded or rolling hillsides that many members of the community consider to be a visual resource. Therefore the impact to visual character would be considered significant.” The property is vacant but is not “open space”. The DEIR does the public a disservice by not making this distinction. “Open Space” is a General Plan designation for property which either prohibits or significantly limits development. “Vacant Property” is that which is yet to be developed. The subject property is “vacant” and zoned for apartments, up to 35 du/a. The statement goes on to say that the site is “either graded or rolling hillsides”. A majority of the site has been formerly graded and is not natural. The DEIR refers to the site as “rolling hillsides” in order to associate it with the property across Deer Hill Road and to confuse the reader into thinking those natural hills will be impacted by the project. We appreciate that “many members of the public” consider the site to be a visual resource. I suspect that there are also members of the public who consider the site to be a good location for apartments. These kinds of statements are highly subjective, without measurable basis and have no place in an environmental document. Therefore, the conclusion that the “project would substantially degrade the existing visual character or quality of the site and its surroundings” is based on a misrepresentation of the location of the project site and the opinions of a few selected members of the public.</p>	
ORG1-131	<p>3. Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?                      The conclusion of significance under this criterion is based solely on the photo simulation from View #6 which is not actually taken from the state highway. As mentioned above, View #6 is not representative of the true impacts (or lack thereof) and appears to have been selected only to support a pre-determined conclusion. As shown in the LCA simulations and as further described in the Contextual Narrative, the views of the project from Highway 24 are limited in both location and duration. In no case are views of the ridgeline blocked from Highway 24. In addition, all</p>	<p>The proposed Project would be viewable from the westbound direction of State Highway 24, representing a change from its current condition of open hillside land to views of a developed multi-family housing complex. The Project would be viewable for a shorter duration from the eastbound direction as well.</p> <p>As described above in response to Comment ORG1-128, CEQA does not limit the evaluation of significant impacts to the effects experienced by a forward-facing driver. The Draft EIR evaluates impacts to views from a scenic highway as they would be experienced by someone (such as a passenger in a vehicle) looking toward the Project site. The photo and simulation in the Draft EIR of Viewpoint #6 shows a view looking at the Project site from the eastbound lane, and shows</p>

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	<p>views of all natural hillsides above and northwest of Deer Hill Road are fully preserved.</p>	<p>that views to the hills would be impacted.</p>
	<p>The discussion implies that mere visibility is an impact. Since visual impacts are such an emotional issue in Lafayette, the DEIR would do well to educate the reader on what a “significant impact” under CEQA really is. Instead, it has done a disservice by implying that mere visibility can be a significant impact. To help put visual impacts in context, the DEIR could have taken a photo from Deer Hill Road looking south across the freeway and described what the 3 story Lafayette Highlands project looks like with mature landscaping. That would be a useful and objective comparison.</p>	
<p>ORG1-132</p>	<p>4. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                      There is a real disconnect between the analysis/discussion and the conclusions of this criterion. The text states that “all lighting would be installed per City standards and would be shielded to minimize light spill, glare, reflection, etc”. The text goes on to say that nighttime simulations show that lighting would have limited visibility due to trees and topography. Then the DEIR concludes, “ ... because the project would bring new light and glare sources, including photovoltaic panels, to the site, which currently contains no light sources, the project would result in a significant impact related to light and glare.”</p> <p>Put another way, the property is zoned for development and the City requires that all buildings have windows, parking and site security/safety lighting; therefore, the project introduces light and glare where none previously existed resulting in a significant impact requiring the City to deny the project or adopt a Statement of Overriding Consideration.</p> <p>Impact AES-1 states the “project would block views of ridgelines, causing a significant impact to scenic views”. As shown above, the project could block views of extremely limited parts of alleged ridgelines when view</p>	<p>Regarding Impact AES-1, please see response to Comment ORG1-129, which explains the approach to determining impacts associated with the blockage of scenic views.</p> <p>Regarding Impact AES-2, please see response to Comment ORG1-130.</p> <p>Regarding Impact AES-3, please see response to Comment ORG1-131.</p> <p>Regarding Impact AES-4 (as numbered in the Draft EIR), please see response to Comment ORG1-38, which explains that this impact has been deleted based on revised modeling conducted in response to this comment letter.</p>

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	<p>locations are selected to show the worst case and are considered out of context. The mitigation measure states “ ... there is no feasible mitigation measure that would prevent the blockage of ridgelines from all viewpoints in the project site vicinity.” That statement is in contradiction to the analysis contained in 4 of the 6 views which states the project does not block views of the ridgeline. Furthermore, there is no City policy which sets a standard that a project must never block a view from any viewpoint. The CEQA requirements set a threshold of “substantial adverse effect on a scenic vista”. The placement of architecturally designed apartment buildings and over 700 trees on a former quarry site well below the existing natural ridges and hillsides next to a freeway is certainly not likely to result in a substantial adverse affect on a scenic vista.</p>	
	<p>Impact AES-2 states the “project would develop a grassy, largely undeveloped site that many members of the community consider to be a visual resource ... “. This impact is based strictly on the opinions of select members of the community and has no authority under CEQA. How is it possible that the opinions of certain members of the community can create a significant impact? What about the opinion of those who believe this is a proper site for apartments and that it is not a visual resource?</p>	
	<p>Impact AES-3 states the “project would develop a largely undeveloped site that is visible from State Highway 24, a State designated scenic highway, blocking views to the Lafayette Ridge”. As described above and in the Contextual Narrative, the site is almost invisible from Highway 24. The brief moments of time the project is visible from Highway 24 are significantly less than the visibility from Highway 24 of most of downtown Lafayette, the Park Hotel, Lafayette Highlands, etc. As shown in the DEIR (and in this comment letter and in the LCA visual simulations), views of the ridge are never blocked from Highway 24. The project will not detract from the scenic highway any more than the rest of Lafayette currently does, and the project will not block any views of the ridge when viewed from Highway 24.</p>	

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	<p>Impact AES-4 states the “project would be lighted in conformance with the City’s exterior lighting requirements. In addition, proposed lighting would be low level illumination and exterior lighting would be shielded to minimize light spill, glare and reflection, and maintain ‘dark skies’. Nevertheless, the project would bring new light sources to the project site, which currently contains no light sources, which would cause a significant impact”. As mentioned above the logic here is flawed. If introduction of required light sources in a previously un-lit property, which is zoned for development, is a significant-and-unavoidable impact then nothing can ever be developed here. That would result in a complete “taking” of the property.</p>	
ORG1-133	<p>(5) Offers No Reasonable Mitigation Consistent With Project Objectives In Impacts AES-1, AES-2, AES-3 and AES-4 the DEIR states there is “no feasible mitigation that would reduce the project impacts to less than significant”. Notwithstanding our contention that the project does not result in significant impacts, we are amazed that the DEIR would make such an unprofessional statement about feasible mitigations. We can think of many customary and typical measures to reduce visual impacts, if needed, such as reducing building height, adding more screening landscaping, relocating buildings, reducing unit count, preserving existing trees, etc. It appears that the City is not interested in making the project better, only denying it.</p>	<p>Please see response to Comment ORG1-132. Please note that, as explained in response to Comment ORG1-38, Impact AES-4 (as numbered in the Draft EIR) has been deleted.</p>
ORG1-134	<p>(6) Fails To Provide a Feasible Alternative Which Can Mitigate Impacts To Less Than-Significant                      The mitigated alternative is another example of the unprofessional nature of the DEIR. By examination, it is obvious no real effort went into it. The buildings which are most visible are left intact and the buildings that have no or little visibility are eliminated simply because they are within the disputed ridgeline setback. The building at the most urban portion of the site (the intersection of Deer Hill Road and Pleasant Hill Road where there is currently a gas station and high school) is also arbitrarily eliminated.</p>	<p>Please see response to Comment ORG1-40, which explains that, as described on page 5-13 of the Draft EIR, the Mitigated Project Alternative is designed to avoid the aesthetic, biological resource, and land use impacts of the proposed Project. Under the Mitigated Project Alternative, no buildings would be constructed within the Ridgeline Setback area, creek corridor, or oak woodland area. With the removal of buildings proposed in these areas, six building (Buildings A, H, I, J, K, and L) of the proposed Project would remain. As described on page 5-15 of the Draft EIR, under the Mitigated Project Alternative three of the four aesthetic impacts identified in the Draft EIR would be reduced to a less-than-significant level. As shown in Table 5-1 of the Draft EIR, the Mitigated Project Alternative</p>

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ORG1-135	Since the DEIR failed to prepare a reasonable alternative we have provided one. It is included with a complete description under separate cover.	would be an improvement over the proposed Project for most environmental impact areas. The alternatives evaluation in the Draft EIR was prepared in accordance with CEQA Guidelines, including Section 15126.6(d), which states that an “EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” As stated in responses to Comments ORG1-39 and ORG1-134, the Mitigated Project Alternative is a viable alternative to the proposed Project. Please see response to Comment ORG1-42, which evaluates the environmental impacts of the Applicant Refined Alternative in comparison to the Mitigated Project Alternative.
ORG1-136	As described above it is our professional opinion the DEIR: (1) Fails to evaluate the project application; (2) Evaluates the project against incorrect General Plan Policies; (3) Overstates impact by selectively choosing view evaluation locations; (4) Establishes arbitrary and unreasonable standards of significance; (5) Offers no reasonable mitigation consistent with project objectives; and (6) Fails to provide a feasible alternative which can mitigate impacts to less-than significant.  We look forward to receiving responses to these comments from the EIR,consultant.	The comment summarizes the previous comments in the letter (Comments ORG1-114 to ORG1-135). No response is necessary.
ORG1-137	Appendix 1 Contextual Narrative Highway 24 Westbound- El Curtola to downtown Lafayette (Applicant Simulation 5B) From the El Curtola overpass to Pleasant Hill Road (first 10 seconds) the ridge and site is partially obscured by topography and trees along the north side of the freeway. For the next 20 seconds the predominant view is of the hills and ridge above and beyond the site, including several homes and trees located on or near the ridge. The site sits very low compared to these predominant features and is for a majority of this stretch obscured by the large and plentiful eucalyptus trees along the freeway. Engineered grading above Deer Hill Road provides a notable visual feature which creates a visual break demarcating the highly disturbed nature of the site below and the natural hills above. Once	Please see response to Comment ORG1-128. The videos submitted by the commentor are attached to this Final EIR on a CD.

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	adjacent to the site the predominant peripheral view is the engineered road bank for Highway 24, within the Caltrans R W.	
ORG1-138	<p>Highway 24 Eastbound- Reservoir turn to Walnut Creek</p> <p>From the beginning of the straightaway to past the BART platform (about 45 seconds) the Lafayette Ridge and its spurs are visible high on the left. Low views on the left and right include dense tree plantings and the BART platform. Limited views of the hill (beyond Pleasant Hill Road) above Camino Diablo are also visible. The site is not visible. From past the BART platform to the beginning of the Pleasant Hill Road off-ramp (about 60 seconds) the view is straight on of the hill above Camino Diablo and the spur ridge 1000 feet west of the project site is visible as well. The project site is completely obscured first by an almost uninterrupted line of large eucalyptus trees and then by the large retaining wall separating the west and east bound freeway lanes. From the beginning of the PHR off-ramp to the PHR bridge (about 8 seconds) the project site is peripherally visible. Between curve in highway 24 near the reservoir and PHR the site is peripherally visible for about 8 of 120 seconds.</p>	Please see response to Comment ORG1-128. The videos submitted by the commentor are attached to this Final EIR on a CD.
ORG1-139	<p>Pleasant Hill Rd Northbound- Olympic Blvd to Springhill Rd (Applicant Simulation 8)</p> <p>From Olympic Blvd. to Old Tunnel Rd. (about 30 seconds) all outward views are completely obscured by an existing tree canopy on both sides of the road. Between Old Tunnel Rd. and the freeway (about 15 seconds) the ridge becomes intermittently visible through the trees. At the intersection of PHR and Mt. Diablo Blvd. the site becomes visible (toward the left) for a couple seconds through a break in the trees (Applicant simulation #8)</p> <p>Also visible through this gap is the ridge, existing homes and trees on the ridge, Deer Hill Rd and its associated engineered grading and freeway overpass. From the freeway to DHR (about 20 seconds) there are forward views of the hills above Reliez Valley Rd. and peripheral views of engineered grading and planted trees to the left, along the project boundary. Just before Deer Hill Rd. the view opens up on the left to the low hills on the north side of Deer Hill Rd., above the former gas station site. During this stretch, to the right, is a single family neighborhood, then</p>	Please see response to Comment ORG1-128. The videos submitted by the commentor are attached to this Final EIR on a CD.

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	a gas station, then the Acalanes High School campus.	
ORG1-140	<p>Pleasant Hill Rd Southbound- Springhill to Highway 24</p> <p>From Springhill Rd. to the southern boundary of the open space (about 30 seconds) is a narrow forward view of the hills beyond the freeway, south of Olympic Blvd. To the left is substantial vegetation and mature trees within the single family neighborhood and then the Acalanes High School campus. To the right are mature trees alongside Springhill Elementary School, the parking lot and trailhead for the Briones Open Space and then the steep engineered bank with trees along Pleasant Hill Rd. From the boundary of the open space to DHR (about 10 seconds) the view opens up, on the right, to the lower portion of the project site including the Christmas tree lot and numerous trees near the existing home, along the driveway and within the creek. To the left is the parking lot for Acalanes High School and the gas station on the SE corner of PHR and DHR. The road cut above DHR becomes peripherally visible, over the Christmas tree lot, for a few seconds as one passes DHR. From DHR to the freeway (about 25 seconds) the tight peripheral view to the right includes the engineered slope above PHR and the trees within the project site. To the left the view opens up toward Walnut Creek until one passes under the freeway. From Springhill Rd. to the freeway all forward views of the ridge are blocked by existing topography.</p>	<p>Please see response to Comment ORG1-128. The videos submitted by the commentor are attached to this Final EIR on a CD.</p>
ORG1-141	<p>Stanley Blvd Westbound- Camino Diablo to Pleasant Hill Rd</p> <p>From Camino Diablo to the easterly Acalanes driveway (about 20 seconds) no views are present of the ridge or the site due to a dense canopy tree cover. Between the driveway and PHR (about 10 seconds) the ridge becomes visible straight ahead. The lower portion of the site (Christmas tree lot and trees along the creek and driveway) also becomes visible as well as a portion of an upper slope of the site and DHR and its engineered road cut.</p>	<p>Please see response to Comment ORG1-128. The videos submitted by the commentor are attached to this Final EIR on a CD.</p>
ORG1-142	<p>Deer Hill Rd Eastbound- Brown Ave. to Pleasant Hill Rd</p> <p>From Brown Ave. to Elizabeth Ln. (about 20 seconds) views are restricted by dense landscaping on both side of road; freeway beyond to the right, private school and homes beyond to the left. From Elizabeth Ln. to the</p>	<p>Please see response to Comment ORG1-128. The videos submitted by the commentor are attached to this Final EIR on a CD.</p>

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	<p>west corner of the project (about 15 seconds) landscape thinning out gives way to more open views of vacant hillsides and road cuts on left and continued dense trees on right; straight ahead is blue sky. From west end of property to top of hill (about 15 seconds) two homes on flatter area at base of hills on the left and blue sky ahead and on the right. The project site is below but not visible to right. From top of the hill to PHR (about 25 seconds) to the left is the 75' high engineered road cut for DHR giving way to dense landscape at the entrance to the Kim property and finally the vacant site of former gas station. To the right is a very quick view of the top terrace of the project site, then an engineered road cut followed by trees at the entrance to the existing home and finally the Christmas tree lot</p>	
ORG1-143	<p>Mt. Diablo Blvd Eastbound- Brown Ave. to Pleasant Hill Rd          From Brown Ave. to the Park Hotel (about 45 seconds) there is no view of the ridge or site; both obscured by trees along Mt. Diablo Blvd. From the Park Hotel to the Cemetery entrance (about 10 seconds) there are filtered peripheral views of the ridge and site through street trees and across the freeway. After the cemetery entrance the forward view is of the hills above Camino Diablo to the east.</p>	<p>Please see response to Comment ORG1-128. The videos submitted by the commentor are attached to this Final EIR on a CD.</p>
ORG1-144	<p>Appendix 2 - Video of Visual Context          Attached, and included by reference, to this document is Appendix 2 is video of each of the routes described above. The video includes verbal narrative and visual depiction of various locations referenced in application documents</p>	<p>Please see response to Comment ORG1-128. The videos submitted by the commentor are attached to this Final EIR on a CD.</p>
ORG1-145	<p>Below please find my comments on the DEIR proposed mitigated alternative. As you will see by our comments we are extremely disappointed with the lack of professionalism exhibited in the alternative. By examination, it is obvious no real effort went into its preparation. The buildings which are most visible are left intact and the buildings that have no or little visibility are eliminated, simple because they are within the alleged ridgeline setback. The building at the most urban portion of the site (the intersection of Deer Hill Rd. and Pleasant Hill Rd. where there is currently a gas station and high school) is also arbitrarily eliminated.</p>	<p>Contrary to the statement of the commentor, buildings were not arbitrarily eliminated under the Mitigated Project Alternative. Please see response to Comment ORG1-40, which explains that, as described on page 5-13 of the Draft EIR, the Mitigated Project Alternative is designed to avoid the aesthetic, biological resource, and land use impacts of the proposed Project. Under the Mitigated Project Alternative, no buildings would be constructed within the Ridgeline Setback area, creek corridor, or oak woodland area. With the removal of buildings proposed in these areas, six building (Buildings A, H, I, J, K, and L) of the proposed Project would remain.</p>

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	<p>Within the discussion of the Mitigated Project Alternative the DEIR states it “would reconfigure the locations and number of buildings on the project site to avoid aesthetic, biological, and land use impacts”. The DEIR alternative does nothing to address aesthetic impacts; all the most visible buildings are exactly the same as the project proposal. With regard to biological impacts the mitigated alternative simply removes an entire area form development potential without directly addressing the biological constraints. Similarly for Land Use impacts, the alternative removes buildings from the alleged ridge setback area without determining if there really is a ridge setback or are any real benefits from avoiding it.</p>	<p>As described on page 5-15 of the Draft EIR (revised as shown in Chapter 3 of this Final EIR), under the Mitigated Project Alternative the three significant and unavoidable aesthetic impacts identified in the Draft EIR would be reduced to a less-than-significant level. As described on page 5-16 of the Draft EIR, the Mitigated Project Alternative would largely avoid removing trees and disturbing riparian habitats and native grasslands on the Project site.</p> <p>Regarding the evaluation of land use impacts under the Mitigated Project Alternative, please see response to Comment ORG1-30, which explains that the evaluation of the Project site as located within a Class I Ridgeline Setback is based on the City’s Lafayette Area Ridge Map/Hillside Overlay District Map and supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering &amp; Geology.</p> <p>As shown in Table 5-1 of the Draft EIR, the Mitigated Project Alternative would be an improvement over the proposed Project for most environmental impact areas.</p>
ORG1-146	<p>Attached to this comment letter we have enclosed what we are calling the “Applicant Refined Alternate Plan” (ARAP). The ARAP includes additional mitigation consistent with the tone of the DEIR even though we do not agree with the DEIR’s conclusion that there are significant impacts which need mitigation.</p>	<p>The Applicant Refined Alternative is evaluated in detail in Exhibit 5-1.</p>
ORG1-147	<p>Before describing the ARAP in detail and comparing it with the proposed project and the DEIR Alternate Plan (DAP) I want to first revisit the Project Objectives and comment on how the DAP is not consistent with these objectives.</p> <p>Below are the project objectives I provided the DEIR consultant at the outset of the project. As you can see there is some similarity but the DEIR list leaves out several applicant provided objectives. The 11 applicant objectives which were not included are shown in the second list.</p> <p>The Terrace of Lafayette Project Objectives (Applicant Provided)</p>	<p>The comment is correct that the Project applicant provided the City and EIR consultant with list of Project objectives prior to the publication of the Draft EIR. Upon reviewing the objectives, the City determined that some of the objectives either were: a) too specific to the Project as proposed, such that a specific Project feature was put forth as an objective of the Project; or b) too broad, such that any project on the Project site would meet the objectives. Section 15124 of the CEQA Guidelines state that an EIR Project Description shall include a statement of objectives that “will help the lead agency develop a reasonable range of alternatives [and]... aid the decision makers in preparing findings or a statement of overriding considerations, if necessary.” The list of objectives included in Chapter 3, Project Description, of the Draft EIR are those that are considered to clearly convey the</p>

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1.	Provide multi-family moderate-income rental housing in Lafayette without seeking a General Plan or Zoning amendment or City development subsidies.	purpose of the proposed Project , while still allowing for a meaningful evaluation of the Project’s impacts and feasible alternatives.
2.	Develop a financially feasible project with a “critical mass” of units to support; a) developer provided moderate income subsidies; b) City property development requirements/standards and; c) beneficial environmental objectives listed below (i.e. traffic/pedestrian improvements, slope stabilization, habitat enhancement, LEED certification, etc.)	
3.	Create a semi-rural village-like community compatible with, and similar to, other multi-family projects in Lafayette.	
4.	Comply with all zoning district height and setback regulations and preserve views of adjacent hillsides and ridges across Deer Hill Rd.	
5.	Minimize visual impact of project by providing extensive perimeter landscaping consistent with other similar projects near the Pleasant Hill Rd, and Highway 24 interchange.	
6.	Maximize stewardship of limited resources by designing and constructing the project with the goal of a minimum LEED Silver certification.	
7.	Provide housing with convenient access to downtown Lafayette and BART.	
8.	Provide housing with safe and convenient access to the existing regional road network without impacting existing residential neighborhoods.	
9.	Enhance pedestrian access and safety from neighborhoods west of the site to Acalanes High School by constructing a sidewalk along the project frontage at Deer Hill Rd.	
10.	Provide pedestrian access from the project to downtown Lafayette, via Mt. Diablo Blvd., by constructing a sidewalk along the project frontage at Pleasant Hill Rd.	
11.	Stabilize slopes and remediate erosion and continued site deterioration due to past road grading and quarry operations by constructing drainage improvements, bioretention basins and providing extensive planting throughout.	

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	<p>12. Minimize site disturbance by utilizing existing terraces from former quarry grading.</p> <p>13. Improve traffic operations on Pleasant Hill Rd. by constructing a new southbound through lane at the Pleasant Hill Rd./Deer Hill Rd. intersection.</p> <p>14. Reintroduce diverse species native to Contra Costa County, including Coastal Live Oak, California Buckeye, Madrone and California Bay</p> <p>15. Improve air quality by providing significant new landscaping, including 700 trees, to filter greenhouse gasses from the atmosphere, reduce energy consumption by providing shade.</p> <p>16. Improve the appearance of the degraded property by stabilizing slopes and providing extensive new and maintained landscaping.</p> <p>17. Utilize existing urban services which are all adjacent to the property</p> <p>18. Minimize disturbance of existing on-site seasonal drainage and mitigate disturbance by environmentally enhancing portion of drainage to remain and enhancing other off-site drainages.</p> <p>19. Transplant, on-site, existing oak trees which are suitable for relocation.</p> <p>20. Mitigate removal of trees by replacing at a minimum ratio of 5:1.</p>	
	<p><b>Applicant Project Objectives (Not included in DEIR)</b></p>	
	<p>4. Comply with all zoning district height and setback regulations and preserve views of adjacent hillsides and ridges across Deer Hill Rd.</p> <p>7. Provide housing with convenient access to downtown Lafayette and BART.</p> <p>8. Provide housing with safe and convenient access to the existing regional road network without impacting existing residential neighborhoods.</p> <p>9. Enhance pedestrian access and safety from neighborhoods west of the site to Acalanes High School by constructing a sidewalk along the project frontage at Deer Hill Rd.</p> <p>10. Provide pedestrian access from the project to downtown Lafayette, via Mt. Diablo Blvd., by constructing a sidewalk along the project frontage at Pleasant Hill Rd.</p> <p>12. Minimize site disturbance by utilizing existing terraces from former</p>	

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	<p>quarry grading 13. Improve traffic operations on Pleasant Hill Rd. by constructing a new southbound through lane at the Pleasant Hill Rd./Deer Hill Rd. intersection.</p> <p>15. Improve air quality by providing significant new landscaping, including 700 trees, to filter greenhouse gasses from the atmosphere, reduce energy consumption by providing shade.</p> <p>16. Improve the appearance of the degraded property by stabilizing slopes and providing extensive new and maintained landscaping.</p> <p>17. Utilize existing urban services which are all adjacent to the property.</p> <p>20. Mitigate removal of trees by replacing at a minimum ratio of 5:1.</p>	
ORG1-148	<p>Project objectives not included by in the DEIR include significant transportation improvements; see numbers 7, 8, 9, 10, and 13. The most significant is #13, the new southbound lane on Pleasant Hill Rd.</p>	<p>The City determined that the transportation improvements were not objectives, but proposed Project features that are described in the Project Description. Please see response to Comment ORG1-147 above.</p>
ORG1-149	<p>As you know the O'Brien Land Company insisted, from the outset, that the project include a transportation improvement(s) which would not only mitigate project impacts (even if they were not significant) but make the existing traffic conditions better. Working with the project traffic engineer we came up with the additional southbound lane as a reasonable solution, the developer controlled the R W and the project could reasonably afford the improvement. The developer is asking for no support from the City for this improvement, even though the existing traffic condition is not a result of the project.</p>	<p>Please see responses to Comments ORG1-19 and ORG1-20.</p>
ORG1-150	<p><b>The DEIR mitigated alternative fails to meet the following project objectives.</b></p> <p>2. Develop a financially feasible project with a "critical mass" of units to support, a) developer provided moderate income subsidies, b) City property development requirements/standards and; c) beneficial environmental objectives listed below (i.e. traffic/pedestrian improvements, slope stabilization, habitat enhancement, LEED certification, etc.)</p> <p>The DAP proposes 153 units which is not a critical mass that will support moderate income subsidies, high quality City development standards and</p>	<p>CEQA Guidelines require the description and comparative analysis of a range of alternatives to the proposed Project that could feasibly attain the objectives of the Project, while avoiding potential impacts. However, CEQA does not require that an EIR evaluate the economic feasibility of a Project or its alternatives. To determine the financial feasibility of each alternative would require a pro-forma analysis, which is outside purview of this EIR. Please see response to Comment ORG1-40 for a description of the method through which the Mitigated Project Alternative was developed.</p> <p>Contrary to the statement made by the commentor, traffic impacts of the proposed Project are not fully mitigated to a less-than-significant level. Please see</p>

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	<p>beneficial environmental objectives including vehicle and pedestrian improvements which will benefit all of Lafayette. In order to provide all these individual and City amenities more units are necessary. Fewer units at this location, just for the sake of a smaller project is not consistent with environmental stewardship or good planning. The only impact directly proportional to unit count is local traffic and that impact has been fully mitigated, and more, even though the impact is not significant.</p>	<p>Chapter 2, Report Summary, of this Final EIR for a description of the revised Project impacts and mitigation measures.</p>
<p>ORG1-151</p>	<p>3. Create a semi-rural village-like community compatible with, and similar to, other multi-family projects in Lafayette.                      The DAP does not create a village-like community. By arbitrarily eliminating all the buildings within the alleged ridge setback area all that is left is a long linear layout with no hierarchy or focus. No sense of community will exist within this project and we doubt the Lafayette Design Review Commission would approve such a layout.</p>	<p>Contrary to the statement of the commentor, buildings were not arbitrarily eliminated under the Mitigated Project Alternative. Please see response to Comment ORG1-40, which explains that, as described on page 5-13 of the Draft EIR, the Mitigated Project Alternative is designed to avoid the aesthetic, biological resource, and land use impacts of the proposed Project. The site plan for the Mitigated Project Alternative is designed to demonstrate the feasibility of constructing a multi-family project within the Ridgeline Setback area, and outside of creek corridor, or oak woodland area, while retaining the other buildings of the proposed Project. The Mitigated Project Alternative, which was developed in accordance with CEQA Guidelines, provides a meaningful point of comparison to the impacts of the proposed Project. It is possible that a better layout for the buildings retained in the Mitigated Project Alternative exists; determining such a layout that requires an analysis of alternative grading scenarios is outside of the scope of this EIR.</p>
<p>ORG1-152</p>	<p>6. Maximize stewardship of limited resources by designing and constructing the project with the goal of a minimum LEED Silver certification.                      One important aspect of the LEED certification is project density. The DAP project density is under 7du/a, which is not looked on favorably by LEED for multi-family projects. The proposed project density of 14 du/a is more LEED friendly and a much better use of this brownfield, infill apartment site.</p>	<p>The comment is noted. As described in response to Comment ORG1-151, the Mitigated Project Alternative maintains the building forms proposed by the Project within the portion of the Project site that is considered to be appropriate for development. The comment does not provide details regarding the proposed means of attaining LEED certification and therefore it is unknown whether density would affect the proposed Project's ability to attain LEED Silver certification.</p> <p>The commentor is incorrect in stating that the proposed Project site is a brownfield. The U.S. Environmental Protection Agency defines brownfields as "... real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance,</p>

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pollutant, or contaminant.” The California Department of Toxic Substances Control defines brownfields as “...abandoned, idled or underused urban properties where expansion or redevelopment is complicated by real or perceived environmental contamination. The proposed Project site does not meet either of these definitions as supported by the finding by the applicant’s *Phase I and Phase II Environmental Site Assessment*: “The site reconnaissance and records review did not find documentation or physical evidence of soil or groundwater impairments associated with the use of the Property. A review of regulatory databases maintained by county, state, and federal agencies dfound no documentation of hazardous materials violations or discharge on the Property.”

The commentator is also incorrect in stating that the proposed Project site is an infill site. PRC section 21094.5 defines “infill project” as the following:

(1) "Infill project" means a project that meets the following conditions:

(A) Consists of any one, or combination, of the following uses:

- (i) Residential.
- (ii) Retail or commercial, where no more than one-half of the project area is used for parking.
- (iii) A transit station.
- (iv) A school.
- (v) A public office building.

B) Is located within an urban area on a site that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

Under this definition, the Project would not be an infill project, because its perimeter is not 75 percent surrounded by developed, qualified urban uses.

ORG1-153 7. Provide housing with convenient access to downtown Lafayette and BART.  
 There are no other multi-family development sites of this magnitude, with

The comment is noted. Please see response to Comment ORG1-147.

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	zoning in place, anywhere within Lafayette. To the extent the project is reduced in unit count this objective will be partially unmet.	
ORG1-154	<p>13. Improve traffic operations on Pleasant Hill Rd by constructing a new southbound through lane at the Pleasant Hill Rd./Deer Hill Rd intersection.</p> <p>Not only does the DEIR modify the project description to eliminate the southbound lane, the DAP does not consider its potential benefits even though the applicant is willing to provide it at no cost. As mentioned above, the developer always intended to not only do his part to mitigate project impacts, but also provide improvements to mitigate existing traffic congestion. Project objective #13 is very important to the developer.</p>	Please see responses to Comments ORG1-19 and ORG1-20.
ORG1-155	<p>16. Improve the appearance of the degraded property by stabilizing slopes and providing extensive new and maintained landscaping.</p> <p>The DAP would simply leave more than 50% of the site as is. That approach would not meet this objective. Many of the existing eroded portions of the site would remain and erosion/degradation would continue. The Christmas Tree lot would remain undeveloped and continue as an ad hoc un-paved overflow parking lot whose use would continue to contribute to the degradation of the Las Trampas watershed.</p>	The comment is noted. Please see response to Comment ORG1-147.
ORG1-156	<p><b>The Applicant Refined Alternative Plan</b></p> <p>While we continue to maintain there are no significant-unavoidable impacts associated with the proposed 315 unit project, we do recognize that there are ways to further reduce the less-than-significant impacts, consistent with important values held by the citizens of Lafayette. As described above, the DAP is a half-hearted, at best, effort to provide a viable alternative. In response to that mediocre effort we have prepared a “refinement” to that plan and hereby submit it for inclusion in the Final EIR. Below is a brief summary of the ARAP compared to the project plan:</p> <ol style="list-style-type: none"> <li>1. 100% avoidance of on-site drainage channel</li> <li>2. Preservation of 84 of 114 trees including 56 Coast Live Oak and the 200 year old 58” Valley Oak</li> <li>3. On-site grading balance, no off-haul</li> </ol>	<p>The comment is not correct that the alternatives prepared in the Draft EIR are unreasonable and unviable. As described in responses to Comments ORG1-39 and ORG1-40, these alternatives were selected based on their ability to reduce the proposed Project’s significant impacts. Please see response to Comment ORG1-40, which explains the reasoning behind the reconfiguration of buildings and site designs of the Mitigated Project Alternative.</p> <p>Exhibit 5-1 of this Final EIR provides a detailed analysis of the Applicant Refined Alternative. This analysis was prepared because the City and EIR preparers do not agree with the analysis provided by the commentator. In particular, with regard to the commentator’s air quality analysis, the statement that “lost units” would be “constructed in less transportation efficient locations” is speculative and not supported by substantial evidence.</p>

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4. 5. 6. 7. 8.	<p>All building to be 2 stories, 23' high</p> <p>Preservation of 0.4 acres of on-site blue rye grass</p> <p>67 less units</p> <p>Construction of a Class 1 Bike Path along the southern edge of the property consistent with the City's Bikeway Master Plan. (Path and RW to be dedicated to City)</p> <p>Extension of sidewalk (within City RW) along Deer Hill Rd. from west end of property to Brown Ave.</p>	<p>As shown in Table 1 of Exhibit 5-1, the Applicant Refined Alternative would have fewer impacts than the proposed Project. However, the Mitigated Project Alternative that was evaluated in the Draft EIR would be an environmentally superior alternative over the Applicant Refined Alternative because it has fewer impacts related to visual resources and land use regulations (e.g. Hillside Overlay District requirements).</p>
	<p>In contrast to the DAP, the ARAP concentrates buildings in the least visible portion of the site and reduces the heights of all buildings to further reduce impacts. The least visible portion of the site is the northern portion near Deer Hill Rd. It is ironic that the DAP chose this area to eliminate buildings while maintaining 3 story buildings at the terrace edge along highway 24, where they would be most visible. The ARAP creates a community plan centered on the clubhouse and recreational facilities and provides trail connections to all on-site amenities and to the local pedestrian/bike network. The DAP incorporates none of these features.</p>	
	<p><b>Impact Discussion of the Refined Alternative Plan</b></p> <p>Aesthetics and Visual Resources - The ARAP would reduce the already non-significant visual impacts further, when compared to the Project and the DAP. From View #6, the DAP will look no different than the Project. The ARAP lowers the building by one story and 10' and sets the buildings back further from the freeway. The visual change is dramatic. See the attached revised Visual Simulations from DEIR viewpoints 5 and 6.</p>	
	<p>Air Quality- The ARAP and DAP would have significantly less impacts than the project, mostly due to elimination of grading off-haul. While the DAP would have less local pollutant emissions as a result of less units the actual level of pollutant emissions would likely be higher with the DAP as a result of forcing the lost units to be constructed in less transportation efficient locations. Since project site is an ideal location for higher density</p>	

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	<p>housing, any reduction in units will ultimately result in those units being placed in less ideal transportation locations which will cause substantially more regional pollutant emissions.</p>	
	<p>Biological - The ARAP and DAP would both have significantly less impacts compared to the project.</p>	
	<p>Cultural - The ARAP and DAP would both have significantly less impacts compared to the project.</p>	
	<p>Geology, Soils and Seismicity - The ARAP and DAP would have similar insignificant impacts compared to the project.</p>	
	<p>Greenhouse Gas Emissions - The DAP would not result in lower VMT compared to the Project if the displacement of non built units is taken into account. The proposed project is well located relative to existing community services, transit, and employment. This quality of location is not generally available in Contra Costa County therefore, with the continued demand for rental housing in Contra Costa, any unit not built here will likely end up being built elsewhere, resulting in an adverse impact to GHG. The ARAP would provide 95 more units which will significantly reduce GHG emissions when compared to the DAP.</p>	
	<p>Hazards and Hazardous Materials - The ARAP and DAP would have similar insignificant impacts compared to the project.</p>	
	<p>Hydrology and Water Quality- The ARAP and DAP would have similar insignificant impacts compared to the project.</p>	
ORG1-157	<p>Land Use and Planning - The DEIR states that the DAP “would be a substantial improvement over the proposed project” because of the project’s alleged conflicts with the City’s Hillside Overlay District (HOD) regulations. Notwithstanding the applicant’s contention that the HOD</p>	<p>The comment is not correct that the Draft EIR fails to mention exemptions from the Ridgeline Setback requirement. Page 4.9-4 of the Draft EIR outlines the Hillside Overlay District purposes and requirements, including ridgeline setback requirements and exemptions. To obtain an exception, a project should be</p>

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	<p>regulations are not applicable to this property, the DEIR fails to evaluate if there are any real impacts based on the intent and purpose of the HOD. The purpose of the HOD is to preserve natural ridgelines and hillsides. When the HOD is (erroneously) applied to this project the best the DEIR can do is wipe out development within an area that is not natural and not visible. Furthermore the DEIR fails to mention that the HOD regulations include a process to obtain an exception to the ridgeline setback and that this would be an ideal place to grant one. The applicant has applied for such an exception (under protest because they don't believe the property is subject to the HOD). The DEIR is silent regarding the disagreement surrounding this issue. The best that can be said about the DAP is that it eliminates a non visible and highly disturbed portion of the site from development in order to rigidly adhere to a misinterpreted and misapplied requirement to limit development, regardless of any overriding factors.</p>	<p>consistent with the Hillside Development Permit requirements per Section 6-2067 of the Lafayette Municipal Code. As discussed on pages 4.9-25 and 4.9-26, however, the Project would not meet some of the Hillside Development Permit requirements.</p> <p>The comment is correct that the Ridgeline Setback area on the Project site has been disturbed. However, it is not correct that the proposed Project as well as the Mitigated Project Alternative adheres to a misinterpreted and misapplied requirement. The Project site is located within the Hillside Overlay District and is therefore subject to the hillside development requirements. The Mitigated Project Alternative proposes protecting the ridgeline setback area and sensitive biological resource areas in order to avoid conflicts with the Hillside Development Permit requirements and General Plan goals and policies, which are discussed under Impacts LU-1, LU-2, and LU-3 in the Draft EIR.</p>
ORG1-158	<p>The ARAP presents no Land Use or Planning conflicts when both the intent and the letter of the HOD regulations are properly applied and therefore would not result in a significant impact.</p> <p>Noise- The ARAP and DAP would have similar insignificant impacts compared to the project.</p> <p>Population and Housing - The ARAP will provide 62% more of critically needed housing, when compared to the DAP. This would be a significant positive impact.</p> <p>Public Services - The ARAP and DAP would have similar insignificant impacts compared to the project.</p>	<p>The comparison in the comment between noise and public service impacts under the Applicant Refined Alternative and Mitigated Project Alternative is correct, according to the evaluation of the Applicant Refined Alternative prepared for this Final EIR and included as Exhibit 5-1. However, the comment is incorrect about the population and housing impacts of the Applicant Refined Alternative. The housing impacts would be similar because neither the proposed Project nor the Applicant Refined Alternative would result in significant impacts to population or housing. CEQA standards of significance do not include a threshold related to the amount of housing needed, and therefore it would not constitute a beneficial impact under CEQA to provide more housing. A detailed impact analysis for the Applicant Refined Alternative is included in Exhibit 5-1 of this Final EIR.</p>
ORG1-159	<p>Transportation and Traffic - As described by other commentators to the DEIR, the project will not create any significant impacts, and the insignificant impacts which result from the project can be further reduced by project proposed improvements. In fact, any reduction of units at this high quality location could actually cause more regional traffic and congestion as displaced residents are required to travel further for jobs,</p>	<p>No specific evidence or analysis is provided by the commentator to support the suggestion that prospective residents of the proposed Project would be living closer to jobs, services and education, thereby causing less regional traffic and congestion than they would if fewer residential units were available at the Project location and they lived elsewhere.</p>

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	<p>services and education. Therefore, the proposed project is the environmentally superior plan, with the ARAP second best. Compared to the project or the ARAP, the DAP would result in a significant regional transportation impact.</p>	
<p>ORG1-160</p>	<p><b>Conclusion</b>                      As described above, the DAP fails to meet many Project Objectives and would in fact cause significant environmental impacts related to regional traffic and emissions. The ARAP substantially meets the Project Objectives while further reducing already nonsignificant environmental impacts. The proposed project meets all Project Objectives while causing no significant impacts and is the best plan relative to housing, regional traffic and emissions.</p> <p>[Comment ORG1-160 includes ATTACHMENT.]</p>	<p>The comment summarizes the previous comments in the letter (Comments ORG1-145 to ORG1-159). Please see responses to Comments ORG1-145 through ORG1-159. The comment also includes an attachment illustrating the alternative prepared by the Project Applicant.</p>
<p>ORG1-161</p>	<p>This memorandum presents results from ENVIRON’s review of the Draft Environmental Impact Report (DEIR) prepared under the California Environmental Quality Act (CEQA) for the proposed residential development (Project) at Deer Hill Road in Lafayette, California. ENVIRON was asked to review and provide comments on the AQ and GHG sections of this DEIR for the Proposed Project, as well as assess the AQ and GHG impacts of an Alternative Project. This memorandum discusses ENVIRON’s findings related to the following AQ and GHG assessments for the Proposed Project:</p> <ul style="list-style-type: none"> <li>● Construction equipment NOx emissions (listed as AQ-2 and AQ-5 in the DEIR),</li> <li>● Per capita GHG threshold (listed as GHG-1 in the DEIR), and</li> <li>● Community Hazards (listed as AQ-3 in the DEIR).</li> </ul> <p>Because the DEIR did not assess the Alternative Project, this memorandum also semi-quantitatively assesses the Alternative Project.</p>	<p>Please see responses to Comments ORG1-162 through ORG1-179 for responses to individual comments made by ENVIRON.</p>
<p>ORG1-162</p>	<p><b>Off-road and on-road construction equipment NOx emissions</b>                      The DEIR states that construction equipment NOx emissions would be Significant and Unavoidable (listed as AQ-2 and AQ-5 on DEIR pages 4.2-</p>	<p>The Draft EIR identifies regional criteria air pollutants generated by construction activities as a significant unavoidable impact of the proposed Project. In its comments, ENVIRON identifies several recommended changes to the CalEEMod</p>

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	<p>38 and 4.2-40, respectively). During ENVIRON’s review, we identified an apparent error in the calculations and identified other parameters that should be modified. If these errors would be corrected and the parameters in question updated, significance findings for AQ-2 and AQ-5 would be less than significant.</p> <p>Although listed as two different impacts in the DEIR, AQ-2 and AQ-5 both refer to the comparison of the average daily construction NOx emissions to the currently vacated BAAQMD May 2011 thresholds. AQ-2 is a Project impact and AQ-5 is a cumulative impact. Specifically, the DEIR states for AQ-2:</p> <p>“Use of heavy off-road and on-road construction equipment would produce substantial emissions of criteria air pollutants, which would exceed the BAAQMD threshold of significance for NOx and could contribute to the 0 3 and particulate matter nonattainment designations of the Air Basin.”</p> <p>And the DEIR states for AQ-5:                      “Construction activities associated with the Project would result in a temporary increase in criteria air pollutants that exceed the BAAQMD’s regional significance thresholds and, when combined with the construction of cumulative projects, would further degrade the regional and local air quality.”</p> <p>The DEIR’s analysis of construction related impacts included emissions from on-road fleet and offroad construction equipment. The DEIR calculated emissions from these sources using the California Emissions Estimation Model (CaiEEMod).</p> <p>The DEIR Appendices seemingly contain one calculation error. Furthermore, ENVIRON believes the calculations should have used several different input parameters in the analysis. When calculating the</p>	<p>modeling assumptions in the Draft EIR for construction-related criteria air pollutants. The analysis below identifies those changes to model run assumptions that the City and EIR preparers agree were overly conservative or have been revised based on new information, and those comments where the City and EIR preparers disagree with the suggestions by ENVIRON because they are not supported by substantial evidence. It should be noted that pursuant to CEQA Guidelines Section 15151, “... Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts...” Revised modeling files are included in Appendix H of this Final EIR.</p> <p>♦ <b>Haul Truck Trip Distance.</b> The CalEEMod model run conducted for the Draft EIR was based on a 26-mile one-way truck trip distance for demolition materials and soil export. The closest landfill to the site is the Keller Canyon Landfill, which, based on Google Earth, is approximately 16 miles from the Project site. However, Lafayette Municipal Code Chapter 5-6 mandates a 50 percent waste-diversion rate of construction and demolition (C&amp;D) waste generated during construction of large projects. According to CalRecycle, the closest C&amp;D recycling facility in Contra Costa County is approximately 26 miles from the Project site. The 13 mile one-way trip quoted in the text of Appendix H is incorrect and was not used for modeling purposes. As a conservative assumption, rather than assuming all soil is transported to the landfill (approximately 16 miles), C&amp;D waste was assumed to be recycled and transported to the nearest C&amp;D facility in Contra Costa County that accepts soil. In order to reflect a 50:50 diversion rate rather than a 100 percent waste division rate, the revised modeling assumes that 50 percent of the soil would be transported to Keller Canyon Landfill in Bay Point and 50 percent of the soil would be transported to Chip It Recycling in Oakley, which is approximately a 21-mile one-way trip on average rather than a 26-mile one-way trip. The CalEEMod run has been revised based on this lower one-way trip length and is similar to the model default, which is 20 miles. The analysis presented in the Draft EIR is considered to be conservative and changes to the truck haul distance that reflect a shorter haul distance would not increase the magnitude of emissions presented but would decrease off-site construction</p>

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	<p>construction NOx emissions, ENVIRON believes the DEIR:</p> <ul style="list-style-type: none"> <li>• Erroneously doubled the haul truck trip distance,</li> <li>• Should incorporate recent information from the Project proponent regarding haul truck sizes,</li> <li>• Should have accounted for the stated smaller haul truck size when calculating emissions per mile driven, and</li> <li>• Should have averaged emissions over total days as opposed to construction days when calculating average daily emissions.</li> </ul> <p>These are each explained in more detail below, followed by the updated results incorporating these changes into the CalEEMod run.</p>	<p>emissions in the EIR (see Chapter 3, Revisions to the Draft EIR, of this Final EIR).</p> <ul style="list-style-type: none"> <li>◆ <b>Haul Truck Size.</b> The haul truck size used in the Draft EIR (10 cubic yards) was based on information provided by the Project applicant. Upon receipt of the ENVIRON comment letter, the applicant provided the City with confirmation that construction would utilize a truck with a capacity of 12 cubic yards for soil haul. Use of a 12 cubic yard haul truck has been added to Mitigation Measure AQ-2b (see Chapter 3, Revisions to the Draft EIR, of this Final EIR). The CalEEMod run has been revised based on the larger haul truck capacity. The analysis presented in the EIR is conservative and changes to the truck haul size that reflect use of a truck with a larger haul capacity would not increase the magnitude of emissions presented but would decrease off-site construction emissions in the EIR.</li> <li>◆ <b>Haul Truck Type – Medium-Heavy-Duty or Heavy-Heavy Duty Trucks.</b> The CalEEMod program is based on EMFAC2007 (with Pavley + Low Carbon Fuel Standard) emission factors for on-road vehicles. In the CalEEMod program, haul trucks are assumed to be heavy-heavy-duty trucks with a gross vehicle weight rating (GVWR)<sup>2</sup> of 33,000 lbs or more (Class 8). Medium-heavy duty trucks have a GVWR of 26,000 to 33,000 lbs (Class 7). ENVIRON states that 10 cubic yard trucks are not heavy-heavy-duty trucks but are medium-heavy duty trucks. However, using medium-heavy duty trucks would be a less conservative modeling assumption for the following reasons:                         <ul style="list-style-type: none"> <li>• A 15.2 cubic yard truck can haul 20 tons of aggregate material (40,000 lbs) (i.e., 20 ton payload) and has a gross vehicle weight (GVW) of 75,000 lbs (includes the weight of the truck plus payload). Unloaded, this truck would weight 35,000 lbs.</li> <li>• A 10 cubic yard truck is assumed to be able to have a payload of approximately 13 tons (26,316 lbs) of soil resulting in a gross vehicle weight of 61,000 lbs.</li> <li>• A 12 cubic yard truck is assumed to carry a payload of 16 tons. A Class 7</li> </ul> </li> </ul>

<sup>2</sup> Includes the truck weight but excludes the payload.

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		<p>truck (26,000 to 33,000 lbs) is assumed to be able to haul no more 8 tons of material.</p> <p>Since 10 cubic yards of soil/aggregate correspond to more than 8 tons of material, a Class 8 truck (heavy-heavy duty truck) is necessary. Therefore, trucks that can haul 10 cubic yards or more of soil/aggregate are assumed to be heavy-heavy-duty trucks. No changes to the CalEEMod runs have been made.</p>
ORG1-163	<p>The DEIR apparently erroneously multiplied the site hauling distance by a factor of two (26 miles vs. 13 miles). The DEIR’s rationale for this adjustment can be found on PDF Page 17 of DEIR Appendix H and states “Haul trip increased to 26 to account for 13-mile one-way distance to nearest landfill.” However, the trip distance to be entered in CaiEEMod is supposed to be the one-way trip distance. CaiEEMod Appendix A, Page 13, states: “For non-phased trips, the truck is assumed to be empty one direction and thus results in more haul trips calculated.” The DEIR should not have made this adjustment and therefore, the DEIR overestimated haul truck emissions by a factor of two.</p>	<p>Regarding haul truck length, please see response to Comment ORG1-162. The 13-mile one-way trip quoted in the text of Appendix H is incorrect and was not used for modeling purposes in the Draft EIR. As a conservative assumption, rather than assuming all soil is transported to the landfill ( approximately 16 miles), C&amp;D waste was assumed to be recycled and transported to the nearest C&amp;D facility in Contra Costa County that accepts soil. The CalEEMod run has been revised to reflect a 50:50 diversion rate rather than a 100 percent waste division rate, and the revised modeling assumes that 50 percent of the soil would be transported to Keller Canyon Landfill in Bay Point and 50 percent of the soil would be transported to Chip It Recycling in Oakley, which is approximately a 21-mile one-way trip on average rather than a 26-mile one-way trip.</p>
ORG1-164	<p>The DEIR should incorporate recent information from the Project proponent regarding haul truck sizes. The Project proponent has indicated that the haul trucks can haul 12 cubic yards of fill as compared to the 10 cubic yards as indicated in the DEIR appendices.</p>	<p>Regarding haul truck size, please see response to Comment ORG1-162. The haul truck size used in the Draft EIR (10 cubic yards) was based on information provided by the Project applicant. Upon receipt of the ENVIRON comment letter, the applicant provided the City with confirmation that construction would utilize a 12 cubic truck for soil haul. Use of a 12 cubic yard haul truck has been added to Mitigation Measure AQ-2b in the Final EIR (see Chapter 3, Revisions to the Draft EIR, of this Final EIR). The CalEEMod run has been revised based on the larger haul truck capacity. The analysis presented in the Draft EIR is conservative and changes to the truck haul size that reflect use of a truck with a larger haul capacity would not increase the magnitude of emissions presented but would decrease offsite construction emissions.</p>
ORG1-165	<p>The DEIR did not adjust the haul truck emissions per mile even though the DEIR states that the trucks will be smaller and hauling less material per trip (but with more trips) than the CaiEEMod default trucks. The</p>	<p>Regarding haul truck type, please see response to Comment ORG1-162. A Class 7 truck (26,000 to 33,000 lbs) is assumed to be able to haul no more 8 tons of material. Since 10 cubic yards of soil/aggregate correspond to more than 8 tons of</p>

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	<p>DEIR adjusted the size of the haul trucks from the CalEEMod default as stated on PDF Page 17 of DEIR Appendix H: “Adjusted export volumes to account for smaller trucks: 300,000 x (16 CY/ 10 CY)”. This means that the DEIR increased the number of trips because the trucks are smaller (only hauling 10 cubic yards instead of the CalEEMod default of 16 cubic yards), but did not decrease the emissions per mile even though the trucks are smaller. Therefore, the DEIR may have overstated NOx emissions from these trucks. Note that CalEEMod has the ability to adjust the haul truck fleet mix from the default should smaller trucks be used. This can be done by selecting a haul truck fleet mix of 50% heavy-heavy duty and 50% &gt; medium-heavy duty trucks (or even 100% medium-heavy duty trucks) instead of the conservative default of 100% heavy-heavy duty trucks. CalEEMod lists heavy-heavy duty trucks as weighing over 33,000 pounds unloaded. There are haul trucks that can haul more than 12 cubic yards of fill material and also weigh less than 33,000 pounds while empty. Since smaller haul trucks use less fuel, it makes sense that at least some, if not all, of the haul trucks will be medium heavy duty trucks. Therefore, ENVIRON suggests that CalEEMod be run to represent a haul truck fleet mix of 50% heavy-heavy duty and 50% medium-heavy duty trucks. ENVIRON made this adjustment in the updated CalEEMod run.</p>	<p>material (13 tons), a Class 8 truck (33,000+ lbs) is necessary. Therefore, trucks that can haul 10 cubic yards or more of soil/aggregate are assumed to be heavy-heavy-duty trucks. No changes to the CalEEMod runs have been made.</p>
<p>ORG1-166</p>	<p>When calculating average daily NOx emissions to compare to the May 2011 significance thresholds, the DEIR averaged the emissions over the working days of the Project instead of the overall days of the Project. ENVIRON recommends that the emissions be averaged over all days. As stated in the DEIR (Table 4.2-10), the construction significance thresholds are 54 pounds NOx per day. When comparing to this daily threshold, the DEIR divided total calculated construction emissions by the number of work days (438 days, DEIR appendix H pages 11 and 188) during the construction period, instead of the total number of days (608 days) during the construction period. Page 2-3 of the 2011 BAAQMD guidelines suggest that the total number of days should be used: “The Air District recommends that for construction projects that are less than one year duration, Lead Agencies should annualize impacts over the scope of actual</p>	<p>The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines significance thresholds (adopted and rescinded) for regional construction emissions thresholds are based on average and not maximum daily emissions. Even though the adoption of the BAAQMD’s CEQA Guidelines was set aside until an environmental evaluation is conducted (Superior Court Case No. RG10548693), pursuant to its discretion under CEQA Guidelines section 15064 (b) (“lead agencies may exercise their discretion on what criteria to use”), and the recent holding (“[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data.”), the City has decided to apply the BAAQMD CEQA thresholds to the proposed Project. (See Footnote #18 on page 4.2-20 of the Draft EIR for more information.)</p>

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	<p>days that peak impacts are to occur, rather than the full year.” Therefore, because the construction of this Project is over one year in duration, ENVIRON recommends that the emissions be averaged over the entire construction period, which is greater than a ‘full year’. ENVIRON suggests that the DEIR average emissions over all days instead of only the work days.</p>	<p>The approach suggested by ENVIRON is that average daily emissions should include both construction days and non-construction days in order to average daily criteria air pollutant emissions when construction activities occur. This is incorrect and would result in an artificial lowering of the daily air pollutant emissions generated by construction activities associated with the Project. The BAAQMD’s CEQA Guidelines thresholds are based on the total number of days of construction and do not include days where construction activities would not occur (zero emissions). The “entire construction schedule” means the entire duration of construction activities but would still only include days that construction activities occur (for a one-year construction period it is 264 days per year<sup>3</sup>). Any other interpretation would underestimate daily emissions “generated by construction activities.” The sentence quoted by ENVIRON is taken out of context when describing what to do when construction phases overlap or for construction periods of less than one year (where instead of 264 construction days<sup>4</sup> the actual number of construction days is less). The CalEEMod and URBEMIS programs report the total number of construction days for each phase and can be used for the purpose of estimating daily construction emissions. Average daily construction emissions should be based on the days that construction occurs and should not include days that construction emissions do not occur to obtain a daily average construction emissions. No changes to the methodology are proposed as the methodology used to estimate average daily construction emissions are consistent with BAAQMD’s CEQA Guidelines.</p>
ORG1-167	<p>If the changes described above are incorporated, the Project and Cumulative construction NOx impacts listed as significant and unavoidable (AQ-2 and AQ-5) would be less than significant. In addition, CaiEEMod is generally conservative when estimating emissions. For example, CaiEEMod does not yet incorporate recent regulation that mandates the use of cleaner on-road trucks, which if accounted for, would decrease calculated NOx emissions yet further. This and other refinements were not quantitatively included in ENVIRON’s CaiEEMod</p>	<p>Appendix H of the Final EIR includes the revised model runs based on ENVIRON’s comments, where applicable (see response to Comment ORG1-162). Chapter 3 of this Final EIR includes revisions to Table 4.2-6, Average Daily Construction Emissions, and Table 4.2-10, Average Daily Construction Emissions-Mitigated Scenario, based on the revised model runs. Updates to the emission factors in CalEEMod based on the revised emission factors included in EMFAC2011 are anticipated in the next update to CalEEMod in fall 2012. However, at the time of modeling, this version of the model has not yet been</p>

<sup>3</sup> Based on 22 work days per month and 12 months per year.

<sup>4</sup> Based on 22 work days per month and 12 months per year.

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	run at this time because, as shown in Table 1 below, the NO <sub>x</sub> impact is less than significant after incorporation of the specific recommendations discussed above.	released. CalEEMod is a BAAQMD-accepted modeling program for estimating criteria air pollutant and greenhouse gas emissions generated by projects for CEQA analyses. As shown in revised Tables 4.2-6 and 4.2-10, regional construction emissions of NO <sub>x</sub> would remain significant and unavoidable.
ORG1-168	The proposed changes discussed above are summarized in Table 1 on the next page. In addition, a CalEEMod run reflecting these changes is an attachment to this memorandum.	Regarding CalEEMod site hauling distance, see responses to Comment ORG1-162 and Comment ORG1-163. Regarding CalEEMod hauling truck size, see responses to Comment ORG1-162 and Comment ORG1-164. Regarding CalEEMod site hauling truck type, see responses to Comment ORG1-162 and Comment ORG1-165. Regarding the number of days considered in the analysis, please see response to Comment ORG1-166.
	[Please see Table 1 on page 163 of the PDF of Comment Letter #ORG1.]	<p>The total NO<sub>x</sub> average daily construction emissions with all the changes recommended by ENVIRON would be 52 pounds per day (lbs/day), which is slightly below the 54 lbs/day threshold and requires use of less conservative modeling assumptions that are not supported by substantial evidence. As described in the responses listed above, the City and EIR preparers do not concur with all the recommendations listed by ENVIRON. With those recommendations with which the City and EIR preparers do concur (see responses above), resultant NO<sub>x</sub> emissions would be 104 lbs/day (see the revised model runs in Appendix H of the Final EIR) and would continue to exceed the BAAQMD thresholds of 54 lbs/day even with mitigation incorporated.</p> <p>The majority of the emissions (64 percent) would be from on-road haul trucks. Therefore, criteria air pollutants generated by construction activities were considered a significant unavoidable impact of the Project. Even with larger trucks (12 cubic yards) and a shorter truck haul distance, or use of 2010 or newer model year trucks, NO<sub>x</sub> emissions could still exceed the thresholds because an additional 75 percent reduction in on-road emissions (50 lbs/day) would be necessary to meet the 54 lbs/day significance threshold. The assumptions utilized in the air quality modeling are consistent with BAAQMD's CEQA Guidelines.</p> <p>It should be noted that because the majority of emissions would be generated offsite, localized health risks from construction activities were identified as less</p>

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ORG1-169	<p><b>Per capita GHG threshold</b>                      The DEIR states that after mitigation, GHG impacts would be less than significant (Page 4.6-19):</p> <p>“Table 4.6-4 identifies GHG emissions with application of the mitigation measures. With implementation of the mitigation measures, GHG emissions would be under BAAQMD’s per capita threshold. Consequently, GHG emissions impacts would be less than significant.”</p> <p>However, during ENVIRON’s review, we identified one apparent calculation error and identified other parameters that should be modified. If these changes are made, these Project GHG impacts would be less than significant even without the shuttle bus mitigation measure (GHG-1 b) listed in the DEIR.</p> <p>The DEIR seemingly contains one calculation error. Furthermore, ENVIRON believes the DEIR should have used several other different parameters when performing the GHG analysis. ENVIRON believes the DEIR:</p> <ul style="list-style-type: none"> <li>• Erroneously calculated the electricity emission factor,</li> <li>• Should have used a vehicle fleet mix more representative of passenger cars,</li> <li>• Should have removed waste emissions when comparing to BAAQMD significance threshold,</li> <li>• Could have incorporated the fact that the dwelling units will be LEED Silver certified when calculating energy-use (i.e., more energy efficient than Title 24), and</li> <li>• Should have used CaiEEMod trip length defaults (or provided justification for over-riding the defaults).</li> </ul>	<p>than significant with the mitigation incorporated (Impact AQ-4 in the Draft EIR). However, construction activities would generate regional criteria air pollutant emissions that exceed the BAAQMD threshold for NOx. Regional impacts related to air quality nonattainment would remain significant and unavoidable.</p> <p>The Draft EIR identifies greenhouse gas (GHG) emissions generated by the Project as a less than significant impact with mitigation. In its comments, ENVIRON suggests several changes to the CalEEMod modeling assumptions in the Draft EIR for GHG emissions. The analysis below identifies those changes to model run assumptions that the City and EIR preparers agree were overly conservative or have been revised based on new information, and those comments where the City and EIR preparers disagree with the suggestions by ENVIRON because they are not be supported by substantial evidence. It should be noted that pursuant to CEQA Guidelines Section 15151, “... Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts...” Revised modeling files are included as Appendix H of this Final EIR.</p> <ul style="list-style-type: none"> <li>◆ <b>Electricity Emission Factor.</b> ENVIRON correctly notes that there is an error in the calculation that underestimates the reduction in carbon intensity from achieving a 33 percent renewable portfolio standard (RPS). In 2010, Pacific Gas &amp; Electric (PG&amp;E) achieved a 15.9 percent RPS and in 2008 PG&amp;E achieved a 12.4 percent RPS. Use of a 15.9 percent value underestimated the potential reductions from a 33 percent RPS. In addition, the calculation should back-calculate the carbon intensity without use of renewable power prior to applying the 33 percent RPS. Based on the revised calculation (included as Appendix H of this Final EIR), the 2020 standard if PG&amp;E achieves the 33 percent RPS would be 490.53 pounds per mega-watt hour (lbs/MWh) (note 12.4 percent RPS and not 12 percent RPS, a slight difference in what ENVIRON reports in the comment and the referenced number). The analysis currently presented in the Draft EIR is, therefore, more conservative and changes to the 2020 carbon intensity of purchased electricity would not increase the magnitude of emissions presented but would nominally decrease emissions. Changes to the Draft EIR are included in Chapter 3, Revisions to the Draft EIR, of this Final EIR.</li> </ul>

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	<p>These are each explained in more detail below.</p>	<ul style="list-style-type: none"> <li>◆ <b>Vehicle Fleet Mix.</b> The model run used in the Draft EIR assumes 97 percent of vehicles are light-duty trucks and light-duty automobiles (see Appendix H to the Draft EIR). Vehicle emissions are not overstated in the Draft EIR. No changes to the model runs are necessary.</li> <li>◆ <b>Per Capita Absent Waste.</b> The Governor’s Office of Planning and Research Technical Advisory on GHG emissions states that CEQA projects should consider GHG emissions generated by area sources, transportation sources, electricity use (including purchased electricity), water use, <i>and waste generation</i>. However, ENVIRON is correct that when BAAQMD calculated the per capita thresholds, the threshold did not include the waste sector but only the wastewater sector. Including the waste sector emissions as part of the per capita significance determination when the per capita threshold did not include waste is a more conservative interpretation of BAAQMD guidelines. At the request of the commentor, the analysis of the Project’s GHG emissions and per capita emissions with and without the waste sector has been added to the EIR (see Chapter 3, Revisions to the Draft EIR, of this Final EIR) and the significance conclusion has been revised to exclude waste.</li> <li>◆ <b>LEED Silver Certification.</b> ENVIRON states that the Draft EIR could incorporate a reduction in energy use from constructing buildings to achieve the Leadership in Energy and Environmental Design (LEED) Silver standards. However, ENVIRON notes that because of the flexible point-based system, reassessment of the quantitative performance over the existing Title 24 (2008 Building and Energy Efficiency Standards) would be necessary. Therefore, improvements in energy efficiency above Title 24 are not included in the base model run but can be considered mitigation (see response to Comment ORG1-177 below).</li> <li>◆ <b>Trip Length.</b> The trip length of 10.1 miles for all trip purposes was provided by TJKM and was based on the regional traffic model used in the City of Lafayette (Contra Costa Transportation Authority Travel Demand Model). Therefore, the trip length used in the CalEEMod run is applicable for the proposed Project and reflects the most accurate data regarding travel patterns for residents within the City.</li> </ul>
ORG1-170	The DEIR erroneously calculated the electricity emission factor when	Regarding electricity emissions, please see response to Comment ORG1-169.

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	<p>accounting for future Californiamandated use of 33% renewable energy per the Renewable Portfolio Standard (RPS). The DEIR correctly started with the PG&amp;E 2008 emission factor of 641.3 pounds Co2 per megawatt-hour delivered (PDF page 5 of DEIR Appendix H). However, when this original value was converted to the 33% RPS value, two apparent mistakes were made. The first mistake was that the DEIR used the renewable percentage from the incorrect year. The DEIR used the 2010 renewable percentage of 15.9% instead of the 2008 renewable percentage of 12% (see PDF page 16 of DEIR appendix H for the DEIR’s value and data source). The second mistake was a mathematical error.</p>	<p>Appendix H of the Draft EIR includes a datasheet that describes the carbon intensity of purchased electricity as 641.35 lbs per mega-watt hour (lbs/MWh) for electricity generated by PG&amp;E. The comment correctly notes that there was an error in the calculation for the Draft EIR in the estimation of the reduction in carbon intensity from achieving a 33 percent renewable portfolio standard (RPS). As noted in response to Comment ORG1-169, based on the revised calculation (included in Appendix H of this Final EIR), the 2020 standard if PG&amp;E achieves the 33 percent RPS would be 490.53 lbs/MWh. The analysis presented in the Draft EIR is therefore more conservative and changes to the 2020 carbon intensity of purchased electricity would not increase the magnitude of emissions presented but would nominally decrease emissions. Changes to the Draft EIR are included in Chapter 3, Revisions to the Draft EIR, of this Final EIR.</p>
ORG1-171	<p>When the DEIR converted from the 2008 emission factor to the 2020 emission factor, they calculated the difference in renewable percentages (in their case 33%- 15.9% = 17.1%) and multiplied the original emission factor (641.3) by 1 minus this calculated percentage. The difference between this methodology and the appropriate methodology is subtle, but the DEIR’s calculation is mathematically incorrect. The DEIR should have first back-calculated an emission factor assuming no renewables, and then applied the 33% reduction to that emission factor.</p>	<p>Please see response to Comment ORG1-170.</p>
ORG1-172	<p>In summary, ENVIRON believes the DEIR should have used an electricity emission factor of 488.1 lb/MWh instead of the value of 531.7 that the DEIR lists on PDF page 16 of appendix H. Thus the DEIR overstates the electricity emission factor by approximately 10%, which leads to the DEIR overstating the Project’s GHG emissions.</p>	<p>The comment serves as a concluding remark to the comments above. Please see responses to Comments ORG1-169 and ORG1-170.</p>
ORG1-173	<p>The DEIR should have used a passenger vehicle fleet mix, which is more representative of a residential area, as stated in the DEIR’s AQ/GHG appendix. PDF Page 10 of the AQ/GHG appendices states: “Assumes a passenger vehicle fleet mix. Typical residential fleet mix is 97%, passenger vehicles, 2% MDT [medium duty trucks], and 1% HDT [heavy duty trucks].” However, upon inspection of the CalEEMod run, it appears that the DEIR used a mix of 87%, passenger vehicles, 8% MDT, and 5% HDT. Therefore, ENVIRON recommends the DEIR use 97% passenger</p>	<p>Regarding vehicle fleet mix, please see response to Comment ORG1-169. ENVIRON states that the Draft EIR should have used a passenger vehicle fleet mix that is more representative of the residential area. The comment incorrectly states that the CalEEMod run for the Draft EIR used an 87 percent passenger vehicle fleet mix rather than the 97 percent passenger vehicle fleet mix quoted in the appendix. Appendix H in the Draft EIR details the assumptions regarding fleet mix. The model run assumes 97 percent of vehicles are light-duty trucks and automobiles. Therefore, vehicle emissions are not overstated in the Draft EIR.</p>

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	<p>vehicles, 2% MDT, and 1% HDT as stated in the DEIR appendix. By using the 87% passenger vehicles, 8% MDT, and 5% HDT fleet mix, it appears that the DEIR has overstated GHG emissions.</p>	
ORG1-174	<p>The DEIR should have removed the waste GHG emissions when comparing to the BAAQMD GHG significance threshold. This is because when BAAQMD developed their significance thresholds, they did not account for solid waste. Therefore, the inventory created for comparison with the service population threshold should not include GHG emissions due to solid waste. As such, the DEIR overstated the emissions per service population in their analysis.</p>	<p>Regarding per capita absent waste, please see response to Comment ORG1-169. The Governor’s Office of Planning and Research Technical Advisory on GHG emissions states that CEQA projects should consider GHG emissions generated by area sources, transportation sources, electricity use (including purchased electricity), water use, <i>and waste generation (emphasis added)</i>. As described in response to Comment ORG1-169, an analysis of the Project’s GHG emissions and per capita emissions with and without the waste sector has been added to the Draft EIR (see Chapter 3, Revisions to the Draft EIR, of this Final EIR). In addition, The Planning Center   DC&amp;E contacted Abby Young of BAAQMD for further clarification. While the current lawsuit prevents BAAQMD from commenting on the use of the significance thresholds, she was able to confirm that the per capita threshold did not include the waste sector.</p>
ORG1-175	<p>The DEIR could incorporate the fact that the dwelling units will be LEED Silver certified when calculating energy-use. ENVIRON updated the CalEEMod run to account for a 15% improvement over Title 24 standards to account for the increased energy efficiency associated with LEED Silver accreditation. Note that LEED accreditation uses a flexible point-based system. Therefore, ENVIRON recommends that when the building design is more finalized, the Project proponent reassesses the quantitative improvement over Title 24 and incorporate that into the final CalEEMod run. However, according to the Project architect, the energy efficiency improvements will likely be 15% better than Title 24.</p>	<p>Regarding LEED Certification, please see response to Comment ORG1-169. The comment states that the Draft EIR could incorporate a reduction in energy use from constructing buildings to achieve LEED Silver standards. However, ENVIRON notes that because of the flexible point-based system, reassessment of the quantitative performance over the existing Title 24 (2008 Building and Energy Efficiency Standards) would be necessary. Although in California typical LEED Silver-certified buildings have been known to achieve 10 to 15 percent greater efficiency compared the current 2008 Building and Energy Efficiency Standards, this is not guaranteed by the LEED Silver rating. Therefore, improvements in energy efficiency above Title 24 are not included in the base model run. It should be noted that since the release of the Draft EIR, the new 2013 Building and Energy Efficiency Standards were adopted (May 31, 2012) and are applicable for projects constructed after January 1, 2014. If building plans were approved after January 1, 2014, the residential buildings would be constructed to achieve a 25 percent greater energy efficiency compared to the 2008 Building and Energy Efficiency Standards. Therefore, while GHG emissions are conservative since the construction schedule could occur after January 1, 2014, they are applicable for the proposed Project for the purposes of the Draft EIR based on the buildout assumptions provided by the</p>

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ORG1-176	<p>The DEIR should have used CalEEMod trip length defaults or provided justification for overriding the CalEEMod default trip lengths. The DEIR used a trip length of 10.1 miles for all trip types. The CalEEMod default urban trip lengths for Contra Costa County range from 4.3 miles to 12.4 miles, depending on trip type. If the CalEEMod urban trip length defaults for Contra Costa County were used, GHG emissions would decrease significantly. Note that the DEIR assumed a distance of 10.1 miles for all trips, such as trips to the grocery store, even though there is a Safeway grocery store approximately one mile from the site. Therefore, by overriding the CalEEMod defaults without justification, the DEIR calculated much higher GHG emissions than would have otherwise been calculated.</p>	<p>Project applicant.</p> <p>Regarding trip length, please see response to Comment ORG1-169. The defaults in CalEEMod provide general guidance to modelers in the absence of Project-specific data. However, project-specific data should be used rather than model defaults if available. The CalEEMod run was modified to include trip lengths for all trip purposes that were longer than the CalEEMod defaults. The trip length of 10.1 miles for all trip purposes was provided by TJKM and was based on the regional traffic model used in the City of Lafayette (Contra Costa Transportation Authority Travel Demand Model). Therefore, the trip length used in the CalEEMod run is applicable for the proposed Project and reflects the most accurate data regarding travel patterns for residents within the City.</p>
ORG1-177	<p>The proposed changes discussed above are summarized in Table 2 on the next page. In addition, a CalEEMod run reflecting these changes is an attachment to this memorandum.</p> <p>[See Table 2 on page 167 of the PDF of Comment Letter #ORG1.]</p>	<p>Regarding the 2020 carbon intensity of purchased electricity, please see responses to Comment ORG1-169 and Comments ORG1-170 through ORG1-172. Regarding passenger vehicle fleet mix, please see responses to Comment ORG1-69 and Comment ORG1-173. Regarding waste emissions, please see responses to Comment ORG1-169 and Comment ORG1-174. Regarding LEED certification, please see responses to Comment ORG1-169 and Comment ORG1-175. Regarding trip length, please see responses to Comment ORG1-169 and Comment ORG1-176.</p> <p>Regarding the prohibition of fireplaces, as shown in the following table, there are 3 options that would allow the applicant to achieve the GHG emissions reductions necessary to meet the per capita significance threshold:</p> <ul style="list-style-type: none"> <li>◆ Ensure that 157 residential units are constructed without fireplaces (fireplaces would be acceptable in the other 158 residential units).</li> <li>◆ Build the residential units to achieve a 25 percent reduction in building energy efficiency compared to the 2008 Building and Energy Efficiency Standards, which is equivalent to the new 2013 Building and Energy Efficiency Standards.</li> <li>◆ Build the residential units to achieve a 15 percent reduction in building energy efficiency compared to the 2008 Building and Energy Efficiency Standards and ensure that 78 residential units are constructed without fireplaces (fireplaces are acceptable in the other 237 residential units).</li> </ul>

Comment # Comment

Response

TABLE 5-1 COMPARISON OF GHG EMISSION REDUCTION OPTIONS

	With Scoping Plan Programs	With PDFs but with Gas Fireplaces	With PDFs but with 50% Fewer Fireplaces	With 15% Above 2008 Energy Efficiency	With 15% Above 2008 Energy Efficiency and 25% Fewer Fireplaces	With 25% Above 2008 Energy Efficiency
Area Sources	210	210	107	210	159	210
Energy –Natural Gas and Purchased Electricity	520	520	520	484	484	460
Transportation	2,491	2,346	2,346	2,346	2,346	2,346
Waste	66	66	66	66	66	66
Water/Wastewater	40	33	33	33	33	33
Total with the Waste Sector	3,327	3,175	3,072	3,139	3,139	3,115
<b>Total without the Waste Sector</b>	<b>3,261</b>	<b>3,109</b>	<b>3,006</b>	<b>3,073</b>	<b>3,088</b>	<b>3,049</b>
Service Population (SP)	658	658	658	658	658	658
Metric (MTons CO <sub>2</sub> e/SP/yr) with the Waste Sector	5.1	4.8	4.7	4.8	4.7	4.7
<b>Metric (MTons CO<sub>2</sub>e/SP/yr) without the Waste Sector</b>	<b>5.0</b>	<b>4.7</b>	<b>4.6</b>	<b>4.7</b>	<b>4.6</b>	<b>4.6</b>
<b>Threshold (MTons CO<sub>2</sub>e/SP/yr)</b>	<b>4.6</b>	<b>4.6</b>	<b>4.6</b>	<b>4.6</b>	<b>4.6</b>	<b>4.6</b>

Note: PDFs = project design features

Source: The Planning Center | DC&E, 2012.

**Comment # Comment**

**Response**

Regarding shuttle bus service, GHG reductions from the shuttle service were not accounted for in the CalEEMod runs. Mitigation Measure GHG-1b restates Mitigation Measure TRAF-16 (as numbered in the Draft EIR) for shuttle bus service. Please see response to Comment ORG1-251.

As described in the responses listed above, the City and EIR preparers do not concur with all the recommendations listed by ENVIRON. With those recommendations for which the City and EIR preparers do concur, mitigation would still be required to reduce GHG emissions impacts to less-than-significant levels.

Modeling files are included in Appendix H of this Final EIR. Changes to the EIR based on the revised modeling and mitigation options to create more flexibility for the applicant to achieve the per capita target have been included in Chapter 3, Revisions to the Draft EIR, of this Final EIR.

ORG1-178

**Community Hazards**

The DEIR states that the community risk is significant without mitigation:

“Results of the community risk assessment indicate that the average annual PM<sub>2.5</sub> concentration for a maximally exposed on-site receptor would exceed the BAAQMD significance threshold of 0.3 ug/m<sup>3</sup>. This would be a significant impact.”

However, the significance threshold that this impact was compared against leads to some inconsistencies regarding acceptable thresholds for new receptors. To resolve these inconsistencies, ENVIRON recommends that the DEIR compare the calculated results in the DEIR to the BAAQMD cumulative thresholds instead of the single source thresholds. If this comparison is made, this impact (AQ-3) would be less than significant without mitigation.

The DEIR assessed impacts at the Project site due to vehicles traveling on Highway 24 as well as other local sources (DEIR Table 4.2-8). The DEIR

The comment states that the emissions from Highway 24 should be compared to BAAQMD’s cumulative threshold for PM<sub>2.5</sub> of 0.8 micrograms per cubic meter (µg/m<sup>3</sup>) instead of BAAQMD’s single source threshold for PM<sub>2.5</sub> of 0.3 µg/m<sup>3</sup>, which would make the impact from Highway 24 less than significant and no mitigation measures would be required. Although the BAAQMD significance thresholds have been currently vacated as a result of litigation, the Health Risk Assessment (HRA) for the Draft EIR was prepared at the time that the BAAQMD significance thresholds were still applicable. Since the court case was decided, several lead agencies, including the City and County of San Francisco, have adopted these thresholds. In addition, it was the intent of BAAQMD to consider freeways or high-volume roadways as single sources, as per the CEQA Guidelines: *Page. 5-8. Siting a New Receptor. BAAQMD recommends that a Lead Agency identify all TAC and PM<sub>2.5</sub> sources located within a 1,000 foot radius of the proposed project site... Permitted sources or TAC and PM<sub>2.5</sub> should be identified and located as should freeways and major roadway and other potential sources.*

The BAAQMD Guidelines also show an example under Section 5.2.7 – *Screening Tables for On-Road Mobile Sources* (p. 5-13) – of a highway that exceeds the (single

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	<p>indicated that unmitigated impacts would be significant because their modeling showed a PM<sub>2.5</sub> concentration of 0.48 ug/m<sup>3</sup> at the Project site due to Highway 24.</p>	<p>source) threshold for PM<sub>2.5</sub> of 0.3 μg/m<sup>3</sup>. This indicates that the use of BAAQMD's single-source thresholds are appropriate for the analysis of freeways and heavily trafficked roadways and that the HRA conclusions regarding the need for mitigation based on the exceedance of the single-source thresholds for Highway 24 are valid.</p>
	<p>The currently vacated BAAQMD May 2011 CEQA Guidelines list PM<sub>2.5</sub> thresholds of significance as follows:</p> <ul style="list-style-type: none"><li>● An ambient PM<sub>2.5</sub> increase of greater than 0.3 1Jg/m<sup>3</sup> annual average from a single source would be a significant impact, or</li><li>● An ambient PM<sub>2.5</sub> increase of greater than 0.8 1Jg/m<sup>3</sup> annual average from all sources would be a significant impact.</li></ul>	
	<p>The DEIR compared the modeled PM<sub>2.5</sub> concentration from Highway 24 to the single source threshold of 0.3 ug/m<sup>3</sup> above, and then stated that impacts are significant before mitigation.</p>	
	<p>However, the BAAQMD May 2011 guidelines lead to some inconsistencies regarding exposures for new receptors. For example, if one were to follow the BAAQMD guidelines above, a new residential unit located near three sources each with an ambient PM<sub>2.5</sub> increase of 0.25 ug/m<sup>3</sup> (total ambient PM<sub>2.5</sub> increase of 0.75 ug/m<sup>3</sup>) would be considered less than significant for both the single-source and cumulative levels. However, the ambient PM<sub>2.5</sub> increase to a new residential unit that would be located near one source with an ambient PM<sub>2.5</sub> increase of 0.4 ug/m<sup>3</sup> (total ambient PM<sub>2.5</sub> increase of 0.4 ug/m<sup>3</sup>) would be considered significant on a single source basis. In other words, the situation with the higher ambient PM<sub>2.5</sub> increase from three sources (0.75 ug/m<sup>3</sup>) would be below the significance thresholds, whereas a lower ambient PM<sub>2.5</sub> increase from a single source (0.4 ug/m<sup>3</sup>) would be above the significance threshold. This leads to the nonsensical results that allow siting in a location without mitigation for a higher imposed ambient PM<sub>2.5</sub> increase (0.75 ug/m<sup>3</sup>), but requiring mitigation for the lower ambient PM<sub>2.5</sub> increase (0.4 ug/m<sup>3</sup>).</p>	

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	<p>Therefore, ENVIRON recommends comparing the DEIR’s results to the cumulative thresholds. The DEIR estimated a total ambient increase of 0.70 ug/m3 from Highway 24 and other local sources (DEIR Table 4.2-8). If compared against the cumulative threshold of 0.8 ug/m3, this impact would be less than significant without mitigation.</p>	
<p>ORG1-179</p>	<p><b>Alternative Project</b>                      ENVIRON believes that all AQ impacts for the Alternative Project would be equal to or less than those of the Proposed Project and that the GHG impacts are nearly equivalent between the Alternative Project and the Proposed Project.</p> <p>The Proposed Project involves the development of a 22.27 acre site with a 315 unit multi-family apartment complex. The alternative plan involves the development of the same site, but with fewer apartment units (248) and a balanced cut and fill plan that requires no offsite cut and fill-related hauling.</p> <p>For all construction AQ impacts, the Alternative Project will have fewer emissions and therefore smaller impacts. Therefore, to the extent that a construction finding is less than significant for the Proposed Project, ENVIRON believes that the finding would also be less than significant for the Alternative Project should the same methodologies and assumptions be employed to calculate impacts. For operational AQ impacts that have mass emissions thresholds, the Alternative Project will have fewer emissions and therefore smaller impacts. Therefore, to the extent that an operational mass threshold finding is less than significant for the Proposed Project, ENVIRON believes that the finding would also be less than significant for the Alternative Project should the same methodologies and assumptions be employed to calculate impacts.</p> <p>For community hazard thresholds, there would be little or no difference in the analysis for the Proposed Project as compared to the Alternative Project. This is because the impacts and assessment are driven by the</p>	<p>Please see also response to Comment ORG1-42 . The commentor states that the alternative submitted by the Project applicant (“Applicant Refined Alternative”) would have similar impacts (air quality and greenhouse gas emissions) or less impacts (air quality only) than those of the proposed Project. Exhibit 5-1 of this Final EIR includes an analysis of the Applicant Refined Alternative.</p> <p>For construction air quality impacts, the Applicant Refined Alternative would eliminate the need to transport soil off site as described by the applicant and would therefore eliminate the Project’s significant unavoidable construction-related criteria air pollutant emissions impact.</p> <p>Due to the reduced on-site construction activities, construction risk and hazards impacts would be slightly less than the proposed Project and with mitigation would be less than significant.</p> <p>Due to the reduced development, operational phase air quality impacts would be lower. Like the proposed Project, air quality impacts from the Project’s operational phase would be less than significant.</p> <p>Due to the reduced development, operational phase community hazard impacts for on-site receptors would be similar. Like the proposed Project, community risk and hazards for on-site receptors from the Project’s operational phase would be less than significant with mitigation.</p> <p>Due to the reduced development, the total magnitude of GHG emissions generated would be lower for the operational phase. Therefore, the Applicant Refined Alternative is considered to have slightly less impacts as compared to the proposed Project. Like the proposed Project, greenhouse gas emissions impacts would be</p>

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	sources surrounding the new Project, rather than the design of the Project itself.	less than significant with mitigation.
	For the GHG service population metric significance threshold, ENVIRON calculated the emissions per service population of the Alternative Project using CaiEEMod. As expected, the absolute GHG emissions decreased for the Alternate Project. However, because the number of units per acre decreased slightly, there was a slight (i.e., less than a 2%) increase in the emissions per capita. Therefore, ENVIRON attached a CaiEEMod run that addresses the recommendations in this memorandum and demonstrates that applying mitigation measures specific to the Alternative Project result in impacts below significance thresholds.	
ORG1-180	In BIO-5 elimination of 2 acres of native blue wild rye grasslands, a sensitive natural community the EIR 1) presents glaring inconsistencies, 2) establishes arbitrary standards of significance 3) overstates impacts 4) states that native grassland mitigation can be accomplished with “relative ease” and yet finds the impact to remain Significant and Unavoidable.	The comment refers to the discussion of potential impacts on native grasslands found on the proposed Project site, as discussed under standard of significance #2 and Impact BIO-5 in Chapter 4.3, Biological Resources, of the Draft EIR. The opinion of the commentor regarding the discussion of potential impacts on native grasslands in the Draft EIR is noted. Please see responses to Comments ORG1-181 through ORG1-186 regarding specific comments made by the commentor.
ORG1-181	Blue Wildrye Status: This species or plant community is not listed or protected under federal or state laws. This species and plant community is common and widespread. Threats to this and other native plant communities include primarily exotic species, such as European grasses that dominate California’s grasslands, over grazing and other site disturbances.	A discussion of the regulatory framework related to sensitive natural communities is provided in Section A.1.c, Sensitive Natural Communities, on pages 4.3-7 and 4.3-8 in Chapter 4.3, Biological Resources, of the Draft EIR. More detailed information related to the status of blue wildrye is provided under Section B.4, Sensitive Natural Communities, on page 4.3-28 of the Draft EIR. The stands of blue wildrye on the Project site are considered a sensitive natural community by the California Department of Fish and Game (CDFG). Associations of blue wildrye are ranked “G3?S3?” in the <i>List of California Vegetation Alliances</i> maintained by the California Natural Diversity Database (CNDDDB). Associations with a Global (G) or State rank of 3 or less are considered to be of a high inventory and are considered a rare vegetation type by the CDFG. A question mark (?) indicates that there are insufficient samples over the full expected range of the alliance type to fully determine ranking, but existing information points to the indicated rank. Although sensitive natural communities have no protected legal

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ORG1-182	<p>Page 4.3-8 footnote 3 defines the Alliance inventory watch list. “Each community type is ranked with a Global (G) and a State (S) code of 1, 2, 3, 4, or 5, with 1 representing the most sensitive and 5 representing relatively common types. If an alliance is marked with a 1 through 3 code on the State or Global level, this means that all of the associations within it will also be considered of high inventory priority and should be considered as part of the CEQA review process. If marked as G4 or G5, these alliances are generally common enough to not be of concern. A question mark(?) denotes an inexact numeric rank due to insufficient samples over the fully expected range of the alliance type, but existing information points to the indicted rank. As an example, most alliances of native willow have a State rank of 3 or less in the List of California Vegetation Alliances, meaning they have a high priority and are generally considered a rare vegetation type by the CDFG.”</p> <p>Associates of blue wild rye at the project site are ranked G3? 53? in the List of California Vegetation Alliances maintained by the CNDDDB. The City of Lafayette as lead agency for CEQA is encouraged to take into consideration the California Native Plant Society Plant List, and the natural plant communities inventoried in the List of California Vegetation Alliances, however there is a significant disconnect to conclude that after blue wild rye grassland mitigation, the impact is still Significant and Unavoidable. To make a finding of Significant and Unavoidable impact after acknowledging the grassland can be mitigated with “relative ease” is</p>	<p>status under the State or federal ESAs, they are provided some level of protection under CEQA. CEQA Guidelines identify potential impacts on a sensitive natural community as one of six significance criteria, as listed in Section C, Standards of Significance, on page 4.3-29 of the Draft EIR. The statement by the commentor that blue wildrye is “common and widespread” inaccurately characterizes this sensitive natural community type, which has a moderately high inventory rank according to the CNDDDB. As discussed under standard of significance #2 on pages 4.3-31 and 4.3-32 of the Draft EIR, potential impacts of the proposed Project on the stands of blue wildrye on the site are considered significant.</p> <p>The opinion of the commentor regarding the conclusions of the significance of potential impacts of the proposed Project on the associations of blue wildrye on the site is noted. Please see response to Comment ORG1-181 for a summary of background information pertaining to sensitive natural communities and an explanation of the ranking of associations of blue wildrye and their sensitivity on the site.</p> <p>The brief acknowledgement in the October 2011 version of the <i>Special-Status Plant Survey Report</i> prepared by the applicant’s biologist of the presence of blue wildrye on the Project site does not fully describe the sensitivity of this community type, and inaccurately implies that its status is related to listing by the California Native Plant Society (CNPS) or its presence in Contra Costa County. The ranking of sensitive natural communities described in Chapter 4.3, Biological Resources, of the Draft EIR is maintained by the Vegetation Classification and Mapping Program of the Biogeographic Data Branch of the CDFG (see <a href="http://www.dfg.ca.gov/biogeodata/">http://www.dfg.ca.gov/biogeodata/</a>). The CNPS maintains an inventory of plant species, not sensitive natural community types, that are considered rare, threatened, or endangered in California. As a species, blue wildrye is widely distributed and not considered a special-status species under the State and/or federal Endangered Species Acts. But the protections afforded sensitive natural community types are related to CEQA and the significance criterion in Appendix G of the CEQA Guidelines, as explained further in the response to Comment ORG1-181.</p>

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arbitrary and unsupported.

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As discussed on page 4.3-31 of the Draft EIR, impacts of the proposed Project on the blue wildrye sensitive natural community are considered to be significant. Providing adequate avoidance and replacement of the native grasslands on the Project site would require major adjustments to the proposed grading and development foot-print associated with the proposed Project. The proposed internal road system would pass through the center of the largest stand of native grasslands and stabilization of the landslide would eliminate most of the existing native grasslands in this area. Because adequate protection of at least some of the native grasslands on the site cannot be achieved without a substantial redesign, potential impacts on this sensitive natural community type were determined to be a significant and unavoidable impact of the proposed Project in the Draft EIR. Major adjustments to the proposed Project would be required to mitigate the potential impacts on grassland resources to a less-than-significant level. Such adjustments would include avoidance of a minimum of 25 percent of the existing stands of native grasslands, which would require redesign of the limits of grading and development on the site. Such measures were not considered feasible for the Project as proposed during preparation of the Draft EIR.

Mitigation Measure BIO-5 on pages 4.3-49 to 4.3-51 of the Draft EIR provides for a comprehensive Native Grassland Avoidance and Replacement Program to address the loss of the blue wildrye sensitive natural community on the site. These include provisions for permanent protection of grassland areas to be preserved and restored, both on-site and off-site, general guidelines for salvage of native grasslands to be used in revegetation efforts, and a comprehensive monitoring program to ensure successful establishment. The first bullet in Mitigation Measure BIO-5 specifies a compensatory mitigation ratio that calls for a minimum 1:1 replacement for grasslands lost as a result of the Project, and states that “A higher replacement ratio would not be warranted because of the extent of apparent past disturbance to the remaining native grasslands on the site, and relative ease with which this particular species can be salvaged, replanted, and re-established at alternative locations.” Compensatory habitat mitigation typically calls for a higher than 1:1 replacement ratio, and it was important to provide an explanation for why that was not warranted in this instance. However, this qualifier on the replacement

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ratio was not intended to minimize the significance of the potential impact or the major challenges in establishing and/or restoring native grasslands in locations that currently do not support native cover. The reference to “relative ease” in the mitigation measure was made in reference to the vegetative properties of this particular species and the option of successfully transplanting salvaged material which is not possible with some grassland species.

The Applicant Refined Alternative, which is evaluated in Exhibit 5-1 of this Final EIR, would allow for preservation of a portion of the native grasslands on the Project site, which was not feasible under the proposed Project (see Comment ORG1-160). With the proposed modifications to the limits of grading and development, the performance standards identified in Mitigation Measure BIO-5 could be met under the Applicant Refined Alternative through a combination of on-site avoidance and revegetation and off-site habitat preservation and native grassland restoration. With full implementation of Mitigation Measure BIO-5 and the on-site preservation and revegetation that would presumably be provided under the Applicant Refined Alternative, together with any required off-site compensatory mitigation, potential impacts on the blue wildrye sensitive natural community could be mitigated to a less-than-significant level and would no longer be considered significant and unavoidable. Please see responses to Comments ORG1-184 through ORG1-186 for further discussion of the modifications associated with the Applicant Refined Alternative and mitigation offered by the applicant.

ORG1-183 Impacts to blue wild rye grasslands are mitigatable to a level of less than significant: There is significant precedent for native grassland mitigation approaches that agencies consider to fully mitigate impacts to a level of less than significant. Many mitigation approaches are considered scientifically defensible, including: preservation of native grassland at a different location than the affected grasslands, restoration of grasslands using a range of plant establishment techniques (seeding or plant salvage) and management tools (prescribed burns or exotic plant removal), and a combination of preservation and restoration.

Please see response to Comment ORG1-182 for a discussion of the status of the blue wildrye sensitive natural community, and conclusion regarding the significance of the proposed Project’s impact on this resource. See response to Comment ORG1-191 for a discussion of the summary list of references provided by the Project applicant’s biologist related to grassland mitigation scenarios, restoration projects, and information on native plant restoration practices in California. Further review of the listed references provided by the commentor indicates that compensatory grassland mitigation ratios are not “typically 1:1” as stated by the applicant’s biologist in the comment, but are actually a minimum of 1:1, consistent with the standard called for in Mitigation Measure BIO-5 in the

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	<p>Mitigation ratios are typically 1:1. See attachment for Grassland Mitigation Summary in California (May 17, 2012).</p>	<p>Draft EIR for the proposed Project.</p>
	<p>The EIR acknowledges that blue wild rye grassland can be mitigated by a combination of commonly available and scientifically documented techniques. The EIR acknowledges that the blue wild rye grassland can be readily mitigated (page. 4.3-49) “The proposed grading shall be modified to avoid additional areas of the stands of native grasslands on the site to the maximum extent feasible and a compensatory mitigation component prepared and implemented to provide a minimum 1:1 replacement ratio for grasslands lost as a result of the project. A higher replacement ratio would not be warranted <b>because of the extent of apparent past disturbances to the remaining native grasslands on the site, and relative ease which this particular species can be salvaged, replanted, and re-established at alternative locations.</b>” We agree with these statements in the EIR that are supported by the literature, yet take issue with conclusions that impacts remain significant. Mitigation can readily be accomplished by exercising additional avoidance on the site, establishment of blue wild rye in the preserved on-site creek corridor, and mitigation opportunities on the suitable adjacent property, such that impacts can unequivocally be reduced to a level of less than significant.</p>	
ORG1-184	<p><b>Off-site native blue wild rye grassland suitable mitigation is feasible.</b> During the preparation of the EIR the project biologists Jeff Olberding and Marylee Guinan coordinated with the City’s biological consultant Jim Martin on the potential mitigation for the blue wild rye grassland. The adjacent property to the north, Parcel 16, was identified as a potential mitigation site. The existing blue wild rye grassland and other natives were survey mapped in October 2011, and it was determined that Parcel16 could provide grassland mitigation, if in fact it were needed. See attached Rare Plant Summary of Findings for Rare Plant Surveys Conducted on the AMD Property, Lafayette, California, dated June 12, 2012, by Olberding Environmental, including map. If mitigation of the impacts to the creek channel on the site was to occur at Parcel16 as well, the</p>	<p>The comment refers to stands of blue wildrye on the AMD property that were mapped as part of a survey conducted in October 2011, the results of which were presented in a survey report by the applicant’s biologist dated June 12, 2012, which was attached to the comments (see Comment ORG1-192).</p> <p>Refer to the response to Comment ORG1-191 for a discussion of the inadequacy of the referenced survey report in documenting presence or absence of special-status plant species from the AMD property, and its conclusion that no additional surveys for special-status plant species are required for the AMD property. Until systematic surveys have been conducted through the flowering period of species suspected to possibly occur on the AMD property, many of which become inconspicuous during the late summer and fall months, a determination on</p>

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	<p>grassland and creek mitigation plans should not conflict, i.e. the creek species such as willow could not be allowed to shade and out-compete the native grasses on the slopes. While the project biologists did determine that the two mitigations for blue wild rye grasslands and creek habitat did not need to conflict, it was determined that Parcel 16 did not provide sufficient hydrology for a desired creek mitigation, and Parcel 16 remains as a prime site (in close proximity, feasible and practicable) for blue wild rye grassland mitigation, as preservation and/or restoration to fully mitigate the impact to 2 acres of blue wild rye grassland impact. The review of Parcel16 was conducted by the applicant’s project biologists, CDFG, USACE and RWCQB. The City’s CEQA biologist was invited to each agency site visit but declined to attend. If the mitigations in the EIR for the blue wild rye grasslands were followed, the impacts should be reduced to a level of less than significant.</p> <p>The AMD Parcel16 adjacent and to the north of the project site was surveyed for special-status plant species October 20, 2011. Botanist Chris Brony mapped native plant occurrences evident at the time of the plant survey: five stands of blue wild rye, needlegrass stands, needlegrass/naked buckwheat stands, Dutchman’s pipe, snowberry/ soap plant stand, and soap plant/ naked buckwheat stand. See attached Rare Plant Summary of Findings for Rare Plant Surveys Conducted on the AMD Property, Lafayette, California, dated June 12, 2012, by Olberding Environmental, including map. Jurisdictional wetland delineation was also conducted for the drainages on this parcel. A portion of the Parcel 16 could be used as mitigation for impacts to the blue wild rye grassland, if in fact needed for the proposed project. Approximately 1.38 acres of blue wild rye were mapped and these native grassland stands would not be adversely affected by any other element of the proposed project or its associated mitigation. In the event, blue wild rye restoration activities are undertaken at Parcel 16, special-status plant surveys would be conducted during the blooming periods of other potential plant species that were not detectable during the October 2011 survey. Documentation of surveys, proposed preservation,</p>	<p>whether any occurrences of special-status plant species is not possible. A single survey conducted in October would not provide for confirmation on presence or absence of special-status plant species on the AMD property.</p> <p>Until systematic surveys are conducted in locations of the AMD property to be utilized for compensatory mitigation, there remains a potential for occurrence of one or more special-status plant species which could be adversely affected by mitigation-related activities. As discussed under Section D.1.a, Plant Species, on page 4.3-30 of the Draft EIR, natural areas to be modified during construction of off-site mitigation improvements, whether it be for wetland mitigation or some other habitat-related program required as a condition of Project approval, could adversely affect occurrences of special-status species until systematic surveys have been conducted which confirm absence. This would include improvements associated with the AMD property currently being considered for possible use as an off-site mitigation location for the loss of native grassland on the Project site. Blue wildrye transplantation, seeding, weed abatement, and other maintenance activities associated with any Native Grassland Avoidance and Replacement Program called for in Mitigation Measure BIO-5 in the Draft EIR could adversely affect occurrences of special-status plant species if present within treatment areas. Mitigation Measure BIO-1 in the Draft EIR calls for conducting confirmation surveys on any off-site properties to determine whether any special-status species are present, and to provide adequate mitigation if any occurrences are encountered. This mitigation measure remains applicable to the AMD property if it is used for off-site mitigation, given the inadequacy of the survey conducted in October 2011 to provide a conclusive determination on the presence or absence of numerous grassland-dependent special-status species. The conclusion in the survey report (see Comment ORG1-192) that no additional surveys for special-status plant species are required for the AMD property is incorrect, given that portions are now proposed for off-site grassland mitigation and would be disturbed as part of implementing compensatory mitigation and maintenance.</p> <p>To clarify several assertions made by the commentor, the City’s CEQA biologist was apprised of a series of meetings with agency representatives to review both on-</p>

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proposed restoration activities, any authorizations, and documentation that any recommended mitigations are unnecessary, will be submitted to the City of Lafayette (pursuant to BIO 1).

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site and off-site conditions on the AMD property and invited to attend. The City's CEQA biologist was provided with a summary of the results of the meetings with agency representatives, but participation was not considered necessary given their preliminary nature and fact that they are part of a separate permit process the applicant must undertake with each of the resource agencies. These meetings were initially related to verifying the extent of jurisdictional waters, then possible locations to mitigate potential impacts of the proposed Project on jurisdictional waters, and eventually to explore possible use of the AMD property to provide partial mitigation for potential impacts on native grasslands as well. At no time during preparation of the Draft EIR was a written mitigation plan prepared by the Project applicant's biologist addressing on-site and/or off-site mitigation for potential impacts to either jurisdictional wetlands or native grasslands. Without a written mitigation plan, there was nothing to evaluate as part of the peer review responsibilities performed by the City's CEQA biologist for the Draft EIR, and it was not possible to accurately determine the feasibility or adequacy of the various mitigation options under consideration by the Project applicant's biologist. As explained by the commentor, the AMD property was initially considered as a possible location to achieve off-site mitigation for impacts on jurisdictional waters, and was presented as such during initial meetings with the City's CEQA biologist and agency representatives. However, use of the AMD property was later determined to be unsuitable and infeasible for wetland mitigation because of a lack of "sufficient hydrology."

Since circulation of the Draft EIR, the applicant's biologist has prepared a *Creek Enhancement and Mitigation Plan (CEMP)* (dated August 2012) and a *Conceptual Mitigation Plan for Blue Wildrye Native Grassland Avoidance and Replacement Program (CMP)* (dated August 2012), included in Appendix F of this Final EIR. The CEMP would be accomplished on-site and involves a substantial reduction in the direct impacts to jurisdictional waters and riparian habitat along the creek corridor. Please see the response to Comment ORG1-187 for additional discussion of the adequacy of the CEMP and continued applicability of Mitigation Measures BIO-6a and BIO-6b.

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The CMP would be accomplished both on-site and off-site on the AMD property. The CMP includes a description of background and regulatory compliance, project description, mitigation goals, on-site and off-site preservation components, off-site mitigation re-establishment component, long-term management assumptions, performance standards, and mitigation and monitoring program. The CMP assumes that the proposed Project would essentially result in the elimination of the estimated 2 acres of native grasslands and that the Applicant Refined Alternative (see the response to Comment ORG1-182) would impact an estimated 1.6 acres of native grasslands on the Project site, though these estimates vary in the CMP (see last sentence of first paragraph on page 1, and first sentence of second paragraph on page 3). Blue wildrye would be transplanted and re-established along the on-site creek corridor as part of the creek enhancement program, but the areas for on-site grassland were considered limited because of potential shading from riparian trees and shrubs so these were not included in the acreage estimates of compensatory mitigation. The CMP also assumes that all mitigation planning and implementation would avoid impacts to sensitive biological resources, such as special-status plant species and existing wetlands on the AMD property.

The mitigation goals indicated in Section 3.0 of the CMP appear adequate, including providing a minimum 1:1 replacement for any native grassland habitat lost as a result of grading and development. However, the on-site and off-site mitigation preservation components, performance standards, and assumptions regarding long-term management are inadequate and need considerable revision. The primary problem with regard to the currently proposed mitigation is the assumption that off-site preservation of existing native grasslands would serve to meet part of the “minimum 1:1 replacement” called for in Mitigation Measure BIO-5 in the Draft EIR. The existing stands of native grasslands on the AMD property to be “preserved” in meeting the proposed mitigation ratio contribute to the value of that location as natural habitat and serve to demonstrate that native grassland establishment should be feasible. However, preserving this existing native grassland does not serve to replace the stands of native grasslands on the Project site lost as a result of the proposed Project or under the Applicant Refined Alternative. The AMD property is zoned and designated in the General Plan for

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low-density single-family and rural residential single-family development, and therefore is not designated for intense development. The CMP should be revised to provide for the creation of replacement native grassland habitat in like proportion to that lost as a result of development on the site, whether it is the 2 acres that would be lost under the proposed Project or the estimated 1.6 acres under the Applicant Refined Alternative.

The performance standards in Section 8.0 of the CMP, repeat the provisions of Mitigation Measure BIO-5 in the Draft EIR, but do not include the minimum cover class thresholds commonly used as performance standards in native grassland restoration that are necessary to demonstrate that successful mitigation has been achieved. These thresholds typically include a minimum cover of 60 percent or more of the target native species, in this case blue wildrye. This minimum relative cover class is specified in Mitigation Measure BIO-5 as a final success criteria, which is repeated as Section 9.0 of the CMP, but no cover class thresholds have been specified as part of the actual performance standards in Section 8.0 to be achieved in successive years and observed during the annual monitoring required as part of the CMP. In addition, performance standards for native grassland restoration also typically specify a maximum cover component of target invasive species, such as yellow star thistle, bull thistle, French broom, and other problem species that could eventually outcompete and replace the native grasslands. When the maximum cover component of invasive species is exceeded in treatment areas during the required annual monitoring, it typically triggers additional follow-up corrective maintenance to reduce the cover class component of invasive species and possibly increase the native species component. This could involve chemical treatment and/or manual or mechanical removal of invasive species at the appropriate time of the year, and possibly supplemental planting or seeding with the target native species.

Finally, the long-term management discussion in Section 7.0 of the CMP is unrealistic about the need for on-going monitoring and occasional treatment. One of the greatest challenges in native grassland restoration is ensuring that the created habitat is not eventually overrun and replaced by non-native invasive species.

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Non-native invasive species currently dominate areas considered for use in transplanting and establishing replacement blue wildrye grasslands on the AMD property. Native grasslands are absent from these areas for a reason and a program for ensuring permanent establishment of native grassland in the treatment areas will undoubtedly require long-term monitoring and a funding source to provide any required corrective action. The CMP does not discuss whether any controls would be provided regarding grazing, open space access, and other factors that could influence the long-term viability of the grasslands to be preserved and created in the mitigation locations, both on- and off-site. Grazing is often used as an important tool to reduce the emergence and dominance by non-native species, but must be carefully managed to prevent overgrazing and a severe loss of native perennial cover, or that favor the seasonal emergence of late flowering weedy species such as yellow star-thistle, or that create disturbed conditions that also favor highly invasive species. The proposed use of a “scenic easement” over the protected mitigation areas, both on-site and off-site, suggested in Section 7.0 of the CMP would not address the habitat-related controls that can only be achieved through establishment of a conservation easement, but the relatively small area currently proposed on the AMD property for off-site mitigation purposes presents challenges given the need to have a third party assume management responsibilities for lands protected under a conservation easement. These are all factors that the Project applicant must consider and resolve in balancing the costs of achieving adequate compensatory mitigation with the extent of native grasslands to be retained and protected on-site.

As currently proposed, the CMP is inadequate to address the loss of native blue wildrye grasslands on the Project site, and potential impacts would remain significant under both the proposed Project and the Applicant Refined Alternative. As discussed in the response to Comment ORG1-182, potential impacts on the blue wildrye sensitive natural community under the proposed Project would remain significant and unavoidable, given that adequate avoidance and replacement of the native grasslands would require major adjustments to the proposed grading and development foot-print to mitigate the potential impacts on grassland resources to a less-than-significant level, which was not considered possible during

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preparation of the Draft EIR because successful mitigation would require substantial Project redesign, rendering the Project infeasible as proposed. However, the partial on-site protection that would be provided under the Applicant Refined Alternative, together with the minimum replacement ratios and preparation of an adequate Native Grassland Avoidance and Replacement Program called for in Mitigation Measure BIO-5 of the Draft EIR, provides an opportunity to provide adequate mitigation and reduce this potential impact to a less-than-significant level. This conclusion is based on the assumption that on-site avoidance of approximately 25 percent of the native grasslands can be achieved. The Applicant Refined Alternative simply provides a schematic plan for redesigning the proposed Project to address a number of significant environmental issues. However, the feasibility of this schematic plan has not been demonstrated with any grading plans showing the limits of grading required for landslide repair, roadway access, building envelope areas and other details of the revised development. The limits of these improvements must be shown in relation to areas of native grasslands and other sensitive biological resources to be retained before a conclusive determination can be made on the level of significance of potential impacts following implementation of required mitigation.

ORG1-185 **Impacts to blue wild rye grasslands are reduced to a level of less than significant after mitigation:** We disagree with the conclusion in BIO 5 that with all the mitigations set forth, the impact is still Significant and Unavoidable. The EIR itself, as well as numerous other environmental scenarios for the blue wild rye grasslands, allow for off-site mitigation, such as Parcel16. Additional avoidance of the blue wild rye grasslands on the site could be achieved by removal of Building M (page 4.3-41). The preserved on-site creek will accommodate some of the blue wild rye salvage and establishment. And Parcel16 provides both preservation and restoration opportunities to meet the 1:1 ratio.

The EIR does not state that grassland mitigation cannot occur on the adjacent site, nor does it state that additional avoidance of impact is mandated in lieu of restoration.

The opinions of the commentor regarding the significance of the potential impacts on the blue wildrye sensitive natural community are noted. Please see responses to Comments ORG1-182 through ORG1-184 for detailed discussion of the significance of potential impacts on native grassland, the adequacy and feasibility of proposed mitigation, and significance of this impact under the Applicant Refined Alternative. It should be noted that the suggested removal of Building M by the commentor as a way of further avoiding areas of on-site native grasslands would not serve to protect any additional areas of blue wildrye grassland. Eliminating or relocating Building M was pointed out on page 4.3-41 of the Draft EIR as a minimum requirement of protecting the large 58-inch valley oak and other native trees, which would be a major redesign of the proposed Project and part of why potential impacts on tree resources were considered to be significant and unavoidable. There are no native grasslands in or near the footprint of proposed Building M, and eliminating this building as suggested by the commentor would not serve to protect any additional areas of blue wildrye sensitive natural

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	<p>It is possible the EIR author’s conclusion that the impact would remain Significant and Unavoidable, rather than reduced to a less than significant impact after mitigation, is based on the assumption that the abandoned creek mitigation at Parcel16 would conflict with the blue wild rye grassland mitigation at this off-site location. If this is the case, we have confirmed that the creek mitigation will not occur at Parcel16, and that the Native Grassland Avoidance and Replacement Program at Parcel16 would reduce the impact to a level of less than significant. To conclude that the impact remains significant is arbitrary and unfounded.</p>	<p>community on the Project site.</p> <p>The commentor is incorrect in the assertion that the Draft EIR does not state that additional avoidance of on-site native grasslands is mandated in lieu of restoration. The first bullet in Mitigation Measure BIO-5 in the Draft EIR states that “...the proposed limits of grading shall be modified to avoid additional areas of the stands of native grasslands on the site to the maximum extent feasible and a compensatory mitigation component prepared and implemented to provide a minimum 1:1 replacement ratio for grasslands lost as a result of the Project.” In addition, the discussion under standard of significance #2 on page 4.3-32 of the Draft EIR addressing potential impacts on native grasslands would remain significant and unavoidable unless substantial changes to the grading plan were proposed. The first bullet states “Avoid a minimum of 25 percent of the native grasslands on the site, particularly the largest stand on the hillside slopes to the south of the existing driveway onto the site.” This standard was not carried forward and incorporated into Mitigation Measure BIO-5 because it would require substantial redesign of the proposed Project, but if implemented with the other compensatory measures, would serve to reduce potential impacts to a less-than-significant level.</p>
<p>ORG1-186</p>	<p><b>In contrast, BIO-6 (proposed fill of 295 linear feet of creek channel), provides a defensible assessment of impacts and mitigation. BIO-5 (blue wildrye grasslands) establishes arbitrary standards of significance and overstates impacts.</b></p> <p>The impact analysis and mitigation measures for BIO-6 are consistent with commonly accepted CEQA findings, i.e. the applicant will coordinate with jurisdictional agencies, secure state and federal permits, prepare an implement a Wetland/Riparian Replacement Program (creek mitigation plan) at a mitigation ratio of 2:1, exercise avoidance of impacts, allow for on-site or off-site, allow for out-of-kind mitigation, establish native species, implement construction precautions, comply with success criteria and monitoring for creek mitigation, and conduct Best Management Practices.</p>	<p>As noted in response to Comment ORG-185, providing adequate avoidance and replacement of the native grasslands on the Project site would require major adjustments to the proposed grading and development of the Project. The internal road system would pass through the center of the largest stand of native grasslands and stabilization of the landslide would eliminate most of the existing native grasslands in this area. Because adequate protection of at least some of the native grasslands on the site cannot be achieved without a substantial redesign, potential impacts on this sensitive natural community type were determined to be significant and unavoidable.</p>

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	<p>It is relevant to note that the wetlands and waters of the US and waters of the State (creek) addressed in BIO 6 have significant state and federal status and associated protections, and the EIR concludes that impacts can be mitigated to a level of less than significant. The EIR logically provides for out-of-kind creek mitigation, acknowledging that it “may be necessary given the limited opportunities for recreating creek channel habitat on the site” (page 4.3-52). This impact analysis, mitigation measures, and the conclusion that the impact is fully mitigated, are generally consistent with EIRs in California. What is noteworthy is that the same logical impact analysis and mitigation measures are set forth in BIO 5 (blue wild rye grassland), yet the conclusion is after all the mitigations, the impacts is Significant and Unavoidable. The mitigations stated in the EIR for the native blue wild rye grassland are consistent with commonly accepted CEQA findings, except the applicant does not need to coordinate with jurisdictional agencies or secure state and federal permits, because the grass species is not protected by state or federal laws as the creek is. Similar to BIO 6 (proposed fill of creek), the applicant will prepare an implement a Native Grassland Avoidance and Replacement Program (mitigation plan) at a mitigation ratio of 1:1, exercise avoidance to the maximum extend feasible, allow for mitigation on site or off site, establish salvaged native species, implement construction precautions, comply with success criteria and monitoring for grassland mitigation, and adopt Best Management Practices for maintenance and long term management. What appears to be inconsistent with many EIRs addressing similar scenarios (sensitive plant communities on an inventory or watch list) or in the case of more significant impacts (federal and state protected creek), is the conclusion that after all the commonly accepted mitigations, the impact to the native blue wild rye grassland is still Significant and Unavoidable.</p>	
ORG1-187	<p><b>In BIO 6 the EIR states that jurisdictional waters of the creek shall be avoided to the maximum extent feasible, among other mitigations that together will reduce impacts to a level of less that significant.</b> The applicant in consultation with regulatory agencies (USACE, CDFG and</p>	<p>The revisions to the proposed Project summarized by the commentor are all major improvements in reducing potential impacts on jurisdictional waters, consistent with Mitigation Measure BIO-6a in the Draft EIR. A <i>Creek Enhancement and Mitigation Plan</i> (CEMP), contained in Appendix F of this Final EIR, was prepared</p>

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	<p>RWCQB) has designed an avoidance alternative that fully avoids impacts to the on-site creek drainage, including: 1. construction of a spanned arch culvert (40-foot long and 26-foot span on drilled piers providing 11-feet of vertical clearance) located above the creek’s 100-year water surface elevation 2. Reducing the creek crossing from two locations to one 3. Reduction in parking stalls and 4. native enhancement plantings along the preserved 515 feet of creek drainage. As a result of this preferred avoidance alternative the Pre-construction Notification application of the USCAE for a 404 Nationwide Permit has been withdrawn, with concurrence from the USACE. The CDFG has reviewed and approved the full avoidance arch-culvert alternative and only requires proof of CEQA completion (Notice of Determination and payment of CEQA fees) to issue a fully drafted CDFG Streambed Alteration Agreement (No. 1600-2011-0386-R3). In working with the RWQCB, the applicant is providing a revised application to the Board staff reflecting the full avoidance arch-culvert alternative and a Storm Water Management Plan based on the avoidance plan so that Board may issue a 401 Certification or Waiver. Because of the avoidance exercised, the agencies will not require off-site mitigation. Provided as an attachment is the USACE wetland verification of the approved jurisdictional wetland determination letter dated March 19, 2012 and verified map (File NO. 2011-00165).</p>	<p>by the applicant’s biologist in August 2012. The CEMP includes a description of background and regulatory compliance, project description, enhancement and mitigation goals, and measures pursuant to the draft Streambed Alteration Agreement with CDFG, together with typical performance standards, maintenance and management procedures, and mitigation monitoring. These provisions in the CEMP appear consistent with the intent of the Wetland/Riparian Protection and Replacement Program called for in Mitigation Measure BIO-6b in the Draft EIR, particularly with regard to minimizing fills to the existing creek channel to the “maximum extent feasible.” Mitigation Measure BIO-6b does not assume that off-site mitigation for impacts on jurisdictional waters would be required, as suggested by the commentor. Mitigation Measures BIO-6a and BIO-6b continue to apply to the proposed Project and would serve to demonstrate to the City that the applicant has secured necessary authorizations from jurisdictional agencies, has implemented required mitigation and performed annual monitoring called for under the CEMP, and ultimately has successfully implemented the compensatory mitigation program if and when all success criteria and performance standards have been met. Mitigation Measure BIO-6a requires that copies of all authorizations be provided to the City prior to issuance of a grading or other permit for the Project to ensure that the applicant has adequately coordinated with jurisdictional agencies. Mitigation Measure BIO-6b requires that annual monitoring reports be provided to the City and resource agency representatives for a minimum of five years, or until the defined success criteria are met.</p>
<p>ORG1-188</p>	<p><b>In BIO 7 the EIR fails to provide a reasonable mitigation or a project alternative consistent with project objectives that can mitigate tree impacts to less than significant.</b> The proposed project evaluated in the EIR would result in removal of 91 of 117 existing trees, and relocation of 3 oaks. A more meaningful and reasonable mitigation would be to avoid removal of 64 trees by elimination of Building M. This mitigation alternative would reduce tree removal to 27 (1 acacia, 1 black walnut, 1 carob, 1 plum, 1 stone pine, 2 valley oaks, 3 incense cedars, and 17 coast live oaks), and would still relocate 3 coast live oaks. The vast majority of the trees on the site were planted, even the oaks along the existing</p>	<p>The opinions of the commentor regarding the significance of the potential impacts of the proposed Project and options for mitigation are noted. Eliminating or relocating Building M was pointed out on page 4.3-41 of the Draft EIR as a minimum requirement of protecting the large 58-inch valley oak and other native trees, which would be a major redesign of the proposed Project and part of why potential impacts on tree resources were considered to be significant and unavoidable. Eliminating or relocating Building N was not identified in Chapter 4.3, Biological Resources, of the Draft EIR as a way of substantially redesigning the proposed Project to protect additional tree resources. Contrary to the assertion by the commentor, no statement could be found on page 5-16 of the Draft EIR calling</p>

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driveway to the residences. Only the oaks and single black walnut are native to the region. The project provides for significant opportunities to establish hundreds of native trees in mitigation for the trees 27 removed as a result of an avoidance alternative. In the impact analysis of trees on page 4.3-41 the EIR identifies that the elimination or relocation of Building M would reduce tree impacts to a level of less than significant, however this is not provided in the mitigation measures of BIO 7. On page 5-16 the EIR describes the Mitigated Project Alternative, which removes Building M and N, ((would result in substantial improvement to the proposed project”. We assert that with removal of Building M alone the reduction of impacts to the trees (27 trees removed in comparison to 91 trees removed); in conjunction with mitigation tree plantings, the impact can be reduced to a level of less than significant. Again, most of the trees on the site were planted, and many are non-native species, therefore, it is reasonable to mitigate removal of planted native trees and planted non-natives with establishment of hundreds of native trees.

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for the removal of both Buildings M and N as a means of reducing impacts on trees. The Mitigated Project Alternative in Figure 5-1 on page 5-3 of the Draft EIR shows a “No Build Area” in the vicinity of Building N which was recommended to address primarily visual and aesthetic considerations, not to reduce significant impacts on tree resources.

The commentator is correct that a large number of trees could be retained by eliminating development in the vicinity of Building M, but as previously noted, this would involve a major redesign of the proposed Project and was therefore not recommended as part of Mitigation Measure BIO-7. Potential impacts on tree resources under the proposed Project would remain significant and unavoidable, given that adequate avoidance would require major adjustments to the proposed grading and development footprint to mitigate the potential impacts to a less-than-significant level, which was not considered possible during preparation of the Draft EIR because avoidance would require substantial redesign of the Project, rendering the Project infeasible as proposed. However, the on-site protection of the 58-inch valley oak and other native trees in the vicinity that appear to be possible under the Applicant Refined Alternative would substantially reduce the required replacement tree plantings, and together with the minimum replacement ratios called for in Mitigation Measure BIO-7 of the Draft EIR to ensure compliance with the City’s Tree Protection Ordinance would provide adequate mitigation and reduce this potential impact to a less-than-significant level. This however assumes that avoidance of the 58-inch valley oak and other native trees in the vicinity can be achieved, which has still not been demonstrated. The Applicant Refined Alternative simply provides a schematic plan for redesigning the proposed Project to address a number of significant environmental issues. The feasibility of this schematic plan has not been demonstrated with any grading plans showing the limits of grading required for landslide repair, roadway access, building envelope areas and other details of the revised development. The limits of these improvements must be shown in relation to areas of native trees to be retained and other sensitive biological resources to be preserved before a conclusive determination can be made on the level of significance of identified impacts following implementation of required mitigation.

Comment #	Comment	Response
ORG1-189	<p><b>The Applicant’s variation to the Mitigated Project Alternative (removal of Building M to avoid impacts and total avoidance of the on-site creek) would:</b>                      Avoid 0.4 acre of blue wild rye                      Preserve an additional 64 trees                      Avoid all impacts to the on-site creek drainage                      Include off-site preservation and restoration of blue wildrye grassland                      Include substantial tree replacement                      Include habitat enhancement along the creek drainage                      Fully mitigate all biological impacts to a level of less than significant</p>	<p>Since the close of the comment period on the Draft EIR, the applicant has provided additional information related to anticipated tree removal associated with the proposed Project and the Applicant Refined Alternative. These consist of Tree Exhibits (see Appendix F of this Final EIR) prepared by LCA Architects that show an aerial view of the site in its existing condition, and a simulation showing removal of existing tree cover under the proposed Project and the Applicant Refined Alternative. A table summarizing the total number of trees by species to be preserved and relocated under the proposed Project and the Applicant Refined Alternative, with the anticipated reduction of tree impacts by species and total number of trees, was also provided. The table indicates that of the 116 trees on the site, 34 would be retained or relocated under the proposed Project, and 89 would be retained or relocated under the Applicant Refined Alternative for a net reduction of 55 trees. The limits of required disturbance associated with development under the ARAP must be shown in relation to areas of native trees to be retained and other sensitive biological resources to be preserved before a conclusive determination can be made on the level of significance of this alternative with implementation of required mitigation, but it appears that potential significant impacts on tree resources could be mitigated to a level of less than significant as asserted by the commentator.</p> <p>The opinion of the commentator regarding the benefits of the Applicant Refined Alternative are noted. Please see responses to Comments ORG1-182 through ORG1-188 for a discussion of the adequacy of the various mitigation programs proposed by the applicant and the effectiveness of the Applicant Refined Alternative in addressing potentially significant impacts on biological resources. It should be noted that the table provided by the applicant summarizing the total number of trees to be preserved and relocated under the Applicant Refined Alternative (see the response to Comment ORG1-188) indicates a net reduction in tree loss of 55 trees, not the 64 trees suggested by the commentator. The Applicant Refined Alternative provides a schematic plan for redesigning the proposed Project, but its feasibility has not be demonstrated with a detailed grading plan showing the limits disturbance associated with development under this alternative. This inconsistency in the estimates of additional trees to be retained under the</p>

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		<p>Applicant Refined Alternative provides an example of the importance of verifying the assumptions related to potential impacts between the proposed Project and the Applicant Refined Alternative. The limits of required disturbance associated with development under the ARAP must be shown in relation to areas of sensitive biological resources to be preserved before a conclusive determination can be made on the level of significance of this alternative with implementation of required mitigation, but it appears that potential significant impacts on tree resources could be mitigated to a level of less than significant as asserted by the commentor.</p>
ORG1-190	<p><b>The EIR presents conflicting statements about wildlife movement.</b> In BIO 8 wildlife movement and habitat values along the creek is depicted as a significant impact We agree with the assessment on page 4.3-43 (Cumulative Impacts): ((With regard to future development and its relationship to surrounding habitat, most of the site vicinity is already extensively disturbed by urban and suburban uses or is permanently protected as open space. The wildlife in the area has already become acclimated to the human activity (including major roads), and the proposed development is not expected to disrupt important movement corridors or access to surrounding habitat. . . the State Highway 24 corridor, which forms a major barrier for any wildlife movement opportunities”. We agree with this assessment and would emphasize that if wildlife were encouraged to move along the 515-foot reach of existing creek, they would come upon an impassable underground drainage system, or face the barrier of Pleasant Hill Road and Highway 24. There is simply no safe place for wildlife to go south or east of Pleasant Hill Road and Deer Hill Road. The discussion of wildlife movement on page 4.3-55 in BIO 8 is in conflict with above (page 4.3-43 Cumulative Impacts): “Movement opportunities along the existing creek would be reduced and fragmented due to the proposed culverting and the intensity of development and human activity surrounding the segment to be retained. This would be a significant impact.”</p>	<p>The comment refers to the discussion of wildlife movement opportunities, which the commentor believes are more accurately reflected in the discussion of Cumulative Impacts on page 4.3-43 rather than under Impact BIO-8 on page 4.4-55 of the Draft EIR. The discussion of cumulative impacts on page 4.3-43 of the Draft EIR provides an analysis for the proposed Project contribution to cumulative impacts in the Project site vicinity, not the direct impacts of the proposed Project on the Project site itself.</p> <p>As discussed on pages 4.3-35 and 4.4-55 of the Draft EIR, the proposed Project would alter the existing habitats on the site, filling a larger portion of the creek channel, and reducing and fragmenting the existing creek due to culverting and the intensity of development and human activity surrounding the creek segment to be retained as an open channel. A 42-inch-diameter culvert approximately 190 feet in length would separate the two open segments of the creek, and the culvert would turn, preventing light from passing through. Given the relatively small size, length, and the fact that wildlife would not be able to see through the culvert, it is unlikely that it would be used for wildlife movement. The existing creek on the site has only limited habitat value, but the proposed Project would reduce that further as a result of fragmentation due to additional culverting and the intensity of development and human activity surrounding the segments to be retained. Most existing wildlife would be destroyed or displaced from the site during construction, and opportunities to move relatively unrestricted would be precluded once new roadways, residences, and other improvements are installed. This would be a significant impact to wildlife habitat and movement opportunities with regards to the riparian corridor and creek segment on the site.</p>

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As acknowledged on page 4.3-35 of the Draft EIR, the roads that surround the site form a barrier for movement of smaller terrestrial wildlife, except birds. Deer and other larger terrestrial species could move across Deer Hill Road to the undeveloped lands to the northwest, but State Highway 24 and Pleasant Hill Road and residential development on the floor of Reliez Valley preclude movement opportunities to the south and east. Given the existing barriers to wildlife movement both on- and off-site, no major wildlife corridors would be affected with development of the proposed Project, and potential impacts on wildlife movement opportunities on the remaining portion of the site were determined to be less than significant in the Draft EIR.

ORG1-191 ATTACHMENT - Grassland Mit. Summary

Native grassland revegetation and restoration is an accepted practice among habitat restoration professionals. The few mitigation examples cited in the comment show a range of standards related to native grassland mitigation, which are set by the local agency as part of the environmental review process. It should be noted that the first CEQA document cited, the EIR on the EBMUD WTTIP project, was prepared in 2006. The cited mitigation measure does require that special-status plant habitat and/or sensitive plant communities be restored at a 1:1 ratio, but this is only after attempts to avoid any direct impacts and provide a minimum 25 foot buffer have been determined to be infeasible, even after consideration of redesign and relocation of the proposed structure and/or staging area. This cited EIR predates both the current 2010 list of *List of California Vegetation Alliances* used to determine rarity for sensitive natural communities and the 2009 “Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities.” The other cited CEQA documents all have compensatory mitigation ratios with a minimum 1:1 replacement, or higher. Mitigation Measure 5.3-3 in the EIR on the Lucasfilm Grady Ranch/Big Rock Ranch Master Plan includes a requirement that “Native grasslands disturbed by proposed development should be restored and replaced at a minimum 1 to 1 ratio, with replacement provided on a per acre basis for each cover class lost...,” among other provisions. Mitigation Measure BIO-2 in the EIR on the Spring Mountain Estates Subdivision calls for preparation of a detailed Native Grassland Avoidance and Replacement Program that provides a “minimum mitigation ratio of 2:1.” Upon further review

Comment #	Comment	Response
ORG1-192	ATTACHMENT - Olberding Rare Plant Survey	<p data-bbox="1094 280 2041 418">of the cited environmental documents, the specified mitigation ratios are not “typically 1:1” as suggested by the applicant’s biologist in Comment ORG1-183 but are a <i>minimum</i> 1:1, consistent with the standard called for in Mitigation Measure BIO-5 in the Draft EIR for the proposed Project.</p> <hr/> <p data-bbox="1094 418 2041 1170">The comment presents the results of a survey for special-status plants conducted by the applicant’s biologist for the AMD Property, a portion of which is proposed for use as a mitigation preserve. Please see response to Comment ORG1-184. The survey report is intended to provide a determination on whether any special-status plant species occur on the AMD property and includes a description of survey methodology, survey results, and conclusion. Although the survey report is dated June 12, 2012, it presents the results of a single survey of the AMD property conducted on October 20, 2011. Reference in the survey report is made to published survey guidelines from the CDFG and the CNPS but cites dates of 2000 and 2001 respectively. In November 2009, the CDFG released the updated and expanded “Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities.” A single survey was conducted by the applicant’s biologist in October 2011, well past the typical spring and summer flowering period for most plants. No preliminary list of special-status species suspected to occur on the AMD property was included in the survey results, nor was a list of the 79 plant species reportedly occurring on the property according to the survey results. These lists are typically provided as part of a summary report to allow for a review of species suspected to possibly occur on the site, and to verify the species encountered. In addition, the survey report concluded that because a portion of the AMD property is proposed as a mitigation preserve for the proposed Project “no further surveys are required since no impacts would occur on the AMD parcel due to preservation of existing habitats.”</p> <p data-bbox="1094 1208 2041 1411">A primary consideration in determining the adequacy of any survey for special-status plant species, as described in both the CNPS and the updated CDFG survey guidelines, is whether the field surveys were conducted through the entire flowering period of plant species suspected to occur on a particular site. Using the list of 71 plant species suspected to possibly occur on the proposed Project site contained in the <i>Special-Status Plant Survey Report</i> (dated July 2011) prepared by</p>

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the applicant's biologist (see Table 1 in Attachment 2), only 12 of those species have flowering periods that extend into late October when the survey of the AMD property was conducted. The other 59 species have flowering periods that extend from January through September, and although some of these can clearly be ruled out as possibly occurring on the AMD property due to the complete absence of suitable habitat or ease of detection even when the plant is not in flower, the majority of these species continue to have some potential for occurrence in suitable habitat on the AMD property. These include an estimated 23 species that tend to occur in grassland habitat, many of which would have been completely indiscernible from the surrounding dried grassland cover by late October.

As discussed under Section D.1.a, Plant Species, on page 4.3-30 of the Draft EIR, there remains a potential for occurrence of one or more special-status plant species at any off-site location with natural areas to be modified as part of required wetland mitigation, or other habitat enhancement program required as a condition of Project approval. This would include improvements associated with off-site mitigation for loss of native grassland on the Project site, which has now been proposed by the applicant for a portion of the AMD property (see Appendix F of this Final EIR). Blue wildrye transplantation, seeding, weed abatement and other maintenance activities associated with any Native Grassland Avoidance and Replacement Program, called for in Mitigation Measure BIO-5 in the Draft EIR, could adversely affect occurrences of special-status plant species if present within treatment areas. Mitigation Measure BIO-1 in the Draft EIR calls for conducting confirmation surveys on any off-site properties to determine whether any special-status species are present, and to provide adequate mitigation if any occurrences are encountered. This mitigation measure remains applicable to the AMD property if it is used for off-site mitigation, given the inadequacy of the survey conducted in October 2011 to provide a conclusive determination on presence or absence of numerous grassland-dependent special-status species. The conclusion in Comment ORG1-192 that no additional surveys for special-status plant species are required for the AMD property is incorrect, given that portions are now proposed for off-site grassland mitigation and would be disturbed as part of implementing compensatory mitigation and maintenance. No revisions to the Draft EIR are

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ORG1-193	ATTACHMENT - CDFG Streambed Agreement	<p data-bbox="1098 280 2026 313">considered necessary in response to the comment.</p> <p data-bbox="1098 326 2026 841">The comment consists of the Draft Streambed Alteration Agreement (SAA) with the CDFG for the proposed Project, which includes measures to protect fish and wildlife resources. These include administrative measures, avoidance and minimization measures, compensatory measures, and reporting measures. The CDFG typically does not finalize an SAA until CEQA documentation has been completed and a Notice of Determination has been provided for the project. Once the SAA has been finalized and signed by both the applicant and CDFG, all measures must be complied with as part of project implementation. Mitigation Measure BIO-6a in the Draft EIR states that the applicant must secure authorizations from jurisdictional agencies where proposed modifications to jurisdictional waters are present and cannot be avoided, and requires that copies be provided to the City prior to issuance of a grading or other permit for the Project to ensure that the Project applicant has adequately coordinated with jurisdictional agencies, including the CDFG. The comment is informational only and no revisions to the Draft EIR are necessary in response to the comment.</p>
ORG1-194	ATTACHMENT - Dpt of the Army letter	<p data-bbox="1098 846 2026 1149">The comment consists of the verification letter from the US Army Corps of Engineers (USACE) for the draft wetland delineation submitted by the applicant's biologist. It serves to verify the extent of jurisdictional waters regulated under Section 404 of the Clean Water Act. Mitigation Measure BIO-6a in the Draft EIR states that the applicant must secure authorizations from jurisdictional agencies where proposed modifications to jurisdictional waters are present and cannot be avoided, and requires the copies be provided to the City prior to issuance of a grading or other permit for the Project to ensure that the applicant has adequately coordinated with jurisdictional agencies, including the USACE.</p>

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ORG1-195	<p><b>1. Introductory Observations</b></p> <p>TJKM Transportation Consultants is the traffic engineering firm to which the City of Lafayette has turned for preparation of the Transportation and Traffic section of the Draft EIR pertaining to the project known as “The Terraces of Lafayette”. (Project) The study completed by TJKM for inclusion in that Draft EIR identified no fewer than six significant Project-related impacts which it deemed unavoidable no matter what mitigation might be proposed. It also found 17 Project impacts it characterized as significant which, after mitigation, might be reduced to less than significant levels.</p>	<p>The comment serves as introduction to Comment ORG1-197. Please see response to Comment ORG1-197 below.</p>
ORG1-196	<p>The Project retained its own traffic consultants for preparation of its own traffic studies. In fact, a detailed Traffic Impact Study prepared by Abrams Associates was furnished to the City at its request as a part of the Project completeness determination and made available to TJKM for its consideration-all so that its traffic-related tasks might be performed in more timely and cost efficient fashion. Obviously, TJKM never bothered to review the data or conclusions of the Project traffic study.</p> <p>The Abrams Associates Traffic Impact Study concluded that the addition of Project traffic to the surrounding area would not have a significant impact on existing traffic levels and intersections AND that proposed road improvements as a part of the Project would actually significantly improve traffic conditions at primary intersections and along Pleasant Hill Road as a Route of Regional Significance. No significant unavoidable environmental impacts were identified attributable to Project-generated traffic.</p>	<p>The comment serves as introduction to Comment ORG1-197. Please see response to Comment ORG1-197 below.</p>
ORG1-197	<p>Since traffic engineering is supposed to be relatively scientific, based upon known standards applied to data compiled in organized fashion, the reconciliation of such disparate and contrasting conclusions by qualified traffic engineering firms poses a significant challenge.</p> <p>It is beyond question that the most basic purpose of California’s Environmental Quality Act (CEQA) is to inform government decision</p>	<p>According to the CEQA Guidelines, Section 15151, disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The traffic analysis was prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision that intelligently takes account of environmental consequences as it relates to transportation and traffic. The specific issues regarding the adequacy of the EIR are addressed in the responses to Comments ORG1-198</p>

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	<p>makers and the public about the potential significant environmental effects of proposed projects. The California courts have repeatedly stated that informed decision-making and public participation are fundamental purposes of the CEQA process. The preparation of an EIR is designed to furnish to both decision makers and the public the basic information necessary to objectively evaluate project environmental impacts and to make informed decisions as to those impacts in deciding whether or not to grant discretionary approvals.</p> <p>Inherently, the consultants who prepare an EIR must evaluate a proposed project in objective terms, free of bias and/or political input, in accordance with the dictates and principles of their respective disciplines. Unfortunately, the work product of TJKM has so departed from these principles which underlie the preparation of an EIR that the entire Transportation and Traffic section of the DEIR must effectively either be substantially reworked and/or essentially superseded by the process which will hopefully yield a complete-and accurate-final document. (FEIR).</p>	through ORG1-255 below.
ORG1-198	<p><b>2. TJKM Improperly Redesigned the Project and Eliminated Road Improvements which Render the Project Without Any Significant Environmental Impacts Related to Traffic Generation</b></p> <p>It is noteworthy that both TJKM and the Project engineers have concluded that the area with the greatest potential for impacts from Project traffic is along Pleasant Hill Road and specifically the Pleasant Hill Road and Deer Hill Road/Stanley Blvd intersection. The Project traffic engineers proposed two road improvements along existing Pleasant Hill Road to address traffic circulation: (i) construction of a northbound turn lane on Pleasant Hill Road, enabling vehicles to turn left into the main project entrance; and (ii) a new southbound through-lane on Pleasant Hill Road at Project frontage from north of Deer Hill to the Hwy 24 freeway on ramp. It was the conclusion of the Project traffic engineer that the proposed northbound turn lane virtually eliminated the addition of Project vehicles turning left at Deer Hill Road during the PM peak hour.</p>	<p>The comment incorrectly states that TJKM did not evaluate the northbound turn lane on Pleasant Hill Road for vehicles to turn left into the main Project entrance as an element of the Project. TJKM assumed subject left-turn lane as shown on the proposed Project plans as part of the evaluation of impacts with the proposed Project.</p> <p>Regarding the proposed southbound through lane on Pleasant Hill Road, please see responses to Comments ORG1-19 and ORG1-20.</p>

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	<p>Similarly, the proposed southbound through lane on Pleasant Hill Road was deemed to significantly increase the capacity of that arterial during the AM peak hour.</p> <p>TJKM did not evaluate the two road improvements as elements of the Project. Instead, TJKM deemed the proposed road improvements “mitigation measures”. TJKM then identified a series of “secondary impacts” related to said road improvements and effectively eliminated them based upon those purported secondary impacts. Having eliminated a substantive part of the Project design and measures by which existing traffic conditions might be improved, TJKM then concluded that a variety of Project-related traffic impacts were both significant and unavoidable. In the first instance, TJKM is without any authority to simply redesign the Project it purported to evaluate for environmental purposes; secondly, it is neither fair nor objective to make findings in which significant unavoidable traffic impacts are identified after such impacts have been created by virtue of that very unauthorized Project redesign.</p>	
ORG1-199	<p>An EIR is supposed to be all about the evaluation of physical effects on the environment traceable to a particular project. Regardless of the development of this Project, increases in traffic related to build-out within and without the City of Lafayette will degrade levels of service along Pleasant Hill Road, and the Deer Hill Road and Stanley Blvd intersection. In other words, traffic congestion within the area without the Project and without road improvements is already an existing condition with environmental impacts. No one proposes to mitigate those existing impacts for public policy reasons set forth in the “Gateway Constraint Policy” of the Lamorinda Action Plan. The point of the Project Traffic Engineer’s analysis is that this progression of increasing traffic congestion will actually be arrested by virtue of the Project and its proposed road improvements. In short, it is the Project and its design for road improvements that is the solution to current and future environmental impacts associated with existing traffic as well as that generated by future development.</p>	<p>The comment serves as an introduction to Comments ORG1-200 to ORG1-203. Please see responses to Comments ORG1-200 through ORG1-203 below.</p>

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ORG1-200	<p>A brief analysis of the manner in which TJKM has created “secondary impacts” which it has then used to eliminate the Project design element consisting of a southbound through lane from Deer Hill Road to the freeway is illustrative of the circular reasoning used to identify Project traffic impacts which are then alleged to be both significant and unavoidable.</p> <p>The first “secondary impact” which allegedly disqualifies the Project southbound lane is the speed reduction of vehicular traffic caused by an unacceptable weaving condition causing significant traffic hazards. This particular secondary impact is analogous to the “significant and unavoidable” impacts identified as TRAF-3 and TRAF-14- and is just as specious. The CORSIM weaving analysis cannot accurately assess differentiation in vehicle speeds and the use of percentages in speed reduction exaggerates potential hazards. (For example, the contention that a reduction in speed from 2.7 mph to 2.4 mph can cause a hazardous traffic condition - when such a speed difference is neither capable of measurement nor perceptible- is ludicrous on its face.)</p>	<p>Based on these revised thresholds for the average speed decrease on a weaving segment, the additional southbound through lane on Pleasant Hill Road would reduce the average speed on the weaving segment by an amount that is not considered to cause an unacceptable weaving condition that would substantially increase hazards, and would not result in a significant secondary impact related to weaving of motorized vehicle traffic (regarding the CORSIM analysis, please see response to Comment ORG1-232). However, this does not change the other findings of significant secondary impacts for the proposed southbound through lane, including unacceptable weaving conflicts with vehicle traffic for the planned southbound bike lane on Pleasant Hill Road, and the proposed additional southbound lane is still considered not feasible.</p>
ORG1-201	<p>The second “secondary impact” allegedly requiring the elimination of the southbound lane as a Project design feature is the weaving conflict between bicycles and vehicles as the former seek to cross the freeway on ramp. This, of course, is an existing condition regardless of the addition of the southbound lane since bicycle riders currently have to “weave” to avoid turning onto that same on ramp.</p>	<p>Please see response to Comment ORG1-253.</p>
ORG1-202	<p>The third “secondary impact” compelling the elimination of the southbound lane as a part of the Project is the fact that it would allegedly constitute a widening of a two lane portion of Pleasant Hill Road, thus easing traffic flow and congestion in violation of the Gateway Constraint Policy. Effectively, however, the southbound lane is an extension of the on ramp and does not eliminate traffic signal metering as the primary traffic constraints used by that Policy to artificially increase traffic congestion.</p>	<p>Because the traffic signal timing at this intersection is optimized for traffic flow efficiency, the existing configuration with two through lanes is the primary capacity constraint, and the Draft EIR correctly concludes that the proposed additional southbound lane would conflict with the Gateway Constraint Policy by adding a lane for through traffic. See responses to Comments ORG1-206 and ORG1-228 regarding the additional southbound lane on Pleasant Hill Road and its relation to the Gateway Constraint Policy.</p>
ORG1-203	<p>The fourth and final “secondary impact” compelling elimination of the</p>	<p>Please see response to Comment ORG1-254.</p>

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	<p>southbound lane is the loss of passenger loading and unloading along Project frontage, thus allegedly causing “hazardous passenger loading activity at unsuitable locations”. This impact is separately identified by TJKM as significant- but capable of mitigation- in the form of TRAF-23. As noted elsewhere in this commentary, irrational or unsafe driver actions cannot be deemed to be Project related.</p>	
ORG1-204	<p>It must be the case that the southbound lane Project design element is as effective at improving traffic flow and supporting the determination that there are no significant environmental impacts associated with Project traffic as the Project Traffic Engineer has determined. If the design element was not that effective, surely TJKM would not have fabricated such flimsy “secondary impacts” to eliminate it and thereby conclude that development of the Project might cause so many alleged significant and unavoidable impacts.</p>	<p>The comment suggests that the Draft EIR “fabricated” the findings of secondary impacts for the additional southbound through lane on Pleasant Hill Road because that improvement would avoid many of the significant and unavoidable impact findings with the Project.</p> <p>The Draft EIR findings of secondary impacts for the additional southbound lane were properly determined, independently of any consideration as to whether or not such finding would ultimately result in findings of significant impacts with the Project. Subsequent to these findings of significant secondary impacts, the proposed additional southbound land was then deemed not feasible, resulting in a significant and unavoidable impact finding with the Project.</p>
ORG1-205	<p><b>3. TJKM Has Failed to Apply Customary and Usual Traffic Engineering Standards In Its Assessments of Alleged Significant Impacts; TRAF-1 Can Only Be Deemed A Significant and Unavoidable Impact If One Accepts the Flawed Analysis Upon Which Said Designation is Based</b></p> <p>In addition to its unauthorized redesign and redefinition of the Project, TJKM has substantially departed from standard engineering practice in assessing the impact of Project generated traffic and concluding that approval and subsequent construction would give rise to significant unavoidable environmental impacts. Examples of the TJKM departure from standard engineering practice abound.</p>	<p>The comment serves as an introduction to the comment that follows. Please see response to Comment ORG1-206.</p>
ORG1-206	<p>The City of Lafayette has adopted a “Gateway Constraint Policy” as a part of the Lamorinda Action Plan. That policy is intended to limit the maximum amount of traffic that can use Pleasant Hill Road during peak periods. The Action Plan specifies that on Pleasant Hill Road the “Capacity is determined primarily by the timing of signals at the four</p>	<p>The comment suggests that the generation of traffic by the proposed Project might be considered consistent with the Gateway Constraint Policy by adding to traffic congestion on Pleasant Hill Road. The Gateway Constraint Policy is a component of the Lamorinda Action Plan’s goals to discourage use of Pleasant Hill Road as an alternative to the freeway system. The policy for Pleasant Hill Road is to</p>

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major intersections and how much green time is given to Pleasant Hill Road.” The Action Plan specifies signal timing as a metering point designed to control traffic and further City and Area goals to discourage use of Pleasant Hill Road as an alternative to the freeway system. The means of discouraging such use selected by public policy happens to be the artificial creation of traffic congestion. (In this sense, it might be argued that the generation of traffic by the Project with or without road improvements is actually consistent with public policy - regardless of environmental impacts. Perhaps a Statement of Overriding Consideration is appropriate as a resolution of the DEIR’s consideration of traffic issues.)

The TJKM analysis of the critical Pleasant Hill Road/Deer Hill Road intersection in terms of levels of service is based on existing signal timing. Pursuant to the Action Plan and the Gateway Constraint Policy, the signal timing is not optimized; rather, signal metering is designed to restrict capacity and thereby cause congestion. By the usual and customary standards and procedures of its profession, TJKM was required to study this critical intersection based on the optimum traffic flow which might progress through it-not in the context of artificially created conditions causing congestion. The significant and unavoidable delay factor which TJKM attributes to Project traffic could be entirely mitigated by means of the simple expedient of retiming signals. (This is without regard to the Project road improvements). With Project improvements, existing conditions would be improved regardless of the Gateway Constraint Policy and signal timing, and the cumulative impacts of future traffic would be mitigated to less than significant levels. The TJKM identified Impact TRAF-1 must be eliminated entirely from the DEIR analysis.

It is ironic that TJKM has failed to reconcile the traffic constraints imposed by the Gateway Constraint Policy with its analysis of Project-related impacts on the efficient flow of traffic through key intersections in light of the fact that it used that same “Policy” as a secondary impact to

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constrain capacity by maintaining the existing number of lanes and potentially using traffic signal timing to meter traffic flow. The pertinent goal and policy statement in the Lamorinda Action Plan reads as follows: “Maintain capacity constraints at selected gateways with the intent of preserving and improving mobility on regional routes within Lamorinda.” Although the policy could result in traffic congestion upstream of these gateway capacity constraints, the intent of the policy is to avoid adding more regional traffic and resulting additional congestion on Pleasant Hill Road passing through Lafayette. Those policy documents do not support the comment’s suggestion that generation of traffic by the Project and the resulting additional traffic congestion on Pleasant Hill Road is actually consistent with this policy and the Lamorinda Action Plan.

See responses to Comment ORG1-225 regarding traffic signal timing, and Comment ORG1-228 regarding the additional southbound lane on Pleasant Hill Road referenced in the comment as a Project improvement and its relation to the Gateway Constraint Policy. The comment states that the additional southbound lane would essentially be “a lengthened on ramp to the freeway along the Project, which leaves intact the primary generator of traffic congestion – the signal metering system,” and “does not add a further lane to the two lane section of Pleasant Hill Road.” These statements do not accurately describe the additional southbound lane shown on the Project plans, as depicted in Draft EIR Figure 4.13-5, which show that the lane would also extend approximately 150 feet north of the Deer Hill Road intersection at full lane width. This would make a third lane available to southbound through traffic, which would be shared with right-turn traffic, on the southbound approach to the Deer Hill Road – Stanley Boulevard intersection. The existing configuration on this approach provides only two lanes for southbound through traffic, with a third lane used only for right turns onto Deer Hill Road. Because the traffic signal timing at this intersection is optimized for traffic flow efficiency, the existing configuration with two through lanes is the primary capacity constraint, and the Draft EIR correctly concludes that the proposed additional southbound lane would conflict with the Gateway Constraint Policy by adding a lane for through traffic.

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	<p>eliminate the southbound through lane on Pleasant Hill Road proposed as an element of the Project design. In this latter case, the Gateway Constraint Policy seeks to limit improvements to the efficient flow of traffic on Pleasant Hill Road by maintaining capacity constraints. The TJKM argument is that the proposed Project southbound lane would violate the Constraint Policy by adding improvements designed to make more efficient the flow of traffic. In other words, TJKM would eliminate a Project improvement because such improvement would reduce traffic congestion in violation of City policy. Having eliminated the Project improvement, TJKM has then concluded that Project traffic would add to existing artificially created congestion thereby causing a significant unavoidable impact. In actual fact, the southbound traffic lane is essentially a lengthened on ramp to the freeway along Project frontage which leaves intact the primary generator of traffic congestion-the signal metering system. The southbound lane is not inconsistent with the Gateway Constraint Policy because it does not add a further lane to the two lane section of Pleasant Hill Road nor does it preclude the City's ability to achieve its desired capacity constraints through traffic signal metering. If it wishes, the City might continue to discourage use of Pleasant Hill Road by creating congestion through signal metering in accordance with its "Policy" even if Project approvals are granted and road improvements implemented. Intellectual honesty requires that the Project cannot be "tarred" with the label of having adversely impacted the environment and having created congestion.</p>	
<p>ORG1-207</p>	<p><b>4. The Remaining Five Impacts Identified As Significant and Unavoidable Are Not Significant and Are Avoidable</b>                      TRAF-3 and TRAF 14 are impacts identified by TJKM as "significant and unavoidable". These impacts both relate to a weaving analysis undertaken by TJKM using a CORSIM simulation.</p> <p>The TRAF-3 impact relates to the purported average speed reduction on northbound Pleasant Hill Road between the freeway westbound off-ramp and Acalanes Avenue during the PM peak hour. The speed reduction was</p>	<p>Please see response to Comment ORG1-232. Based on revised speed reduction criteria, the Draft EIR has been revised to delete Impacts TRAF-3 and TRAF-14 (as numbered in the Draft EIR), as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR..</p>

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	<p>.8 mph; 4.6 mph to 3.8 mph. TJKM concluded that this speed reduction was more than 10% and therefore hazards related to the weaving movement would “substantially increase hazards, resulting in a significant impact”.</p>	
	<p>Obviously, a minor real time reduction in speed relative to vehicles already moving at very slow speeds converts to a substantial percentage reduction. An idling vehicle will travel at a rate of speed of from 3 to 8 mph. Neither a driver nor the speedometer of such driver might differentiate between speeds of 3.8 and 4.6 mph. Empirically, weaving at high speeds presents greater hazards to involved vehicles even though such high speeds might actually involve lesser percentages of speed differentiation between vehicles. There is no objective percentage standard that one might apply to determine when “weaving” might give rise to hazardous conditions.</p>	
	<p>CORSIM is a very limited tool in terms of traffic analysis. (In fact, the Project applicant objected to the significant increase in EIR cost attributable to its use and related study.) According to the CORSIM training manual: “When the simulated speeds are within 20% of the estimated detector station speeds, the speeds are considered acceptable.” Output speeds are considered “calibrated” if the output volumes are within 10% of existing volumes but output speeds are considered “calibrated” if they are merely within 20% of the existing speeds. Additionally, the Caltrans Highway Design Manual identifies only the “Leisch” and LOS D methods as appropriate for weaving capacity determinations. The manual notes that other methods “may not always produce accurate results”.</p>	
	<p>The TRAP-14 Impact is markedly similar to the TRAP-3 described above. It addresses Cumulative Year 2030 plus Project conditions to conclude that the same weaving analysis indicates a speed reduction from 2.7 mph to 2.4 mph. Since the percentage reduction in speed amounts to more than</p>	

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	<p>10%, a significant and unavoidable impact is said to have occurred. Certainly, the above comments also apply to this purported “significant and unavoidable impact”. More to the point, TJKM cannot have applied customary and standard engineering practices and principles of analysis to reach the foregoing conclusion - at least without significant input from political sources.</p> <p>The TRAF-3 and TRAF-14 Impacts have no place in the DEIR analysis of significant environmental impacts as they are neither significant nor unavoidable.</p>	
ORG1-208	<p>The TRAF-12 and TRAF -13 Impacts relate to the left turn queue lengths and storage capacities for northbound traffic on Pleasant Hill Road at Deer Hill and at the Project entrance respectively. Those impacts under Cumulative Year 2030 plus Project analysis were found to be both significant and unavoidable. In reaching such conclusions, TJKM ignored the Lamorinda Action Plan Update and its forecast of growth in peak hour volumes on Pleasant Hill and Deer Hill Roads. The TJKM traffic forecasts are also in direct conflict with the volumes allowable under the Gateway Constraint Policy. If more reason to discount the TJKM conclusions regarding these alleged “impacts” is required, it might be further observed that: the TJKM traffic counts are flawed (see comments from the Project Traffic Engineer attached); the forecast traffic volumes have been exaggerated; the analysis continues to be based upon less than optimal traffic signal timing in accordance with the Gateway Constraint Policy; and TJKM has refused to consider an obvious mitigation factor- a two lane turn lane - which it simply discounted and then discarded.</p> <p>The TRAF-12 and TRAF-13 Impacts should not have been identified as such as they are neither significant nor unavoidable.</p>	<p>Please see responses to Comments ORG1-238 to ORG1-240 regarding Impact TRAF-12 (as numbered in the Draft EIR). Based on the revised speed reduction criteria, the Draft EIR has been revised to find Impact TRAF-13 (as numbered in the Draft EIR) to be less than significant after mitigation. (See technical details in response to Comment ORG1-232.)</p>
ORG1-209	<p>The final “significant and unavoidable” traffic impact cited by TJKM is TRAF-15. That “Impact” relates to Cumulative Year 2030 plus Project conditions. The claim is that the addition of Project trips to Pleasant Hill Road would increase the peak hour direction Delay Index by more than</p>	<p>Please see responses to Comments ORG1-239, ORG1-245, ORG1-248, ORG1-249, and ORG1-250.</p>

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	<p>.05. Obviously, the TJKM conclusions regarding this “Impact” can only be reached using faulty traffic volume forecasts as well as inaccurate base data and by ignoring both the effect of Project road improvements and the congestion created by application of the Gateway Constraint Policy.</p>	
ORG1-210	<p>None of the identified “significant and unavoidable” impacts attributed to Project traffic generation actually adds to existing traffic congestion. As noted in the study completed by the Project Traffic Engineer, the Project, as designed, actually relieves existing traffic congestion and pro-actively addresses the congestion which growth would engender without regard to the actual Project development. TJKM has concluded that the Project creates significant and unavoidable environmental traffic impacts only because it has ignored the existing congestion created by public policy and eliminated all aspects of the Project design which would alleviate that same congestion.</p> <p>The conclusions of the traffic engineers, as experts, cannot be reconciled because TJKM has simply ignored standard practices and principles of analysis to achieve a flawed - but politically favored - set of conclusions.</p>	<p>The comment serves as an introduction to the comments that follows. Please see responses to Comment ORG1-212 and ORG1-219.</p>
ORG1-211	<p><b>5. The Mitigation Measures Recommended By TJKM Are Largely Inappropriate and Are Unnecessary As They Pertain To Alleged Impacts Already Less Than Significant</b></p> <p>The remaining traffic impacts addressed in the TJKM Section of the DEIR have been mitigated to less than significant. The remainder of this Commentary will address a number of the recommended so-called mitigation measures. Additionally, a detailed analysis from the Project Traffic Engineer is enclosed as well.</p> <p>The following are the purported “mitigation” measures to which the Project applicant takes exception:</p>	<p>The comment serves as an introduction to the comments that follows. Please see responses to Comment ORG1-212 and ORG1-219.</p>
ORG1-212	<p>TRAF-2 and TRAF 10 both propose as a mitigation measure the installation of a traffic signal at the Brown A venue/Deer Hill Road intersection. There is no basis for such a requirement. The California Manual of Uniform Traffic Control Devices (MUTCD)2012 Edition</p>	<p>Please see responses to Comments ORG1-229 and ORG1-236.</p>

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	<p>requires that the degree of conflict between minor-street right-turn traffic with traffic on the major street should be considered in the determination of traffic counts used to justify installation of a traffic signal. In this case, there is minimal conflict such that the traffic counts used by TJKM to justify installation of a signal do not translate to the reality of a congested, poor level of service intersection. While it is understandable that the City might wish a signal paid by others to be added to its Capital Improvement Projects program (as noted in the DEIR), there is insufficient nexus to warrant this “mitigation measure” as a Project condition to approval.</p>	
ORG1-213	<p>TRAF-5 proposes either a widening of Deer Hill Road to accommodate a left turn lane or the prohibition of left turns from that road into the Project. The justification is the “potential” safety hazard of left turns. The EIR turning movement volumes do not support the need for a left turn lane based upon capacity; the Project satisfies sight distance requirements. “Potential” safety concerns offer no justification for the proposed mitigation measure.</p>	Please see response to Comment ORG1-234.
ORG1-214	<p>TRAF-6 proposes that the Project install advance detection equipment for the existing Opticom system for emergency vehicles. This measure is only justified by reference to the inaccurate peak hour traffic volume calculations made by TJKM without regard to (among other things) the Gateway Constraint Policy. This mitigation measure is not needed.</p>	Please see response to Comment ORG1-235.
ORG1-215	<p>TRAF-11 proposes that Project traffic exiting the west project driveway on Deer Hill Road be protected from perceived potential traffic hazards by means of a road widening to create a median refuge lane. This “mitigation measure” makes no sense in light of the acknowledgement within the same section of the DEIR that the intersection is projected to operate at acceptable levels even under cumulative conditions in 2030.</p>	Please see response to Comment ORG1-237.
ORG1-216	<p>TRAF-16 proposes as a mitigation measure to address Project impacts on BART parking the requirement that the Project provide a frequent interval, subsidized shuttle service for an indefinite period of time. Such a mitigation measure appears to be a disguised effort to adversely impact the economic viability of the Project; it clearly has no application to mitigation of a significant impact since the Project actually has no impact</p>	Please see response to Comment ORG1-251.

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	<p>whatsoever upon BART parking. Quite simply, there is already inadequate BART parking having nothing to do with the Project. By definition, something already inadequate cannot be deemed to be rendered even more inadequate. It must also be noted that the Downtown Specific Plan EIR concluded that a projected larger increase in BART ridership than that attributable to this Project was deemed to have no significant impact on BART parking. The Project is close to BART- or so it would seem based upon the DEIR concerns over pedestrians and bicycles addressed in TRAF-18 through 22 - such that this “significant” impact should have been further discounted and discarded.</p>	
ORG1-217	<p>TRAF-17 proposes that the Project construct a loading and unloading area for school bus service to reduce traffic congestion at the Pleasant Hill Road/Deer Hill Road intersection. The DEIR, however, concludes that only approximately 13 additional riders would be generated by the Project. A similar impact on ridership with respect to the Downtown Lafayette Specific Plan EIR and local schools was found to be less than significant. There is no justification for requiring this type of “mitigation measure” for the instant Project when no similar requirement may be found in the EIR for the City’s own project.</p>	Please see response to Comment ORG1-252.
ORG1-218	<p>TRAF-20 proposes an alternative configuration for widening southbound Pleasant Hill Road which would not add the Project road improvement of a southbound through lane to the freeway on ramp. This “mitigation measure” has been proposed to avoid unacceptable weaving conflicts between bicycles and vehicle traffic. The identified impact addresses a problem that already exists irrespective of the Project. There is no significant weaving impact. However, and more to the point, the “impact” has nothing to do with the Project as it is an existing condition.</p>	Please see response to Comment ORG1-253.
ORG1-219	<p>TRAF-23 proposes the designation of major portions of the Project frontage on Pleasant Hill Road for passenger loading zone purposes. The “impact” to be mitigated appears to be the loss of existing curbside parking and passenger loading due to the Project plans for widening Pleasant Hill Road between Deer Hill and the freeway on ramp. This impact is deemed “significant” by TJKM because the elimination of parking “would result</p>	Please see response to Comment ORG1-254.

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	<p>in additional hazardous passenger loading activity at unsuitable locations”. The Project can hardly be responsible for driver decisions to engage in passenger loading and unloading at “unsuitable” locations. TJKM has frankly engaged in rank speculation in its stated supposition regarding driver activity and irresponsibility. Moreover, Acalanes High School has onsite passenger loading and unloading which is far more safe than any drop-off along Project frontage. With Project traffic improvements and the elimination of traffic congestion caused by the Gateway Constraint Policy, the more efficient flow of traffic would encourage use of the very safe on-site facilities in avoidance of the need to cross a busy Pleasant Hill Road in front of the Project to reach the school. If anything, this “impact” would have the effect of discouraging a relatively hazardous current loading zone in favor of other (and more safe) alternatives.</p>	
<p>ORG1-220</p>	<p><b>6. Conclusion</b>                      TJKM cannot sustain its conclusions that Project-generated traffic causes significant and unavoidable environmental impacts. There is not even any justification for those impacts it has designated as significant - but capable of mitigation to less than significant levels. The Project Traffic Engineer studied and analyzed eight separate intersections and several roadways as a part of a Traffic Impact Study. TJKM essentially directed all of its commentary and analysis to Pleasant Hill Road and to the Pleasant Hill Road/Deer Hill Road/Stanley Road intersection. TJKM demanded additional funding due to its increased scope of study and the need to use CORSIM as an instrument of analysis. The study conclusions of TJKM using CORSIM demonstrate a complete misunderstanding of the limitations of its use as an analytical instrument. It is now obvious - as argued by the Project applicant - that there was no justification for the additional costs attributable to the revised scope of Project study demanded by both the City and TJKM related to the use of traffic simulation.</p> <p>The entire Traffic and Transportation Section of the DEIR is flawed due</p>	<p>The comment serves as a concluding remark to the comments above. Please see responses to Comments ORG1-212 to ORG1-219.</p>

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	<p>to a cavalier disregard by TJKM for accepted standards and practices applicable to this type of study. The FEIR must incorporate all of the Project Traffic Engineer comments as set forth herein and by separate letter to correct the multiple inaccuracies of the TJKM study contained in the DEIR. Only then might the EIR be deemed a document sufficient to objectively advise the public and decision makers of the dearth of environmental impacts related to Project-generated traffic.</p>	
ORG1-221	<p>The purpose of this letter is to summarize the results of our overall review and traffic analysis conducted on the Terraces of Lafayette Environmental Impact Report (EIR). Please note that this review also included the supporting Traffic Impact Study (Traffic Study) prepared by TJKM Transportation Consultants for the EIR. Other portions of the EIR have also been reviewed such as the project description and traffic data included in the appendices.</p> <p>The Traffic Study conducted by TJKM and the Transportation and Traffic Section of the DEIR are riddled with inaccuracies related to the technical analysis of traffic operations of all kinds and the inaccurate applications of objective standards used as a matter of custom and practice by traffic engineers. The problems of analysis have led to erroneous conclusions regarding Project-related traffic impacts and the environment. The balance of this letter report identifies the specific problems which exist with respect to each of the alleged significant environmental impacts the DEIR claims to exist due to the planned development and construction of the The Terraces of Lafayette Project.</p>	<p>The comment serves as an introduction to the comments that follow. Please see responses to Comments ORG1-222 through ORG1-254 below.</p>
ORG1-222	<p><b>Traffic and Circulation Issues</b>  <i>(1) Impact TRAF-1 specifies that under Existing plus Project conditions, the project would have a significant unavoidable impact at the Deer Hill Road - Stanley Blvd/Pleasant Hill Road Intersection. This conclusion is incorrect and is based on a flawed analysis of the traffic operations.</i> The EIR's level-of-service traffic analysis at this intersection includes numerous serious flaws that result in significant overestimation of the traffic congestion at this location. The primary flaws are the erroneous traffic volumes, the</p>	<p>The comment suggests that the finding of Impact TRAF-1 under Existing plus Project conditions at the Deer Hill Road-Stanley Boulevard/Pleasant Hill Road intersection is incorrect because of flawed analysis that significantly overestimates traffic congestion. The specific technical issues raised by this comment are addressed in responses to Comments ORG1-223 regarding traffic counts, ORG1-224 regarding peak hour factors, and ORG1-225 regarding signal timing assumptions.</p>

Comment #	Comment	Response
ORG1-223	<p>incorrect use of peak hour factors (PHF), and the incorrect signal timing assumptions.</p> <p><i>Erroneous Traffic Volumes Were Used in the EIR's Analysis</i> - Page 20 of the Traffic Study specifies that the existing conditions analysis was based on traffic counts conducted December 1, 2011 (see Table II- Dates of Peak Period Intersection Counts). It is quite clear that the analysis of this critical intersection should not have been based on counts from a single day when other counts were readily available. This is especially true given the fact that this one set of counts was taken on a day that clearly had unusual traffic patterns.</p> <p>Additional traffic counts were available to TJKM from the recent traffic study of the project and the DEIR should have used the average of multiple traffic counts as the basis for the LOS calculations. The single day of traffic counts that were used to make conclusions about project impacts at this locations were not at all representative of normal conditions.</p> <p>The date the EIR's traffic counts were taken for the intersection in question was Thursday, December 1, 2011. Thanksgiving Day was exactly one week prior to this day (Thursday, November 24, 2011). The use of this traffic count raises many concerns given that it was taken less than a week after Black Friday, which is well known to be the busiest shopping day of the year (at least it has been since 2005). In addition, it is a well-known fact that December traffic counts (on roads such as those in the study area) can be as much as 5% to 10% higher than average. This is well documented by the Federal Highway Administration and is supported by data in various standard traffic engineering references.</p> <p>What is also a concern is that fact that there were special events at the high school (Acalanes High School) that is directly adjacent to the intersection in question. The events on the day of the counts apparently affected the resulting volumes but this was not reported in the traffic study</p>	<p>The comment suggests that erroneous traffic volumes were used to analyze the Deer Hill Road-Stanley Blvd./Pleasant Hill Road intersection, based on three claims:</p> <ul style="list-style-type: none"> <li>◆ Counts from a single day were used, where an average including other available counts should have been used.</li> <li>◆ The December 1, 2011 counts that were used may be higher than average because of seasonal factors.</li> <li>◆ Events on the count date at the adjacent Acalanes High School resulted in abnormally high volumes.</li> </ul> <p>Please note that the finding of Impact TRAF-1 at the Deer Hill Road-Stanley Boulevard/Pleasant Hill Road intersection is based on the delay that Project traffic would add to the Existing extreme LOS F conditions during the morning, or a.m. peak hour. No significant delay impacts at this intersection were determined for the school dismissal p.m. or commute p.m. peak hours. As to the specific claims regarding counts:</p> <ol style="list-style-type: none"> <li>1. The total intersection volume from the a.m. peak hour count used in the Draft EIR is only nine percent higher than the May 19, 2011 count that was available at this intersection from the traffic study of the Project prepared by Abrams Associates. If the two counts were averaged as suggested in the comment, the intersection volumes used in the Draft EIR LOS analysis would be decreased by less than five percent, which would still result in LOS F and would not reduce the Draft EIR finding of a nine-second delay increase to less than the five-second threshold for a significant impact. Additionally, use of the most recently conducted, representative single-day counts for traffic impact studies is standard traffic engineering practice, and single-day counts were also used in the traffic study for the Project prepared by Abrams Associates.</li> <li>2. The suggestion that traffic volumes at the subject intersection a full week after Thanksgiving Day and nearly a week after the "Black Friday" shopping day are not representative of typical traffic conditions is not supported by any evidence. On December 1, 2011, the Thursday after Thanksgiving, schools including</li> </ol>

Comment #	Comment	Response
	<p>or EIR. The Acalanes High School website (<a href="http://www.acalanes.k12.ca.us/ahs">http://www.acalanes.k12.ca.us/ahs</a>) has an easily accessible event calendar and athletics calendar available to check the events on any given day. As seen on this calendar, On December 1, 2011 at 6:30PM there was a Boys Soccer tournament at the school against Antioch High School. There was also a Parents Education Night Program called “Start Smart Driving” that evening that started at 5:45 PM. In summary, there is an abundance of available traffic count data and other evidence that proves the December 1, 2011 counts used in the traffic study were abnormally high and resulted in the incorrect identification of significant project impacts in the EIR.</p>	<p>adjacent Acalanes High School were in normal session, and the vast majority of drivers had resumed their normal commute patterns near the end of this full 5-day work week following the holiday. No correlation between Black Friday retail activity and a.m. peak hour traffic volumes nearly a week later at the subject Pleasant Hill Road intersection can be established. The Federal Highway Administration and other sources referenced in the comment provide data showing higher than average vehicle-miles traveled (VMT) and <u>daily</u> traffic volumes for December, based on averages over the entire month. The higher VMT and daily volumes are mostly related to holiday vacation travel and shopping trips, which increase substantially toward the latter half of December. Shopping trips typically increase traffic volumes during mid-day and p.m. periods, and not during the a.m. peak hour. These effects would be negligible on the first day of December during the a.m. peak hour at the subject intersection.</p>
<p>3.</p>	<p>The events at Acalanes High School cited in the comment both occurred in the evening on the date of the counts, and would not affect the a.m. peak hour traffic volumes and delay conditions that are the basis of the impact finding at the subject intersection. Although no impact was identified for the p.m. peak hour at the intersection, the 6:30 p.m. event cited in the comment would have negligible effect on the p.m. peak hour traffic volume, which occurs from 4:45 to 5:45 p.m. Events and activities similar to those cited in the comment occur on many days during the school year, so they should not be considered abnormally high, because they are representative of fairly typical conditions.</p>	<p>3. The events at Acalanes High School cited in the comment both occurred in the evening on the date of the counts, and would not affect the a.m. peak hour traffic volumes and delay conditions that are the basis of the impact finding at the subject intersection. Although no impact was identified for the p.m. peak hour at the intersection, the 6:30 p.m. event cited in the comment would have negligible effect on the p.m. peak hour traffic volume, which occurs from 4:45 to 5:45 p.m. Events and activities similar to those cited in the comment occur on many days during the school year, so they should not be considered abnormally high, because they are representative of fairly typical conditions.</p>
<p>ORG1-224</p>	<p><i>Erroneous Peak Hour Factors Were Used in the EIR’s Analysis-</i> The peak hour factors (PHF) are variables that are built into the Synchro LOS calculations used as the basis for the EIR’s analysis of impacts to traffic operations (i.e. LOS). The default value in Synchro is 0.92 but the program does give the analyst the ability to adjust these factors (which can cause significant changes to the results). In the traffic study for the EIR the analyst elected to manually substitute some very unusual peak hour factors for the default values.</p> <p>The PHF is used to adjust the traffic count volumes based on how the</p>	<p>The use of the actual peak hour factors (PHF) observed from traffic counts in the Draft EIR analysis, rather than using estimated or default values, is standard traffic engineering practice for analysis of near-term conditions, such as the Existing and Existing plus Project analyses. The PHFs for intersections adjacent to large schools, e.g. the subject intersection’s proximity to Acalanes High School, are frequently observed to have low values such as those used in the Draft EIR analysis, because most of the school traffic is focused within a 15 to 20 minute period. Use of these actual peak hour factors in the LOS analysis model is critical to achieve results that accurately reflect the existing delays and queue lengths at an intersection during that peak period. The Draft EIR LOS analysis results</p>

**Comment # Comment**

peak 15 minutes of traffic compares to the total peak hour. In other words, it increases the hourly volumes used in the analysis to represent the characteristics of the peak 15 minutes of traffic. The Synchro 7 User's Guide specifies that the hourly counts are adjusted by dividing them by the PHF. The Synchro User's Guide specifies a suggested range of suggested PHF values and the absolute lowest is 0.78. Some of the PHF's used in the EIR's Synchro were set to as low as 0.54 and the analyst appeared to selectively choose PHF factors for different approaches (when typically just one PHF is used for the entire intersection.) Again, all of these unusual PHF adjustments were made on the basis of just one traffic count of questionable value (as described previously).

The EIR's analysis of intersection traffic impacts (using Synchro software) is based on the methodology set forth in the 2000 Highway Capacity Manual (HCM). The HCM states "For congested conditions 0.92 is a reasonable approximation for PHF." and that if "a recognizable peak does occur, 0.88 is a reasonable estimate for the PHF." As per the above mentioned methodology for applying the PHF (i.e. dividing the hourly volumes by the PHF) a PHF of 0.92 or 0.88 would result in increases to the analysis traffic volumes of 8% or 14%, respectively. The LOS analysis used to justify the conclusions in the EIR used peak hour factors as low as 0.54 (which equates to an increase of over 85% to the volumes used in the EIR's LOS analysis). This clearly has a dramatic effect on the analysis volumes and results of the study and is not supported by the facts. During multiple recent traffic counts Abrams Associates has conducted at the intersection there all the peak hour factors recorded have been significantly higher than those used in the EIR. Clearly multiple traffic counts showing these same factors would be required before there would be sufficient justification (from statistical accuracy standpoint) for the use of such extreme peak hour factors.

It must be acknowledged that local data can be used to adjust the PHF factors. However, the use of assumptions so far outside of standard traffic

**Response**

accurately reflect observed peak hour traffic conditions at the subject intersection.

The use of observed PHFs that are different for each intersection approach in the Draft EIR analysis is not unusual in standard traffic engineering practice for analysis of near-term conditions. The addition of Project traffic to the subject intersection could increase the a.m. PHF by a small amount, but would still result in LOS F and would not reduce the Draft EIR finding of a nine-second delay increase to less than the five-second threshold for a significant impact.

Comment #	Comment	Response
	<p>engineering practice would need to be based on statistically significant results. In addition, it is completely erroneous for these same peak hour factors to be applied to project traffic in the planning analysis conducted for existing plus project LOS analysis. The EIR presents no evidence to indicate the project traffic would have such extreme peaking characteristics and it clearly should be closer to the HCM methodology's default value of 0.92. In other words, the project traffic volumes should only have been be increased by 8% due to the peak hour factor instead of being increased by 85% (which was the increase applied to project traffic on certain movements in the EIR analysis).</p>	
ORG1-225	<p><b>Erroneous Traffic Signal Timing Assumptions Were Used in the EIR's Analysis</b> - With respect to traffic signal timing, it should first be noted that we would request the traffic consultant provide the Synchro files that were used in the analysis. Without these files there is no way to examine and review the traffic signal timing assumptions used in the analysis. However, by replicating the Synchro analysis (using the same assumptions as the EIR) we were able to determine that the existing plus project analysis was generally based on the intersection's existing traffic signal timing.</p> <p>While on the surface this might seem appropriate it is extremely important to point out that this existing signal timing is specifically designed to restrict capacity (i.e. cause congestion) on Pleasant Hill Road. In other words, the intersection could operate much more efficiently at a better LOS (and with less overall delay) by simply making some adjustments to the traffic signal timing. However, the City of Lafayette and the CCTA openly elect not to allow any optimization and purposely set the signal timing to create congestion and constrain the capacity on Pleasant Hill Road. Therefore, the artificially created congestion that results from the poor signal timing at this intersection is, by definition, already using up the remaining capacity at this location. The Lamorinda Action Plan</p>	<p>The existing traffic signal timing at the subject intersection was used in the Existing plus Project analysis, confirming the conclusion in the first paragraph of the comment. According to City Engineering Services staff, the traffic signal timing is currently optimized, which means it is designed to maximize traffic flow efficiency within the geometric (roadway width and alignment, number and configuration of lanes, etc.) and operational (conflicting traffic volumes, pedestrian crossing and waiting times, etc.) constraints of the intersection. Because it is already optimized, adjustments to the traffic signal timing within acceptable operational parameters would not improve the Existing plus Project LOS or reduce the Draft EIR finding of a nine-second delay increase to less than the five-second threshold for a significant impact.</p> <p>The use of existing traffic signal timing to analyze traffic conditions for near-term scenarios, such as the Existing plus Project conditions in the Draft EIR, is not unusual under standard traffic engineering practice for traffic impact studies. This is especially true when: the existing signal timing is already optimized; adjustments to such timing would be detrimental to other operational parameters (e.g. pedestrian crossing and waiting times); and/or, no physical changes to the intersection that could alter traffic flow capacity are expected, which is the assumed base condition for the Draft EIR Existing plus Project analysis. Under Cumulative Year 2030 conditions, the Draft EIR finds that the Project's impact on LOS at the subject intersection would be less than significant.</p>

Comment #	Comment	Response
	<p>Update clearly describes the constraint mechanisms that currently exist as a result of the City’s adopted “Gateway Constraint Policy”. Since the traffic signal timing used in the EIR is clearly based on a policy intended to increase congestion, this same constrained signal timing cannot be used as a basis to conclude the exact same result as the City’s policy (increased congestion) from the project will cause significant congestion (i.e. LOS) impacts. Any significant impacts based on the constrained signal timing must be removed from the EIR due to these conflicting policies.</p>	<p>The use of traffic signal timing to meter traffic flow on Pleasant Hill Road, as described in the Gateway Constraint Policy of the Lamorinda Action Plan Update, has not been implemented. Before such metered traffic signal timing can be implemented, the location and details of the constraint are to be defined in a traffic management plan developed jointly with TRANSPAC (the Central County’s Regional Transportation Planning Committee), per page 25 of the Lamorinda Action Plan Update. The Traffic Management Strategies section on pages 25 to 26 of the Lamorinda Action Plan Update further specifies studies to be conducted before implementing metered signal timing, and requires that such strategies “shall be determined only by a vote of locally elected officials” at a noticed public hearing. Environmental review of the traffic management plan would also be required.</p> <p>Summary Synchro files have been provided in Appendix J of this Final EIR, at the request of the commentor.</p>
ORG1-226	<p>(2) Impact TRAF-1 specifies that under Existing plus Project conditions, the proposed mitigation (a third southbound through lane on Pleasant Hill Road) would conflict with the “Gateway Constraint Policy” resulting in a significant secondary impact. The EIR’s conclusions about problems with the additional lane on Pleasant Hill Road are incorrect and are based on a flawed analysis of traffic operations and the applicable standards.</p>	<p>Please see response to Comment ORG1-228.</p>
ORG1-227	<p><b>The EIR Included Erroneous Conclusions About Impacts Associated with the Proposed Additional Southbound Through Lane on Pleasant Hill Road Based on a Flawed Analysis</b> - The conclusions about significant secondary operational and weaving impacts were based on a flawed analysis of the LOS (as described in Section 1 of this letter) and a flawed weaving analysis (as described in Section 4 of this letter). As a result, the conclusion that the southbound through lane would have a significant impact on the Gateway Constraint Policy is erroneous and must be removed from the EIR.</p>	<p>Pages 4.13-36 through 4.13-40 of the Draft EIR discuss the proposed mitigation of an additional southbound through lane on Pleasant Hill Road, and its significant secondary impacts. None of the significant secondary impacts identified in the Draft EIR for this proposed mitigation are based on the LOS analysis. The Draft EIR states that with the additional southbound lane, the LOS analysis shows the delay increase with Project traffic would result in a less-than-significant impact on operations at the subject intersection. The comment refers to flawed LOS analysis “as described in Section 1 of this letter,” which corresponds to Comments ORG1-222 through ORG1-225; see responses to those comments.</p> <p>See responses to Comments ORG1-230 through ORG1-232 regarding the weaving analysis. Revised significance thresholds for the average speed decrease on a</p>

**Comment # Comment**

**Response**

weaving segment that are used to determine a hazard impact are described in the response to Comment ORG1-232. Based on these revised thresholds, the additional southbound through lane on Pleasant Hill Road would reduce the average speed on the weaving segment by an amount that is not considered to cause an unacceptable weaving condition that would substantially increase hazards, and would not result in a significant secondary impact related to weaving of motorized vehicle traffic. However, this does not change the other findings of significant secondary impacts for the proposed southbound through lane, including unacceptable weaving conflicts with vehicle traffic for the planned southbound bike lane on Pleasant Hill Road, and the proposed additional southbound lane is still considered not feasible.

See response to Comment ORG1-228 regarding significant secondary impacts related to the Gateway Constraint Policy.

ORG1-228 **The EIR Includes Erroneous Conclusions About Policy Impacts Associated with the Proposed Additional Southbound Through Lane on Pleasant Hill Road** - The policies set forth in the adopted Lamorinda Action Plan Update (Action Plan) clearly prove that the proposed mitigation (an additional southbound through lane on Pleasant Hill Road) would not preclude the use of any of the specified constraint mechanisms that currently exist as a result of the City’s adopted “Gateway Constraint Policy”. This policy is intended to limit the maximum amount of traffic that can use Pleasant Hill Road during peak periods and the Action Plan specifies it is intended to: “Maintain capacity constraints at selected gateways with the intent of preserving and improving mobility on regional routes within Lamorinda.” The Action Plan goes on to state that the “policy sets maximum lane widths for SR 24 inbound gateways, and similarly, identifies limits on the number of lanes for arterials such as Pleasant Hill Road”. The EIR fails to identify the fact that the gateway capacity would still remain two lanes throughout the rest of the area and, in particular, at the primary constraint location on Pleasant Hill Road (the Lafayette City Limits).

The comment correctly states that the additional southbound lane would not preclude the use of other policy-specified constraint mechanisms: active constraints, such as traffic signal timing; and passive constraints, such as maintaining the other remaining two-lane sections of Pleasant Hill Road. However, as quoted in the comment, the policy also states, “Maintain capacity constraints at selected gateways...,” and the “policy...identifies limits on the number of lanes for arterials such as Pleasant Hill Road...” The following additional policy statements for Pleasant Hill Road were not mentioned in the comment: “The two southbound through lanes on Pleasant Hill Road – Taylor Boulevard are proposed as a gateway constraint.” “Pleasant Hill Road is two lanes in each direction from its merge with Taylor Boulevard south to [State Highway 24] with additional turn lanes at most intersections.” The policy also states that each of the signalized intersections has left- and right-turn lanes on Pleasant Hill Road. This thorough accounting of the existing lane configurations as part of the policy statement clearly suggests the Policy’s intent to “maintain capacity constraints” by identifying these “limits on the number of lanes” on the entire section of Pleasant Hill Road between Taylor Boulevard and State Highway 24, including the area of the proposed additional southbound lane.

Comment #	Comment	Response
	<p>Widening southbound Pleasant Hill Road in the vicinity of the proposed project does absolutely nothing at all that would prevent the City from continuing to implement and enforce the Gateway Constraint Policy. Pleasant Hill Road would continue to have only two lanes in each direction through three other congested traffic signals directly north of the project area. Nothing associated with the proposed additional southbound lane would preclude or restrict the City from using the traffic signal timing and the two-lane section of Pleasant Hill Road to achieve the desired capacity constraints.</p> <p>It is important to note that the Lamorinda Action Plan update actually specifies that on Pleasant Hill Road the “capacity is determined primarily by the timing of signals at the four major intersections and how much green time is given to Pleasant Hill Road.” This document clearly proves that constructing an additional lane to improve traffic operations near the freeway would in no way preclude the City from using the existing traffic signals to implement the Gateway Constraint Policy. In summary, while the Lamorinda Action Plan does discuss physical characteristics it also clearly states that “the timing of signals can also act as a metering point.” As a result, the conclusion that the southbound through lane would have a significant impact on the Gateway Constraint Policy is erroneous and must be removed from the EIR.</p>	<p>The comment states that the “gateway capacity would still remain at two lanes throughout the rest of the area and, in particular, at the primary constraint location on Pleasant Hill Road (the Lafayette City Limits).” This suggests that the primary capacity constraint is the continuous flow, two-lane section of Pleasant Hill Road near its merge with Taylor Boulevard. However, it is standard traffic engineering knowledge that for roadway segments with traffic-controlled (signal or stop sign) intersections, the capacity of such controlled intersections, rather than the capacity and number of through lanes between intersections, is the primary determinant of roadway capacity. The Draft EIR traffic analysis and field observations of traffic flow conditions on Pleasant Hill Road clearly demonstrate that the primary capacity constraint between Taylor Boulevard and State Highway 24 is the intersection with Deer Hill Road – Stanley Boulevard. Because the traffic signal timing at this intersection is already optimized for traffic flow efficiency, the existing number of lanes at this intersection is the primary capacity constraint.</p> <p>The comment quotes from the following policy statement: “On Pleasant Hill Road southbound during the AM peak period, capacity is determined primarily by the timing of signals at the four major intersections and how much green time is given to Pleasant Hill Road.” However, because the traffic signal timing at these intersections is already optimized for traffic flow efficiency, the existing number of lanes is the primary capacity constraint.</p> <p>The response above confirms that the Draft EIR correctly concludes that the proposed additional southbound lane would conflict with the Gateway Constraint Policy of the Lamorinda Action Plan, resulting in a significant secondary impact.</p>
ORG1-229	<p>(3) Impact TRAF-2 specifies that at the intersection of Deer Hill Road with Brown Avenue conditions a traffic signal will be warranted under both Existing and Existing plus Project conditions and required as a project mitigation. This conclusion is incorrect and is based on a flawed review of the applicable traffic signal warrants.</p> <p><b>The EIR Includes Erroneous Conclusions About The Traffic Signal Warrants at the Intersection of Deer Hill Road with Brown Avenue -</b></p>	<p>Comment suggests that the finding of Impact TRAF-2 (as numbered in the Draft EIR) that a traffic signal is warranted and required as mitigation at the Deer Hill Road/ Brown Avenue intersection under both Existing and Existing plus Project conditions is based on a flawed review of traffic signal warrants.</p> <p>The comment states that at the subject intersection, the majority of the side street traffic turns right with very little delay, which should be accounted for in the signal warrant analysis as described in the <i>California Manual of Uniform Traffic</i></p>

Comment #	Comment	Response
	<p>The analysis of the traffic signal warrants was improperly conducted and clearly failed to follow the guidance established by Caltrans for situations exactly like the one at the intersection of Deer Hill Road with Brown A venue. At this intersection the majority of the side street traffic turns right with very little delay. This must be accounted for in the analysis of the peak hour traffic signal warrant as specified in the California Manual of Uniform Traffic Control Devices (MUTCD) 2012 Edition. This document is standard practice in California and specifies the following: “Engineering judgment should also be used in applying various traffic signal warrants to cases where approaches consist of one lane plus one left-turn or right-turn lane.” It then goes on to specify exactly how a situation such as the one at the Brown A venue intersection should be handled: “Engineering judgment and rationale should be applied to a street approach with one through/left-turn lane plus a right-turn lane. In this case, the degree of conflict of minor-street right-turn traffic with traffic on the major street should be considered. Thus, right-turn traffic should not be included in the minor-street volume if the movement enters the major street with minimal conflict.” It has been confirmed during field observations and traffic counts that the right turn traffic on the minor approaches definitely does enter Deer Hill Road with “minimal conflict”. Once the right turn volume is properly deducted from the warrant calculations the intersection clearly doesn’t meet the established MUTCD warrants and therefore the project would not have any significant impacts at this location. As a result, this impact and the resulting traffic signal mitigation must be removed from the EIR.</p>	<p><i>Control Devices, 2012 Edition (MUTCD)</i>. The comment includes excerpts from the MUTCD regarding the applicable guidance. Based on the a.m. and p.m. peak hour traffic counts and LOS analysis for this intersection presented in the Draft EIR, right turns from northbound Brown Avenue encounter only minor delay, and they represent the majority of northbound traffic during the p.m. peak hour but not during the a.m. peak hour. Right turns from the southbound approach encounter significant delay, largely because they share a single lane with left turns and through traffic, unlike the northbound approach which has a separate lane for right turns.</p> <p>TJKM has reviewed the MUTCD peak hour traffic signal warrant analysis for the subject intersection with the right-turn volume deducted from the northbound approach volume as suggested by the comment, based on Existing plus Project volumes. The northbound approach is evaluated as a one-lane approach with only the traffic volume in the through/left-turn lane considered, per the guidance described in the MUTCD. Because the speed limit on Deer Hill Road is 45 miles per hour, the applicable peak hour warrant is depicted by the curves in Figure 4C-4 of the MUTCD, and shown as Appendix J4 of this Final EIR, which applies for speeds above 40 miles per hour on the major street. For the a.m. peak hour, the plotted point representing the total volume of 1,155 vehicles on Deer Hill Road and the northbound Brown Avenue left-turn and through volume of 97 vehicles falls above the curves in Figure 4C-4 for one lane on the minor street approach, which meets the warrant. For the p.m. peak hour, the plotted point representing the total volume of 1,222 vehicles on Deer Hill Road and the single-lane southbound approach volume of 92 vehicles falls above the curves in Figure 4C-4 (see Appendix J4) for one lane on the minor street approach, which meets the warrant.</p>
ORG1-230	(4) Impact TRAF-3 specifies that the project would reduce the average PM peak hour speed on northbound Pleasant Hill Road by less than one mile per hour and then erroneously concludes this is a significant impact.	<p>The response above confirms the Draft EIR finding of a significant impact requiring a fair share contribution to installation of a traffic signal as mitigation.</p> <p>Comment suggests that the finding of Impact TRAF-3 (as numbered in the Draft EIR) based on the Project reducing average p.m. peak hour speed on northbound Pleasant Hill Road by less than one mile per hour is incorrect because of flawed</p>

Comment #	Comment	Response														
	<p>This conclusion is incorrect and is based on a flawed weaving analysis and incorrect application of undocumented significance criteria.</p>	<p>weaving analysis and incorrect application of significance criteria. The specific technical issues raised by this comment are addressed in Comments ORG1-231 and ORG1-232 below.</p>														
ORG1-231	<p><b>The EIR Includes Erroneous Conclusions On Weaving Impacts Due to the Inappropriate Application of a CORSIM model</b> - The use of a CORSIM simulation to conduct a weaving analysis is not justified and clearly holds this project to a higher standard than any other projects in Lafayette. For the EIR to use a CORSIM analysis to conclude that an increase of 0.8 mph is a significant impact misrepresents what a CORSIM model can be used for and ignores its limitations (as far as accuracy goes).</p> <p>The CORSIM User’s Guide makes it clear that there significant limitations to the accuracy of a CORSIM model and specifies that: “CORSIM is a stochastic model, which means that random numbers are assigned to driver and vehicle characteristics and to decision making processes. The MOEs that are obtained from a simulation are the result of a specific set of random number seeds.” In other words, CORSIM is a program where the user conducts multiple simulations until desired accuracy is achieved for existing conditions.</p> <p>In this case, the EIR does not include any of the technical reports that must accompany any CORSIM evaluations used as the basis for environmental review. This technical report would specify the desired or “tolerable” error as well as the actual “sampling error” associated with the simulation. However, it is important to note that small variations in the volumes can result in even larger variations in the output speeds. CORSIM evaluations are considered “calibrated” if the simulation output volumes are within 10% of existing volumes but the output speeds are considered “calibrated” if they are merely within 20% of the existing speeds. According to the CORSIM training manual: “When the simulated speed are within 20% of the estimated detector station speeds, the speeds are considered acceptable.” In other words, using a CORSIM simulation</p>	<p>The comment suggests that the finding of impacts due to weaving conditions was based on incorrect application of the CORSIM model.</p> <p>The comment cites several general statements from various CORSIM user guides and training materials regarding the accuracy of the model. The CORSIM model developed for the Draft EIR analysis achieved very accurate speed calibration results and relatively minor variation in speeds among the multiple simulation runs produced for each individual scenario. The CORSIM results for Existing speeds were within approximately five percent of the actual speeds observed during travel time runs on Pleasant Hill Road. The variations in speeds among the multiple simulation runs for each scenario were no greater than the values for the various ranges of speed results shown in the following table:</p> <p>TABLE 5-2 <i>SPEED VARIATIONS IN CORSIM RESULTS</i></p> <table border="1" data-bbox="1102 860 2041 1185"> <thead> <tr> <th>Speed Range (mph)</th> <th>Speed Variation (mph)</th> </tr> </thead> <tbody> <tr> <td>0 – 5.0</td> <td>0.5</td> </tr> <tr> <td>5.1 – 10.0</td> <td>1.5</td> </tr> <tr> <td>10.1 – 15.0</td> <td>2.0</td> </tr> <tr> <td>15.1 – 20.0</td> <td>2.5</td> </tr> <tr> <td>20.1 – 25.0</td> <td>3.0</td> </tr> <tr> <td>25.1 – 30.0</td> <td>4.0</td> </tr> </tbody> </table> <p>Note: mph = miles per hour                      Source: TJKM, 2012.</p> <p>The comments regarding the guidelines for acceptable calibration tolerances of CORSIM simulation output volumes and speeds to model those observed in the field are not directly applicable to the accuracy and validity of simulation outputs for different traffic scenarios that are compared with each other to estimate</p>	Speed Range (mph)	Speed Variation (mph)	0 – 5.0	0.5	5.1 – 10.0	1.5	10.1 – 15.0	2.0	15.1 – 20.0	2.5	20.1 – 25.0	3.0	25.1 – 30.0	4.0
Speed Range (mph)	Speed Variation (mph)															
0 – 5.0	0.5															
5.1 – 10.0	1.5															
10.1 – 15.0	2.0															
15.1 – 20.0	2.5															
20.1 – 25.0	3.0															
25.1 – 30.0	4.0															

**Comment # Comment**

to make conclusions about impacts due to speed changes of less than one mile per hour is an inappropriate use of the model is clearly well beyond the level of accuracy that a CORSIM model can be expected to provide.

It is also important to note page 4.13-108 of the EIR notes that: “These increases are within the range of typical daily fluctuations in traffic volumes, which can vary by 5 to 10 percent from day-to-day.” In addition, the Traffic Analysis Toolbox Volume IV: Guidelines for Applying CORSIM Microsimulation Modeling Software includes a similar statement noting that the “counts typically vary by 10 percent or more on a daily basis “. In summary, all available evidence clearly indicates that the use of a CORSIM model to measure changes in speeds of less than one mile per hour ignores the limitations of a CORSIM model and the traffic counts it is based on. Clearly the traffic counts can easily vary by as much as 10 percent and the CORSIM simulation speeds and volumes are normally considered “acceptable” and calibrated if they are merely within 10 to 20 percent of the existing conditions. In addition, the Caltrans Highway Design Manual states that only the “Leisch” and “LOS D” methods are to be used to analyze weaving capacity. The manual is very clear in stating that: “Weaving Capacity analyses other than those described above should not be used” and that other methods “may not always produce accurate results”.

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changes in average speed resulting from different conditions, which was the Draft EIR methodology. However, the maximum speed variations among multiple simulation runs for each scenario that are shown in the preceding table suggest that the 10 percent speed reduction threshold for a significant impact applied in the Draft EIR should be replaced by thresholds consistent with the speed variations and ranges shown in the table. These speed variations all represent changes of 10 percent or greater in average speed, which match or exceed the percentage changes represented in the significance thresholds for additional delay (five seconds) at intersections with unacceptable LOS (over 45 seconds delay) and for increase in the Delay Index (0.05 for Delay Index over 2.0). By representing changes of 10 percent or greater, these speed variations also exceed typical day-to-day fluctuations in traffic volumes of five to ten percent, and thereby represent significant reductions in average speed, which drivers are likely to perceive. Revised speed reduction thresholds that are considered to cause an unacceptable weaving condition that would substantially increase hazards and result in a significant impact are defined in response to Comment ORG1-232.

Regarding comments related to the Caltrans *Highway Design Manual* (HDM), the guidance for Weaving Sections (Index 504.7) is intended solely for use on freeway facilities, and does not apply to surface arterials such as Pleasant Hill Road. The first sentence of this HDM guidance states: “A weaving section is a length of one-way roadway where vehicles are crossing paths, changing lanes, or merging with through traffic as they enter or exit a freeway or collector-distributor road.” Regarding the “Leisch method,” the HDM states that it “...may be used to determine the length of weaving sections for both freeways and collector-distributor roads.” The “LOS D” method is from the 1965 edition of the *Highway Capacity Manual* (Transportation Research Board), which has been updated significantly in several subsequent editions over the past 47 years. The HDM guidance for the LOS D method includes a statement that traffic volumes “...should be adjusted for freeway grade and truck volumes.” The complete sentence in the HDM from which the comment quotes reads: “Weaving capacity analyses other than those described above should not be used on California highways,” a reference to State highways, which Pleasant Hill Road is not.

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ORG1-232	<p><b>The EIR Includes Erroneous Conclusions About Impacts Based on Undocumented Significance Criteria for Travel Speeds in Weaving Areas</b> - The use of a CORSIM simulation to conduct a weaving analysis is not justified and clearly holds this project to The other problem with the analysis of weaving impact is the lack of documentation or a source for the unusual criteria that on page 4.13-25 of the EIR it states that an impact is considered significant if it causes “unacceptable weaving conditions such as decreasing average speed by 10 percent or more on the weaving segment.” This appears to be an arbitrary standard and, to the best of our knowledge, it has not been adopted by the City of Lafayette, Contra Costa County, or Caltrans. In addition, this arbitrary standard clearly doesn’t make any sense when applied to the volatile, heavily congested conditions on Pleasant Hill Road. On this roadway a 10 percent increase to the low travel speeds can mean that a project increase of less than a one mile per hour would be considered a significant impact.</p> <p>For all of the above reasons it is clear that the level of accuracy provided by a CORSIM analysis cannot be used to make conclusions about project impacts involving project changes to the travel speeds of as little as 0.8 miles per hour. As a result, Impact TRAF-3 must be removed from the EIR. In addition, the resulting conclusion that the northbound left-turn movement into the project must be prohibited (and the resulting secondary impacts) must also be deleted from EIR.</p>	<p>The comment suggests that the finding of impacts due to weaving conditions was based on undocumented significance criteria for travel speeds in weaving areas.</p> <p>The proposed Project driveway configuration with left turns from northbound Pleasant Hill Road would clearly create a weaving segment, where vehicles would cross paths with through traffic, between the free-flow off-ramp from westbound State Highway 24 and the proposed Project driveway. If the additional southbound lane were constructed on Pleasant Hill Road as shown on the Project plans, a weaving segment would also result for southbound traffic between the driveway and the free-flow on-ramp to westbound State Highway 24.</p> <p>As described in the response to Comment ORG1-231, the standard weaving segment analysis methodologies apply to freeways, and not to surface arterials with lower speeds than freeways and nearby signalized intersections upstream and downstream of the segment such as Pleasant Hill Road. For this reason, the Draft EIR used the CORSIM simulation model to analyze traffic conditions on the potential weaving sections. However, unlike the freeway weaving analysis methods that yield an LOS result, CORSIM yields segment speeds, which do not translate directly to specific LOS results for roadway segments with uninterrupted flow, according to <i>Highway Capacity Manual</i> (HCM) methodologies. LOS can be approximated based on segment speed by using the HCM criteria for urban street facilities with interrupted flow, but the results would be LOS F for all scenarios on the critical northbound Pleasant Hill Road weaving segment during the p.m. peak hour, based on speeds of less than five miles per hour. Lacking a documented precedent defining the criteria for an impact finding on a weaving segment with these limiting circumstances, the Draft EIR defined a significance threshold of a ten percent reduction in average speed that could reasonably be considered to cause a hazardous condition; this approach was reviewed and approved by City staff.</p> <p>Based on further review of the CORSIM simulation results, and reconsideration of the ten percent speed reduction threshold, particularly at speeds less than 10 miles per hour, as an indicator of a hazardous condition, the significance criteria has been revised. The revised criteria reflect the maximum variations in speeds among</p>

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the multiple simulation runs for each scenario at the various ranges of speed results, which are shown in Table 5-2 in response to Comment ORG1-231. As shown in that table, the numerical value of the variation in speed among simulation runs tends to increase at the higher speed result ranges. Additionally, a speed reduction of at least one mile per hour has been applied as the revised minimum threshold for a hazardous weaving condition at speeds of five miles per hour or less. The following table defines the revised speed reduction thresholds that are considered to cause an unacceptable weaving condition that would substantially increase hazards and result in a significant impact:

TABLE 5-3 *REVISED SPEED REDUCTION THRESHOLDS*

Speed Range (mph)	Speed Reduction Threshold (mph)
0 – 5.0	1.0
5.1 – 10.0	1.5
10.1 – 15.0	2.0
15.1 – 20.0	2.5
20.1 – 25.0	3.0
25.1 – 30.0	4.0

Note: mph = miles per hour  
 Source: TJKM, 2012.

Based on these revised speed reduction criteria, the Draft EIR has being revised as shown in Chapter 3 of this Final EIR. As shown in Chapter 3 of this Final EIR, Impacts TRAF-3 and TRAF-14 (as numbered in the Draft EIR) have been deleted and Impact TRAF-13 (as numbered in the Draft EIR), which was found in the Draft EIR to be significant and unavoidable, is now found to be less than significant after mitigation. The revised analysis reflects the following:

- ◆ Under Existing plus Project conditions, the reduction in average speed from 4.6 miles per hour to 3.8 miles per hour on northbound Pleasant Hill Road between the westbound SR 24 off-ramp and Acalanes Avenue during the p.m.

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peak hour would not be considered an unacceptable weaving condition that would substantially increase hazards, and the resulting impact would be less than significant. Therefore, Impact TRAF-3 (as numbered in the Draft EIR) has been deleted.

- ◆ Under Cumulative conditions, the reduction in average speed from 2.7 miles per hour to 2.4 miles per hour on northbound Pleasant Hill Road between the westbound SR 24 off-ramp and Acalanes Avenue during the p.m. peak hour would not be considered an unacceptable weaving condition that would substantially increase hazards, and the resulting impact would be less than significant. Therefore, Impact TRAF-14 (as numbered in the Draft EIR) has been deleted.
- ◆ Under Cumulative conditions, Impact TRAF-13 (as numbered in the Draft EIR) would still result from the peak estimated 95<sup>th</sup>-percentile left-turn queue lengths on northbound Pleasant Hill Road at the Project driveway during the school p.m. and commute p.m. peak hours exceeding the 100-foot storage lane capacity proposed in the Project plans. However, Impact TRAF-13 would be mitigated by extending the proposed left-turn storage lane an additional 75 to 100 feet to the south, which would be constructed by widening Pleasant Hill Road on the Project frontage, to accommodate the peak left-turn queue length. Extending the entrance to the left-turn further south toward the off-ramp from westbound State Highway 24 would shorten the available weaving distance on northbound Pleasant Hill Road for left turns at the Project driveway, but this would not be considered a significant secondary impact, and the mitigation is considered feasible. Mitigation Measure TRAF-13 as described above has been added to the Draft EIR, and Impact TRAF-13, which was previously considered significant and unavoidable, would be less than significant with this mitigation, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.

Based on the revised speed reduction thresholds, the speed reduction on northbound Pleasant Hill Road between the westbound State Highway 24 off-ramp and Acalanes Avenue during the p.m. peak hour with the Project would not be considered an unacceptable weaving condition that would substantially increase

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hazards, and the resulting impact would be less than significant. However, Project trips from the State Highway 24 westbound off-ramp would have difficulty merging from the right and weaving across northbound Pleasant Hill Road traffic lanes within the estimated 350 feet (with extension of the left-turn storage lane further south per revised Mitigation Measure TRAF-13 (as numbered in the Draft EIR) or 450 feet (without Mitigation Measure TRAF-13) available to make left turns into the Project driveway. Although the resulting weaving impacts are considered less than significant, this finding does not preclude the City from potentially requiring the Project applicant to construct or contribute funding toward alternative configurations on the subject segment of northbound Pleasant Hill Road as a condition of Project approval. Potential alternative configurations may include one of the following:

- ◆ Extend the left-turn lane for the Project driveway further south such that the entrance to the left-turn lane would be located immediately south of location where the westbound State Highway 24 off-ramp merges onto Pleasant Hill Road, and construct a raised curb or other barrier to physically prevent Project trips from entering the left-turn lane from the westbound off-ramp. This would require construction to reconfigure the median and traffic lanes and widen a portion of Pleasant Hill Road. The Project trips from the westbound State Highway 24 off-ramp would be diverted to make a left or U-turn at the Deer Hill Road –Stanley Boulevard/Pleasant Hill Road intersection. Under Existing plus Project conditions, these diverted turns would increase the a.m. peak hour LOS F delay by at least five seconds more than with left-turn access allowed from the westbound State highway 24 off-ramp. This alternative configuration would significantly exacerbate the significant and unavoidable Project impact at the Deer Hill Road –Stanley Boulevard/Pleasant Hill Road intersection.
- ◆ Reconstruct the westbound State Highway 24 off-ramp such that right turns onto northbound Pleasant Hill Road would be located south of the existing merge, requiring much smaller turning radii for the off-ramp alignment. This configuration would increase the available weaving distance for left turns into the Project driveway, and reduce the speeds of vehicles from the off-ramp turning onto northbound Pleasant Hill Road across the existing crosswalk and

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ORG1-233	<p><b>(5) Impact TRAF-4 specifies that the Project design features would increase traffic hazards because the proposed location of the west Project driveway on Deer Hill Road would have inadequate sight-distance. This conclusion is incorrect and is based on a flawed sight distance analysis.</b></p> <p>The EIR Includes Erroneous Conclusions About Sight Distance Due to a Flawed Analysis of Sight Distance - The methodology for determining the sight distance at an unsignalized private road intersections are set forth in Caltrans' Highway Design Manual and the Traffic Study specifies that these standards were used in the analysis. 12 However, Figure 6 indicates that there some significant errors made in the analysis of sight distance used to conclude there would be significant project impacts at the western driveway on Deer Hill Road. The three main errors that appear to have been made in the analysis are as follows: 1) The sight distance was erroneously measured to a driver's eye at 3.5 feet when it was supposed to be measured to a 4.25 foot object. Section 405.1 of Caltrans' Highway Design Manual specifies that "Corner sight distance is to be measured from a 3.5-foot height at the location of the driver on the minor road to a 4.25-foot object height in the center of the approaching lane of the major road."</p> <p>Figure 6 indicates that a 3.25 foot height was erroneously used in the sight distance analysis.</p> <p>2) The sight distance was erroneously measured from what appears to be less than a 10 foot set back from Deer Hill Road when it should have been at least 15 feet. Section 405.1 of Caltrans' Highway Design Manual specifies that "Set back for the driver on the crossroad shall be a minimum of 10 feet plus the shoulder width of the major road but not less than 15 feet." Figure 6 indicates that a setback of about 8 feet was erroneously</p>	<p>bicycle lane. An interchange modification like this would require an extensive, lengthy project development process to obtain Caltrans approvals.</p> <p>The comment suggests that the finding of Impact TRAF-4 (as numbered in the Draft EIR), that the Project design would result in traffic hazards because of inadequate sight-distance at the proposed west Project driveway location on Deer Hill Road, is incorrect and based on flawed sight-distance analysis. Referring to Figure 6 in the TJKM traffic report included in the Draft EIR appendices, which is the same as Figure 4.13-7A in Chapter 4.13 of the Draft EIR, the comment raises three issues:</p> <ol style="list-style-type: none"> <li>1. Sight-distance was measured to a driver's eye height of 3.5 feet on Deer Hill Road when it should be measured to 4.25-foot object height.</li> <li>2. Sight-distance was measured from the driveway at a setback of approximately 8 feet from Deer Hill Road when it should be measured from a minimum setback of 15 feet.</li> <li>3. Sight-distance was measured from the driver's eye (at the setback point) on the driveway to the oncoming vehicle on Deer Hill Road, instead of the stopping distance measured from the approaching vehicle along its path on Deer Hill Road to the location where a vehicle would pull out of the driveway.</li> </ol> <p>In response to these comments, it should be noted that Figure 6 (Draft EIR Figure 4.13-7A) was prepared by the Project civil engineer (BKF) and forwarded to TJKM through the Project architect (LCA), and TJKM peer reviewed the figure for use in the Draft EIR. TJKM directed the use of the 3.5-foot driver eye height on Deer Hill Road, which is addressed in item #1 below, but the sight-distance drawings provided by the Project applicant's team determined the measurement locations addressed in items #2 and #3 independently of direction from TJKM. As to the specific issues regarding sight-distance measurements:</p> <ol style="list-style-type: none"> <li>1. The driveway sight-distance drawing initially provided by the Project applicant's team (see Figure 4.13-7A of the Draft EIR) assumed a 3.5-foot tall object on Deer Hill Road. This figure has been revised to assume a 4.5-foot tall object. The "Profile" view for the West driveway shown on this drawing clearly indicates that the sight-distance is inadequate, although only by a very small margin</li> </ol>

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	<p>used in the sight distance analysis. 3) The sight distance appears to have been erroneously measured from the driver's eye to the oncoming vehicle instead of the stopping distance for the oncoming vehicle. The correct distance is actually the stopping distance which is measured from the approaching vehicle along the path of the roadway to where the vehicle on the side street would pull out of the driveway. Figure 6 appears to specify that the wrong distance measurement was used. Based on our review (using the correct application of the sight distance standards) the project would not have any significant sight distance impacts and all related impacts should be removed from the EIR.</p>	<p>(because of the vertical curvature of the roadway). However, as stated in the comment, the correct object height that should be used for this measurement is actually shorter at 4.25 feet, which would result in a slightly worse obstruction of sight-distance because the vertical curvature of the roadway. Therefore, although the 3.5-foot tall object on Deer Hill Road that was assumed on Draft EIR Figure 4.13-7A does not comply with the Caltrans Highway Design Manual methodology for sight-distance measurement, Exhibit 4.13-7A indicates that sight-distance would be inadequate if the standard 4.25-foot height is assumed.</p> <p>2. The driveway sight-distance figures assumed a setback of 15 feet from the travel lane edge line/bike lane stripe on Deer Hill Road for the driver's eye location on the driveway, which resulted in a setback of approximately 8 feet from the Deer Hill Road curb line. The Caltrans Highway Design Manual (HDM) states: "Setback for the driver of the vehicle on the crossroad shall be a minimum of 10 feet plus the shoulder width of the major road but not less than 15 feet." Figure 504.3J in the HDM provides additional clarification indicating that these minimum setback distances should be measured from the edge of the travel lane, not from the curb line. Based on this standard and the striped shoulder width of approximately 7 to 8 feet on Deer Hill Road, the setback from the travel lane edge line should be 10 feet plus the 7 to 8 foot shoulder width, which results in a setback of 17 to 18 feet from the edge line stripe, or 10 feet from the curb line. Note that the HDM minimum standard is not 15 feet measured from the curb line, as the comment implies, unless the shoulder width is less than 5 feet, which is not applicable to Deer Hill Road. The required setback of 17 to 18 feet from the edge line exceeds the minimum HDM standard of 15 feet from the edge line that was assumed in the Draft EIR driveway sight-distance analysis. The correct setback for the sight-distance analysis should be 10 feet from the curb line, which is approximately 2 feet more than the approximate setback of 8 feet from the curb line used in the Draft EIR sight-distance analysis. However, using a setback two feet further from Deer Hill Road for the driver's eye location on the west Project driveway has a negligible effect on this sight-distance analysis, in which the required sight-distance is 360 feet along Deer Hill Road and the critical obstruction is the vertical curvature of the roadway. Because of Deer Hill Road's vertical profile, additional setback would tend to further obstruct the</p>

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sight-distance for the driveway by a slight amount.

3. As stated in the comment regarding item #1 above, Section 405.1(2) of the HDM specifies: “Line of sight for corner sight distance is to be determined from...the location of the driver of the vehicle on the minor road to...the center of the approaching lane of the major road as illustrated in Figure 504.3J.” This defines the “substantially clear line of sight [that] should be maintained between the driver of a vehicle...waiting at the crossroad and the driver of an approaching vehicle.” The referenced HDM Figure 504.3J indicates that the resulting corner sight-distance is measured along the major road, between the approaching vehicle on that roadway and the intersection where a vehicle would pull out. Based on these HDM standards, the Draft EIR sight-distance analysis correctly measured the line of sight (other than the inconsequential issues addressed in items #1 and #2 above), but did not correctly measure the resulting corner stopping sight-distance as stated in the comment. However, according to the basic geometry of the sight-distance triangle indicated by HDM Figure 504.3J, the corner stopping sight-distance measured directly along the roadway between the approaching vehicle and the intersection is shorter than the line of sight that angles across the roadway to the setback location on the intersecting roadway. In other words, to meet a minimum corner stopping sight-distance requirement measured along the major roadway to the intersection, the measured line of sight to the setback location on the intersecting roadway must be longer than the required stopping sight-distance. In the case of the sight-distance analysis for the west Project driveway on Deer Hill Road, the determination that the available line of sight would be less than 360 feet results in a corner stopping sight-distance that fails to meet that required stopping sight-distance. It should be noted that at the required stopping sight-distance of 360 feet, the difference between the required line of sight to the driveway setback location (at the correct setback per item #2 above) and the required corner stopping sight-distance measured along Deer Hill Road is less than two feet, and has a negligible effect on the sight-distance analysis presented in the Draft EIR.

Therefore, revised sight-distance analysis using HDM standards as described above for the westbound Project driveway results in negligible changes to the analysis

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ORG1-234	<p data-bbox="262 381 1081 552"><b>(6) Impact TRAF-5 specifies that because westbound Deer Hill Road speeds increase (as vehicles descend the hill east of the west Project driveway) the west Project driveway would present potential safety issues. This conclusion is incorrect and is based on a flawed application of the applicable standards.</b></p> <p data-bbox="262 584 1081 682"><b>The EIR Includes Erroneous Conclusions About The Need for A Separate Westbound Left Turn Lane at the West Entrance on Deer Hill Road - The EIR</b></p> <p data-bbox="262 690 1081 966">exaggerates the potential for safety problems at this driveway and provides no supporting evidence. There are two factors that could potentially require a left-turn pocket and they are 1) capacity and 2) safety. The EIR makes no attempt to claim a left-turn pocket is needed for capacity reasons. Based on the turning movement volumes presented in the EIR it is clear that the volumes turning left (at the location in question) would not even be approaching the volumes needed to warrant installation of a separate left turn pocket.</p> <p data-bbox="262 998 1081 1409">The only other factor that could warrant a left turn pocket would be safety. However, the EIR provides no evidence to support the claim there would be “potential safety issues” and all evidence indicates the contrary. For example, Section 201.3 specifies the required stopping distance required for vehicles on a down grade. The manual states that: “The stopping sight distances in Table 201.1 should be increased by 20 percent on sustained downgrades steeper than 3 percent and longer than one mile.” On the westbound approach to the western driveway there is, in fact, no “sustained” downgrade. The downgrade in advance of the driveway is less than a tenth of a mile long, far less than the one mile downgrade required for the increased sight distance requirements. Based on our review (using the correct application of the sight distance</p>	<p data-bbox="1102 276 2037 381">presented in the Draft EIR, and confirms the Draft EIR finding of a significant impact requiring relocation of the driveway at least 100 feet west of the location shown on the Project site plan as mitigation.</p> <p data-bbox="1102 381 2037 552">The comment suggests that the finding of Impact TRAF-5 (as numbered in the Draft EIR), that the Project design would result in traffic hazards because of westbound vehicle speeds on Deer Hill Road and the need for a westbound left-turn lane approaching the proposed west Project driveway location, is incorrect and based on flawed application of standards.</p> <p data-bbox="1102 584 2037 1307">The finding of Impact TRAF-5 (as numbered in the Draft EIR) was not based on the HDM’s specified adjustment for downgrades described in the comment. However, speed data collected on westbound Deer Hill Road at the proposed west Project driveway location showed a substantial number of vehicles reaching speeds of well over 45 miles per hour on this downhill roadway segment. As described in Impact TRAF-4 (as numbered in the Draft EIR) (and confirmed in response to Comment ORG1-233), the west driveway location does not provide the required corner stopping sight-distance at 45 miles per hour for approaching westbound traffic on Deer Hill Road. This obstructed westbound sight-distance finding for vehicles turning left out of the west Project driveway indicates a similar sight-distance obstruction for westbound through traffic approaching behind westbound vehicles on Deer Hill Road waiting for a gap in eastbound traffic to turn left into the driveway. Limited westbound sight-distance on Deer Hill Road would also be problematic for westbound vehicles in the through lane that slow down in advance of the driveway or slow suddenly in close proximity to the driveway before turning left into the driveway, when higher speed westbound through traffic is approaching from behind. These are reasonably foreseeable conditions that are likely to result in rear-end collisions and vehicles taking evasive action by driving into the bike lane on Deer Hill Road near the west Project driveway, unless one of the measures described in Draft EIR Mitigation Measure TRAF-5 (as numbered in the Draft EIR) is implemented.</p> <p data-bbox="1102 1339 2037 1409">The Mitigation Measure TRAF-5 (as numbered in the Draft EIR) option of adding a westbound left turn lane on Deer Hill Road at the Project driveway is not an</p>

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standards) the project would not have any significant sight distance impacts or safety impacts without a left turn pocket and all related impacts should be removed from the EIR.

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unusual requirement for left-turn access at new development sites, especially on roadways with traffic volumes, speeds, alignment, and sight-distance limitations like those on Deer Hill Road. Another mitigation alternative described in Mitigation Measure TRAF-5 is prohibiting left turns into the west Project driveway; however, this alternative would be precluded if left turns are prohibited at the east Project driveway, which is not required as mitigation in the Draft EIR, but is recommended in the TJKM TIA to address operational concerns at that driveway. Relocation of the west Project driveway at least 100 feet further west of the location shown on the Project plans, as required in Mitigation Measure TRAF-4 (as numbered in the Draft EIR), would alleviate the westbound Deer Hill Road sight-distance issues, but the increasing speeds at this location further downhill would still present significant concerns for potential rear-end collisions and related hazards.

**ORG1-235 (7) Impact TRAF-6 specifies that the Project’s significant impact on PM peak hour traffic speeds for northbound Pleasant Hill Road would result in inadequate emergency access to other areas of Lafayette. This conclusion is incorrect and is based on a flawed analysis of traffic operations and weaving.**

The EIR Includes Erroneous Conclusions About The Need for Emergency Vehicle Access Mitigations - The EIR analysis of weaving was seriously flawed. Please refer to Section 4 of this letter for the discussion on the problems with the flawed CORSIM weaving analysis that was used to make the conclusions about emergency vehicle access impacts. In addition, the “Gateway Constraint Policy” described in Section 2 of this letter make it clear that this policy would be clearly responsible for any emergency vehicle access impacts that occur in the future. Based on our review the project traffic (or any design features associated with the project) would not be responsible for any significant emergency vehicle access impacts and all related impacts should be removed from the EIR.

The comment suggests that the finding of Impact TRAF-6 (as numbered in the Draft EIR), that the Project’s impact on p.m. peak hour speeds on northbound Pleasant Hill Road would result in inadequate emergency access, is incorrect and is based on a flawed analysis of traffic operations and weaving.

See responses to Comments ORG1-231 and ORG1-232 regarding the CORSIM weaving analysis and revised thresholds for a significant impact based on speed reduction in a weaving segment. Based on these revised speed reduction criteria, the Final EIR has been revised as follows:

- ◆ Under Existing plus Project conditions, the reduction in average speed from 4.6 mph to 3.8 mph on northbound Pleasant Hill Road between the westbound State Highway 24 off-ramp and Acalanes Avenue during the p.m. peak hour would not be considered a significant impact on traffic speeds for that weaving segment, and the resulting impact on emergency access would be less than significant. Related text on page 4.13-53 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.
- ◆ Under Cumulative plus Project conditions, the reduction in average speed from 2.7 mph to 2.4 mph on northbound Pleasant Hill Road between the westbound State Highway 24 off-ramp and Acalanes Avenue during the p.m. peak hour would not be considered a significant reduction in traffic speeds for

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		<p>that weaving section. Related text on pages 4.13-77 and 4.13-78 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.</p> <ul style="list-style-type: none"> <li>◆ The text description for Impact TRAF-6 (as numbered in the Draft EIR) has been revised as shown in Chapter 3 of this Final EIR to delete references to Existing plus Project, and traffic speeds between the off-ramp from westbound State Highway 24 and the proposed Project driveway.</li> </ul> <p>However, under Cumulative plus Project conditions, the increase in p.m. peak-hour travel times on northbound Pleasant Hill Road with the Project, which results in a significant and unavoidable impact on the Delay Index identified as Impact TRAF-15 (as numbered in the Draft EIR), would result in a significant impact on emergency access to areas of Lafayette served by Pleasant Hill Road between State Route 24 and Rancho View Drive. The Final EIR has been revised as follows:</p> <ul style="list-style-type: none"> <li>◆ Related text on pages 4.13-77 and 4.13-78 in the Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.</li> <li>◆ Impact TRAF-6 (as numbered in the Draft EIR): Under Cumulative Year 2030 plus Project conditions, the Project's significant impact on p.m. peak-hour travel times for northbound Pleasant Hill Road, which results in a significant impact on the Delay Index, would result in inadequate emergency access to areas of Lafayette served by Pleasant Hill Road between State Route 24 and Rancho View Drive. The result would be a significant impact.</li> <li>◆ Mitigation Measure TRAF-6 (as numbered in the Draft EIR): The beginning of the first sentence has been revised, as shown in Chapter 3 of this Final EIR, to read, "The Project applicant shall <u>contribute a fair share to the cost of installing advance detection equipment....</u>"</li> </ul> <p>See response to Comment ORG1-228 regarding the Gateway Constraint Policy referenced in the comment.</p>
ORG1-236	<b>(8) Impact TRAF-10 specifies that Under the Cumulative Year 2030 plus Project scenario, the Brown Avenue/Deer Hill Road intersection would have significant impacts and require a traffic signal as a</b>	The comment suggests that the finding of Impact TRAF-10 (as numbered in the Draft EIR), that a traffic signal is warranted and required as mitigation at the Deer Hill Road/ Brown Avenue intersection under Cumulative Year 2030 plus Project

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	<p>mitigation. This conclusion is incorrect and is based on a flawed analysis of traffic signal warrants.</p> <p><b>The EIR Includes Erroneous Conclusions About The Need for a Traffic Signal Under Cumulative Conditions at this intersection</b> - The EIR analysis of the traffic signal warrants was seriously flawed. Please refer to Section 3 of this letter for the discussion on the problems with the flawed traffic signal warrant analysis that was used to make the conclusions about the project’s impacts at this location. Based on our review the project traffic would not require installation of a traffic signal at this location and all related impacts should be removed from the EIR.</p>	<p>conditions, is based on a flawed analysis of traffic signal warrants.</p> <p>See response to Comment ORG1-229. Traffic volumes at the intersection would be higher than the Existing plus Project volumes described in response to Comment ORG1-229, and thereby meet the applicable signal warrant thresholds by a greater margin.</p>
ORG1-237	<p><b>(9) Impact TRAF-11 specifies that Project traffic exiting the west Project driveway on Deer Hill Road would have some difficulty finding an acceptable gap in traffic because prevailing speeds are relatively high. This conclusion is incorrect and not supported by evidence.</b></p> <p><b>The EIR Includes Erroneous Conclusions About The Need for a Median Refuge Lane at the West Driveway on Deer Hill Road</b> -There is no evidence presented to support the conclusions used as the basis for this impact. The EIR actually states that “LOSE is acceptable at a one-way stop control intersection such as the driveway”. However, instead of accepting the established standards the EIR instead concludes (without evidence) that the forecast delay “suggests that drivers turning left out of the driveway would have some difficulty finding an acceptable gap in traffic”. However, the EIR provides no evidence to support this finding and merely concludes that it is required because the “speeds are relatively high.”</p> <p>Please refer to Section 3 of this letter for the discussion on the problems with the flawed sight distance analysis that was used to make related conclusions about the need for a separate left-turn pocket at this location. Based on our review the project traffic would not require installation of a</p>	<p>The comment suggests that the finding of Impact TRAF-11 (as numbered in the Draft EIR), that the Project would result in traffic hazards because traffic exiting the west Project driveway on Deer Hill Road would have difficulty finding an acceptable gap in relatively high speed traffic on Deer Hill Road, and the need for a median refuge lane west of the proposed driveway location, is incorrect and not supported by evidence.</p> <p>Table 4.13-18 of the Draft EIR presents the peak-hour delay results under Cumulative plus Project conditions for traffic exiting the west Project driveway on Deer Hill Road. The average delays for vehicles turning left exiting the driveway would be 38.4 seconds during the a.m. peak hour and 30.1 seconds during the p.m. peak hour, which primarily result from high volumes of conflicting peak direction (westbound a.m., eastbound p.m.) through traffic on Deer Hill Road. Note that left turns exiting the driveway conflict with traffic in both directions on Deer Hill Road. These delays clearly indicate some difficulty for drivers turning left exiting the driveway to find an acceptable gap in conflicting through traffic flow, which would be exacerbated by high prevailing speeds and obstructed sight-distance on Deer Hill Road at the proposed west driveway location.</p> <p>Speed data collected in both directions on Deer Hill Road at the proposed west Project driveway location showed a substantial number of vehicles reaching speeds of well over 45 miles per hour (mph), with the highest speeds recorded on the</p>

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	median refuge at this location and all related impacts and mitigations should be removed from the EIR.	<p>westbound downhill roadway segment. As described in Impact TRAF-4 (as numbered in the Draft EIR), and confirmed in response to Comment ORG1-233, the west driveway location does not provide the required corner stopping sight-distance at 45 mph for approaching westbound traffic on Deer Hill Road. This obstructed westbound sight-distance finding applies directly to vehicles turning left out of the west Project driveway onto Deer Hill Road, and would also be problematic for vehicles just completing the left turn and starting to accelerate in the through lane when higher speed westbound through traffic is approaching from behind. These are reasonably foreseeable conditions that are likely to result in rear-end collisions and vehicles taking evasive action by driving into the bike lane on Deer Hill Road near the proposed west Project driveway location, unless the median refuge lane described in Mitigation Measure TRAF-11 (as numbered in the Draft EIR) is implemented.</p> <p>Relocation of the west Project driveway at least 100 feet further west of the location shown on the Project plans, as required in Mitigation Measure TRAF-4 (as numbered in the Draft EIR), would mitigate the westbound Deer Hill Road sight-distance issues, and thereby mitigate Impact TRAF-11 to less than significant. The Final EIR has been revised such that Mitigation Measure TRAF-11 (as numbered in the Draft EIR) requires either constructing a westbound median refuge lane on Deer Hill Road, or implementing Mitigation Measure TRAF-4 and installing a side road symbol (California MUTCD No. W2-2) warning sign facing westbound Deer Hill Road traffic in advance of the relocated driveway, resulting in a less-than-significant impact. However, with relocation of the driveway 100 feet further to the west, the increasing speeds at this location further downhill combined with the difficulty for drivers turning left exiting the driveway to find an acceptable gap in conflicting through traffic flow would still present concerns for potential rear-end collisions and related hazards. Although the resulting impact is considered less than significant, this finding does not preclude the City from potentially requiring the Project applicant to construct a westbound median refuge lane on Deer Hill Road at the relocated driveway or other improvements at the City's discretion.</p>
ORG1-238	(10) Impact TRAF-12 specifies that under the Cumulative Year 2030 plus Project scenario, the left-turn queue length for northbound traffic on	The comment suggests that the finding of Impact TRAF-12 (as numbered in the Draft EIR), that under Cumulative plus Project conditions the left-turn queue

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	<p>Pleasant Hill Road at Deer Hill Road would exceed the capacity of the existing storage lane. This conclusion is incorrect and based on flawed traffic forecasts and a flawed analysis of traffic operations.</p>	<p>length on northbound Pleasant Hill Road at Deer Hill Road would exceed the storage capacity of the existing left-turn lane, is incorrect and based on flawed traffic forecasts and a flawed analysis of traffic operations. The specific technical issues are elaborated in Comments ORG1-239 and ORG1-240. Please see responses to Comments ORG1-239 and ORG1-240.</p>
ORG1-239	<p><b>The EIR Includes Erroneous Conclusions About Queuing Impacts Based on Exaggerated Traffic Volume Forecasts-</b> The Traffic Study states that the 2030 traffic forecasts were based on the latest approved version of the Contra Costa Transportation Authority’s travel demand model and that a growth rate of “approximately 2 percent growth per year” was used to estimate the EIR’s future traffic volumes. Based on Figure 8 of the traffic study this equates to an assumed future segment volume on southbound Pleasant Hill Road (north of Deer Hill Road) of over 2,500 vehicles per hour. These forecasts are erroneous and far exceed what the model actual estimates. They also directly conflict with the Lamorinda Action Plan Update. The Action Plan clearly specifies (based on the CCTA model) that there would be 30% growth in the peak hour volumes on Pleasant Hill Road at Deer Hill Road. According the data presented in Table 5 of the Action Plan (and our review of the model forecasts) this equates to a growth rate of about 1 percent per year (half of what is the EIR’s analysis is based on).</p> <p>In addition, Table 2 of the Action Plan clearly specifies the 2030 traffic demand (as well as the target segment capacity) for Pleasant Hill Road north of Deer Hill Road. The Action Plan specifies that the 2030 demand would be about 2,400 vehicles in the peak direction with a “Target Segment Capacity” of 2,300 vehicles per hour established as part of the “Gateway Constraint Policy”. As mentioned above, the erroneous use of a growth rate of 2% per year results in peak hour directional volumes that exceed 2,500 vehicles per hour which is substantially higher than what would be allowed under the “Gateway Constraint Policy”. In other words, the EIR’s traffic forecasts directly conflict with this policy and, by definition, these forecasts could not occur unless the policy was rescinded.</p>	<p>The Draft EIR statement quoted in the comment, that “approximately two percent growth per year” was used to estimate Year 2030 traffic volumes from Existing through volumes on Pleasant Hill Road, is a rough estimate of the overall average of the growth rates applied on Pleasant Hill Road at the study intersections north of State Highway 24, based on CCTA model forecasts. Direct comparisons between roadway link volumes from the CCTA model for the base year and the future cumulative year result in different growth percentages for each roadway link in each direction between each study intersection and for the a.m. and p.m. peak hours. The resulting annual growth percentages for Pleasant Hill Road volumes at each study intersection north of State Highway 24 vary from approximately one-half percent to 1.1 percent for southbound forecasts; annual growth percentages for northbound forecasts at each of these intersections vary from 1.7 percent to 2.7 percent for the a.m. peak hour, and from 0.7 percent to 1.2 percent for the p.m. peak hour.</p> <p>The comment refers to Figure 8 of the TJKM TIA showing Cumulative No Project volumes, which is the same as Draft EIR Figure 4.13-9, to highlight the volume of “over 2,500 vehicles per hour” on southbound Pleasant Hill Road north of the Deer Hill Road intersection. The total of southbound approach movement volumes at this intersection as shown in the referenced figure is 2,551 vehicles in the a.m. peak hour. Comparing this Cumulative Year 2030 forecast volume to the Existing volume of 2,090 vehicles in the a.m. peak hour shown on Draft EIR Figure 4.13-2 for the same southbound Pleasant Hill Road intersection approach, the actual total growth percentage is 22 percent over the assumed 20-year growth period. This comparison reflects an annual growth rate of approximately 1.1 percent, which is consistent with the CCTA model growth rates for southbound Pleasant Hill Road cited in the preceding paragraph. This 1.1 percent annual growth rate is also consistent with statements in the comment suggesting that data</p>

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presented in the Lamorinda Action Plan, as well as the commentor’s review of the CCTA model forecasts, equate to “a growth rate of about one percent per year.”

The first sentence in the last paragraph of the comment states: “Table 2 of the [Lamorinda] Action Plan clearly specifies the 2030 traffic demand (as well as the target segment capacity) for Pleasant Hill Road north of Deer Hill Road.” The next sentence states that the Lamorinda “Action Plan specifies that the 2030 demand would be about 2,400 vehicles in the peak direction.” The Table 2 referenced in the comment is actually in Appendix 2 of the Lamorinda Action Plan Update Final Report, which is a “Technical Memorandum – Gateway Constraint Methodology.” In Table 2, the Pleasant Hill Road “Gateway Location” specified is “South of Reliez Valley Road,” with “Action Plan 2030 Demand” of 2,437 vehicles per hour (vph) northbound and 2,466 vph southbound. Additionally, Table 5 of the Action Plan report shows the 30 percent growth in a.m. peak volumes from year 2000 to year 2030 that was referenced previously in the comment, but also specifies a year 2000 a.m. peak-hour peak-direction volume of 1,950 vph on Pleasant Hill Road at Deer Hill Road. Applying the 30-year growth of 30 percent to the specified year 2000 volume on southbound Pleasant Hill Road at Deer Hill Road, the resulting forecast volume for year 2030 would be 2,535 vph. Based on this information, the differences between these traffic demand forecasts from the Action Plan and the a.m. peak hour volume of 2,551 vph on southbound Pleasant Hill Road at Deer Hill Road that was used in the Draft EIR traffic analysis are negligible.

The comment also states that the Action Plan specifies “a “Target Segment Capacity” of 2,300 vehicle per hour established as part of the Gateway Constraint Policy.” In the previously referenced Table 2 in Appendix 2 of the Action Plan report, the “Target Segment Capacity” of approximately 2,300 vph is shown at the Pleasant Hill Road Gateway Location specified as “south of Reliez Valley Road.” The a.m. peak volume of 2,551 vph on southbound Pleasant Hill Road at Deer Hill Road that was used in the Draft EIR traffic analysis is approximately ten percent higher than the “Target Segment Capacity” south of Reliez Valley Road. The ten percent increase between this southbound traffic demand volume at Deer

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		Hill Road from the CCTA forecast model and a “ <u>Target Segment Capacity</u> ” at an upstream location, especially considering the residential neighborhoods and schools that add traffic to the intervening segment of Pleasant Hill Road, is a very reasonable assumption for a long-range forecast with a 20-year horizon.
ORG1-240	<p><b>The EIR Includes Erroneous Conclusions About Queuing Impacts Based on a Flawed Analysis of Traffic Operations and Weaving -</b> Please refer to Section 1 of this letter for the discussion on the problems with the constrained traffic signal timing that was used to calculate the LOS at this location. In addition, please refer to Section 4 of this letter for the discussion on the problems with the flawed weaving analysis that was used to conclude that the northbound left-turn into the project could not be accommodated. Based on our review the project traffic would not result in any significant queuing problems at the left turn pocket in question and all related impacts and mitigations should be removed from the EIR.</p>	Regarding traffic signal timing, see response to Comment ORG1-225. Regarding weaving analysis, the weaving analysis in the Draft EIR was unrelated to either the finding of Impact TRAF-12 (as numbered in the Draft EIR), regarding the left-turn queue on northbound Pleasant Hill Road at Deer Hill Road, or the lack of feasible mitigation that makes it a significant and unavoidable impact. For specifics on the weaving analysis, please see responses to Comments ORG1-231 and ORG1-232.
ORG1-241	(11 )Impact TRAF-13 specifies that under the Cumulative Year 2030 plus Project scenario, the left-turn queue length for northbound traffic on Pleasant Hill Road at the proposed project entrance would exceed the capacity of the proposed storage lane. This conclusion is incorrect and based on flawed traffic forecasts and a flawed analysis of traffic operations.	Please see responses to Comments ORG1-242 and ORG1-243.
ORG1-242	<p><b>The EIR Includes Erroneous Conclusions About Queuing Impacts at the Project Entrance on Pleasant Hill Road Based on Exaggerated Traffic Volume Forecasts-</b> Please refer to Section 10 of this letter for the discussion on the erroneous use of a growth rate of 2o/o per year and the City’s “Gateway Constraint Policy”. As described previously, the EIR’s traffic forecasts directly conflict with this policy and, by definition, the EIR’ s traffic forecasts for Pleasant Hill Road could not occur unless the policy was rescinded.</p>	Please see response to Comment ORG1-239.
ORG1-243	<p><b>The EIR Includes Erroneous Conclusions About Queuing Impacts at the Project Entrance on Pleasant Hill Road Based on a Flawed Analysis of Traffic Operations and Weaving -</b> Please refer to Section 4 of this letter for the discussion on the problems with the flawed weaving analysis that was used</p>	See responses to Comments ORG1-231 and ORG1-232. Based on the revised significance thresholds described in response to Comment ORG1-232, Impact TRAF-13 (as numbered in the Draft EIR) would be mitigated by extending the proposed left-turn storage lane an additional 75 to 100 feet to the south, which would be constructed by widening Pleasant Hill Road on the Project frontage, to

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	<p>to conclude that the northbound left-turn into the project could not be accommodated. Based on our review the project traffic would not result in any significant queuing problems at the left turn pocket at the project entrance and all related impacts and mitigations should be removed from the EIR.</p>	<p>accommodate the peak left-turn queue length. This may result in additional secondary impacts that are not yet analyzed. Extending the entrance to the left-turn further south toward the off-ramp from westbound State Highway 24 would shorten the available weaving distance on northbound Pleasant Hill Road for left turns at the Project driveway, but this would not be considered a significant secondary impact, and the mitigation is considered feasible. Impact TRAF-13, which was previously considered significant and unavoidable, has been revised to be less than significant with this mitigation, as shown in Chapter 3 of this Final EIR.</p>
ORG1-244	<p>(12) Impact TRAF-14 specifies that under the Cumulative Year 2030 plus Project scenario, the project would reduce the average speed on northbound Pleasant Hill Road during the PM peak hour from 2.7 miles per hour (mph) to 2.4 mph. This speed reduction was assumed to result in an unacceptable weaving condition. This conclusion is incorrect and based on flawed traffic forecasts and a flawed analysis of traffic operations.</p>	<p>The comment serves as an introduction to the comments that follow. Please see responses to Comments ORG1-245 and ORG1-246 below.</p>
ORG1-245	<p><b>The EIR Includes Erroneous Conclusions About Weaving Impacts on Pleasant Hill Road Based on Exaggerated Traffic Volume Forecasts-</b> Please refer to Section 10 of this letter for the discussion on the erroneous use of a growth rate of 2% per year and the City’s “Gateway Constraint Policy”. As described previously, the EIR’s traffic forecasts directly conflict with this policy and, by definition, the EIR’s traffic forecasts for Pleasant Hill Road could not occur unless the policy was rescinded.</p>	<p>For the subject segment of northbound Pleasant Hill Road between the State Highway 24 westbound off-ramp and the Project driveway during the p.m. peak hour, Cumulative No Project volumes of approximately 2,060 vph are shown on Draft EIR Figure 4.13-9, and Existing volumes of approximately 1,760 vph are shown on Draft EIR Figure 4.13-2. Comparing these Cumulative Year 2030 forecast volumes to the Existing volumes in the p.m. peak hour for this northbound Pleasant Hill Road segment, the actual total growth percentage is approximately 17 percent over the assumed 20-year growth period. This comparison reflects an annual growth rate of less than one percent.</p> <p>In Appendix 2 of the Lamorinda Action Plan Update Final Report, which is a “Technical Memorandum – Gateway Constraint Methodology,” Table 2 specifies the Pleasant Hill Road “Gateway Location” as “<u>South of Reliez Valley Road</u>,” with a “Target Segment Capacity” of 2,300 vph. The Cumulative No Project volume of 2,060 vph on northbound Pleasant Hill Road that the Draft EIR assumed in the traffic analysis of subject weaving segment is well below the Target Segment Capacity at the specified gateway constraint location, which is downstream of the subject weaving segment. Please also see response to Comment</p>

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		ORG1-239.
ORG1-246	<p><b>The EIR Includes Erroneous Conclusions About Weaving Impacts on Pleasant Hill Road Based on a Flawed Analysis of Traffic Operations and Weaving</b> - Please refer to Section 4 of this letter for the discussion on the problems with the flawed weaving analysis that was used to conclude that the northbound left-turn into the project could not be accommodated. Based on our review the project traffic would not result in any significant weaving impacts on Pleasant Hill Road and all related impacts and mitigations should be removed from the EIR.</p>	See responses to Comments ORG1-231 and ORG1-232 related to weaving impacts and the use of CORSIM.
ORG1-247	<p>(13) Impact TRAF-15 specifies that under the Cumulative Year 2030 plus Project scenario, the project would increase the peak hour peak direction Delay Index by approximately 0.41 for southbound traffic in the AM peak hour and northbound traffic in the PM peak hour. The EIR concludes the Delay Index would increase by more than 0.05 where it already exceeds 2.0 on Pleasant Hill Road. This conclusion is incorrect and based on flawed traffic forecasts, a flawed analysis of traffic operations, and analysis of an incorrect segment of Pleasant Hill Road.</p>	This comment generally introduces the specific issues regarding TRAF-15 (as numbered in the Draft EIR), regarding significant increases in the delay index on Pleasant Hill Road. Please see responses to Comments ORG1-248 to ORG1-250.
ORG1-248	<p><b>The EIR Includes Erroneous Conclusions About Delay Index Impacts on Pleasant Hill Road Based on Exaggerated Traffic Volume Forecasts</b>- Please refer to Section 10 of this letter for the discussion on the erroneous use of a growth rate of 2% per year and the City’s “Gateway Constraint Policy”. As described previously, the EIR’s traffic forecasts (used to calculate the Delay Index) directly conflict with this policy and, by definition, the EIR’s traffic forecasts for Pleasant Hill Road could not occur unless the policy was rescinded.</p>	Please see responses to Comments ORG1-239 and ORG1-245.
ORG1-249	<p><b>The EIR Includes Erroneous Conclusions Regarding the Delay Index on Pleasant Hill Road Based on a Flawed Analysis of Traffic Operations</b>- Please refer to Sections 1 and 4 of this letter for the discussion on the problems with the Synchro analysis that was used to calculate the delay index for the EIR. Based on our review the project traffic would not result in any significant delay index impacts on Pleasant Hill Road.</p>	<p>The comment references previous comments ORG1-222 through ORG1-225 (“Section 1” of Abrams comment letter). See responses to Comments ORG1-222 through ORG1-225. Additionally, for the Cumulative Year 2030 scenarios, the Synchro analysis of the critical Pleasant Hill Road/Deer Hill Road – Stanley Boulevard intersection used peak hour factors of 0.92 or greater, which is consistent with the value recommended in Comment ORG1-224.</p>
		The comment references previous comments ORG1-230 through ORG1-232

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ORG1-250	<p><b>The EIR Includes Erroneous Conclusions Regarding the Delay Index on Pleasant Hill Road Based on Analysis of the Incorrect Segment of Pleasant Hill Road-</b> The Lamorinda Action Plan makes it clear that any evaluation of the primary service objective on Pleasant Hill Road (a delay index of 2.0) should not include the effects of the capacity constraints (such as the uncoordinated signal timing used to constrain traffic at the Deer Hill Road- Stanley Blvd/Pleasant Hill Road intersection. The plan states that “modeling of Delay Index should be for the portion of a corridor inside any points of a capacity constraint imposed by either a gateway constraint policies or traffic management strategies designed to limit the flow of vehicles in to the corridor”.</p> <p>In other words, since the Lamorinda Action Plan’s capacity constraints (including the constrained signal timing) purposely push this intersection into unstable, over capacity conditions this result cannot then be used as a basis for making conclusions about project impacts. Without the erroneous use of this signal timing constraint in the LOS analysis (which results from the Gateway Constraint Policy), there would have been no significant impacts identified at this intersection. Based on our review the project traffic would not result in any significant delay index impacts on Pleasant Hill Road and all related impacts and mitigations should be removed from the EIR.</p>	<p>(“Section 4” of Abrams comment letter). See responses to Comments ORG1-230 through ORG1-232. However, the CORSIM model and resulting weaving segment analysis referenced in these comments were not used to calculate the Delay Index results on Pleasant Hill Road.</p> <p>Please see the last paragraph of response to Comment ORG1-225, which discusses the use of traffic signal timing to meter traffic flow on Pleasant Hill Road. Additionally, the Cumulative Year 2030 No Project Delay Index results for Pleasant Hill Road shown in Draft EIR Table 4.13-17 can be compared to the Delay Indexes shown in Tables 1 and 2 in Appendix 1 of the Lamorinda Action Plan Update Final Report. For the a.m. peak southbound direction, the Delay Index calculated in the Draft EIR was 3.34, which is actually lower than the Delay Indexes of 5.3 for “2030 Baseline” and 4.2 for “2030 with Action Plans and Gateway Constraints” shown in Table 1 of the Lamorinda Action Plan Appendix cited above. For the p.m. peak northbound direction, the Delay Index calculated in the Draft EIR was 3.72, which is consistent with the Delay Index of 3.7 for “2030 Baseline,” but higher than the Delay Index of 2.8 for “2030 with Action Plans and Gateway Constraints,” shown in Table 2 of the source cited above. Although the p.m. peak northbound Delay Index result in the Draft EIR is higher than the projected “Gateway Constraint” Delay Index shown in the Lamorinda Action Plan, the “constrained” Delay Index of 2.8 is still higher than the specified acceptable Delay Index threshold of 2.0 for Pleasant Hill Road. Therefore, the increase in travel time with the addition of Project traffic would still result in a significant impact, increasing the unacceptable Delay Index by more than 0.05.</p>
ORG1-251	<p><b>( 14 )Impact TRAF-16 specifies that the project would generate an additional weekday parking demand for up to 50 spaces at the Lafayette BART station, which represents approximately 3 percent of the 1,526 spaces in the lot. The parking lot demand already exceeds capacity on weekdays. The EIR concludes this would be a significant impact. This conclusion is incorrect and based on flawed application of the City’s Standards.</b></p>	<p>As quoted in the comment, the Downtown Lafayette Specific Plan EIR states: “Walking and bicycling between the BART station and the Specific Plan areas will be relatively convenient, especially in comparison to the walking distance between the station entrance and the most likely available parking spaces the high parking occupancy.” Based on this finding, the Downtown Lafayette Specific Plan EIR concluded that BART parking demand generated by the Downtown Lafayette Specific Plan would be negligible. Most of the Downtown</p>

**Comment # Comment**

**The EIR Includes Erroneous Conclusions About Impacts to BART Parking Based on an Incorrect and Inconsistent Application of City Standards-**

It is important to note that the Downtown Lafayette Specific Plan EIR (DSP EIR) used the exact same criteria but concluded that a project with a much larger increase in BART ridership would not result in a significant impact. The DSP EIR concluded that a project with a more than three times larger increase in ridership (73 versus 23 peak hour trips) would not have significant impacts on BART parking. Unless justification can be provided for why this project should be held to a higher standard than the Downtown Specific Plan then the City needs to be consistent in its treatment of transit impacts.

It is recommended that the EIR use the same language used in the DSP EIR to explain why the impacts on BART would be less than significant. The DSP EIR stated the following: “The 2008 BART Station Profile Study estimates that all parking spaces at the Lafayette Station typically fill up by 7:00a.m. on weekdays. Walking or bicycling between the BART station and the Specific Plan areas will be relatively convenient, especially in comparison to the walking distance between the station entrance and the most likely available parking spaces given the high parking occupancy. Therefore, the BART parking demand from additional transit riders generated by the Plan would be negligible, and the impact to BART parking at the station would be less than significant.”

It is clear that walking and bicycling from the project site would be relatively convenient ( a little over a mile) in comparison to the walking distance to the most likely available parking spaces given the high parking occupancy at BART. Please note that the EIR significance criteria (and the DSP EIR) make no mention of any standards based on increasing the parking demand by 3% (the criteria only specifies that a 3% increase in ridership could potentially be significant). Based on our review the project increase in BART ridership a maximum of 23 trips during the peak hours)

**Response**

Lafayette Specific Plan area is within one mile of the BART station platform, and a substantial portion is located within the one-half mile radius that is considered a reasonable walking distance to transit. Most of the streets in the Downtown Lafayette Specific Plan area provide sidewalks to facilitate pedestrian connections to the BART station. County Connection (CCCTA) Route 25 runs along Mount Diablo Boulevard between the BART station and the east end of the Downtown Lafayette Specific Plan area at Pleasant Hill Road, providing a transit connection option within one-quarter mile of most of the Downtown Lafayette Specific Plan area. Additionally, a significant portion of the BART parking lot is more than one-quarter mile from the station platform. These conditions clearly support the Downtown Lafayette Specific Plan EIR finding of no significant impact on BART station parking.

In contrast, the Project dwelling units at the west end of the site that is closest to the BART station would be one and one-third miles away from the BART station platform, which is clearly well beyond any established criteria for a reasonable or convenient walking distance to transit. The most direct street connection between the Project site and the BART station platform is Deer Hill Road, which has no sidewalk along significant portions of the connecting segment. Bus stops for Route 25 are located near the Pleasant Hill Road/Mount Diablo Boulevard intersection within approximately 0.4 miles of the Project site, which is considered a reasonable walking distance, but potential riders would be required to cross the uncontrolled State Route 24 ramp connections with southbound Pleasant Hill Road when walking to/from the Project. The walking distance between the Project and Route 25 is nearly double that between Route 25 and most of the Downtown Lafayette Specific Plan area. These factors indicate that most of the BART riders generated by the project are likely to drive to the station and park, resulting in significant Impact TRAF-16 (as numbered in the Draft EIR).

The statement in the Draft EIR that the project-generated BART parking demand for up to 50 spaces is approximately three percent of the 1,526 spaces in the lot is not directly related to the separate three percent threshold for an increase in BART ridership. However, that established three percent standard for a ridership

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	<p>the project would not result in any significant impacts on BART facilities and all related impacts and mitigations should be removed from the EIR.</p>	<p>increase clearly supports the finding that a BART parking demand increase of three percent of the parking lot supply results in a significant impact where the existing demand already exceeds supply. The additional parking overflow would impact parking availability in the Downtown Lafayette area adjacent to the BART station, and potentially increase parking intrusion onto nearby residential streets.</p>
<p>ORG1-252</p>	<p><b>(15) Impact TRAF-17 specifies that the project site plan does not include a loading and unloading area for school bus service, and peak hour traffic congestion on Pleasant Hill Road and Deer Hill Road would be exacerbated if all traffic would be required to stop for a school bus in the traffic lane. The EIR concludes this would be a significant impact. This conclusion is incorrect and based on flawed application of the City’s Standards.</b></p> <p><b>The EIR Includes Erroneous Conclusions About Impacts to school bus service in the area based on an Incorrect and Inconsistent Application of City Standards</b> - It is again important to note that the Downtown Lafayette Specific Plan EIR (DSP EIR) used the exact same criteria but concluded that a project with a much larger impacts on the school bus system would not result in a significant impact. The EIR for the proposed project actually acknowledges that service would not be available for Springhill Elementary because it is within walking distance of the site and then concludes that Stanley Middle School students would be the only potential riders. The EIR concluded the project could generate “approximately 13 additional riders on the bus program’s Stanley Routes.” Unless justification can be provided for why this project should be held to a higher standard than the Downtown Specific Plan then the City should be consistent in its treatment of transit impacts.</p> <p>Given the EIR acknowledges the project only has the potential to generate about 13 riders it is recommended that the EIR use the same language used in the DSP EIR to explain why the impacts on the Lamorinda School Bus Program would be less than significant. The DSP EIR stated the following: “The proposed project has the potential to add to the rider</p>	<p>The comment suggests that Impact TRAF-17 (as numbered in the Draft EIR), regarding loading and unloading for school bus service to Stanley Middle School for Project residents, is based on flawed application the City’s standards, and that a different standard for such impacts was applied in the Downtown Lafayette Specific Plan EIR.</p> <p>As quoted in the comment, the Downtown Lafayette Specific Plan EIR states: “Stanley Middle School... [is] located within convenient walking and bicycling distance of a significant portion of the Specific Plan areas. As a result, the additional school children from the Plan are expected to have minimal effects to the [Lamorinda School Bus] program because they will walk or bike to school...” Based primarily on this finding, the Downtown Lafayette Specific Plan EIR concluded that the Downtown Lafayette Specific Plan impacts on the Lamorinda School Bus Program would be less than significant. Almost 100 percent of the Downtown Lafayette Specific Plan area is within one mile of Stanley Middle School, and a substantial portion is located within a one-half mile radius that provides a reasonable walking distance. Most of the streets in the Downtown Lafayette Specific Plan area provide sidewalks to facilitate pedestrian connections to Stanley Middle School. These conditions clearly support the Downtown Lafayette Specific Plan EIR finding of a less-than-significant impact on the Lamorinda School Bus Program.</p> <p>In contrast, the Project dwelling units at the west end of the site that is closest to Stanley Middle School would be approximately 1.4 miles walking distance from the front of the school, which is clearly a significantly longer walking distance than from most of the Downtown Lafayette Specific Plan area. The most direct connection between the Project site and Stanley Middle School includes Deer Hill Road, which has no sidewalk along the entire connecting segment east of Brown</p>

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demand for the Lamorinda School Bus Program. The program includes service to Stanley Middle School and Springhill and Burton Valley Elementary Schools. Participation in the program requires Lamorinda parents to submit an application for their children to be added to the school bus service and to prepay for that service for the school year. Additionally, Stanley Middle School and Lafayette Elementary School are located within convenient walking or bicycling distance of a significant portion of the Specific Plan areas. As a result, the additional schoolchildren from the Plan are expected to have minimal effects to the program because they will walk or bike to school or their parents would pay for the service if they choose to use it. Therefore, impacts would be less than significant. “ Based on our review there are many available options, including an on-site stop or no direct school bus stop at the site. Given all the available options, the EIR’s conclusion that the addition of approximately 13 school bus riders would result in significant impacts is not supported by evidence. All related impacts and mitigations should be removed from the EIR.

**Response**

Avenue. Bus stops for County Connection Route 25 are located near the Pleasant Hill Road/Mount Diablo Boulevard intersection within approximately 0.4 miles of the Project site, which is considered a reasonable walking distance, but potential riders would be required to cross the uncontrolled State Route 24 ramp connections with southbound Pleasant Hill Road when walking to/from the Project. The shortest walking distance between Route 25 on Mount Diablo Boulevard and the front of Stanley Middle School is more than one-third mile. These factors support the number of Lamorinda School Bus riders that the Project is likely to generate as identified in the Draft EIR.

Impact TRAF-17 is based on the traffic impacts on Pleasant Hill Road and Deer Hill Road resulting from school buses stopping to load and unload the riders that the Project is expected to generate. Unlike the school bus riders generated by the Downtown Lafayette Specific Plan that would be picked up and dropped off at locations dispersed around the Downtown Lafayette Specific Plan area, the Project would focus a significant group of approximately 13 riders at a single loading and unloading location.

The comment suggests that other options would be an on-site stop or no direct school bus at the site. TJKM discussed the possibility of an on-site stop with a Lamorinda School Bus Program Manager. The school bus routes typically do not enter private properties onto roadways that are not available for public access. The Program uses 40-foot buses with large turning radius requirements, and the curvature and grades of the Project site’s internal roadways, as well as the perpendicular parking bays, present operational problems for the vehicles and additional liability exposure for the Program. The efficiency of the school bus route would be negatively impacted by the extra time needed to negotiate the physical constraints driving through the site and then exit the Project driveways back onto the public streets.

If the school bus does not stop directly adjacent to the site, which would be facilitated by Mitigation Measure TRAF-17 requiring installation of bus stop pullouts along the Project frontage, then riders generated by the school would

Comment #	Comment	Response
ORG1-253	<p><b>(16) Impact TRAF-20 specifies that the proposed widening of southbound Pleasant Hill Road to add a vehicle traffic lane would force bikes to shift to the left side of the additional southbound traffic lane that would become a right-turn-only lane for the on-ramp to westbound State Highway 24. This configuration would cause unacceptable weaving conflicts. This conclusion is incorrect and based on flawed assumptions about the difference between existing and project conditions.</b></p> <p><b>The EIR Includes Erroneous Conclusions About Impacts to bicycles based on an incorrect analysis of bicycle conditions</b> - This impact exaggerated the difference between existing and project conditions. The reality is that bicycles will have the exact same challenges with crossing/merging with the on-ramp traffic headed for westbound SR 24. Whether the on-ramp traffic is in its own lane (as proposed) or not doesn't change the fact that bicyclists will still have to negotiate past the traffic entering the on-ramp. Based on our review there is not significant difference in weaving conflicts or bicycle safety with or without the project and all bicycle related impacts and mitigations should be removed from the EIR.</p>	<p>have to walk a longer distance to access the bus, and would also likely need to cross Pleasant Hill Road or Deer Hill Road. This inconvenience could reduce the number of Lamorinda School Bus riders generated by the Project, which would also tend to slightly increase the a.m. peak and school dismissal peak hour trips generated by the Project.</p> <p>The comment suggests that weaving conflicts for bicyclists with the proposed additional southbound lane on Pleasant Hill Road, identified as Impact TRAF-20 (as numbered in the Draft EIR), would essentially be the same as existing conditions.</p> <p>With the existing lane configuration on southbound Pleasant Hill Road, bicyclists encounter only one weaving conflict, which is across the path of vehicles entering the State Highway 24 westbound on-ramp. With the additional southbound lane configuration proposed in the Project plans, bicyclists would have to negotiate multiple weaving conflicts as follows:</p> <ol style="list-style-type: none"> <li>1. Across the path of vehicles in the new third lane, when bicyclists are required to move from the bike lane along the curb (north of the Project driveway) to the bike lane between the second and third lanes (south of the Project driveway). This conflict could be considered analogous to the existing condition, but would occur well in advance of the freeway ramp.</li> <li>2. South of the Project driveway, drivers in the second lane who want to access the westbound State Highway 24 on-ramp will move to the right into the third lane, across the path of bicyclists in the bike lane.</li> <li>3. Also south of Project driveway, drivers in the third lane who do not want to enter the westbound State Highway 24 on-ramp, including some who had turned right exiting the Project driveway, will move to the left into the second lane, across the path of bicyclists in the bike lane.</li> </ol>
ORG1-254	<p><b>(17) Impact TRAF-23 specifies that the proposed elimination of the existing designated spaces on the west curb of Pleasant Hill Road that are currently used for school passenger loading would result in additional hazardous passenger loading activity at unsuitable locations. The EIR concludes the loss of these designated curb spaces</b></p>	<p>The comment statement that “the passenger loading zone in question only accommodates three vehicles at a time” is not accurate. As detailed on Draft EIR pages 4.13-118 to 4.13-119, the observed capacity of the designated passenger loading zone is four cars. During the afternoon school dismissal period, the peak accumulation of vehicles for passenger loading occupied all four loading spaces plus</p>

**Comment # Comment**

**used for passenger loading would substantially increase hazards for school pedestrians and vehicle traffic in the area. This conclusion is incorrect and based on flawed assumptions about the difference between existing and project conditions.**

**The EIR Includes Erroneous Conclusions About Impacts resulting from the elimination of the passenger loading zone on the site-** This impact is greatly exaggerated. The EIR claims (without supporting evidence) that elimination of the pedestrian loading zone along the project's frontage would result in significant impacts. This is not true for the following reasons: 1) the passenger loading zone in question only accommodates three vehicles at a time and is mainly used by students/parents who want to avoid congestion created by the City's Gateway Constraint Policy, 2) the passenger loading zone in question is actually less safe than using the established school's established on-site loading zone because children must cross Pleasant Hill Road to access the school from the loading zone in question, and 3) the area in the vicinity of the passenger loading zone is currently unimproved with vegetation and no available sidewalk or loading area.

The reality is that removing the passenger loading zone would be likely to improve pedestrian safety and result in more passenger loading activities taking place at more suitable locations (like at the established loading area in the school's parking lot). Based on our review there is no significant impacts that would result from the removal of the three passenger loading spaces (currently adjacent to a vacant lot) and all related impacts and mitigations should be removed from the EIR.

**Response**

an additional four to five curb parking spaces to the south, and another five to six vehicles used the Project site property. All of these areas would be eliminated by the Project.

The comment states that these passenger loading areas are "mainly used by students/parents who want to avoid congestion created by the City's Gateway Constraint Policy. This comment seems highly speculative, given the heavily congested conditions for passenger loading and unloading in the school's on-site parking lot and on Stanley Boulevard adjacent to the school, which parents using the subject loading areas on Pleasant Hill Road are more likely avoiding. See response to Comment ORG1-225 regarding the Gateway Constraint Policy.

The comment also states that the loss of the passenger loading area would not result in significant impacts because it "is currently unimproved with vegetation and no available sidewalk or loading area." The fact that this area is used for passenger loading despite the lack of physical accommodations is inconsistent with the premise that elimination of such passenger loading capacity would not be a significant impact.

The comment states that "removing the passenger loading zone would be likely to improve pedestrian safety and result in more passenger loading activities taking place at more suitable locations." Although a few of the drivers using the existing passenger loading area might seek more suitable locations for loading activities, most clearly wish to avoid the congestion and/or inconvenience of more suitable locations. The observed hazardous passenger loading behaviors described in detail on Draft EIR pages 4.13-119 to 4.13-120, which occur despite the availability of more suitable alternatives, clearly demonstrate that drivers seeking to avoid congestion and inconvenience are very likely to opt for loading locations that are more hazardous. Based on the hazardous passenger loading behaviors already observed daily, the conclusion that elimination of the existing loading zone on the west curb of Pleasant Hill Road would increase such hazardous behavior is a reasonably foreseeable condition, which supports the finding of significant Impact TRAF-23.

Comment #	Comment	Response
ORG1-255	<p>In summary, there are numerous transportation and circulation issues, omissions, and inadequacies associated with the May, 2012 EIR (and the Traffic Study) for the Terraces of Lafayette Project. The EIR must be revised to address the unmitigated significant impacts and recirculated for public review and comment. Please call me if you have any questions about these comments</p>	<p>The comment serves as a summary statement. Please see responses to comments above.</p>
ORG1-256	<p>Review of Chapter 4-11, Housing and Population</p> <p>Under the applicable CEQA Guidelines, the purpose of Chapter 4-11 of the DEIR should be the determination of the significance of conflicts between The Terraces project and any applicable land use plan, policy or regulation of an agency with jurisdiction over the project, including but not limited to City documents such as the General Plan, specific plan, or Zoning Ordinance, as well as regional and state agencies. Because the DEIR's stated intent is to use the document for environmental evaluation of The Terraces project, in addition to using it for the environmental assessment of the City's intended rezoning of the property to the LR-5 District, the conflicts of the downzoning with adopted city, regional and State policies should also be assessed.</p>	<p>The federal, State, regional, and local regulatory setting for the proposed Project is described on pages 4.11-1 through 4.11-3 of the Draft EIR. The commentor states incorrectly that the Draft EIR is being used to evaluate a rezoning of the Project site. Please see response to Comment ORG1-12.</p>
ORG1-257	<p>Instead, Chapter 4-11 largely limits itself to the impacts of the proposed housing project relative to a selected grouping of housing policies contained in the Lafayette Housing Element. The DEIR does not find that the impacts of the subject project would .have a significant impact on those selected housing and population policies, and consequently, no mitigation measures are proposed. It may be largely true that The Terraces project would not have a significant adverse impact on only those identified city policies. However, what is more significant, if the subject project were not approved, or substantially reduced in density, or the property rezoned to LR-5, there would be a significant adverse effect on the implementation of numerous adopted Lafayette Housing Element policies, as well as on regional and state goals regarding infill, compact development, the provision of workforce housing, and Greenhouse Gas reduction.</p>	<p>As shown in Chapter 3 of this Final EIR, Table 4.11-1 in the Draft EIR has been revised to include all Housing Element goals and their policies and programs that are relevant to a new residential development.</p> <p>The Draft EIR analyzes the Project as proposed and a mitigated alternative to the proposed Project; as described in response to Comment ORG1-12, the Draft EIR does not analyze a rezoning of the Project site.</p>

**Comment # Comment**

ORG1-258 In addition to failing to assess the project relative to the required array of city, regional and State goals, the DEIR inaccurately describes Lafayette’s existing Housing Element compliance situation. The DEIR fails to point out the various ways that this apartment project furthers Lafayette’s adopted housing goals, as well as furthering the goals of California’s law regarding climate change and the goals of regional agencies, such as ABAG, MTC and the Contra Costa Transportation Authority {CCTA) that deal with halting sprawl, promoting infill development and reducing cumulative traffic impacts. Consistency with adopted policies as well as conflicts, are appropriate to discuss in an adequate EIR document.

**Response**

Below is an assessment of the proposed Project with all the Housing Element goals and their policies and programs relevant to new residential development:

- ◆ Goal H-1: *Conserve and improve the existing housing supply to provide adequate, safe, and decent housing for all residents, with emphasis on maintaining the semi-rural character of the City.*  
 This goal is about the existing housing supply, and therefore it and its policies and programs are not relevant to the proposed Project.
- ◆ Goal H-2: *Facilitate and encourage the development of diverse housing types and additional affordable housing units to accommodate a diversity of Lafayette citizens in terms of age and socio-economic background and to meet regional housing needs as quantified in this Chapter.*  
 The proposed Project is a multi-family affordable project that would accommodate a diversity of citizens in terms of age and socio-economic backgrounds. However, there are adequate sites within the downtown area to meet the City’s Regional Housing Needs Allocation (RHNA) of 361 as demonstrated in Appendix B, Inventory of Vacant and Underdeveloped Sites, and Appendix C, Individual Site Listings: Tables and Maps, of the adopted Housing Element. The sites can provide 760 units of additional housing.
- ◆ Policy H-2.1: *Mixed Use: Encourage the rehabilitation and development of residential uses in commercial areas where the viability of the commercial activities would not be adversely affected .*  
 The Project site is currently zoned for commercial uses, but the area around the site is not a commercial area. Therefore, development of a residential project would not adversely affect any commercial uses.
- ◆ Policy H-2.4: *Regional Housing Needs: Provide for additional housing by encouraging the construction of multifamily housing in areas where there is appropriate zoning for this use.*  
 As demonstrated in Appendices B and C of the Housing Element, there are adequate sites in the downtown to provide for an additional 760 units of housing.
- ◆ Program H-2.4.2: *Multifamily Housing Development: Amend the Zoning Ordinance to allow the development of multifamily housing as of right in areas*

Comment # Comment

Response

*where such development now requires a discretionary land use permit. Continue to require design review to ensure that developments are compatible with surrounding uses.*

The Downtown Specific Plan includes a program to amend the Zoning Ordinance to allow housing by-right in all zoning districts within the downtown. While the proposed Project site is zoned for commercial uses and multi-family development requires a land use permit, the site is not within the downtown.

- ◆ Program H-2.4.3: *RHNA Monitoring Program: Maintain the residential sites inventory that can accommodate the City's regional housing needs allocation of 361 units. Update the inventory annually to monitor the consumption of residential and mixed use properties. If sites in the inventory are developed for non-housing purposes, new sites will be added to the inventory to ensure the City's ongoing compliance with the "no net loss" provisions of Housing Element Law. Post the Housing Element sites inventory on the City's website as a tool for developers, and provide as a handout at the public counter.*

As demonstrated by Appendices B and C of the Housing Element, the inventory of sites is adequate to meet the City's RHNA of 361 units. The sites can accommodate 760 units. None of the sites have been developed for non-housing purposes.

- ◆ Policy H-2.7: *Infill Housing: Encourage private housing development on existing infill sites in order to efficiently utilize existing infrastructure.*

Appendix B of the Housing Element is an inventory of existing infill sites in the downtown that utilizes the existing infrastructure and community services.

- ◆ Program H-2.7.1: *Infill Sites: Develop and maintain an inventory of vacant and/or underdeveloped residential land, distinguishing between land within the City limits and land within the City's Sphere of Influence.*

In addition to Appendix B of the Housing Element, the City prepared a Vacant & Underdeveloped Land Study Map in 2009 using information from the Contra Costa County Assessor. The proposed Project site is shown as "Underdeveloped."

- ◆ Goal H-3: *Expand affordable housing opportunities for persons with special*

Comment # Comment

Response

*housing needs such as the elderly, developmentally disabled, households with very low to moderate incomes, and first time home buyers. The Project is proposed for moderate-income households and therefore would meet this goal.*

- ◆ *Policy H-3.5: Large Families: Recognize the need for providing multifamily housing for large families. Encourage developers of housing to include larger units (2+ bedrooms) in their proposed projects for families.*

The Project proposes 140 two-bedroom and 35 three-bedroom units and would be consistent with this policy. Other recent projects that include two or more bedroom units include Lafayette Townhouses (under construction), Lafayette Park Terrace (approved), and the Woodbury (approved).

- ◆ *Program H-3.5.1: Consider requiring that developers include three-bedroom units in proposed multifamily developments. As part of this analysis determine what percentage of the total units should be three bedroom units, and what size of development should trigger this requirement. Provide fast tracking to projects that provide larger units suitable for families.*

The Project proposes 140 two-bedroom and 35 three-bedroom units and would be consistent with this policy.

- ◆ *Goal H-4: Promote housing opportunities for all persons regardless of race, age, gender, sexual orientation, marital status or national origin.*

The proposed Project would presumably provide housing opportunities for all persons and would meet this goal.

- ◆ *Goal H-5: Adopt and implement a Housing Chapter that is in compliance with State Law.*

The State Housing and Community Development Department found the City's Housing Element to be in compliance with State housing law in March 2011.

- ◆ *Program H-5.1.1: Fast-Track Processing: Provide fast track processing for projects with affordable housing. Fast track processing means giving projects with affordable housing units a priority over other non-public health and safety related projects in the processing and review by City staff. It does not mean eliminating any of the City's regular public notice and hearings or other project review procedures.*

**Comment # Comment**

**Response**

*Publicize this incentive by adding it to the City’s development application forms and posting it on the City’s web site.*

The City offers a pre-application review process to fast track an application once it is submitted. Recent approved projects that include affordable housing and that took advantage of the pre-application review are: Woodbury, Eden Housing, Lafayette Townhouses, and Town Center Phase III. The Project applicant did not request a pre-application review.

- ◆ Program H-5.1.2: *Application Fees: Consider a reduction in development application fees for housing projects containing 25% or more units that are affordable to extremely low, very low, low and moderate income households.*

The application for the proposed Project was deemed complete, including payments of fees, in July 2011. The applicant did not notify the City that the Project would be moderate-income project until August 2011.

- ◆ Program H-5.1.3: *Development Impact Fees: Consider deferring the collection of City impact fees to the certificate of occupancy stage for projects containing 25% or more units that are affordable to very low, low and moderate income households.*

The Project applicant has not requested such a deferment.

- ◆ Program H-5.1.4: *CEQA Process: Follow CEQA procedures to expedite permit processing for all development, including a) encouraging preliminary project review by staff and b) considering the use of mitigated negative declarations, focused EIR’s and other procedures where appropriate.*

The Project applicant did not request a pre-application review. The use of a mitigated negative declaration or focused EIR was determined not be appropriate under CEQA based on the Initial Study prepared for the proposed Project.

ORG1-259 Inaccurate Description of Lafayette’s Housing Compliance:

On Page 4.11-6 of the DEIR, Lafayette is described as having been “fairly successful” in complying with regional housing needs. This description is not correct. Lafayette’s Housing Element failed to be certified by the California HCD for the 1992-1999 RHNA cycle. So no compliance with State Housing law was achieved, and no affordable housing was provided.

On page 4.11-6 of the Draft EIR, the sentence referred to by the commentor reads: “During the period between 1999 and 2007, the City of Lafayette has been generally successful in achieving the RHNA goals, as shown in Table 4.11-3.” The Draft EIR has been revised as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, to include exact wording from the Housing Element: “During the period between 1999 and 2007, the City of Lafayette has been generally moderately successful in achieving the RHNA goals, as shown in Table 4.11-3.” Between 1986

Comment #	Comment	Response
	<p>Nor was any affordable housing provided in the previous 1985-1991 cycle. While the 1999-2006 Housing Element was certified, the level of affordable housing production that occurred could not be termed “fairly successful”. In 2007 ABAG compiled and published the inventory of affordable housing production for the Bay Area’s local jurisdictions for the 1996-2006 cycle. ABAG found that Lafayette’s success for the affordable categories was substantially worse than average. The ABAG document shows the following results for Lafayette:</p> <p>[Please see table on page 238 of the PDF of Comment Letter #ORG1.]</p> <p>This 19% achievement of the RHNA for the three affordability categories should not be characterized in the DEIR as being “fairly successful.” However, the DEIR’s Table 4.11-3 shows a different rate of housing production for Lafayette than ABAG’s determination. It states that there were 78 Moderate Income housing units produced in that cycle, rather than the zero described by ABAG. In that there was only one large multi-family housing project produced during that period, it appears that Lafayette is claiming that the market-rate apartment units in the Town Center apartment project are rent-restricted so that rents cannot exceed the Moderate Income cap based on family size and number of bedrooms. If this is correct, then the City should provide evidence of such binding rent and income restrictions. Rather, we believe this project to be market rate and unrestricted as does ABAG. Thus, the DEIR’s “fairly successful” description and inaccurate data should be removed and replaced with an accurate description.</p>	<p>and 1993, a total of 327 units (290 single-family units and 37 multifamily units) were developed; all of the multi-family units were above-moderate income. Table 4.11-3 in the Draft EIR is correct; it is a copy of Table 30 in the current Housing Element. If the commentor is referring to the 2007 ABAG report entitled “A Place to Call Home, Housing in the San Francisco Bay Area,” the report does not “find” that Lafayette’s success for the affordable categories was substantially worse than average. The report makes no evaluation of any city’s progress towards meeting their housing goals.</p> <p>The commentor refers to the Town Center apartments and questions the City’s claim that the apartments are rent-restricted. The commentor is incorrect. The Town Center project is subject to the terms of a recorded Development Agreement. Phase II of the project has 15 affordable units out of a total of 75 units. The Development Agreement requires the 15 percent of the units to be affordable, but the developers provided 20 percent because they received tax credits. They file annual reports certifying the affordability of the 15 units with Contra Costa County, which issued the tax credits.</p>
ORG1-260	<p>Regarding the current RHNA cycle, on page 4.11-6, Lafayette has arbitrarily reduced the actual RHNA from 361 units to 258. There is no professionally recognized reason to shrink the actual allocation because some number of the years of the cycle have passed. ABAG assigns an allocation to a jurisdiction for the total number of years of the cycle. By using a 28% smaller RHNA, the comparison of the few multi-family projects that have been approved relative to the ABAG allocation,</p>	<p>The commentor is incorrect. The City has not arbitrarily reduced the RHNA number for the 2007-2014 cycle. The number on page 4.11-6 of the Draft EIR is a calculation of how many units would meet the RHNA goals over the first five years of the seven-year cycle. The City’s RHNA for the seven-year cycle is 361 as shown in Table 4.11-2 of the Draft EIR. The following is from the City’s 2012 Annual Report to HCD:</p>

**Comment # Comment**

produces a false impression of a higher degree of success than actually occurred. Furthermore, the DEIR is stating that units within the approved market-rate projects can fill affordable unit RHNA allocations ({{This (approval rate) represents 85 percent of the City’s goals”). The correct percentage of affordable units in approved projects versus the RHNA is approximately 29%. Nevertheless, such maneuvers are legally irrelevant because the use of approvals is not the legally required standard for meeting the RHNA. State law on reporting Housing Element compliance in meeting RHNA goals requires the use of building permits issued, not mere project approvals (Government Code 65400). It is well known that many project approvals never translate into housing. That is both because of the changing economic climate, and in Lafayette, because the approvals are so burdened with extra expenses, and the fact that projects frequently have their unit yield significantly cut down to the extent that the project is no longer economically viable. For example the, 18-unit project in Table 4.1 on Mt. Diablo Ct. began as a 34-unit project, but was reduced over the many years it took to achieve project approval. That project was approved in 2008, yet remains unbuilt. The Branagh Development project at Risa Rd. was approved in 2007 and also remains unbuilt after five years.

**Response**

TABLE 5-4 *PROGRESS TOWARDS MEETING REGIONAL HOUSING NEEDS (RHNA) 2007-2011*

Income Category	RHNA 2007-2014	Building Permits Issued 2007-2011	Percentage of RHNA
Very Low	113	0	0%
Low	77	4	5%
Moderate	80	3	4%
Above Moderate	91	41	45%
<b>Total</b>	<b>361</b>	<b>48</b>	<b>13%</b>

Source: City of Lafayette, 2012.

In reporting its progress to HCD, the City only reports building permits issued as demonstrated by the above table. Regarding approved projects, the following is also from the City’s Annual Report to HCD:

TABLE 5-5 *APPROVED MULTI-FAMILY PROJECTS (NOT CONSTRUCTED)*

Project	Total Number of Units (Status)	Income Category				Estimated Date for Building Permit Issuance
		Very Low	Low	Moderate	Above Moderate	
The Woodbury Condominiums	65 <sup>a</sup> (Approved)	0	0	0	65	2013
Eden Housing Senior Apartments	46 (Approved)	46	0	0	0	August 2012
Lafayette Park Terraces Condominiums	18 (Approved)	1	2	0	15	2013/2014

**Comment # Comment**

**Response**

Merrill Gardens Assisted Living and Memory Care	72 (Approved)	0	0	0	72	August 2012
Signature Townhomes	23 (Approved)	1	0	2	20	August 2012
<b>Total</b>	<b>224</b>	<b>48</b>	<b>2</b>	<b>2</b>	<b>172</b>	
<b>Comparison to Regional Housing Needs Allocation (RHNA)</b>						
RHNA	361	113	77	80	91	
<b>Percentage of RHNA</b>	<b>62%</b>	<b>42%</b>	<b>3%</b>	<b>3%</b>	<b>189%</b>	

<sup>a</sup> The Woodbury is required to provide 18 affordable units (5 very low, 5 low, and 8 moderate) in an off-site location. Since the developer plans to fulfill this requirement by income-restricting existing market-rate apartment units, the units have not been categorized as “new” for RHNA purposes.  
 Source: City of Lafayette, 2012.

To ensure the City’s progress in meeting its RHNA goals is described more clearly, page 4.11-6 of the Draft EIR has been revised, as shown in Chapter 3 of this Final EIR, as follows: “During the period between 1999 and 2007, the City of Lafayette has been generally moderately successful in achieving the RHNA goals, as shown in Table 4.11-3. The City’s RHNA goal for the 2007-2014 cycle is 361 units, as shown in Table 4.11-2. HCD requires that the City project new construction needs over the next five years. Based on the ~~seven-year housing needs as shown in Table 4.11-4~~ 2007-2014 cycle, the City has estimated that a total of 258 units are needed for the five-year period from July 1, 2007 through June 30, 2012. As shown in Table 4-1 of this Draft EIR, five housing projects have been approved by the City and would bring a total of 221 residential units to Lafayette. This represents approximately 85 percent of the City’s 2007-2014 RHNA goal.”

ORG1-261 Lafayette has used a downtown-only scheme to meet the RHNA goals through four Housing Element cycles, all with little or no success. That is because the downtown is small (less than 3% of the City) and largely built out, and generally commercial uses have been able to outbid multi-family residential for available properties. According to Table 8 of the current

The City’s progress in meeting its housing goals is explained in response to Comment ORG1-260. Describing the downtown as “less than 3 percent of the City” is misleading. Within the city limits are 9,355 acres. Of this, 6,942 acres are designated as: Rural Residential; Low Density Single Family Residential; Public Utilities; Community Facilities and Civic Uses; Parkland; and Open Spaces. Multi-

Comment #	Comment	Response
	<p>Lafayette Housing Element, only 182 multi-family units have been built in total in the last 32 years, and none since 2004. And of the 182 units, only approximately 20 have been subject to affordability restrictions. Compare the 20 units over 32 years with the 270 unit goal for affordable units for just one single RHNA cycle alone. Then contrast this low collective result with the “fairly successful” description of meeting housing goals contained in the DEIR on page 4.11-6. If the DEIR provided an accurate description of Lafayette’s long-term failure to meet housing goals, that would demonstrate that the subject project is needed for Lafayette to meet its own adopted goals, as well as regional and State housing goals, because Lafayette’s current policies have not achieved the goals. Downzoning the property to LR-5 would severely exacerbate the housing deficiency by removing the best available, and appropriately zoned, infill site.</p>	<p>family development is not appropriate or allowed on these lands. Of the remaining 2,413 acres, the downtown comprises over 12 percent. It is important to clarify the difference between the Regional Housing Need Allocations, which are assigned by the State through the Association of Bay Area Governments, and a City’s obligation to provide housing. Pursuant to Housing Element Law, jurisdictions are required to ensure that they have enough land zoned at appropriate densities to accommodate the RHNA allocations. As such, jurisdictions have to show that, given local conditions, developers could find enough land zoned for a variety of housing types and a variety of densities to build the amount set in the allocation. However, neither Housing Element law nor the RHNA allocation creates specific obligations to build units. Housing is built principally by private interests, not by government. There is no requirement that all units in the allocation actually must be built.</p> <p>As explained in response to Comment ORG1-12, downzoning of the Project site is not evaluated in the Draft EIR.</p>
ORG1-262	<p>Failure to Show the Consistency of the Terraces Project with Adopted Policies:</p> <p>Table 4.11-1 on Page 4.11-3 presents a disproportionately negative listing of General Plan goals which could lead a reader to conclude that there may be a preponderance of conflicts between the project and the City’s General Plan goals. For example, goals are listed that are not relevant to the project. Policy LU-13.1 is listed, but that policy is only applicable to lands north of Deer Hill Road. Goal LU-14 appears to say multi-family housing is not allowed north of Highway 24, but that particular goal relates only to lands west of Elizabeth Street. The most pertinent General Plan directive relative to The Terraces project is not even mentioned here: The site is actually designated for multi-family housing at densities of up to 35 du/acre, and that is what is proposed.</p>	<p>As shown in Chapter 3 of this Final EIR, Table 4.11-1 in the Draft EIR has been revised to include all relevant General Plan Land Use text, goals, and policies relevant to proposed Project and population and housing.</p>
ORG1-263	<p>Among the otherwise primarily negative goals on the list in the table on Page 4.11-3 &amp; 4 are three pertinent goals that are supportive of the project.</p>	<p>Please see response to Comment ORG1-258.</p>

Comment #	Comment	Response
	<p>Policy H-2 states: Facilitate and encourage the development of diverse housing types and additional affordable housing units to accommodate a diversity of Lafayette citizens in terms of age and socioeconomic background and to meet regional housing needs as quantified in this Chapter.</p> <p>By emphasizing much of the negative impacts, and omitting or downplaying the positive and most pertinent goals that are furthered by the project, the DEIR fails to facilitate and encourage the development of diverse housing types and additional affordable housing units to accommodate a diversity of Lafayette citizens in terms of age and socio-economic background. And since Lafayette has never come close to meeting its regional housing needs in any past RHNA cycles, supporting the subject project will allow Lafayette to come much closer to meeting its regional housing needs. The intended downzoning to LR-5 conflicts with this goal.</p>	
ORG1-264	<p>Policy H-2.4: Provide for additional housing by encouraging the construction of multi-family housing to meet the City’s regional housing needs.</p> <p>The Terraces project is clearly consistent with this policy, particularly because Lafayette has never come close to meeting its regional housing needs in any Housing Element cycle. The tone and bias of the DEIR are not supportive of “encouraging the construction of multi-family housing”. The intended downzoning to LR-5 conflicts with this goal.</p>	Please see response to Comment ORG1-258.
ORG1-265	<p>Policy H-3.5 deals with providing for the needs of large families. Lafayette has been especially unsuccessful in its limited production of affordable housing in meeting needs of larger families because the restricted units are generally small apartments, or restricted to seniors. The Terraces would provide 140 two-bedroom units and 35 three-bedroom units, all consistent with the Moderate Income limitations. No other project, approved or pending, has been as supportive of providing for the needs of large</p>	Please see response to Comment ORG1-258.

Comment #	Comment	Response
	<p>families, yet this point goes unnoted in the DEIR. The intended downzoning to LR-5 conflicts with this goal.</p>	
ORG1-266	<p>It appears significant, relative to any hoped for impartiality of the DEIR as an informational document, that some of the most pertinent Housing Element policies were purposefully left out. Policy H-2.7 states:</p>	<p>The proposed Project site was not included in the vacant and underdeveloped inventory sites in the previous Housing Element for 2001-2006 (Appendix C) or in the current Housing Element for 2007-2014 (Appendices B and C).</p>
	<p>Infill Housing: Encourage private housing development on existing infill sites in order to efficiently utilize existing infrastructure (emphasis added).</p>	<p>As explained in response to Comment ORG1-12, downzoning of the Project site is not evaluated in the Draft EIR because downzoning is not part of the proposed Project.</p>
	<p>The Terraces project sits on the largest existing and undeveloped infill site in the City of Lafayette, yet, that is not mentioned. This site is closer to BART and to downtown grocery stores than are sites on the City’s approved list of available sites in the Housing Element. The use of infill sites such as this is encouraged by all applicable planning and land use principles at the city, regional and State levels, as well as by respected environmental organizations such as the Greenbelt Alliance and TRANSFORM, SPUR, etc. That irrelevant General Plan policies of a negative nature have been included, while the most relevant positive policies are excluded, indicates the intended direction of the DEIR. The City Council’s intended downzoning to LR-5 conflicts with this goal.</p>	
ORG1-267	<p>Another existing adopted Housing Element policy does not appear to read correctly in the DEIR. According to the reference on Page 4.11-4, the version of the Housing Element cited is the updated Housing Element. This was adopted by the Lafayette City Council in 2011, but is stated as the 2009 Housing Element on Page 4.11-4, presumably representing when it was created. However, in this updated version, Policy H-2.4 correctly reads as follows: Regional Housing Needs: Provide for additional housing by encouraging the construction of multifamily housing in areas where there is appropriate zoning for this use. The DEIR apparently cited the superseded 2002 version.</p>	<p>As shown in Chapter 3 of this Final EIR, Table 4.11-1 has been revised.</p>
	<p>However, the DEIR, on Page 4.11-4, Policy H-2.4 has different language which reads: “Provide for additional housing by encouraging the</p>	

Comment #	Comment	Response
	<p>construction of multi-family housing [text struckout] by encouraging the construction of multifamily housing in areas where there is appropriate zoning for this use [text struckout] <u>to meet the City's regional housing needs.</u>"</p> <p>Since Lafayette's current Housing Element purports to meet the regional housing needs without calling on this best available infill site, the use of this language alters the intent to make it appear that the Terraces site is not needed. Yet the correct language calls for the construction of additional housing where there is appropriate zoning, which is clearly the case for the Terraces located in the APO zone. When combined with Policy H-2, above, which calls for additional affordable housing, it is clear that City policies do not limit affordable housing to the limited sites shown in the Housing Element. Down zoning the property to LR-5, would be directly in conflict with Goal H-2.4.</p>	
ORG1-268	<p>D. Impact Discussion, Page 4.11-10. It is stated that the project would result in a "substantial and unplanned level of growth". Here the DEIR does not recognize that the project is planned, and has been included in the plans for the City of Lafayette since the 1968 incorporation, and before that in the County. It is planned for Administrative/Professional/Multi-Family Residential in the 2002 General Plan and the prior 1973 General Plan also allowed such uses. It is noteworthy that the subject property was presented to HCD in the 1999-2006 Housing Element as suitable and available for multi-family housing. Table 23 of that document assigned 140 residential units to the office zones. The subject property constitutes over 80% of the vacant sites within all the office-zoned properties in the City.</p> <p>The Land-Use Element Map of the Lafayette General Plan designates the subject property for Administrative/Professional Office/ Multi-family Residential use. Additionally, on Page I-15 this designation is defined as follows:</p>	<p>The commentator is correct that Table 23 in the Housing Element for the planning period 2001-2006 does show that the MRO, APO, and MRP zoning districts totaled 26.3 with a potential for 140 units. However, the subject property is not identified anywhere in the Housing Element, and therefore was not presented to HCD as suitable and available for multi-family housing. Further, Table 24, Vacant and Underdeveloped Land in Non-Single Family Zoning Districts, does not include any APO-zoned properties. In addition, Appendix C, Vacant and Underdeveloped Parcels and Summary of Residential Densities, does not include the proposed Project site.</p>

Comment #	Comment	Response
	<p><b>Administrative/Professional Office/Multifamily Residential:</b> This designation provides for a mixture of professional office and multifamily residential uses adjacent to Downtown that are close to public transit, shopping, and public facilities. The height limit in the Multifamily Residential/Office designation is 35 feet. The maximum density for multifamily residential uses is 35 units per acre. The maximum floor area ratio (FAR) for commercial uses shall not exceed 0.4.</p> <p>This is the current General Plan description of this property. As is too often the case in the DEIR, this explicit, threshold description of the planned uses for the subject property goes unnoted. This General Plan definition also accurately describes the site as adjacent to downtown, close to public transit, shopping and public facilities. The development standards of the project are fully compliant with the General Plan’s development standards as well as with the APO zoning district. Downzoning the property to LR-5, would be directly in conflict with the basic and explicit General Plan Land Use designation of this property.</p>	
ORG1-269	<p><b>Work-force Housing:</b> Regional and State Policies place great importance on a jurisdiction providing work-force housing. These policies are contained in several CCTA policies mentioned below as well as in Government Code 65589.5(a)(3). The DEIR fails to note that Lafayette does not provide sufficient work-force housing for the approximately 11,480 people who work in Lafayette. The average resale house in Lafayette costs more than \$1,200,000, and more than \$690,000 for condominiums (Page V-32 of Housing Element). In the General Plan, Page 1-4 it states that most employed Lafayette residents work outside the city, and on Page V-16 of the Housing Element, it is shown that the average income in Lafayette is about 70% higher than the county average. Therefore, one must conclude that most employed Lafayette residents commute to professional and managerial jobs outside the City of Lafayette. Meanwhile, many thousands of employees of the offices, banks, stores, restaurants and schools commute into Lafayette for work, from many distant locations.</p>	<p>The commentor states that the City does not provide enough housing to meet its work force needs, and discusses the benefits of the Project in that regard. However, those considerations are not relevant to the EIR. First, the City is required to use an existing conditions baseline and, thus, if the housing to jobs balance is unbalanced, then that is part of the baseline and the Project is not required to account for or mitigate that existing issue. Second, CEQA focuses mainly on the Project’s adverse consequences, and not its benefits. Hence, the positive effects of the Project simply do not bear on whether an impact is less than significant or significant.</p>

Comment #	Comment	Response
	<p>Most of these jobs are service jobs that would not pay enough to buy most housing in Lafayette. The subject affordable project would be well suited to make a significant contribution to providing workforce housing for many of those who cannot afford to buy in Lafayette. The largest employer in Lafayette is the Acalanes High School/District Offices complex located within easy walking distance of the project. Downzoning the subject property to LR-5 would be directly in conflict with these goals.</p>	
<p>ORG1-270</p>	<p><b>Consistency with regional policies:</b>                      The DEIR in Chapter 4-11 does not bring up the project’s consistency with policies of the Metropolitan Transportation Commission (MTC) or the Association of Bay Area Governments (ABAG). While the Plan Bay Area Regional Plan (also called One Bay Area) is undergoing review to implement SB 375 and reduce Greenhouse Gases (GHGs), there are existing policies and clear evidence of agreed upon direction by ABAG and MTC as to what housing policies are favored. The currently agreed upon documents contain goals of minimizing regional sprawl by promoting higher density infill in the closer-in areas of the region. The Jobs-Housing Connection Strategy Report, adopted by the ABAG &amp; MTC Boards, lays out various policies that include an increased proportion of multi-family housing construction relative to single family residences.</p> <p>While Lafayette chose not to include the subject property, which is its best available infill property, into its Priority Development Area (PDA) submitted to the Plan Bay Area program, that was a deliberate City action consistent with the City’s intention to downzone the property to LR-5. According to Plan Bay Area, Priority Development Areas, (or PDAs for short) are areas within existing communities that have been identified and approved by city or county governments to take on larger shares of future growth. These areas typically are easily accessible to transit, jobs, shopping and other services. It should again be emphasized that the PDA selected by Lafayette is inconsistent with Plan Bay Area’s intent. For</p>	<p>The criteria for a Priority Development Area (PDA) that must be met are: 1) the area is within an existing community; 2) the area is near existing or planned fixed transit (or served by comparable bus service); and 3) the area is planned or is planning for more housing. The downtown was designated as a PDA because it met these criteria as follows:</p> <ol style="list-style-type: none"> <li>1) The downtown is in the existing Lafayette community.</li> <li>2) The definition of “near” transit is within one-half mile. Most of the downtown is within one-half mile of the BART Station. There is also bus service along Mount Diablo Boulevard in the downtown.</li> <li>3) The definition of “housing” is the area has plans for a significant increase in housing units, including affordable units, which can also be part of a mixed-use development that provides other daily services, maximizes alternative modes of travel, and makes appropriate land use connections. The downtown has been and continues to be the focus of where housing should be located. The certified Housing Element demonstrates that there are sites in the downtown that can accommodate over 700 units. In addition to the General Plan and its Housing Element, the downtown was planned through its Specific Plans adopted in the late 1980s, the Redevelopment Plan adopted in 1994, and the Downtown Street Improvement Master Plan adopted in 1988, and it is being more comprehensively planned through the Downtown Specific Plan.</li> </ol> <p>The proposed Project site did not meet the PDA second criteria; it is over one-mile from the BART Station. It has also not been included in any of the downtown planning efforts since the 1980s.</p>

Comment #	Comment	Response
	<p>example, the subject property is closer to BART and grocery stores than sites within Lafayette’s self-selected PDA. Yet properties north of Deer Hill Road, even if directly across Deer Hill Road from the BART Station, are prohibited from multi-family development by the zoning and the Hillside Development Regulations.</p> <p>Nevertheless, the Plan Bay Area plan’s policies encourage additional infill and multi-family housing, and do not limit such housing to those areas selected as Priority Development Areas. In fact, 56,000 new homes are anticipated to be built outside of the PDAs for the Bay Area by 2040. For Contra Costa County, the One Bay Area plan calls for only 65% of the new residences to be built within PDAs, but the remainder are expected to occur outside of the PDA, such as the subject property. Development of the subject property, in a regional context, is clearly consistent with the Plan Bay Area plan as it currently stands. The preferred scenario was approved by the combined MTC and ABAG Boards on May 17, 2012, but was available when the DEIR was written. Downzoning the property to LR-5, would be directly in conflict with the GHG reduction goals of MTC and ABAG. While the policies of the Plan Bay Area plan do not have direct jurisdiction over the project, compliance is necessary as a pre-condition of Lafayette receiving future transportation funding.</p>	<p>However, the proposed Project site <i>is</i> within a designated Priority Conservation Area. ABAG describes Priority Conservation Areas as “...areas of regional significance that have broad community support and an urgent need for protection. These areas provide important agricultural, natural resource, historical, scenic, cultural, recreational, and/or ecological values and ecosystem functions.” On July 17, 2008, the ABAG Executive Board designated the Lafayette Ridge area, including the proposed Project site, a Priority Conservation Area.</p>
ORG1-271	<p><b>Contra Costa Transportation Authority Policies:</b> Lafayette is a recipient of the half-cent sales tax for transportation passed by voters in 2004 (Measure J). Therefore Lafayette is obligated to conform to Measure J and be in compliance with CCTA policies. The DEIR fails to mention this obligation, and fails to point out the inconsistencies with CCTA policies of Lafayette’s intended action to downzone the property to LR-5. Likewise, the DEIR fails to mention the consistency of the subject project with CCTA policies. Examples demonstrating the consistency of project approval with the June 16, 2010 adopted CCTA Implementation Guide are numerous and include, but are not limited to, the following:</p> <p>Page 8.(of CCTA Implementation Guide) {{Overall the Measure J</p>	<p>CCTA’s policies are broad, general principles that must be applied within local context. CCTA certainly does not propose indiscriminate approval of all development near transit or transportation systems without regard for their impacts to other local concerns, including potential negative impacts on the local transportation network. CCTA’s policies do not obviate or subjugate CEQA. The EIR’s purpose is to identify these potential negative impacts, and it is not a tool to judge the merit of a project based on its consistency with general abstract goals of a regional body that has no regulatory authority over local land use.</p> <p>The commentpr is incorrect; the Project does not comply with CCTA’s Implementation Guidelines. Please see response to Comment LA1-13.</p>

Comment #	Comment	Response
	<p>Growth Management Plan focuses on :</p> <p>3. Support land use patterns within Contra Costa County that make more efficient use of the transportation system, consistent with the General Plans of the local jurisdictions.</p> <p>The project, by its proximity to highways, major routes, shopping, employment and BART makes efficient use of the transportation system, and the project is consistent with the General Plan as well as the applicable APO zoning. A downzoning would be inconsistent with CCTA policies.</p> <p>4. Support in fill and redevelopment in existing urban and brownfield areas.</p> <p>The subject project is undoubtedly an infill project relative to the City of Lafayette, because of its relatively central location, adjacent to the downtown commercial areas, transportation, employment, and the only public high school in the city. The site has been already graded for development in the 1960s with applicable permits, and as such, the site is a highly disturbed and terraced property that can also be considered a brownfield site.</p> <p>Page 10. (of CCTA Implementation Guide) Addressing Housing Options, In its General Plan each city must demonstrate reasonable progress in achieving the objectives of its Housing Element. The jurisdiction must complete a report that illustrates this progress.</p> <p>Under California Housing Element law progress towards achieving Housing Element compliance is measured by building permits issued, not by mere approvals of projects that may not be built. Lafayette has only produced 182 multi-family units in the last 32 years, and none since 2004. Regardless of whatever progress report Lafayette may have submitted to</p>	<p>CC-TLC is a grant funding program for public projects to enhance and facilitate non-auto mobility in the public right-of-way, preferably in a Planned Development Area, of which the Terraces project is not a part. It is not clear what connection the commentor is trying to make between this private housing development project and CC-TLC.</p>

Comment #	Comment	Response
	<p>CCTA, it is clear that Lafayette has not ever made reasonable progress toward meeting its RHNA. The subject project can help Lafayette make substantial progress toward achieving the objectives of its Housing Element, and would be consistent with CCTA policies. For the current RHNA cycle, the allocation is: 270 Affordable Units Required, consisting of 113 Very Low, 77 Low, and 80 Moderate units. It is our understanding that the current number of building permits issued for the above affordability categories is zero for all categories.</p>	
	<p>Pages 41-43, (of CCTA Implementation Guide) Evaluate Impacts of Proposed New Development.</p>	
	<p>The DEIR does make a minimal mention of the Growth Management Plan required by the CCTA on Page 4.11-2, but only in the context of implying that there may be a conflict between the subject project and available infrastructure so as to diminish the community's quality of life and identity. There is no mention of the current position and intention of the CCTA and the City's adopted Growth Management Plan which is to encourage and accommodate projects such as the Terraces of Lafayette infill project. The Growth Management Plan repeats and emphasizes policies from the General Plan and Housing Element cited above such as Policy H-2 dealing with providing housing for a more diverse socioeconomic make up for Lafayette, and Policy H-2-7 promoting the use of infill sites. Downzoning the property to LR-5, would be directly in conflict with Lafayette's Growth Management Plan and the preceding CCTA goals.</p>	
	<p>Other Adopted CCTA Policies: The following program description and goals are from the adopted Contra Costa Sales Tax Expenditure Plan of which Lafayette is a constituent jurisdiction:</p>	
	<p>As a component of the Sales Tax Expenditure Plan, the Contra Costa</p>	

Comment #	Comment	Response
	<p>Transportation for Livable Communities (CC-TLC) Program would fund transportation enhancement projects in urban, suburban and rural communities, would support a balanced transportation system, would foster the creation of affordable housing, and would help make Contra Costa’s communities more pedestrian-, bicycle-, and transit friendly. The CC-TLC program is intended to support local efforts to achieve more’ compact, mixed-use development, and development that is pedestrian friendly or integrated into transit networks. This type of development provides residents with a broad range of housing choices, easy access to public facilities, and alternatives to the use of the automobile for commuting, shopping or recreation. Finally, the CCTLC program can strengthen existing communities through infill development and discourage the loss of open space and agricultural land on the urban fringe. These principles can be applied throughout Contra Costa, not only in existing urban areas, but also in suburban and rural parts of the county.</p> <p>CC-TLC Goals The goals of the CC-TLC Program are to support transportation enhancement projects and planning that will:</p> <ul style="list-style-type: none"><li>§ Help create walkable, pedestrian-friendly neighborhoods and business districts;</li><li>§ Promote innovative solutions, including compact building design and context-sensitive site planning that is integrated with the transportation system;</li><li>§ Help create walkable, pedestrian-friendly access linking housing and job centers to transit;</li><li>§ Help’ create affordable housing;</li><li>§ Encourage a mixture of land uses and support a community’s development or redevelopment activities; and</li><li>§ Provide for a variety of transportation choices to enhance a community’s mobility, identity, and quality of life.</li></ul>	

Comment #	Comment	Response
	<p>The CC-TLC Incentive Program can aid proponents of affordable or workforce housing projects that may need specific transportation improvements as a condition of project approval and would be expected to be a catalyst that might assist communities with infill and transit-oriented development (emphasis added).</p> <p>Response: As stated above, the DEIR has concentrated on presenting only selected goals which would tend to portray the subject project as being in conflict with adopted city and regional goals. Consistent with that direction, the DEIR contains no mention of the preceding adopted CCTA goals from the Transportation Expenditure Plan. The Terraces project would be consistent with all the above goals, but would be especially supportive of the goals of creating affordable housing, providing workforce housing, and assisting communities with infill development. Additionally, the project would cause the completion of much needed sidewalks, as well as bike lanes along the extensive frontages of the abutting streets. The project would have a complete internal walkway system linking residences to project amenities, and adjacent uses. The largest employer in Lafayette, the Acalanes High School and District offices, are within easy walking distance. In support of the transit goal, the project sponsor would be supportive of making a fair-share contribution towards a shuttle that runs a continuous loop from Terraces/ Acalanes High School to BART with stops along Mount Diablo Blvd on its way back to Terraces/ Acalanes High School, or a comparable route until improved CCCTA bus service is available. Downzoning the property to LR-5, would be directly in conflict with the preceding CCTA goals.</p>	
ORG1-272	<p>State of California Policies:                      California housing law is replete with policy statements as to the need for housing and in particular, affordable housing. A few examples include the following:</p> <p>Government Code 65580. The Legislature finds and declares as follows:                      (a) The availability of housing is of vital statewide importance, and the</p>	<p>As evidenced by the determination of the State Housing and Community Development Department, the City is fully in compliance with State housing law.</p>

Comment #	Comment	Response
	<p>early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.</p> <p>(b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.</p> <p>(c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.</p> <p>(d) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.</p>	
	<p>Government Code 65589.5. (a) The Legislature finds and declares all of the following:</p> <p>(1) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.</p> <p>(2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.</p> <p>(3) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.</p> <p>(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing projects, reduction in density of housing projects, and excessive standards for housing projects.</p>	

Comment #	Comment	Response
	<p>As an all-affordable project, the City is directly subject to Government Code 65589.5. The DEIR makes no mention of the State-identified vital statewide importance of additional housing, and affordable housing in particular. There should be a discussion of how the state goals can be achieved, and in this particular case, how a denial or reduction in density would conflict with adopted California goals. Downzoning the property to LR-5, would be directly in conflict with the preceding State goals.</p>	
ORG1-273	<p>The California Environmental Quality Act including its adopted Guidelines contains policies to discourage the denial or reduction in density of a residential project. Guidelines Section 15092 (c) states:</p> <p>With respect to a project which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.</p> <p>The DEIR makes no mention of this directive from the CEQA Guidelines. In regards to the housing policies reviewed in Chapter 4-11, there are suitable mitigations to reduce any identified impacts. Similarly, in regard to the impacts identified in the other chapters such as aesthetics, biology, traffic, and air quality, there are mitigations available to reduce the impact to Less Than Significant.</p> <p>Conclusion: Chapter 4-11 fails to meet the CEQA requirement of providing a fair and balanced determination of the significance of conflicts between The Terraces project and applicable land use plans, policies or regulations of an agency with jurisdiction over the project, including but not limited to the City documents such as the General Plan and Zoning Ordinance, as well as regional and state agencies. Rather, a disproportionately negative selection of Lafayette goals are presented which falsely creates the impression of conflicts between the subject</p>	<p>The City has not proposed to reduce the number of units of the proposed Project. Changing the General Plan and/or zoning designations of the Project site are not part of the proposed Project description. Therefore, changes in land use designations are not considered in this EIR.</p>

Comment #	Comment	Response
	project and adopted goals. Downzoning the property to LR-5, would directly conflict with the majority of the goals identified above.	
ORG1-274	In addition to the several comments we have provided on the DIER below is a list of mitigations we believe are not supported by the analysis and are therefore not necessary.	Please see responses to Comments ORG1-275 through ORG1-278, which address the necessity of the mitigation measures.
ORG1-275	1) GHG-1 b- Subsidized shuttle service. See DEIR comments by Abrams Associates and Environ.	GHG reductions from the shuttle service where not accounted for in the CalEEMod runs. Mitigation Measure GHG-1b restates Mitigation Measure TRAF-16 for shuttle bus service. Please see response to Comment ORG1-251.
ORG1-276	2) HYDR0-2 -Downstream drainage study. See memo by BKF Engineers, attached.	See the responses to Comments ORG1-279 and ORG1-280.
ORG1-277	3) NOISE-2- Requirement specifying location of stationary equipment and loading/unloading. Construction noise impacts can be managed with standard day and hour of operation controls.	The bullets under Mitigation Measure NOISE-2 are aimed at providing a multi-modal, Best Management Practices approach to reducing noise intrusions during the construction phases of the proposed Project. The individual components of the measure focus on adhering to not only the regulatory time-of-day constraints, but also on using equipment mufflers/silencers and increasing the distance between noise equipment and potential community receptor locations. Relying solely on time-of-day constraints would do nothing to reduce construction noise levels propagating from the Project site into the neighboring community. Rather, the methods denoted are very typical techniques that are outlined in the FTA Noise and Vibration Impact Assessment document (FTA, 2006) and are commonly recommended for projects that involve substantial construction activities. Thus, the full gamut of items under this Mitigation Measure is seen as a prudent and practical way for reducing, to the extent reasonably feasible, the noise-related effects of construction activities in the neighboring community areas.
ORG1-278	4) PS-1 - Police impact fee. There is no evidence that this project will require additional police services and will likely require less due to typical tight management policies.	As discussed on pages 4.12-13 and 4.12-14 of the Draft EIR, the increase in population due to the proposed Project would decrease police staffing levels, which can affect the delivery of police services and targeted police response times. Hiring a private security company could prevent potential crime at the Project site; but this would not cover the surrounding area, which is under City of Lafayette Police jurisdiction. To maintain police response times, at least one more police officer would be needed, according to the letter from Police Chief Mike Hubbard (which is included in Appendix L of the Draft EIR), and therefore Mitigation Measure PS-1 would be necessary to reduce the Project impacts on police services.
	Please register the applicant's protest to these mitigations.	

Comment #	Comment	Response
ORG1-279	<p>BKF Engineers has the following comments on the referenced Environmental Impact Report:</p> <p>1. Section 4.8. Mitigation Measure Hydro-1a, Second Bullet Point directs the project proponent to develop analyses that shall include “comparison of post-development peak flow rates and volumes to pre-development conditions.”</p> <p>BKF Comment: It is customary to compare peak flow rates between pre-development and post-development conditions. It is not customary to analyze or mitigate increases in run-off volume. The mitigation measure should be re-written to remove the reference to volumes.</p>	<p>Mitigation Measure HYDRO-1a has been revised to remove the reference to volumes, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.</p>
ORG1-280	<p>2. Section 4.8. Mitigation Measure Hydro-2 directs the project to provide to the City an analysis that shows that the 10-year and 100-year storms can be safely conveyed through the existing off-site storm drain system, and that the condition of the downstream conveyance system shall be investigated to confirm that the capacity of the existing system is sufficient to meet existing and Project-related demands.</p> <p>BKF Comment: Investigation and/or evaluation of capacity and/or condition of a “downstream conveyance system” are typically only required if a project is increasing the peak flow run-off. The project proposes to follow City of Lafayette and Contra Costa County design standards for flood attenuation on-site, so no evaluation of downstream capacity or condition should be required.</p>	<p>Mitigation Measure HYDRO-2 has been revised to remove the reference to the downstream conveyance system, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.</p>
<b>MEMBERS OF THE PUBLIC</b>		
IND1	Bob Fisher (5/8/12)	
IND1-1	<p>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.</p>	<p>The comment serves as an introduction of the following comments. Please see responses to Comments IND1-2 through IND1-12.</p>

Comment #	Comment	Response
IND1-2	<p>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.</p>	<p>The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND1-3	<p>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.</p>	<p>The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND1-4	<p>West Portal development. Similarly, when over the years proposals were</p>	<p>The comment does not address the adequacy of the Draft EIR. No response is</p>

Comment #	Comment	Response
	<p>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.</p>	<p>required.</p>
<p>IND1-5</p>	<p>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.</p>	<p>The comment does not address the adequacy of the Draft EIR. No response is required.</p>
<p>IND1-6</p>	<p>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</p>	<p>The comment does not address the adequacy of the Draft EIR. No response is required.</p>

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	viewshed.	
IND1-7	<p>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.</p>	<p>The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND1-8	<p>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.</p>	<p>The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND1-9	<p>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</p>	<p>The comment does not address the adequacy of the Draft EIR. No response is required.</p>

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	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.	
IND1-10	One message and one message only was communicated to those property owners: intense and highly visible development fronting Highway 24, Pleasant Hill Road, or Deer hill 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.	The comment does not address the adequacy of the Draft EIR. No response is required.
IND1-11	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.	The comment does not address the adequacy of the Draft EIR. No response is required.
IND1-12	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.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND2	Lynn Hiden (5/9/12)	
IND2-1	Sigh. The dates for our trip were changed this morning due to the needs of our offspring. We will now be out of town from May 31 to June 5 or 6th, and again from June 14 to approximately June 22 or 23rd. I am not likely to be here. Three of our commissioners are new; if Gene Holit isn’t selected to return to the commission, four will be new or relatively new. (Yolanda Vega having come on, last October.)	The comment states that the commentor cannot attend the meeting. The comment does not address the adequacy of the Draft EIR.
IND2-2	At the very least, please know that narrowing the travel lanes to 10’ (unless the proposal has been changed) on a road that, before the curve from 24 to I 680 was constructed, was carrying 40,000 adt, isn’t smart.	The proposed Project does not include narrowing travel lanes on public roadways. Figure 4.13-5 of the Draft EIR shows that the proposed restriping on Pleasant Hill Drive and Deer Hill Road would accommodate standard 12-foot wide lanes,

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	Many collisions will result were we to allow that. We are still recovering from recession, thus vehicular trips are down. But when they pick up, and growth picks up, we are likely to be well over 40,000 adt at the Deer Hill/PH Rd intersection, before very long. Something worth thinking about.	consistent with the existing lanes and typical roadway lane widths.
IND3	Jacquelyn A. Weiss (5/12/12)	
IND3-1	I am writing to register my objection to the Terraces of Lafayette project. It is inconceivable to me that the City of Lafayette can grant permission to for construction of such a large apartment complex at the intersection of Pleasant Hill and Deer Hill Roads.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND3-2	The addition multiple vehicles from 315 units will very negatively impact traffic flow in that already busy corridor, making it extremely congested. It is already nearly impassible during rush hour, the start and end of the school day, and Acalanes sports events.	Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic impacts associated with the Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND3-3	Residents' commute times will increase along with pollution from idling engines. This will negatively affect the quality of life for residents in this area.	According to Chapter 4.2, Air Quality, of the Draft EIR, however, trips associated with the proposed Project would have a less-than-significant impact associated CO hotspots. Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic impacts associated with the Project, including levels of service at intersections. The comment does not address the adequacy of the Draft EIR.
IND3-4	The impact on Lafayette schools must also be considered. These new housing units will introduce a large number of students into our schools without a proportional increase in the revenues required to accommodate the new additions.	The Draft EIR evaluates the environmental effects (e.g. physical expansion or construction of facilities) of the proposed Project. As discussed in Chapter 4.12, Public Services, of the Draft EIR, because the Project would not require expansion or construction of school facilities, the impacts on local schools would be less than significant. Regarding revenues, as discussed in Chapter 4.12 of the Draft EIR, the Project would pay developer fees as required per the Developer Fee Justification Study for Lafayette School District. Since the preparation of the Draft EIR, the Acalanes Union High School District completed a Developer Fee Justification Study (September 2012), and Board approved the imposition of fees. There will be fee split agreement between the Acalanes District (30 percent)and Lafayette School District (70 percent). The proposed Project would be required to pay the development fees to the schools. According to Section 65996 of the California Government Code, development fees authorized by SB 50 are deemed to be “full and complete school facilities mitigation.”

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IND3-5	<p>Both of these factors will contribute to a deterioration of Lafayette residents' property values and the quality of life in this wonderful town.</p> <p>Please do not allow this to go forward.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND4	<p>Robert Barter (5/13/12)</p>	
IND4-1	<p>My wife and I are long time residents of Lafayette, she having lived her entire life in this town. We are both appalled at seeing this little suburb being turned into an "urban transportation center". Developments such as the ones referred to above have no place in this town.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND4-2	<p>I know the city is under pressure from the tentacles of abhorrent legislation by our state legislature but I believe we should fight against that pressure. Cities like Corte Madera have withdrawn from organizations like ABAG in protest to the clumsy, heavy hand of our engorged state government. As a city, we pay way more in taxes than we receive in benefits; we shouldn't be abused as well.</p>	<p>The comment states that the City should fight against pressure from the State government that requires Lafayette become an urban transportation center. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND4-3	<p>Both of these projects will have extensive negative effects on our schools and our already crowded roads. As scores at our local schools slide with the demographic changes, property values (and property tax receipts) will drop precipitously. The 300 unit development is so out of character with the town and so out of place right across the street from Acalanes High School that I cannot believe it is has gotten this far in city planning. All Lafayette residents will pay the price for the disparate impact of such developments as Acalanes scores drop and Cam pol indo becomes a magnet and grows beyond its capacity.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND4-4	<p>Merchants in our city center will soon see a drop, not a rise, in sales receipts (and sales tax) as it becomes more difficult to find parking downtown. 151 parking spots with 3 guest spots (for the 81 unit development with 2 and 3 BR apartments) will assure that the parking will be impossible and traffic will be gridlocked. It will make more sense for me to go to Safeway in Moraga than to drive to the Whole Foods I can see from my house.</p>	<p>The comment refers to a separate project. Parking impacts associated with the proposed Project are addressed in Subsection C of Chapter 4.13, Transportation and Traffic, of the Draft EIR.</p>
IND4-5	<p>Most disturbing is the way that these projects had been allowed to quietly</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft</p>

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	<p>make their way through the planning process. If I have a neighbor who wants to add a 250 square foot room to his house, we have telephone poles plastered with notifications of approval meetings and our poor neighbor (whose project improves the character of the neighborhood) can be assured that it will be a year before he can get building permit. These projects so change the character of Lafayette and so fundamentally damage so many in the community that they should be announced with a mailing to each Lafayette resident and open hearings should be held specifically on these items. I believe you will find that Lafayette residents like Lafayette and don't want it to look like Walnut Creek or Emeryville.</p>	<p>EIR. No response is required.</p>
IND5	Michelle Chan (5/14/12)	
IND5-1	<p>I've just seen the pictures of the 315 unit development that is planned for the Christmas Tree Lot. We live on Springhill Rd. and are already greatly impacted by all of the traffic around the high school in the mornings and afternoon. Some days it takes me 20 minutes to get from the high school to Springhill Rd. at 8am. I can't imagine adding any more congestion to this area.</p>	<p>Chapter 4.13, Transportation and Traffic, of the Draft EIR includes a traffic impact analysis near the school. The comment does not address the adequacy of the Draft EIR.</p>
IND5-2	<p>In addition, this looks terrible. I don't think these units could be any more visible. What happened to hillside ordinances?</p>	<p>The proposed Project site is located within the Hillside Overlay District and therefore subject to Hillside Development Permit requirements. The impacts related to the hillside development regulations are discussed in Chapter 4.9, Land Use and Planning, of the Draft EIR.</p>
IND5-3	<p>I ask you to reconsider this application. The impact on the surrounds neighbors and traffic is too extreme.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND5-4	<p>This will change the quality of life for the people who live in this area and does not fit in with the Lafayette rural atmosphere.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND5-5	<p>I ask you to deny this application or at least reduce the number of units to no more than 30. Even 30 more cars will impact traffic in that area.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND6	Bonnie Macbride (5/26/12)	
IND6-1	<p>After briefly reviewing the EIR for the proposed Lafayette Terraces, I am requesting information that may help me know what to expect should this project be approved.                      Can you let me know something about:</p>	<p>The comment serves as an introduction to the comments that follow. No response is necessary.</p>

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IND6-2	1) expected traffic impact on Pleasant Hill Road North from the freeway to Springhill school and on Deer Hill Road between the Bart station and Pleasant Hill Road, with specifics about hours of congestion (8am and 4pm-6pm)	Chapter 4.13, Transportation and Traffic, of the Draft EIR includes traffic impact analysis on these locations. Figure 4.13-4 shows the existing conditions plus the Project traffic volumes, and Table 4.13-9 summarizes the level of service under existing conditions plus the Project at these locations, during peak hours (AM peak, PM peak, and school dismissal). From pages 4.13-81 through 4.13-91 of the Draft EIR, the section provides applicable mitigation measures to reduce the expected traffic impacts on these locations.
IND6-3	2) plans for landscaping on that same section of Pleasant Hill Road, with specifics about the median strip, the planting strips on each side, the South East corner and North East corner at the intersection of Pleasant Hill Road Deer Hill road	Figure 4.13-5 shows the proposed improvements on Pleasant Hill Road, including median strips. However, the east side of the road is not within the Project area, and therefore no improvements are proposed on the east side of Pleasant Hill Road. As described on page 4.13-105 of the Draft EIR, the Project proposes 5-foot-wide sidewalks along the west side of Pleasant Hill Road between the freeway and Deer Hill Road. Detailed plans for medians and planting strips have not been provided at this stage in the planning process. The proposed trees on the Project site (along the west side of the sidewalks), as shown in Figure 3-9 of the Draft EIR, would provide shade for pedestrians if no planting strips were provided.
IND6-4	3) plans for landscaping beneath the freeway and just south of the freeway on Pleasant Hill Road	This area is outside the Project site, and no improvements are proposed as part of the Project.
IND6-5	4) plans for maintenance of any landscaping	Maintaining the landscaped area on the Project site is the Project applicant's responsibility. As described in Chapter 4.14, Utilities and Service Systems, of the Draft EIR, the landscaping plan includes the use of native vegetation consistent with the Project's regional location to reduce the amount of irrigation required. The irrigation system would be fully automated.
IND6-6	5) road improvements and maintenance in same sections	For the road improvement plans, see response to Comment IND6-3 above. The City would determine the Project's share of costs of improving the public rights-of-way required as a result of the Project. The Applicant would maintain the road on the private property while the City would primarily be responsible to maintain the road in the public right-of-way. The maintenance needs of roadways immediately adjacent to the Project are driven more by prevailing use patterns than the additional traffic to be generated. Moreover, typically pavement degradation is largely attributable to trucks as opposed to cars. The EIR already contains an analysis of impacts and related mitigations associated with truck traffic generated by Project construction activities. The comment does not address the

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		adequacy of the Draft EIR.
IND6-7	6) aesthetic design of units, ability to attract caring residents, longevity so that project does not deteriorate into an eyesore	Figures 3-11 through 3-14 show the exterior design of the buildings and the layouts of the units. The detailed design features and perspective simulations, which also show the Project’s ability to attract residents, can be found in Appendix C of the Draft EIR. The photo simulations included in Chapter 4.1, Aesthetics and Visual Resources, of the Draft EIR, depict the post-construction views and the views of five years after construction. As simulated, the proposed Project would be partially screened by mature trees.
IND6-8	7) how plans will be enforced	Traffic and landscape improvement plans have been developed at a conceptual level for purposes of the environmental impact evaluation. The plans would be developed in detail pursuant to the City’s requirements determined during the consideration of the Project application and its merits.
IND6-9	If you are available, I would like to schedule an appointment with you and/or your staff to review this.	The comment states that the commentor wants to review the requested information with City staff. The comment does not address the adequacy of the Draft EIR.
IND7	Aamir and Susan Farid (5/27/12)	
IND7-1	My wife and daughter moved to Lafayette last year after 9 years in San Ramon. We moved because of the unique attractions of Lafayette. Lafayette has remained a city which has managed to avoid many of the negatives of San Ramon including high traffic volume, noise and a “transitory” culture versus the sense of community that we enjoy here.	The comment serves as an introduction to the comments that follow. No response is required.
IND7-2	When I first heard of this proposal I was shocked as I could not imagine that the city would even consider such a project given the obvious risks to many of the features that make Lafayette so attractive. Now that I understand that Lafayette is an ICLEI city I see that the lure of funding has lead us to this point. Note that this funding is for building “transit cities” -that is completely opposed to what we love about Lafayette - it is not a transit city and we do not want to become one.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND7-3	I have the <i>[sic]</i> read the draft EIR and found nothing surprising- the impacts to noise, traffic, views of the ridgeline are all very negative and many of these impacts cannot be mitigated! I may have missed the potential negative impacts associated with locating such a transitory	The Project impacts to Acalanes High School are addressed in Chapter 4.12, Public Services, of the Draft EIR. Chapters 4.2, Air Quality, and 4.7, Hazards and Hazardous Materials, of the Draft EIR address the impacts on sensitive receptors, including schools, with regard to air quality and hazardous emissions.

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	facility directly across the street from our high school.	
IND7-4	We are 100% opposed to this project and will do whatever we can to ensure that does not proceed. I hope our elected officials do the right thing and kill this project.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND8	Paul Schweibinz (6/15/12)	
IND8-1	I'd like to weigh in as a proximate neighbor (Springhill Valley) as business and property owner (3445 & 3447 Mt. Diablo Boulevard), and a passionate supporter of all things Lafayette for 25 years.	The comment serves as an introduction to the comments that follow. No response is necessary.
IND8-2	Another consideration, and impact here are imagining the impact on Acalanes, where we sent three children.	The commentor expresses concerns about the Project impacts on Acalanes High School. Responses to Comments IND8-3 through IND8-10 below address this comment in detail.
IND8-3	Grossly Too Big	As discussed in Chapter 4.9, Land Use and Planning, of the Draft EIR the heights and densities of the Project buildings would not exceed the requirements of the APO district and the 15-degree declination restriction of the Hillside Overlay District.
IND8-4	Grossly Too High on the Site	The proposed buildings would not exceed the height limit of the APO district as noted in the response to Comment IND8-3 above. However, it is true that the height of the buildings could have negative impacts. As discussed in Chapter 4.1, Aesthetics and Visual Resource, of the Draft EIR, the three-story buildings on the Project site would block the views of the hillsides, resulting in significant impacts on visual resources.
IND8-5	Completely Incompatible w/ "Quaint & Charming" Lafayette	As discussed in Chapter 4.1, Aesthetics and Visual Resources, of the Draft EIR, the proposed Project would have impacts on semi-rural character of the site. In addition, see response to Comment ORG1-36.
IND8-6	Commercializes an already busy thoroughway	The comment is noted. The comment does not address the adequacy of the Draft EIR.
IND8-7	Gross impact on transient character of our residential community	Regarding the proposed Project impacts on community character, see response to Comment IND8-5 above.
IND8-8	Zero, Zero contribution, and likely a negative impact to neighboring school environments	Regarding the proposed Project impacts on school environments, see response to Comment IND7-3 above.
IND8-9	Traffic is not the issue, it is all about the visual degradation of the area, an influx of transient population, and the horrific impact on one of our last	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.

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	remaining open spaces.	
IND8-10	This goes to the character of who we are, and 300 unit developments are not 'Lafayette'.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND8-11	The appropriate development is measured, tailored, set down off of ridge lines, nestled into the hillside, and heavily landscaped. I can image 50 units here, of larger configuration (3 BR), consistent w/ the other multi-family proximate along Pleasant Hill Road.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND9	Carol and David George (6/16/12)	
IND9-1	I am writing on behalf of my husband and I to oppose the Deer Hill Apartment Project as proposed at this time.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND9-2	The 315 unit complex is much too large for this space.	Regarding the size of the proposed Project, see response to Comment IND8-3.
IND9-3	The traffic caused by infusing almost double the number of vehicles as apartments, added to this already nightmare stretch of road, will be horrible.	The traffic impacts associated with the Project are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR in detail. The comment does not address the adequacy of the Draft EIR.
IND9-4	Also not acceptable is the proposal to have the dwellings visible on protected ridgelines. Lafayette put ridgeline laws in place for a reason. Please uphold these guidelines. The ridgeline law apply to everyone, without exception.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND9-5	The goal to remove trees and have dwellings visible violates the atmosphere that we hold dear in Lafayette, which differentiates us for example from Walnut Creek and other cities dominated by construction project interests.	Regarding the proposed Project impacts on community character, see the response to Comment IND8-5 above. The comment does not address the adequacy of the Draft EIR.
IND10	Lisa Whitehead (6/16/12)	
IND10-1	This letter is regarding the proposed Terraces project at the corner of Deer Hill Rd. and Pleasant Hill Rd.	The comment serves as an introduction of the following comments. No response is required.
IND10-2	We oppose the Terraces project because it will adversely alter the landscape and the neighborhood.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND10-3	Also, we object to its potential to affect the environment for the high-school students attending Acalanes High across the street and the younger elementary-school students attending Springhill one block up the street.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND10-4	We love the "Christmas Tree" lot as it is with the rolling hills and the	The comment states the reasons why the commentor likes the "Christmas Tree

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	beautiful trees.	lot.” The comment does not address the adequacy of the Draft EIR. No response is required.
IND10-5	Our house is on Kinney Drive, near Condit, and our children attended the Lafayette public schools, including Acalanes High. If our children were still in attendance at Acalanes, I would worry that any large apartment complex across the street could be distracting to them or even could attract child predators.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND10-6	As you know, this section of Pleasant Hill Road has enormous traffic problems as it is during commute hours. Let’s not make the traffic worse with a huge apartment complex at the worst traffic section of Pleasant Hill Road.	The comment expresses concerns about the traffic impacts associated with the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND10-7	I hope you will put a stop to the proposed Terraces project.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND11	Piers Whitehead (6/17/12)	
IND11-1	Regrettably I am unable to attend Monday’s meeting to discuss the draft EIR related to the “Terraces” proposal. I therefore wish to submit the following comments for consideration.	The comment serves as an introduction to the comments that follow. No response is necessary.
IND11-2	The draft report describes significant unavoidable adverse impacts on the aesthetics, traffic, and land use resulting from this project. Consequently, I do not understand how such a project can be considered “consistent with and further the City’s overall planning objective of the preservation and enhancement of its semi-rural residential character”. I find it surprising that a site containing significant ridgeline and in an exclusively residential part of town should be zoned “Administrative/Professional” and I wonder how such an apparently inappropriate designation was arrived at. Given the location and topography of the site, the adverse impacts noted in the EIR are inevitable and cannot be mitigated by modest changes to the perimeter of the project.	As discussed under Impacts LU-1 through LU-3 in Chapter 4.9, Land Use and Planning, of the Draft EIR, the proposed Project would be inconsistent with General Plan policies and the Municipal Code requirements that are intended to preserve views, open space, and hillsides. According to this analysis, the proposed Project would not be “consistent with and further the City’s overall planning objective of the preservation and enhancement of its semi-rural residential character.” Chapter 3, Project Description, of the Draft EIR, Footnote 14 states “The MRB zone provides direction and regulation for medium-density multi-family residential districts to be consistent with and further the City’s overall planning objective of the preservation and enhancement of its semi-rural residential character.” Note that this description only applies to the MRB district, not to the Project site, which is in the APO district. The comment is correct in that some visual impacts cannot be mitigated by modest changes to the perimeter of the project.

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		<p>The proposed Project site has been zoned for office-type uses since before incorporation. In 1967, Contra Costa County designated the site for “Offices” and “Neighborhood Businesses.” In the City’s first General Plan, adopted in 1974, the site was designated for “Professional and Administrative Offices,” and the Plan notes the visual importance of the site. When the current General Plan was being considered, there was discussion about the appropriate designation for the site. It was determined that the APO designation would remain, but area deserved further study. Consequently, when the current General Plan was adopted in 2002, it included the following:</p> <p>“This area, particularly the triangular shaped parcel south of Deer Hill Road, is the most significant undeveloped property in the community because of its high visibility, its location as an entryway to the community, and its proximity to major thoroughfares as well as regional open space. For these reasons, any development that occurs should be consistent with the semi-rural character of the community. This area deserves a careful and detailed analysis of all the opportunities and constraints that will form the basis of future land use decisions. It is therefore recommended that a specific plan be prepared for this area immediately following the adoption of the General Plan.”</p>
IND11-3	As a resident of the area that would be affected by this development, I can confirm that Pleasant Hill Road traffic is already unpleasantly heavy at peak hours (this is not especially semi-rural already), and this is of especial concern given the location of two schools in the immediate vicinity.	School traffic was considered in the traffic analysis of the Draft EIR, and scenarios for school peak traffic occurring midday were evaluated in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND11-4	In addition to the impact on traffic, in my opinion the proposed development would result in a significant reduction in quality of life for a substantial number of Lafayette residents. These factors are well described in the draft EIR.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND11-5	I therefore wish to record my support for the draft EIR conclusions on aesthetics, land use and traffic, and further record my opposition to the proposed project or anything resembling it at this site.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND12	Robert Barter (6/18/12)	
IND12-1	My wife and I are long time residents of Lafayette, she having lived her entire life in this town. We are both appalled at seeing this little suburb	See response to Comment IND4-1.

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	being turned into an “urban transportation center”. Developments such as the ones referred to above have no place in this town.	
IND12-2	I know the city is under pressure from the tentacles of abhorrent legislation by our state legislature but I believe we should fight against that pressure. Cities like Corte Madera have withdrawn from organizations like ABAG in protest to the clumsy, heavy hand of our engorged state government. As a city, we pay way more in taxes than we receive in benefits; we shouldn’t be abused as well.	See response to Comment IND4-2.
IND12-3	Both of these projects will have extensive negative effects on our schools and our already crowded roads. As scores at our local schools slide with the demographic changes, property values (and property tax receipts) will drop precipitously. The 300 unit development is so out of character with the town and so out of place right across the street from Acalanes High School that I cannot believe it is has gotten this far in city planning. All Lafayette residents will pay the price for the disparate impact of such developments as Acalanes scores drop and Campolindo becomes a magnet and grows beyond its capacity.	See response to Comment IND4-3.
IND12-4	Merchants in our city center will soon see a drop, not a rise, in sales receipts (and sales tax) as it becomes more difficult to find parking downtown. 151 parking spots with 3 guest spots (for the 81 unit development with 2 and 3 BR apartments) will assure that the parking will be impossible and traffic will be grid locked. It will make more sense for me to go to Safeway in Moraga than to drive to the Whole Foods I can see from my house.	See response to Comment IND4-4.
IND12-5	Most disturbing is the way that these projects had been allowed to quietly make their way through the planning process. If I have a neighbor who wants to add a 250 square foot room to his house, we have telephone poles plastered with notifications of approval meetings and our poor neighbor (whose project improves the character of the neighborhood) can be assured that it will be a year and several appearances before all the boards before he can get building permit. These projects so change the character of Lafayette and so fundamentally damage so many in the community that they should be announced with a mailing to each	See response to Comment IND4-5.

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	Lafayette resident and open hearings should be held specifically on these items. I believe you will find that Lafayette residents like Lafayette and don't want it to look like Walnut Creek or Emeryville.	
IND12-6	The 81 unit project should be a third of its size and the 300 unit project simply does not belong in Lafayette. I ask that the Design Review Commission look negatively upon these horrendous affronts to our city.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND13	Tristan deTimofeev (6/18/12)	
IND13-1	I am writing to you to voice my strong objection to the Terraces development. I grew up on Pleasant Hill Circle, and have lived in Lafayette my entire life. Although the out of state owners feel Deer Hill is an unattractive patch of land, actually, one of Lafayette's most attractive features is its rolling hills, developing the site would lead to massive traffic gridlock, and the environmental impact that would be caused by 315 condominiums would be devastating.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND13-2	The City of Lafayette website states in the "About" section that Lafayette is known for it's "tree studded hills". Allowing the Terraces to proceed would eliminate one of those beautiful hills. When people drive through Lafayette on Hwy 24, instead of lush, tree-studded hills, they will see condos. They will see laundry hanging from balconies, satellite dishes, parking lots, smog. The Terraces will devastate real estate prices in the area.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND13-3	The intersection of Pleasant Hill Road and Deer Hill Road is already gridlocked during peak commute hours. Turning on to Deer Hill from Pleasant Hill Road can already take several light cycles. Pleasant Hill Road is a major artery for commuters heading to and from work, and children walk and bike to Acalanes and Springhill every day. This road is already too congested.	Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic impacts associated with the Project, including level of service at the Pleasant Hill Road at Deer Hill Road intersection, traffic hazards. The comment does not address the adequacy of the Draft EIR.
IND13-4	If there are 315 units built on this parcel of land, how will people who live there get to work? The parcel is still half a mile from BART, so it is delusional to believe that more than a small minority of condo dwellers will walk or bike there.	Chapter 4.13, Transportation and Traffic, of the Draft EIR has projected number of dwellers who would walk, bike, or take BART. Additionally, Mitigation Measure TRAF-16 (as numbered in the Draft EIR) calls for the provision of subsidized, frequent shuttle service between the proposed Project site and the Lafayette BART station during the AM and PM peak commute periods. This

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IND13-5	Many of the units will contain more than one person with a car. Where will these people park? Will there be sufficient parking?	would reduce impacts related to the BART station parking lot demand. The comment does not address the adequacy of the Draft EIR. Subsection C of Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses parking issues. The proposed Project would exceed the minimum number of parking spaces required by the City’s parking standards for multi-family uses. The comment does not address the adequacy of the Draft EIR.
IND13-6	What will “sufficient” parking do to the environment? The idea of paving this hill is disgusting. What will the air look like with more than 300 new cars on the hill?	Air Quality impacts of the proposed Project are addressed in Chapter 4.2, Air Quality, of the Draft EIR
IND13-7	What will happen to the animals who call the hill home? What will happen to the deer after whom the hill was named? After their homes are destroyed, they will have to watch out for 300-500 more cars.	A discussion of the potential impacts on vegetation and wildlife resources is provided in Chapter 4.3, Biological Resources, of the Draft EIR. As discussed on pages 4.3-35 and 4.4-55 of the Draft EIR, the proposed Project would alter the existing habitats on the Project site, filling a larger portion of the creek channel, and reducing and fragmenting the existing creek due to culverting and the intensity of development and human activity surrounding the creek segment to be retained as an open channel. Most existing wildlife would be destroyed or displaced from the site during construction, and opportunities to move relatively unrestricted would be precluded once new roadways, residences, and other improvements are installed. This would be a significant impact to wildlife habitat and movement opportunities with regards to the riparian corridor and creek segment on the site.  As acknowledged on page 4.3-35 of the Draft EIR, the roads that surround the site form a barrier for movement of smaller terrestrial wildlife, except birds. Deer and other larger terrestrial species could move across Deer Hill Road to the undeveloped lands to the northwest, but State Highway 24 and Pleasant Hill Road and residential development on the floor of Reliez Valley preclude movement opportunities to the south and east. Given the existing barriers to wildlife movement both on- and off-site, no major wildlife corridors would be affected with development of the proposed Project, and potential impacts on wildlife movement opportunities on the remaining portion of the Project site were determined to be less than significant in the Draft EIR. However, the commentor is correct that development of the site would adversely affect existing wildlife habitat values on the Project site, and the additional traffic on Deer Hill Road

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		could further limit movement of deer across this roadway and could increase the risk of collisions with vehicles if deer eventually begin to disperse onto the site. Deer in suburban settings tend to be relatively adaptable and it is possible that they would eventually be attracted to landscape plantings and other vegetated portions of the site.
IND13-8	Please preserve Lafayette and our beautiful hills and quality of life.	The comment asks to preserve Lafayette and its hills. The comment does not address the adequacy of the Draft EIR.
IND14	Suzanne Ellis (6/18/12)	
IND14-1	As a resident of Springhill Valley (Martino Road) which is close to the proposed 315 unit apartment development, I wish to make known the following concerns and objections to the location of above mentioned project.	The comment serves as an introduction to the comments that follow. No response is necessary.
IND14-2	Any resident in the area of Pleasant Hill Road and Deerhill Road will be isolated from the charm and amenities of Lafayette and will be completely car dependent. Since This <i>[sic]</i> location has no public transportation, the residents will drive to shops and restaurants in Lafayette. Any residents employed in local shops or services will be driving their cars into the town and parking them there during their work day. Any residents using BART will be driving to BART parking lot.	Subsection C of Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses traffic and parking issues. The comment does not address the adequacy of the Draft EIR.
IND14-3	The walk/bike ride from Deer Hill Road & Pleasant Hill Road to Mt. Diablo commercial area requires walking/biking through and under a freeway interchange and is bleak, dangerous and noisy.	The comment expresses concerns about the safety of bikers and pedestrians who would go under a freeway interchange. The comment does not address the adequacy of the Draft EIR. Pages 4.13-97 and 4.13-99 of the Draft EIR include the City's plan regarding improving the pedestrian and bicycle environment between Deer Hill Road and Mount Diablo Boulevard.
IND14-4	The Traffic at this very busy intersection of Deer Hill and Pleasant Hill Roads is already problematic during commute hours and beginning and end of school day. Because of isolation of area, and no public transportation, many of students at Acalanes HS drive to school or rely upon parents to drop off and pick up before and after school. The traffic at that intersection during those time periods is very heavy causing long backups at traffic signals. Adding several hundred cars into that equation will have a very negative result for traffic flow at this very busy	The comment expresses concerns about the impact on traffic flow in the vicinity of the Project site. Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic impacts associated with the proposed Project. The comment does not address the adequacy of the Draft EIR.

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	intersection.	
IND14-5	The description of the development uses the word “terrace.” The implication being that people will have access to an outside space with their unit. The noise coming from 4 lanes of Pleasant Hill Road and nearby Hwy #24 will likely keep the terrace doors closed tight.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND14-6	I have no objection to an apartment project such as this as I have been a resident of one in the past. But to put a project of this scope in an area where residents are forced to rely upon their cars for every need seems a bad decision for the City of Lafayette. My objections are related to the location of the project, lack of amenities for residents and severe traffic impact on the area. Thank you for considering my input on this project.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND15	Ari Lauer (6/18/12)	
IND15-1	My name is Ari Lauer and I live with my wife and three children on Martino Road in Lafayette. I am writing to respond to the draft EIR prepared in connection with the proposed Terraces of Lafayette and also voice my strong opposition to the project.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND15-2	The traffic on Pleasant Hill Road weekday mornings is terrible. Traffic heading toward the 24 Freeway from Taylor is backed up for long stretches. Likewise, there is severe congestion turning left from Pleasant Hill Road to Springhill Road caused by parents dropping off their children at Springhill Elementary School. As the draft EIR confirms, there are no mitigating measures to address the severe adverse impact the project will have on traffic.	Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic impacts associated with the proposed Project. The comment supports the conclusion of the Draft EIR in that there are no feasible mitigation measures to reduce significant traffic impacts on Pleasant Hill Road to a less-than-significant level.
IND15-3	The project is a terrible idea. Please consider the traffic issues raised in the EIR and deny this project in its entirety.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND16	Ann Porcella (6/18/12)	
IND16-1	I am opposed to the Terraces project due to traffic concerns. I assume you have seen Pleasant Hill Road congestion in the late afternoon and early evening!!	The comment expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND16-2	I hope the Dettmers can find another use for their property that won't increase traffic so drastically.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.

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IND17	Whitney M. Conley (6/19/12)	
IND17-1	<p>I am writing to express my strong opposition to the proposed Lafayette Terraces Apartment complex at the corner of Pleasant Hill and Deer Hill Roads. A 335 unit complex at this location on Pleasant Hill Road in Lafayette, across from Acalanes, would make a highly congested and key traffic corridor nearly impassable at peak commute times. We would have gridlock on Pleasant Hill Road! In addition to its sheer size there are serious deficiencies with the projects' location and design, including the exposure of potential residents to serious environmental hazards. The deficiencies include:</p>	<p>The comment expresses opposition to the proposed Project. The responses to Comments IND17-2 through IND17-7 address the specific issues mentioned in this comment.</p>
IND17-2	<p>Location - I don't think you could find a worse location in the city to put a project of this size. Traffic on Pleasant Hill Road by Acalanes is already a nightmare in both the morning and evening commutes, and Deer Hill Road is the primary relief valve for traffic going to the BART station. Traffic from Taylor Boulevard, Reliez Valley Road, Spring Hill and Quandt Rd. all merge on to Pleasant Hill Rd by Acalanes creating a major choke point. I drive this route every morning on my way to BART and can tell you traffic frequently backs up a mile over the hill on Taylor Boulevard. The EIR and traffic studies did not adequately address this problem.</p>	<p>Chapter 4.13, Transportation and Traffic, of the Draft EIR evaluates traffic levels of service, queues, and weaving along Pleasant Hill and nearby intersections. Several potential traffic impacts are identified and mitigation measures are included. Chapters 2 and 3 of this Final EIR show the traffic impacts of the proposed Project as they have been revised since publication of the Draft EIR.</p>
IND17-3	<p>Main Entrance Sitting- Placing the main entrance to the Terraces project on Pleasant Hill Road, just 40 yards before the Westbound Rt 24 On-Ramp, will create a major traffic hazard for drivers merging on to the freeway as well as for residents attempting to leave the project. It will also slow down and back up traffic even more. (See attached site plan)</p>	<p>Chapter 4.13, Transportation and Traffic, of the Draft EIR evaluates the effects of the driveway placement in regards to weaving, traffic hazards, and delays. Several impacts and mitigation measures were identified. The distance from the Project driveway to the location where the west curb on Pleasant Hill Road begins to diverge toward the westbound State Highway 24 on-ramp is approximately 400 feet, or 130 yards. A detailed discussion of potential impacts and mitigation measures regarding these issues are included in pages 4.13-82 to 4.13-90 of the Draft EIR.</p>
IND17-4	<p>Freeway - Rt 24 Air Pollution - The Terraces projects' close proximity to Rt. 24, approximately 50 meters, will expose the residents of the project to significant levels of freeway air pollution. Studies by UCLA, UC Berkeley, California Air Resources Board and New England Journal of Medicine found that freeway air pollution extends much further than</p>	<p>In Chapter 4.2, Air Quality, of the Draft EIR, Section 5, On-Site Community Risk and Hazards (Impact AQ-3) evaluates impacts on the Project from proximity to major stationary and mobile sources of air pollution, including State Highway 24. The commentator is incorrect that the State Legislature enacted a law that prohibits schools from being constructed within 500 feet of a high-volume roadway. Senate</p>

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	<p>previously estimated and that children living within 2 blocks of a freeway contract asthma at high levels and have decreased lung function. Other findings include low birth weight and pre-mature births for mothers living near major freeways. Any children living in the Terraces apartments could therefore be exposed to unacceptably high levels of freeway air pollutants. In 2003 the state legislature enacted a law that all new schools must be built at least 500 feet from busy roadways.</p> <p>The Southern California Particle Center and Supersite (SCPCS) is conducting research on freeway related air pollution (see attached article). Other new studies show that freeway traffic air pollution is linked to increased illness and cardiovascular disease in adults.</p>	<p>Bill (SB) 352 amended Title 5 of the California Code of Regulations requirements for State-funded schools by requiring school districts to perform a risk assessment for schools within 500 feet of a high-volume roadway (defined as roadways over 100,000 vehicles per day).</p> <p>The on-site community risk and hazards analysis conducted for the Draft EIR evaluated major stationary and mobile (roadways greater than 10,000 vehicles per day) within 1,000 feet of the Project site for their potential to result in elevated levels of air pollution on-site in accordance with the Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District (BAAQMD) methodologies. Revised modeling is not warranted. With adherence to Mitigation Measure AQ-3, requiring Minimum Efficiency Reporting Value (MERV) filters in the residential units, indoor exposure to particulate matter concentrations would be reduced by up 80 percent resulting in less-than-significant impacts.</p> <p>Furthermore, the City notes that the purpose of an EIR is to identify the significant effects of the Project on the environment, not the significant effects of the environment on the Project. (<i>South Orange County Wastewater Authority v. City of Dana Point</i> (2011) 196 Cal.App.4th 1604, 1614-1618; <i>City of Long Beach v. Los Angeles Unified School Dist.</i> (2009) 176 Cal.App.4th 889, 905.) While identifying the environmental effects of attracting development and people to an area is consistent with CEQA’s legislative purpose and statutory requirements, identifying the effects on the Project and its users of locating the Project in a particular environmental setting is neither consistent with CEQA’s legislative purpose nor required by the CEQA statutes. Appendix G of the CEQA Guidelines is a sample checklist form that is suggested for use in preparing an initial study (see CEQA Guidelines, §15063, subd. (f)), and which the City has employed to assist in the preparation of this Draft EIR (see Appendix A of the Draft EIR). However, a few of the questions on the form concern the exposure of people or structures to environmental hazards and could be construed to refer to not only the Project’s exacerbation of environmental hazards but also the effects on users of the Project and structures in the Project of preexisting environmental</p>

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		<p>hazards. To the extent that such questions may encompass the latter effects, the questions do not relate to environmental impacts under CEQA and cannot support an argument that the effects of the environment on the Project must be analyzed in a Draft EIR. (<i>Bellona Ballona Wetlands Trust v. City of Los Angeles</i> (2011) 201 Cal.App.4th 455, 473-474.)</p>
IND17-5	<p>The Air Quality issues related to this project and this site should be carefully considered with regard to the exposure of project residents and re-evaluated with measurements taken where the buildings H, I, J, K and L will be located, with a focus on early morning hour and winter readings.</p>	<p>Please see response to Comment IND17-4.</p>
IND17-6	<p>Lafayette and the Planning Commission should also consider seeking advice from the CARB, UCLA and UC Berkeley researchers with regard to the siting and approval of this project in order to protect the city from lawsuits. Professor Michael Jerrett from UC Berkeley’s School of Public Health is one of the co-authors of the study linking freeway auto and truck pollution to atherosclerosis and heart disease.</p>	<p>Please see response to Comment IND17-4.</p>
IND17-7	<p>Guest Parking- In view of the projects 335 units and 567 parking spaces, 1.7 spaces per unit, I did not see any provisions for guest parking in the EIR or plan. The Terraces apartment residents can also be expected to own recreational vehicles, boats, motorcycles, etc. Is routine guest parking going to spread out on to Deer Hill Road, or further out into the surrounding neighborhoods during the holidays ?</p>	<p>The proposed Project would include more than the minimum number of parking spaces required by the City’s Municipal Code standards for multi-family uses. Please see pages 4.13-112 to 4.13-113 of the Draft EIR.</p>
IND17-8	<p>Overall the scale of this project, 335 units and 567 vehicles, and density of 35 units per acre is not consistent with our semi-rural, small-town ambiance, and would create major traffic and parking problems for Lafayette residents, as well put additional pressure on Lafayette’s school systems and emergency services which are already challenged for funding. Thank you for your consideration and service to the community.</p>	<p>This comment summarizes the previous comments (IND17-2 through IND17-7). The proposed Project is consistent with the General Plan and zoning designations for the Project site. The comment does not address the adequacy of the Draft EIR.</p>
IND17-9	<p>ATTACHMENT - Notice of Preparation for The Terraces of Lafayette</p>	<p>This attachment contains the Notice of Preparation for The Terraces of Lafayette, including a site plan and environmental factors to be addressed in the EIR. The Notice of Preparation is included in the Draft EIR in Appendix A.</p>
IND17-10	<p>ATTACHMENT - UCLA News, Air pollution from freeway extends further than previously thought</p>	<p>This attachment contains an article about the impacts of air pollution from freeways, posted by Sarah Anderson on June 10, 2009. This article is referenced in</p>

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		Comment IND17-4. No response is required.
IND17-11	ATTACHMENT - Los Angeles Times, Live near a freeway? Heart disease risk may be higher	This attachment contains an article about the impacts of air pollution from freeways on public health, especially heart disease, posted on February 13, 2010. This article also includes a quote from Michael Jerrett, Associate Professor at UC Berkeley, which is referenced in Comment IND17-4. No response is required.
IND17-12	ATTACHMENT - Time, Study: Living Near a Highway May Contribute to Autism Risk	This article argues that children who live near highways at birth have a higher risk of autism than those live farther away. This article was posted by Meredith Melnick on December 17,2010. This article is referenced in Comment IND17-4. No response is required.
IND17-13	ATTACHMENT - The Southern California Particle Center and Supersit (SCPCS) seeks to explore health and exposure issues	This comment contains the SCPCS’s study on the public-health impact of freeway-related air pollution. This article is referenced in Comment IND17-4. No response is required.
IND17-14	ATTACHMENT - Other resources for questions on particle measurements and possible health effects:	This attachment provides a list of resources regarding the relationship between air pollution and public health, responding to Comment IND17-4. No response is required.
IND18	Rebecca Chandler (6/20/12)	
IND18-1	I am writing in opposition to the planned Terraces project proposed at the corner of Pleasant Hill Road and Deer Hill Road in Lafayette, and I am hoping you can pass my comments along to the planning commissioners.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND18-2	I have been a resident of Lafayette for 14 years, and I believe this new development is detrimental to the city. While I am not opposed to new residential and commercial developments in the town, I believe the location of the Terraces project to be the issue. I drive Pleasant Hill Road daily to access the freeways as well as to drive into downtown, and already during the school year, the traffic is gridlocked and very congested. Allowing the building of apartments or businesses will only increase the traffic congestion.	Chapter 4.13, Transportation and Traffic, of the Draft EIR includes an analysis of levels of service at intersections, queues, and weaving along Pleasant Hill Drive. The analysis takes into account school traffic and provides an analysis of traffic during school PM pick-up periods. The comment does not address the adequacy of the Draft EIR.
IND18-3	Also, one of the many charming aspects in Lafayette are the open spaces and hill sides, and I feel building in these areas will ruin the landscape and small town feel the town possesses.	Regarding the proposed Project impacts on community character and hillside development, see the response to Comment IND8-5 above.
IND18-4	Thank you very much for reading my opinions, and I look forward to reading about the planning commissioners decision.	The comment serves as a closing statement. No response is necessary.

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IND19	Norm Dyer (6/20/12)	
IND19-1	<p>Thank you for meeting with me yesterday to discuss our project's pedestrian access to transit. After we met I discussed your idea of enhancing pedestrian access to Mt. Diablo Blvd. and downtown via Deer Hill Rd./Brown Ave. with my client. He agrees that is a good idea.</p> <p>One thought we have is that the sidewalk along the project frontage of Deer Hill Rd. will have very little use when the multi-use bypass along the south side of the property is constructed. Therefore the developer is willing to construct the sidewalk extension to Brown Ave. in lieu of the frontage sidewalk, as long as the City agrees to the trade and the City is in control of the right of way. There is about 5 feet between the back of curb and the Caltrans fence so it looks like it will work.</p> <p>Again, thank you for your time and good idea.</p>	<p>The comment refers to a meeting between the commentor and City staff. The comment does not address the adequacy of the Draft EIR.</p>
IND20	Kathleen K. Hamm (6/20/12)	
IND20-1	<p>The purpose of this email is to provide comments on the Terraces of Lafayette housing project proposed adjacent to Highway 24 at the intersection of Pleasant Hill and Deer Hill Road. I have reviewed the EIR summary and sections dealing with significant impacts/mitigations. It appears that many of the impacts identified are either temporary (e.g, during construction), unknown (protected species which may or may not be onsite), or capable of being mitigated (tree replacement). Those which cannot be mitigated and are consequently of greater concern relate primarily to ridgeline/scenic issues and traffic along Pleasant Hill/Deer Hill Road.</p>	<p>The comment serves as an introduction for the following comments. The comment also summarizes the impacts identified in the Draft EIR but does not address the adequacy of the Draft EIR.</p>
IND20-2	<p>The Terraces of Lafayette site appears to me to be an excellent location for multifamily homes. It is one of the few remaining large parcels of vacant or underutilized land in Lafayette and is reasonably close to services, schools and major transportation arteries, including Highway 24 and BART.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND20-3	<p>Although I would leave the determination of the optimum density to City</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft</p>

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	Planning Staff, the proposed density of 14 units per acre does not seem excessive given the total site acreage.	EIR. No response is required.
IND20-4	The one to three bedroom apartments are targeted to moderate income households and would therefore provide much needed work force housing for our city - an otherwise very high cost housing area.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND20-5	The provision of higher density housing in Lafayette and closer to major employment centers in Oakland and San Francisco, should have a positive impact on the overall environment by reducing commute times.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND20-6	In summary, in my view the need for this type of housing in Lafayette outweighs the concerns about traffic and scenic impacts. I would encourage the Planning Commission and City Council to approve the proposed Terraces of Lafayette or a similar multifamily residential project for this site.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND21	Steven Dietsch (6/21/12)	
IND21-1	I am a resident of Lafayette residing in the Springhill Valley on Martino Road which is very close to the proposed 315 unit apartment development. Although I am supportive of the need for multi-family housing and have been a resident in various similar developments, I am very concerned about such a development in this location. I do not believe it is good for Lafayette or its residents in this locale for several reasons, with my primary objections and concerns as follows:	The comment expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND21-2	TRAFFIC The Traffic at the intersection of Deer Hill and Pleasant Hill Road is already problematic during commute hours and at the beginning and end of each school day. Acalanes High School is on the northeast corner of this intersection and has a substantial amount of traffic each school day as the isolated location of the high school results in many of the students driving to school or relying upon their parents to drop them off or pick them up after school. Public transportation has not been available as an option due to the isolated location from other municipal activities. Pleasant Hill Road is a major traffic artery for commuters residing on the	The comment expresses concerns about the proposed Project impact on traffic flow and congestion. Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic impacts associated with the Project. The comment does not address the adequacy of the Draft EIR.

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	<p>north side of Lafayette, as well as for residents of portions of Walnut Creek and Pleasant Hill, both to get to the freeway and for access to public transit (BART) for commuting to San Francisco or other cities within the Bay Area. For many of these folks, both Pleasant Hill Road and Deer Hill Road are used as their route to the Lafayette BART station both in the morning and the evenings. The traffic at this intersection (Deer Hill Road and Pleasant Hill Road) during these timeframes is very heavy and often has long backups at the traffic signals. Adding several hundred cars into that equation will have a very negative result to traffic flow at this already very busy intersection.</p>	
IND21-3	<p><b>RELIANCE ON AUTOMOBILES FOR ACCESS</b>                      Any resident in the proposed development area of Pleasant Hill Road and Deer Hill Road will be isolated from the amenities of Lafayette as well as the country charm of the community and will be completely dependent on cars to access the community. Residents will drive to shops and restaurants and shop in Lafayette or Walnut Creek for services as this location does not have public transportation. I also do not believe that if it were to be offered that residents of such a development would not likely utilize it. If they were interested in the closeness in proximity to these types of amenities, they would likely choose locales in downtown Lafayette or Walnut Creek where access to BART or other forms of public transit were already available. Any residents using BART to access their employment will be driving to the BART parking lot. Any residents of the proposed development employed in local shops or services will be driving their cars into town and parking them there during the work day.</p>	<p>Chapter 4.13, Transportation and Traffic, of the Draft EIR includes a discussion of potential traffic impacts and the impacts related to non-automobile transportation modes, such as transit, pedestrian, and bicycle.</p>
IND21-4	<p>A walk/bike ride from Deer Hill Road &amp; Pleasant Hill Road to Walnut Creek or the downtown Lafayette area requires walking/biking under a freeway interchange, crossing multiple lanes of often heavy traffic and is bleak, dangerous and noisy.</p>	<p>See the response to Comment IND14-3.</p>
IND21-5	<p><b>NOISE</b>                      In thinking about residents for the proposed complex, this location adjacent to a busy thoroughfare, Highway 24 and the BART trains is going to be a noisy location. Use of outdoor space on patios/terraces or</p>	<p>The CEQA environmental assessment process is not tasked with examining quality-of-life issues as prospective occupants of the proposed Project facilities can choose whether or not the housing complex is a good fit for them; based on many factors, one of which may be noise from the freeway and the BART line. A good</p>

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	<p>common areas is likely to be minimal as they will likely keep their doors and windows shut to avoid the noise from these nearby elements. This will diminish their day-to-day quality of life and, again, increase their impact on the factors discussed above (reliance on automobiles to access area amenities and impacting the nearby traffic conditions).</p>	<p>portion of the complex would be shielded from freeway and BART noise by the first row of buildings on the south side of the development. These first-row buildings would not be expected to experience car and train noise at outdoor living areas any more than do the existing houses along Circle Creek Drive, Loveland Drive, Linda Vista Lane, Mount Diablo Court, Old Tunnel Road, or Viela Court (given similar distance from these existing residences as for the proposed first-row buildings). The impact regarding traffic conditions is addressed above in response to Comment IND21-3.</p>
IND21-6	<p><b>SAFETY</b>                      The addition of a 315 unit complex with all of the impacts outlined above, as well as an adjacent high school and elementary school within ¼ mile, can only impact safety in the area in a negative way.</p>	<p>The comment expresses concerns about the safety of school environments in the vicinity of the Project site. The proposed Project's impacts on Lafayette public schools are addressed in Chapter 4.12, Public Services, of the Draft EIR. Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic hazard issues associated with the Project. Mitigation Measure TRAF-4 (as numbered in the Draft EIR) would reduce the impact to a less-than-significant level.</p>
IND21-7	<p>When there are so many beautiful areas in and around Lafayette that are better suited for a project of this type, why would the City of Lafayette consider this type of project in this location? As an alternative, a similar development on the south side of the freeway at the site of the previous Hungry Hunter (less than ¼ mile away) would have far less negative impact and influence on residents than the proposed location and would be far safer for the local community.</p>	<p>The comment recommends another location for the proposed Project. The site noted by the commentor is currently being developed with the Lafayette Townhomes project. The comment does not address the adequacy of the Draft EIR.</p>
IND21-8	<p>Again, I support the effort to provide affordable housing for new residents and in the form of an apartment project such as this. My objection to this proposal centers on its location and the numerous negative impacts it will have on residents and those affected daily as part of their daily life. This is a terrible site for this type of use, and there are many locales that would have a much more positive daily impact on the residents of Lafayette as well as the residents of such a new development. To put a project of this scope in an area where residents are forced to rely upon their cars for every need and has the negative impact on the current residents that this one does seems a very poor decision for the City of Lafayette.</p>	<p>The comment expresses opposition to the proposed Project because of its location and associated negative impacts. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND21-9	<p>My objections relate to the location of the project, lack of amenities for residents, safety for those in and around the proposed development area,</p>	<p>The comment summarizes the previous comments (IND21-2 through IND21-8). The comment does not address the adequacy of the Draft EIR. No response is</p>

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	and the severe traffic impact on the area.	required.
IND22	Lynn and Gordon Lasko (6/21/12)	
IND22-1	This letter is in regard to the development of The Terraces at Deerhill and Pleasant Hill Road in our City of Lafayette: Save our Lafayette, stop this development!	The comment serves as an introduction of the following comments.
IND22-2	This development does not fit in with the character of Lafayette. This is an urbanization of a community that values open spaces, scenic undeveloped ridgelines and open spaces. Lafayette Ridge to the North extending down slope to Deer Hill Road is an extension of Briones Regional Park. Standing on the site of this proposed development one can see Acalanes Ridge and the adjoining Lafayette – Walnut Creek open spaces on the opposite ridge. The people of this community have supported and funded park acquisition surrounding this site. A development of 315 residential units on 22 acres is not in keeping with the character or the desired future of this community.	In Chapter 4.1, Aesthetics and Visual Resources, of this Draft EIR, Impacts AES-1 and AES-2 (pages 4.1-43 through 4.1-44) describe the Project impacts associated with visual resources and views of ridgelines. The comment does not address the adequacy of the Draft EIR.
IND22-3	This development raises the issues of traffic congestion and safety. Pleasant Hill Road already is a high traffic route that passes both Springhill Elementary and Acalanes High School. Traffic comes to a stand still during the morning and evening commute. Already the crossing guards at Pleasant Hill Road and Springhill Road are challenged by the heavy and high speed traffic. The addition of 315 units, with the required 567 parking spaces, will greatly add to this traffic congestion and raises concern for the safety of children walking to and from school.	The comment expresses concerns about the safety of school environments and traffic impacts from the Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND22-4	This project is in the style of urban transit centers not Lafayette. We are living in this community because we have the advantages of a small town with the convince of restaurants, shops, schools our children can walk to, scenic hillsides and nearby parkland.	The comment expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND22-5	Save Lafayette!! Stop this development. ATTACHMENT ONLY	This attachment is a letter that contains the same contents as the previous comment (Comment IND22-4). No response is necessary.
IND23	Michael Griffiths (6/22/12)	

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IND23-1	<p>I have lived above Acalanes High School for 23 years and am writing to state my strong objection to the proposed Terraces project.</p> <p>I am 100% in support of the petition below:  <a href="http://www.ipetitions.com/petition/terraces-of-lafayette">http://www.ipetitions.com/petition/terraces-of-lafayette</a></p> <p>Please confirm receipt of my email and let me know if I need to do any more to have my position noted.</p>	<p>The comment expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND23-2	ATTACHMENT; PETITION LETTER	<p>This attachment contains a printout of an electronic petition letter that requests downzoning the Project site and includes 602. This is referenced in Comment 23-1.</p>
IND24	James P. Tuthil (6/24/12)	
IND24-1	<p>I oppose the residential development on what is known as the “Christmas Tree Lot” in Lafayette. Although we are not within the city limits of Lafayette, we are clearly part of the Lafayette community, (Lafayette address, school districts, and proximity) and the proposed residential apartment complex will adversely affect the quality and safety of our lives.</p>	<p>The comment expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND24-2	<p>The intersection of Pleasant Hill Rd. and Deer Hill Rd. is already a crowded and dangerous intersection as we who live in this community know because of the recent tragic fatal accident at the intersection. A 315 unit apartment complex will place too great of a burden on Pleasant Hill Rd. (PHR.) More accidents and delays are inevitable.</p>	<p>Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the proposed Project impacts on traffic and pedestrian safety. The comment does not address the adequacy of the Draft EIR.</p>
IND24-3	<p>Additionally, since this would be diagonally across the street from Acalanes High School, students who are crossing the intersection would be placed at increased risks of injuries from autos. We can expect more pedestrian accidents involving both Acalanes students and the residents of the apartment complex who would likely cross PHR to get to the Shell station for food items.</p>	<p>The comment expresses concerns about pedestrian safety impacts crossing Pleasant Hill Road. Pages 4.13-106 through 4.13-108 of the Draft EIR include the proposed Project impacts on pedestrian safety at this intersection. The comment does not address the adequacy of the Draft EIR.</p>
IND24-4	<p>The Christmas Tree Lot is simply not the proper place for an apartment building, and that’s why it’s never been zoned for such. The City of Lafayette must reject the proposed development.</p>	<p>As discussed in Chapter 4.9, Land Use and Planning, of the Draft EIR, the proposed Project site is currently zoned as APO district, which allows multi-family residential development with a land use permit. Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the Project impacts on</p>

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		traffic levels of service and traffic hazards. The comment does not address the adequacy of the Draft EIR.
IND25	Beryl and Ivor Silver (6/25/12)	
IND25-1	Regretfully we will not be in town to personally express our extreme shock that you will be considering a proposal to expand the area between Deer Hill Road and Pleasant Hill Road for hundreds of new apartments.	The comment does not address the adequacy of the Draft EIR. No response is required.
IND25-2	Beside the spoiling of the area, the traffic on Pleasant Hill Road is already very difficult from 7.30AM to 9.00Am and correspondingly from 4.00 PM to 6.00PM every evening. Adding more makes no sense at all.	Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic impacts associated with the Project. The comment does not address the adequacy of the Draft EIR.
IND25-3	Removing hillside to make room for these apartments would be incredibly wrong. Much of the charm of Lafayette is its rolling Hills, not concrete Boxes stuck where hills used to be.	As discussed in Chapter 4.1, Aesthetics and Visual Resource, of the Draft EIR, the proposed Project would have impacts on the visual resources of the site and its surroundings, such as a semi-rural residential community with hillsides. The comment does not address the adequacy of the Draft EIR.
IND25-4	Approving this permit to build hundreds of apartments will add several thousand more in population- and automobiles . This will only worsen the current mess that exists.	The comment expresses concerns about the increase in population and traffic in the area. The comment does not address the adequacy of the Draft EIR. No response is required.
IND25-5	It is my understanding you have already approved a substantial expansion around the former Hungry Hunter restaurant. This in itself will add a tremendous amount of new traffic to the immediate area.	The comment expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
	<p>WE DO NOT NEED ANY MORE.</p> <p>I strongly urge you to vote NO on this proposal.</p>	
IND26	Thomas Thie (6/25/12)	
IND26-1	<p>DO NOT ALLOW THIS PARCEL TO BE ZONED FOR APARTMENTS.</p> <p>THE SHORT RANGE IMPACT OF ONE APARTMENT COMPLEX WOULD BE TO NULLIFY THE WORK OVER DECADES OF CITY OFFICIALS AND RESIDENTS TO CREATE AND MAINTAIN A SUCCESSFUL RURAL-TYPE GROWTH PLAN.</p>	<p>The comment asks not to allow a zoning amendment for the Project. Rezoning the proposed Project site is not part of the proposed Project, and therefore not included in the EIR analysis. The comment also includes questions for the City. The comment does not address the adequacy of the Draft EIR. However, in response to the commentor's questions, the City has provided the following:</p> <ol style="list-style-type: none"> <li>1. No. The Contra Costa County General Plan (before incorporation in 1968) and the Lafayette General Plan (since incorporation) has designated the proposed Project site as Administrative / Professional Office. However, the</li> </ol>

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	<p><u>THE LONG RANGE IMPACT WOULD BE TO DESTROY LAFAYETTE AS WE KNOW IT BY OPENING THE DOOR FOR A LONG LINE OF SIMILAR DEVELOPMENTS.</u></p> <p>Questions that should be answered for Lafayette residents:</p> <p>1) Has the Lafayette General Plan suddenly changed for building projects? If so, why?</p> <p>2) What are Lafayette city officials doing to insure that our longstanding General Plan is kept intact and not spoil ridge lines or exacerbate traffic congestion?</p> <p>3) Has there been undo influence from the Metropolitan Planning Organization (MPO) to force the MPO's SCS (sustainable communities strategy) upon the city of Lafayette?</p> <p>4) Is the threat of withheld funding for certain transportation projects being used to influence Lafayette's General Plan?</p>	<p>current General Plan recognizes the importance of the site. See the above response to Comment IND11-2.</p> <p>2. The proposed Project, like all development applications, must be consistent with the General Plan and Zoning Ordinance, including policies and regulations pertaining to hillside development.</p> <p>3. No. All metropolitan areas, including their cities and counties, in California are subject to the requirements of SB 375, which includes the preparation and implementation of a sustainable communities strategy.</p> <p>4. No. The City has not received any threats.</p>
IND27	Nancy and Charles Whyte (6/25/12)	
IND27-1	<p>There is a proposal before Lafayette City to allow 183 unit housing development at the intersection of Deer Hill Rd. and Pleasant Hill Rd. We strongly oppose this development For the following reasons:</p> <p>1. This housing development would increase traffic by 500 cars on an already busy street.</p>	<p>Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic impacts associated with the proposed Project. Table 4.13-8 of the Draft EIR presents the Project's trip generation estimates. The comment does not address the adequacy of the Draft EIR.</p>
IND27-2	<p>2. Pleasant Hill Rd. is the only access to Freeway Highway 24 on the east side of Lafayette. There is no other choice for most of us who travel that route to work every day.</p>	<p>Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic impacts associated with the proposed Project on Pleasant Hill Road. The comment does not address the adequacy of the Draft EIR.</p>
IND27-3	<p>3 High school students at Acalanes High School are not always the most careful drivers. This housing development would increase "fender benders" and accidents at this intersection.</p>	<p>Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic hazard issues associated with the proposed Project. Mitigation Measure TRAF-4 (as numbered in the Draft EIR) would reduce the impact to a less-than-significant level. The comment does not address the adequacy of the Draft EIR.</p>
IND27-4	<p>My husband and myself have lived on Reliez Valley Rd. for over 25 years. Both of us have taught at Acalanes High School. We are very aware of the increasing traffic in this area. We hope you will not allow this housing development.</p>	<p>Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic impacts associated with the proposed Project. The comment does not address the adequacy of the Draft EIR.</p>

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	P.S. Please don't play the "bait and switch" game! You say NO to 183 condo development, but then turn and confirm a 100 unit development.	
IND28	Michael Baker (6/26/12)	
IND28-1	The Terraces is a 315 unit housing unit that will have an terrible negative impact on my neighborhood and the schools my children attend.	The comment expresses concerns about the potential negative impacts of the proposed Project on the neighborhood and the schools. The Project impacts on Lafayette public schools are addressed in Chapter 4.12, Public Services, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND28-2	Traffic Impacts of the completed development are labeled as "Significant and Unavoidable".  It is likely to lead to almost complete gridlock at that intersection during the rush hours and this intersection is already slow and heavily trafficked.  We are going to have great difficulty getting our children to school or getting to work if heading in the direction of Deer Hill Road and Pleasant Hill road	Impacts that are considered significant and unavoidable are impacts that would exceed thresholds for project-related impacts where no feasible mitigation is available. The proposed Project would increase the delay at the intersection of Deer Hill Road-Stanley Boulevard/Pleasant Hill Road by up to 9 seconds, which is greater than the 5 second threshold. The comment does not address the adequacy of the Draft EIR.
IND28-3	All of our emergency vehicles are on the other side of Lafayette and have to get through that intersection.	As discussed in Chapter 4.13, Transportation and Traffic, of the Draft EIR, Mitigation Measure TRAF-6 (as numbered in the Draft EIR) would reduce the impact to a less-than-significant level. The comment does not address the adequacy of the Draft EIR.
IND28-4	Please do not approve this massive project that will hurt our neighborhood	The comment expresses opposition to the approval of the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND29	Carol Davis (6/26/12)	
IND29-1	This project is absolutely crazy and unfair to thrust upon the inhabitants of our city. We do not have the infrastructure to handle that kind of traffic at that intersection so close to the high school.	The comment states there is no sufficient infrastructure to support the proposed Project and the associated traffic. Chapters 4.13, Transportation and Traffic, and 4.14, Utilities and Service Systems, of the Draft EIR addresses the infrastructure and traffic impacts associated with the Project. The comment does not address the adequacy of the Draft EIR.
IND29-2	We do not want the landscape changed so drastically. This is a rural area/setting - please don't ruin it.	The comment expresses opposition to the proposed Project due to the change of the neighborhood character. The Project impacts on the visual quality of the neighborhood are addressed in Chapter 4.1, Aesthetics and Visual Resources, of

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		the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND29-3	In addition, I hear that the builders will be allowed exceptions that no one else has been allowed. Please be firm and don't allow these exceptions.	The comment expresses opposition to the City allowing exceptions for the applicant. The comment does not address the adequacy of the Draft EIR. No response is required.
IND29-4	Do what it takes to kill this project.	The comment requests stopping the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND30	Scott Frazer (6/26/12)	
IND30-1	<p>I understand that you are the person to write to concerning the Terraces Project that is being considered on the corner of Deer Hill Road and Pleasant Hill Rd.</p> <p>I have been a resident of Lafayette for 13 years and live back behind Springhill Elementary School.</p> <p>When I first heard about this project, I thought there is no way that Lafayette would grant such a request. I myself took on a remodel 10 years ago and remember the scrutiny I went through to get it passed(I live on a hillside.)</p> <p>I really can't believe that Lafayette would consider a proposal that does the following:</p>	The comment serves as an introduction to the comments that follow. No response is necessary.
IND30-2	1. Dramatically alter a hillside in Lafayette by moving 400,000 yards of dirt. Forget about putting a house on a hillside, this proposal eliminates the hillside!	Impacts associated with the proposed Project's hillside location are addressed in Chapter 4.1, Aesthetics and Visual Resources, and 4.9, Land Use and Planning. The comment does not address the adequacy of the Draft EIR.
IND30-3	2. Further congest one of the busiest intersections in Lafayette. I'm told it's in fact the busiest but I have not verified that....Imagine 300 trucks a day during the construction process right across from the high school...it boggles the mind. The EIR even states the impact will be significant.	The comment expresses concerns about the increased truck traffic during the proposed Project construction phase. With the Mitigation Measure TRAF-8 (as numbered in the Draft EIR), this impact would be reduced to a less-than-significant level.
IND30-4	3. Remove one of our oldest Valley Oak trees and fill in a stream. Now if you and I tried to do that at our house, I would say we would be denied.	The opinion of the commentor is noted. Chapter 4.3, Biological Resources, of the Draft EIR provides a detailed discussion of the potential impacts of the proposed Project on vegetation and wildlife resources, including loss of the 58-inch valley oak in questions and direct and indirect impacts to the creek channel on the

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		proposed Project site.
IND30-5	<p>4. Finally, to me the biggest shame would be the ruining of such a nice hillside. I would understand if they wanted to build 5 houses on several acres per house. That would still have a somewhat pastoral feel and not turn the hill into a condo project. One of the nice things about Lafayette as you drive down 24 are the hillsides. Yes, there are houses sprinkled on them but they are sparse. The green(or brown in summer) hills are what you see and think of when you think of Lafayette.</p>	<p>As discussed in Chapter 4.1, Aesthetics and Visual Resource, of the Draft EIR, the proposed Project would have impacts on the visual resources of the neighborhood, such as rolling hillsides. The comment does not address the adequacy of the Draft EIR.</p>
IND30-6	<p>I sincerely hope the city will fight this proposal from developers. I know it won't be easy but I'm sure the entire Northeast Side of Lafayette would be firmly behind the city if they need us.</p>	<p>The comment expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND31	Stephen and Catherine McLin (6/26/12)	
IND31-1	I'm sure things are hopping for you with this project.	<p>The comment serves as an introduction to the comments that follow. No response is necessary.</p>
IND31-2	<p>Before we built our house at 3214 Quandt Road in Lafayette in 1985, which directly faces the proposed Terraces project to the south about 1/2 mile away and at about the same altitude(see photo), I asked for and received a written letter from Lafayette as to what constituted "Protected" Hillsides including my view of the now-proposed Terraces and Briones hillsides and they assured me in writing that nothing could ever be built there other than the existing small cluster of houses and small offices that existed at the time when it was County and Lafayette wasn't incorporated and have always( at least for 25 years) been completely shrouded by trees.</p> <p>We can't find the letter just yet, but I'll be other people have similar letters - except many people have moved - but be assured that I will file suit against the City alleging fraudulent misrepresentation.</p> <p>They can't renege on a protected area represented as unbuildable just because the taxes are too enticing.</p> <p>If we had ever wanted to buy the flat top of that hillside and build a single</p>	<p>The proposed Project site is located within the Hillside Overlay District and therefore subject to Hillside Development Permit Requirements. The impacts related to the hillside development regulations are discussed in Chapter 4.9, Land Use and Planning, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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	family home I would have been laughed out of the Planning Committee's office.	
IND31-3	Also, please send someone to Pleasant Hill road between Springhill and the Highway 24 when school is in session to see how it takes 10- 15 minutes to go 1/2 mile between 7:30 and 9 AM weekdays-- a 60 second trip otherwise. This development will vastly increase the time and wasted gas pumping more Carbon Dioxide.	Chapter 4.13 of the Draft EIR evaluates the proposed Project's traffic impacts based on traffic counts and the level of service, including average control delay per vehicle in seconds, of these intersections along Pleasant Hill Road during morning peak hours. Chapter 4.13, Transportation and Traffic, of the Draft EIR also estimates how much traffic delay the Project would create at these intersections when school is in session. The comment does not address the adequacy of the Draft EIR.
IND31-4	This proposal is totally not a fit with what Lafayette is all about- our tax base has declined much less than cities east of us and we should be able to make do without destroying the character of our town just to get more tax revenue.	The comment states the proposed Project does not fit in Lafayette. The comment does not address the adequacy of the Draft EIR. No response is required.
IND31-5	ATTACHMENT PICTURE	The attachment is a picture depicting preserved hills, referenced in Comment IND31-2. No response is required.
IND32	Mark Mitchell (6/26/12)	
IND32-1	1. So that I can better understand the grading, would you ask the consultant to provide a photo simulation or perspective drawing of the before and after grading without the buildings being shown.	The comment asks for an additional photo simulation or perspective drawing of the before and after grading without the buildings. This is not part of an environmental impact evaluation, and therefore no simulation or perspective drawing are provided. However, response to Comment PC1-71 provides a description of the difference between the existing and proposed grades, which could help the commentor understand the grading of the site. Additionally, detailed topographical maps and site sections can be found in Appendix C and Appendix D of the Draft EIR.
IND32-2	2. The Contra Costa Times, on June 24th published an article "Builders balk at tax plan" in which the City of Walnut Creek proposes a tax on new multifamily developments of \$429 per unit per year for 30 years to cover the costs of services "such as police protection, maintenance of streets, and flood and storm protection." "While single family housing tends to cover the costs of the services their occupants use, high density multifamily housing or apartments traditionally do not, city leaders have said in the past." What is the situation in Lafayette?	The comment does not address the adequacy of the Draft EIR. No response is required.

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IND33	Carol Mills and Jonathan Posin (6/26/12)	
IND33-1	We wanted to add our voices to the many Lafayette residents expressing great concern over the Terraces project. The Draft EIR is an imposing document that needs long and careful study. We do not propound to be experts on many of the items addressed in the EIR, but as physicians we are gravely concerned about the impact of the massive increase in total number of vehicles and traffic flow on life safety.	The comment serves as an introduction to the comments that follow. No response is necessary.
IND33-2	Specifically, the Pleasant Hill/Deer Hill/Highway 24 intersection, already difficult at school and work commute times, will become impassable over ever increasing hours. The ability for emergency responders to navigate their vehicles through traffic on main and side streets will be seriously impaired, even with the use of radio controlled traffic signal controls.	The traffic impacts related to the proposed Project, including emergency access, are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND33-3	Ingress and egress to area neighborhoods will be impacted.	The traffic impacts related to the proposed Project, including ingress to and egress from the Project site, are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND33-4	Traffic on smaller roads (e.g. Reliez Valley) will worsen as residents will seek alternate routes to avoid the gridlock. Patients will suffer life threatening delays in responder arrival and transport to John Muir Medical Center.	The traffic impacts related to the proposed Project, including emergency access, are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. Mitigation Measure TRAF-2 would reduce impacts related to emergency vehicles access to less than significant levels. The comment does not address the adequacy of the Draft EIR.
IND33-5	We implore you and your colleagues in the Planning Department to put the brakes on approval of the Draft EIR, to allow more time to carefully digest, analyze and respond to the many issues of major concern and impact to Lafayette.	The comment asks the City to provide more time to review the Draft EIR. The comment does not address the adequacy of the Draft EIR. No response is required.
IND34	Linda Riebel (6/26/12)	
IND34-1	Dear Ann Merideth, Attached please find my public comment on the proposed Terraces of Lafayette development.	The comment serves as an introduction to the comments that follow. No response is required.
IND34-2	I strenuously object to the Terraces of Lafayette project, which would add hundreds of drivers and their vehicles to Deer Hill/Pleasant Hill intersection. The project is insanely oversized for an intersection already experiencing traffic congestion.	Chapter 4.13 of the Draft EIR includes an analysis of levels of service for existing and future years at intersections along Pleasant Hill Road during morning, mid-day, and afternoon peak hours. Chapter 4.13, Transportation and Traffic, of the Draft EIR evaluated potential traffic impacts related to the Project at these

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IND34-3	<p>A large high school and an elementary school are very close to this corner. According to the high school website, “Of the 1,316 students currently enrolled at Acalanes, 86% live in Lafayette, with the remaining 14% [185 students] coming mostly from the surrounding communities of Moraga, Orinda, Pleasant Hill and Walnut Creek.” Acalanes High School serves students that come from south of 24 and their trip to school would be seriously delayed hundreds of days a year. Faculty and staff members must also be able to reach the school in a timely fashion.</p>	<p>intersections when school is in session. The comment does not address the adequacy of the Draft EIR.</p> <p>The traffic impacts on Pleasant Hill Road traffic during the morning peak hours are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR; as indicated under Impact TRAF-1 addresses traffic delays at the intersection of Deer Hill Road/Stanley Boulevard at Pleasant Hill Road. The comment does not address the adequacy of the Draft EIR.</p>
IND34-4	<p>Public transportation in this area is limited, and the proposed development is 1.6 miles from to the BART entrance, so residents of the proposed development are unlikely to walk there. Adding their cars to the congestion would then back up traffic in all directions - north and south on Pleasant Hill Road, west on Deer Hill Road, and into the nearby collector roads.</p>	<p>Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic impacts associated with the proposed Project. Mitigation Measure TRAF-16 (as numbered in the Draft EIR) calls for the provision of subsidized, frequent shuttle service between the Project site and the Lafayette BART station during the AM and PM peak commute periods. This would reduce impacts related to the BART station parking lot demand. The comment does not address the adequacy of the Draft EIR.</p>
IND34-5	<p>The ensuing guaranteed gridlock, apart from gravely degrading our quality of life, could literally threaten our lives. Apart from air pollution produced by hundreds of cars sitting in traffic, which contributes to respiratory disease and cancer, other health hazards are immediate and severe: the delay of emergency vehicles.</p> <p>According to Contra Costa County Fire Protection District, there are three fire stations in Lafayette:</p> <ul style="list-style-type: none"> <li>● 3338 Mt. Diablo Blvd, Downtown.</li> <li>● 620 StMary’s Rd, Burton Valley area.</li> <li>● 4007 Los Arabis Dr, Happy Valley area.</li> </ul> <p>Vehicles from ALL THREE stations would have to go through the PH/DH intersection to reach any locations off the Pleasant Hill exit from 24. Hundreds of Lafayette residents would be put at risk. According to FEMA*, “Every three hours someone is killed in a home fire--that’s more</p>	<p>The comment expresses concerns about the impacts of the proposed Project on emergency vehicle access. As discussed in Chapter 4.13, Transportation and Traffic, of the Draft EIR, Mitigation Measure TRAF-6 (as numbered in the Draft EIR) would reduce the impacts to a less-than-significant level. The comment does not address the adequacy of the Draft EIR.</p>

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	<p>than 2,600 people in 2006 alone. Another 13,000 people are injured in home fires in a typical year.”</p> <p>According to the US Fire Administration ** “In the event of a fire, remember - time is the biggest enemy and every second counts! Escape plans help you get out of your home quickly. In less than 30 seconds a small flame can get completely out of control and turn into a major fire. It only takes minutes for a house to fill with thick black smoke and become engulfed in flames.” How many houses would burn to the ground because gridlock prevented fire engines from arriving?</p>	
IND34-6	<p>In the Draft Environmental Impact Report (DEIR) for this project, section 4.12-5 notes that “The average CCCFPD system-wide response time was approximately six minutes in 2011, page 4.12-5 of DEIR” and on 4.12-7 that “The CCCFPD has no plans to expand existing facilities or construct new ones at this time.” How long would response time become if this project were to be approved and built?</p>	<p>As discussed in Chapter 4.13, Transportation and Traffic, of the Draft EIR, the implementation of Mitigation Measure TRAF-6 (as numbered in the Draft EIR) would reduce the impact on emergency access to a less-than-significant level. It is unknown how long response time would be when the proposed Project would be built. However, as Chapter 4.12, Public Services, of the Draft EIR concluded, the implementation of the Project would not result in a significant impact related to the provision of fire protection services (e.g. maintaining acceptable service ratios, response times, or other performance objectives).</p>
IND34-7	<p>The proposed mitigation (“detection equipment for emergency vehicles”) refers, I believe, to the clickers that fire engines can use to alter traffic signals so they can get through. While such devices might be valuable in dense urban settings with wide roads, it is ludicrous to assert that they would help a fire engine (or other emergency vehicle) get through completely gridlocked intersections and the two-lane roads leading up to them through narrow valleys.</p>	<p>As discussed in Chapter 4.13, Transportation and Traffic, of the Draft EIR, Mitigation Measure TRAF-6 (as numbered in the Draft EIR) would reduce the impacts to a less-than-significant level. The comment does not address the adequacy of the Draft EIR.</p>
IND34-8	<p>Delay of ambulances would be even worse, since these vehicles must FIRST get to the person’s house and THEN drive back through the intersection to Kaiser or John Muir Hospitals. Citizens with health emergencies (heart attacks, accidents, accidental poisonings, etc.) need immediate care. The delay of even a few minutes can mean the difference between surviving an emergency, and dying of it. Children falling into pools, seniors experiencing heart attack or stroke, teens in car accidents - all need medical care as quickly as possible. Reliez Valley Road and</p>	<p>As discussed in Chapter 4.13, Transportation and Traffic, of the Draft EIR, the implementation of Mitigation Measure TRAF-6 (as numbered in the Draft EIR) would reduce the impact on emergency access to a less-than-significant level. Additionally, Chapter 4.12, Public Services, of the Draft EIR concluded that the implementation of the proposed Project would not result in a significant impact related to the provision of fire protection and emergency services (e.g. maintaining acceptable service ratios, response times, or other performance objectives).</p>

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	Springhill are two-lane roads on hills and around curves. In many places it is not safe to speed or pass, and there are no shoulders onto which passenger vehicles could move to let emergency vehicles pass. Thus, in addition to the guaranteed gridlock at the intersection, if traffic on Pleasant Hill Road or at the intersection is backed up, even longer and more dangerous delays are inevitable.	
IND34-9	There are no mitigations possible. Reliez Valley Road and Springhill are local arterials that pass through narrow valleys. They cannot be widened, and even if they could, who would pay for such a project?	As shown in Table 4.13-9 and addressed on page 4.13-68 of the Draft EIR, both the Project-level and cumulative impacts on the two intersections (Reliez Valley Road/Pleasant Hill Road and Springhill/Pleasant Hill Road) would be less than significant and no mitigation measures would be necessary.
IND34-10	Personally, I do not believe the proponents are serious about 315 units. I suspect this is an attempt to shock the city into accepting a lower number (shall we guess 153?) which would still be outrageously high and completely unacceptable.	The comment states that the applicant asks for 315 units to shock the city so that a somewhat lower number can be allowed. The number of units proposed by the Project application is consistent with the current General Plan and zoning designations. The comment does not address the adequacy of the Draft EIR.
IND35	Sharon Thie (6/26/12)	
IND35-1	I am extremely opposed to the proposed Terraces of Lafayette for some of the following reasons:	The comment serves as an introduction to the comments that follow. No response is necessary.
IND35-2	1) Most of the significant Environmental impacts cannot be mitigated as cited in Draft EIR report.	The comment is acknowledged. Please see Chapters 2 and 3 of this Final EIR, which contain revisions to some of the impacts and mitigation measures of the Draft EIR.
IND35-3	2) Pleasant Hill Road can be a traffic nightmare when any work is being done to the road or meridians, due to various school start and let out times. Add a project of this enormity, and you will have indescribable mess for commuters, especially when they are (often) diverted from the 680 Freeway.	Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the proposed Project traffic impacts in the study area during construction. Mitigation measure TRAF-8 (as numbered in the Draft EIR) would reduce impacts during construction to less than significant levels. The comment does not address the adequacy of the Draft EIR.
IND35-4	3) We have lived in Lafayette 24 years, and the City officials have always made it a point to protect our ridge lines. This project is so out of character for our semi rural guidelines, that I'm stunned you would consider it. For generations, a "mandate" of the City of Lafayette has been to protect ridge lines and view sheds for our residents to enjoy our much touted semi rural character.	In Chapter 4.1, Aesthetics and Visual Resources, of this Draft EIR, Impacts AES-1 and AES-2 (pages 4.1-43 through 4.1-44) describe the proposed Project's impacts associated with visual resources and views of hillsides. As discussed, the proposed Project would have a significant impact to visual character of the site and its surroundings (i.e. a semi-rural residential community with hillsides). The comment does not address the adequacy of the Draft EIR.
IND35-5	4) In the space of two years we have had Townhouses (Hungry Hunter)	In Chapter 4.1, Aesthetics and Visual Resources, of this Draft EIR, Impacts AES-1

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	approved that broke mandated “view sheds” and are now looking at two more proposed Apartment Buildings, that together make a mockery of the ridge line and “view shed” limits.	and AES -2 (pages 4.1-43 through 4.1-44) describe the proposed Project’s impacts associated with visual resources and views of ridgelines. As discussed, the three-story buildings on the Project site would block the views of the hillsides, resulting in a significant impact. The comment does not address the adequacy of the Draft EIR.
IND35-6	5) This project will negatively impact existing property values as you urbanize and choke Pleasant Hill road with more cars, ala Ygnacio Valley Road.	Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the proposed Project traffic impacts on Pleasant Hill Road. The comment does not address the adequacy of the Draft EIR.
IND35-7	In addition, there are questions to which Lafayette residents deserve an answer and transparency:	The comment serves as an introduction to the comments that follow. No response is necessary.
IND35-8	1) In light of the recent projects on Dewing Avenue and the Hungry Hunter area adjacent to the freeway and Bart, is the Terraces of Lafayette placement next to 680 part of “Plan Bay Area,” which we have all been reading about in our local newspapers?	The comment does not address the adequacy of the Draft EIR. No response is required.
IND35-9	2) Is Lafayette striving to become a what is commonly known as a “transit city”, with pack ‘em and stack ‘em units ruining our views, ridge lines and our town’s semi-rural character, basically in name of “sustainability,” a goal of an ICLEI city (which Lafayette is)? I truly believe our residents want to and can live up to all the “sustainable” standards reasonably expected by ICLEI and Plan Bay Area without sacrificing long held values to SB375 urbanization.	The comment does not address the adequacy of the Draft EIR. No response is required.
IND35-10	3) How much negative public input does it take to make this project go away? Does any amount of public pressure count?	The comment does not address the adequacy of the Draft EIR. No response is required.
IND35-11	4) If # 3 doesn’t matter, what does it take to get this project shelved?	The comment does not address the adequacy of the Draft EIR. No response is required.
IND36	Jamie Whelehan (6/26/12)	
IND36-1	I wanted to express my strong opposition to The Terraces development going forward.	The comment expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND36-2	As a resident of Lafayette for 17 years, and the owner of a home on Vacation Drive, I use Deer Hill Road several times a day, and cannot imagine the traffic & congestion this development would create. We already have a busy intersection which suffers congestion several times a	Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the Project traffic impacts on Deer Hill Road. The comment does not address the adequacy of the Draft EIR.

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	day based on school schedules and rush hour traffic.	
IND36-3	I also will be subject to construction noise for years during the process of building.	As in any other development project involving vacant land, there will be noise associated with improvement of the property. However, the Draft EIR indicated that “construction activities associated with the proposed Project are estimated to take up to 20 months to complete. The noisiest phase, grading and site preparation, would occur over a nine-month period.” Further, with the multiple aspects of Mitigation Measure NOISE-2, construction noise impacts would be reduced to less-than-significant levels and the intrusiveness of these activities will be diminished as much as practical.
IND36-4	My property values are bound to be negatively impacted. Please do not allow this area to be developed in this manner.	The comment asks not to approve the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND37	James Bach (6/27/12)	
IND37-1	<p>I am writing to give voice to my opposition to the planned apartment development on Pleasant Hill Road. I believe that the development is clearly not in the best interests of the City of Lafayette, nor any of its residents. Although nearby businesses may benefit, that should not determine the course of city development (otherwise we end up like L.A.).</p> <p>Instead, those who are the trustees of Lafayette should do everything they can to defeat this development. I attended Springhill School, Stanley and Acalanes in the 1960s, and my three children all attended the same schools in the 1990s and 2000s. We continue to live here because it is a wonderful residential suburban community that still reflects its rural history. Lafayette should not try to become an urban center like Walnut Creek: it is different <i>and better</i>.</p> <p>Greater density is not an improvement. It is only by resisting profit-making ambitions of developers that Lafayette can hope to maintain its appeal to existing and future residents. There are plenty of opportunities for development of the downtown that would improve the city, that does not include high-density housing. The development is antithetical to what brought Lafayette residents here in the first place.</p>	The commentor expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.

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IND38	Francis Carrington (6/27/12)	
IND38-1	The scope and size of this project is just too big and dense for that corner. We already have terrible traffic at this location. during commute and school drop off and driving times it is terrible. Any new project would make it much worse. They should build 5-10 houses with large lots so as to minimize impact on the surrounding schools and homes.	The commentor expresses opposition to the proposed Project and expresses concerns regarding existing traffic conditions. The Project's traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND39	Bill Clark (6/27/12)	
IND39-1	I am writing to oppose the size and scope of the proposed housing development at the corner of Pleasant Hill Road and Deer Hill Road. Without going into great detail, the project would worsen an already terrible back-up along Pleasant Hill Rd in the mornings and afternoons. There is also safety issues involved especially with the number of school kids in the area.	The commentor expresses opposition to the proposed Project and expresses concerns regarding existing traffic conditions. The Project's traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND40	Carol Escajeda (6/27/12)	
IND40-1	The proposed project, "The Terraces", in Lafayette on the corner of Deer Hill Road and Pleasant Hill Road are not a good idea for this already impacted area. I cite traffic congestion that already exists on Pleasant Hill Road and the concern for the safety of Acalanes High School students, employees, parents, and visitors.	The commentor expresses concerns with regarding existing traffic and safety conditions. The proposed Project's traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND41	Madeline Fleischmann (6/27/12)	
IND41-1	Hi, I am Madeline Fleischmann and a resident of Acalanes Valley. I assisted in raising money for the Stanley Boulevard Traffic Calming Project, across from the proposed Terraces Project. I do not agree with this project because of the the traffic it will create. The traffic on that corner is tremendous. It continues to have constant accidents and we don't need to add more vehicles.  It is a very dangerous corner, as well as the surrounding area.  Look at the statistics. Right before the sidewalk went in on Stanley Boulevard a fatal accident	The commentor expresses concerns regarding existing traffic and safety conditions. The proposed Project's traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.

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	<p>occurred on that corner.</p> <p>Please promote the safety of our children in our neighborhood, as well as the student body at Acalanes.</p> <p>DO NOT SUPPORT THE TERRACES PROJECT ON THE CORNER OF PLEASANT HILL ROAD AND STANLEY BOULEVARD!</p>	
IND42	Charmaine Henderson (6/27/12)	
IND42-1	<p>As a homeowner in Lafayette in Burton Valley, I want to voice my objection to the building of the Terraces as planned. My objections are based on several issues including;</p> <ol style="list-style-type: none"> <li>1. Removal of the hillside</li> <li>2. Removal of the 58 inch oak</li> <li>3. Removal of trees</li> <li>4. Additional traffic that will support more than 300 apartments (2 adults per unit with two cars could place 600 more cars on the road, daily)</li> <li>5. Lack of respect for the community ideals and preservation of our land</li> <li>6. Lafayette does not need high density apartment complexes, 300+ units are not needed in our town</li> </ol> <p>As an alternative, I like the idea of 3-4 two or three story office buildings as this will generate income in the town.</p> <p>I also support reducing the number of apartments to 50. Yes, 50!</p> <p>Located in that same area are the &lt; 50 condominium units which did not destroy the topography and all trees removed were replaced. Lafayette does not need huge apartment complexes.</p> <p>Lafayette needs to vote no, stand up to the owner of the property, arm themselves with facts and push forward alternatives that support Lafayette as a village.</p>	<p>The commentor expresses opposition to the proposed Project because of its potential impacts on biology, community character, and traffic, but supports the Office Development Alternative of the Draft EIR. The proposed Project's aesthetic, biological, and traffic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, Chapter 4.3, Biological Resources, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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	Let's put laws or ordinances or restrictions into action soon so that we must not face this situation again.	
	Letting the Terraces in Lafayette will destroy our beautiful town!	
IND43	Theresa & Michael Kaviani (6/27/12)	
IND43-1	In reviewing the Terraces Housing Project proposal, I am moved to ask one question...	The commentor expresses opposition to the proposed Project because of its potential impacts on biology, schools, and traffic. The Project's biological, school, and traffic impacts are addressed in Chapter 4.3, Biological Resources, Chapter 4.12, Public Services, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
	What will commencement of building and completing this project, do to enhance, in any way, the lives of the current residents of Lafayette?	
	I am seeing the answer as NOTHING.	
	Please do not approve anything that will bring more traffic and congestion to the Acalanes High School area	
	Please do not allow us to be bullied by anyone	
	Please think of the children that attend school in the area	
	Please don't allow destruction of streams or oak trees	
	If you build it, they will come...with only two lanes in each direction, there isn't room for them to come. With no proper, regular or reliable public transportation within walking distance, it just can't happen. It is bad now...are we reaching for unbearable?	
	Please consider some other use for this area that will not significantly increase traffic, unless there is some outrageously fantastic upside for the current residents that use Pleasant Hill Road to commute in to, out of and around Lafayette.	
IND44	Deanne & Nick Kosturos (6/27/12)	
IND44-1	This letter is in regard to the proposed plan of 315 units, known as "Terraces of Lafayette." We are 40 year residents of Lafayette and have	The commentor expresses concern regarding potential impacts on the environment, infrastructure, and schools. The proposed Project's biological,

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raised two children here and now our children are raising our four grandchildren in Lafayette. We have major concerns about this development.

Environment Impact: The beautiful hills, countryside, animals and wildlife would be replaced with traffic congestion, pollution, noise and ruin the semi-rural surroundings that make Lafayette a special place to live. Additional 315 apartments and residences will also impact the already crowded downtown shopping areas. Infrastructure in Lafayette is already overwhelmed with traffic, roads needing repair, the sewer system and limited parking.

Schools: The addition of 300+ living units on Pleasant Hill Road will have a negative impact on our school district. The teacher to student ratio will increase and test scores will decrease. Springhill elementary currently has 475 students and is full with no extra classrooms. Lafayette elementary, Happy Valley and Burton Valley will also be impacted. Stanley Middle School will also be affected. Acalanes High School has over 1400 students without sufficient parking or extra classrooms.

Taxes: Currently, Lafayette homeowners pay approximately \$1,200 a year in parcel taxes to support the Lafayette and Acalanes schools, Contra Costa County sewer district, mosquito abatement, East Bay trails and emergency medical. The developer wants to build apartments in Lafayette, so his tenants can take advantage of the top-rated schools, close knit community atmosphere and easy commute. Existing apartment dwellers do not pay the parcel taxes that support our excellent schools and to keep Lafayette a Beautiful City.

We suggest if the developer is allowed to build apartments, he should be required to pay a fee of \$1,000 a year per unit for 30 years to show his support for the City of Lafayette.

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traffic, and infrastructure impacts are addressed in Chapter 4.3, Biological Resources, Chapter 4.13, Transportation and Traffic, and Chapter 4.14, Utilities and Service Systems, respectively, of the Draft EIR. Additionally, the commentor suggests apartment dwellers should pay parcel taxes equivalent to those that homeowners pay in Lafayette. The comment does not address the adequacy of the Draft EIR.

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IND45	Kathleen Krentz (6/27/12)	
IND45-1	<p>As a resident on Woodborough Road for 25 years, I'm horrified at the prospect of such a large development on the corner of Deer Hill Road and Pleasant Hill Road. Only people who don't traverse the area during commute hours could possibly maintain that such a huge number of residential units would not have a devastating effect on the area.</p> <p>I'm not one who believes that I have my hillside view and no one else should have one. Rather, it's the scale of this project that is completely unacceptable. Further, I don't understand how the effort to protect the rural western entrance to the city could have been successfully defended, for the Planning Commission to do an about-face on the east end.</p> <p>I urge the Planning Commission to turn down this development as it's currently designed.</p>	<p>The commentor expresses opposition to the proposed Project because of its potential impacts on views, community character, and traffic. The Project's aesthetic and traffic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND46	Scott Loughran-Smith (6/27/12)	
IND46-1	<p>Many thanks for posting my comments in strong opposition to the Terrace project.</p> <p>Many thanks to you for considering my comments and for reviewing the plethora of feedback you have received regarding "The Terraces."</p>	<p>The comment serves as an introduction to the comments that follow. No response is necessary apart from the response to Comment IND46-2, below.</p>
IND46-2	<p>What an unenviable position that Ms. Federighi, Mr. Anderson, Mr. Andersson, Mr. Anduri, and Mr. Tatzin have put you in. I realize the council was essentially duped by the property owner and the developer as it relates to the timing of the application to develop this area. It is beyond regretful that this issue has gone this far. A simple zoning oversight might forever deface the town that I was born and raised in. The same town that I have raised my family and still reside in today.</p> <p>Make no mistake about it, there will be no turning back if this ill-conceived attempt at development is allowed to move forward as designed. This project will forever affect our city's traffic patterns,</p>	<p>The commentor expresses concern regarding potential impacts with regard to views, air pollution, community character, tree removal, light pollution, and traffic. The proposed Project's aesthetic, air quality, biological resources, and traffic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, Chapter 4.2, Air Quality, Chapter 4.3, Biological Resources, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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	<p>deteriorate road quality, increase light pollution, and destroy protected trees; not to mention, devastate our ridge lines, mar the landscape enjoyed from our scenic highway 24, and forever block our views of the hillsides we call home.</p> <p>The drastic increase in volume of vehicles and pedestrians on our major thoroughfare, after this development has blighted our hillside, will be undeniably unavoidable. This topic has been discussed ad nauseam and will affect our way of life as property owners and residents in Lafayette. What I am unable to fathom, is the complete standstill this community will face during the construction process of this development. Recall what a nightmare EBMUD created with the lane closures on Pleasant Hill Road two summers ago. Recently, a private moving van broke down on Pleasant Hill Road and brought the commute to its knees. The impact of the construction process, followed by a permanent increase in traffic in and out of the development, will be devastating to the flow of traffic along our thoroughfare.</p> <p>The removal/movement of over 400,000 cubic yards of materials will create air quality and dust issues that cannot be mitigated by the proposed two waterings per day. The dust and noise will most definitely create learning hardships on the Springhill Elementary and Acalanes High School populations as a whole. Please, keep in mind that 400,000 cubic yards equates to 727,272,720 pounds of material that will be transported along Deer Hill Road and Pleasant Hill Road. This figure does not include the curb weight of the vehicles moving this material. The ensuing additional travel and weight transported along the road will inevitably result in the need for earlier road repairs/repaving paid for out of the city's pocket.</p> <p>The introduction of new interior and exterior light sources to the site, which currently has no artificial lighting, will be horrific. The expensive "Dark Skies" fixtures that the City of Lafayette touts are exterior fixtures</p>	

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that reduce glare from neighboring properties. The interior lighting of the proposed rental units is simply not accounted for at all in the overall light pollution. That lush hillside would forever be a source of glare and reflection at night. The proposed solar panels' daytime glare from the unspecified materials and yet-to-be determined location will be an eyesore with the additional likelihood of creating a dangerous driving glare to the surrounding roads and highway.

Finally, there is the issue of the trees. I applaud the City's Tree Protection Ordinance and understand that The City's General Plan calls for the preservation of healthy trees and vegetation to the "maximum extent feasible." Examining these ordinances and the General Plan, it is clear that a great deal of time, effort, care, and money have been invested over the past decade(s) to preserve Lafayette's trees and vegetation. That said, there is already a proposal being considered to remove protected trees at the Merrill Gardens site at 3454 Mt. Diablo Blvd. The latest tally calls for 34 protected trees to be removed from the site. 34 trees being removed after the city dedicated themselves and enacted plans and ordinances to protect them? I guess anything can be done with a permit and a checkbook.

Currently, the Terrace Project is calling for 91 of Lafayette's protected trees to be removed to complete this grossly out of charter development. The crowning jewel to this tree removal is the destruction of the largest Valley Oak that resides in our city. This is a 58" specimen whose removal has been classified as having a significant impact in the EIR, yet can be removed with a category 2 permit and an additional fee paid to the city of Lafayette (in- lieu fee).

Again ... permit plus checkbook equals chainsaw. Is this what our "Tree Protection Plan" amounts to?

Enough is enough.

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IND47	Frank & Ann Masi (6/27/12)	
IND47-1	<p>I understand the City of Lafayette is taking comments up to June 28th on the proposed 400 plus apartment complex on the corner of Pleasant Hill Rd. and Deer Hill Rd.</p> <p>Please accept the follow comments from us to be reviewed and included.</p> <p>As a residents of Lafayette for over 18 years, We have experienced the continued increase in traffic on both Pleasant Hill and Deer Hill roads which is exacerbated during work commute times in evenings and mornings. In addition, it is compounded during school hours of both Acalanes and Springhill, it already is unbearable, exceeding over 30 minutes.</p> <p>My concerns are that the added traffic will inevitably add to the existing congested traffic. This is a direct result of the paucity in road capacity. It will add to the possibility of increased personal safety issues and delays in emergency service response services. While Lafayette has been know <i>[sic]</i> for its many positive attributes, one of which is our quality of life, this project clearly will deteriorate that for many.</p> <p>The city of Lafayette must require and provide a viable solution in the way of added road capacity to the logistic and safety nightmare the proposed apartment complex will cause.</p> <p>Based on the above concerns we are <b>opposed</b> to the approval of the apartment complex development. We will attend any meeting to also voice our position and protect our community requirements.</p>	<p>The commentor expresses opposition to the proposed Project because of its potential impacts on safety and traffic. The Project’s traffic impacts are addressed in Chapter 4.13, Transportation and Traffic of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND48	Colin McKenna (6/27/12)	
IND48-1	<p>I am writing to express my extreme displeasure at the proposed Terraces project at Stanley and Pleasant Hill here in Lafayette.</p>	<p>The commentor expresses opposition to the proposed Project because of its potential impacts on community character and traffic. The Project’s aesthetic and traffic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, and</p>

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	<p>To begin, the project will generate spectacular commute problems. Are they going to stop everything when I take my kids to school? I go to work? Pick them up from school? Take them to their various clubs and teams? When I go grocery shopping?</p> <p>I live on Reliez Valley Road and have to go through that intersection several times a day. I also have Stage 4 neuroendocrine carcinoid carcinoma. What happens when I have an emergency and I can't even get within a quarter mile of that intersection, let alone to the hospital? What about my kids? My 10y/o daughter recently had an appendectomy -- what if we had had to try and get past the construction to get her to the emergency room?</p> <p>One of the reasons I purchased land and then built a house here was because of the small town nature, and beautiful hillsides offered. This project will completely alter that and obliterate a local hillside and the whole ambience of our community.</p> <p>Finally, when I built my house, I had to pay very close attention to ridgeline ordinances and other zoning codes -- even though I was not actually within the city limits at the time my house was built. Now someone can come along and completely ignore all the ordinances I had to observe?</p>	<p>Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND49	Gabrielle Ohleyer (6/27/12)	
IND49-1	<p>I am one of many homeowners in the Springhill area of Lafayette who are very concerned about the proposed project on the corner of Deer Hill and Pleasant Hill Roads. This project will impact the daily lives of residents here for the foreseeable future. So many of the attributes of this project go against current rules and regulations for building in Lafayette. If this proposal is allowed to be pushed through it sets the stage for other groups to push through their own projects and then our beautiful town will be unrecognizable. As it is, traffic on Pleasant Hill Road in the mornings and afternoons is bad. With the possible addition of even 300 more cars we</p>	<p>The commentor expresses concern regarding potential impacts on community character and traffic. The proposed Project's aesthetic and traffic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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	<p>will have gridlock twice a day while trying to get our children to school and go to work. There are few ways in and out of this part of Lafayette and there is no other way to get to the freeway and downtown Lafayette without passing this intersection. This doesn't even begin to address the visual impact this project will have on our neighborhood. We are primarily single family homes with a few larger buildings (high school, gas station, district offices). The size and scope of this project will be a huge eyesore that all residents will have to see everyday.</p> <p>I sincerely hope you will take into consideration my opinions and those of the other residents to Lafayette.</p>	
IND50	Joan Seet (6/27/12)	
IND50-1	<p>I am a resident in the immediate area impacted by the proposed Hillside Project, and am adamantly opposed to the project.</p> <p>It is inconceivable that a project of this proportion can be seriously considered; the traffic congestion during commute hours is already horrendous-- this is a serious quality of life issue.</p> <p>Beyond the (significant) gridlock, the impact on the environment is bad on so many levels, one doesn't know where to begin. The visual impact is just the start, &amp; hardly needs supporting details.</p> <p>Every resident I have discussed this project with can hardly believe this project has gotten this far.</p> <p>I strongly urge Lafayette's trusted decision makers to do the right thing and table this project before it changes the entire character of the city.</p>	<p>The commentor expresses opposition to the proposed Project because of its potential impacts on views, community character, and traffic. The Project's aesthetic and traffic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND51	Farrel Vance (6/27/12)	
IND51-1	<p>I am writing to express my strong objections to the plans under review for the corner of Pleasant Hill Rd and Deer Hill Road called the Terraces Housing Project. The Terraces plan includes 14 residential two- and three-</p>	<p>The commentor expresses opposition to the proposed Project because of its potential impacts related to views, community character, safety, and traffic. The Project's aesthetic and traffic impacts are addressed in Chapter 4.1, Aesthetics and</p>

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story apartment buildings, 567 parking spaces and landscaping. It also calls for three new driveways to give residents access to Pleasant Hill Road and Deer Hill Road, and extensive grading of the area. This project is too extensive and will change the hillside forever more. The project will increase congestion in that intersection as well as all of Pleasant Hill Rd during commuting hours. There are already too many traffic accidents in that intersection as it is. If you add 567 parking spaces that adds that many more drivers coming and going and creating more congestion and accidents.

Visual Resources, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.

I moved to Lafayette from Berkeley 20 years ago. I came kicking and screaming. I didn't want to leave the city and move to the suburbs. It was too quiet. There was no hustle and bustle, no sirens, restaurants closed too early and it was full of families. I used to joke with my friends that I really had moved to a rural area not the suburbs as the cows mooed in the background. 20 years later all those reasons why I didn't want to move here are the reason I love it here. This is a city with a small town feel. We love our hills and our ridge lines. The view from the top of Deer hill road is one of the best around town. I even look forward to see the twinkling lights of the Christmas Tree lot ever December. And of course of the feeling of living in a town filled with all the families.

I know this land is going to be developed but do we have to make such a drastic choice. The owners clearly only care about how they can make the most money not taking into account the long term effects their plan will have on our neighborhoods, environment and city. The last time I wrote a letter like this is when there was plan to put a recycling station on that corner.

I live on Stanley Blvd. I love my little neighborhood. I even enjoy having the high school in it. The high school is part of our community where our children work and play. The intersection, however, is dreadful and extremely dangerous. Why would we put our children into more danger

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	<p>by making any already terrible intersection into a worse one. I was home the day the poor man died in that intersection a few years back. I had to run up to the accident and take a child out of a car that was struck while waiting at the stop light so his mother could go to the hospital. I don't want to see anything like that again in my neighborhood</p> <p>Please take into consideration the dangers of such a large project, the effect it will have on the environment and to all the people that already live here. Choose something that will become part of the fabric of our small town of Lafayette. If we give into projects like this we will no longer be living in a beautiful, quiet suburb but in a big city.</p> <p>Please don't let the owners push Lafayette into making such a drastic choice that will change a part of Lafayette forever while they just walk away with money in their pockets.</p> <p>Please DO NOT APPROVE the Terraces housing project.</p>	
IND52	Robert Vance (6/27/12)	
IND52-1	<p>I am a life long Lafayette resident, 50 years, and live on Stanley Boulevard just past the High School. This proposed project will impact an already congested intersection that can take up to 4 or 5 light s just to cross the intersection at some times. Also the amount of kids that get dropped off at all four corners of the intersection creates confusion and traffic as well.</p> <p>This project does not need to be developed at this site as it is too tight and too close to the heaviest traffic in Lafayette, Pleasant Hill Road. This project is not for Lafayette it is for a community that is more densely populated and is not located near such a high already existing traffic problem. This will compound the traffic issue and ultimately someone will get hurt and I am sure the City does not want that hanging over them.</p> <p>Please do not grant the development rights to this or any project at this</p>	<p>The commentor expresses opposition to the proposed Project because of its potential impacts on safety and traffic. The Project's traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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	site.	
IND53	Joseph & Angela White & Family (6/27/12)	
IND53-1	<p>This letter is in regards to the proposed 315 residences (Terraces of Lafayette) that the land owners would like to build on the 22 acre lot (Christmas tree lot) off Pleasant Hill Road in Lafayette. I grew up in Lafayette and have worked very hard to move back to this town with my children. If this proposal passes it will poorly affect our town in several ways such as:</p> <p><b>Environment</b>                      The amount of people moving in will cause more pollution, traffic congestion throughout the whole town, plus take away the beautiful rolling hills, a home for the farm animals at Sienna Ranch, and view. Briones will also be greatly affected.</p> <p><b>Traffic</b>                      I live off Stanley Blvd. and there is always a backup of traffic in the mornings and evenings at the Pleasant Hill Road/Stanley Blvd. intersection. I can't imagine adding 600 plus people to that area. It will be a nightmare just trying to get to the freeway or even to downtown. The Safeway, Trader Joes/CVS, and La Fiesta Square parking lots are always crowded and difficult to park. Can you imagine adding 600 or more residents to this town??</p> <p><b>Schools</b>                      I find it odd that the impact of schools hasn't been mentioned in any of the newspaper articles written. Where are the new students going to go? The elementary schools will not be able to accommodate all of the new students moving in. Class sizes will need to increase and test scores are also likely to go down. Acalanes is already impacted. How does the school district feel about this proposal? The families are expected to donate \$1000 per child at the beginning of the school year to support LPIE and the</p>	<p>The commentor expresses opposition to the proposed Project because of its potential impacts on views, community character, home values, school services, and traffic. The Project's aesthetic, schools, and traffic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, Chapter 4.12, Public Services, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. Potential effects on home values are outside of the scope of this environmental review.</p> <p>Additionally, the commentor suggests apartment dwellers should pay parcel taxes equivalent to those that homeowners pay in Lafayette. The comment does not address the adequacy of the Draft EIR.</p>

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	<p>school PFC. That amount is likely to increase if we need to build new classrooms to the schools and increase enrollment.</p> <p>Taxes                      The residents are currently paying about \$1000 a year in parcel taxes and bond measures. However, the people living in apartments are not required to pay property taxes. If the apartment building proposal is passed they will not contribute to fix the roads, schools, etc. which is not okay. Therefore, each apartment unit should be required to pay property taxes. If the residents are asked to pay another increase in our property taxes after the apartments are possibly built, I will definitely NOT support it!</p> <p>Home Values                      People move into Lafayette because of the small town “feel”, beautiful view, and top-rated schools. If this proposal is passed, every aspect of the town will decline. The home values will definitely decrease, it will be way too crowded, and the schools are going to suffer. It will not be one of the best places to raise a family and we will be forced to move.</p> <p>Please DO NOT let this proposal pass!! It will be a huge mistake! I seem to remember a couple of years ago when this issue came up, that an agreement was made to build 6 residential homes on 1 acre lots. What happened to that? Why is this issue coming up again??</p> <p>Thank-you for your time and please consider the negative impact the apartment building will have on our lovely town of Lafayette.</p>	
IND54	Sheila & David Williamson (6/27/12)	
IND54-1	<p>We have read the DEIR for the above project. Our memo addresses concerns regarding the proposed project “The Terraces of Lafayette”.</p> <p>1. Increases in traffic to the following streets were indicated: Deer Hill Road, Stanley Blvd., Quandt Road, Springhill Road, Relize Valley Road, Green Valley Drive and Rancho View Drive. One of the mitigations</p>	<p>The comment is incorrect that one of the Draft EIR mitigation measures calls for reviewing school start times. Mitigation measures are designed to avoid the impact on school traffic. For example, Mitigation Measure TRAF-8 (as numbered in the Draft EIR) calls for prohibiting construction traffic from arriving and departing the site during school peak hours.</p>

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	<p>noted was to review school start times with a possible change. This may present difficulties for working parents to accommodate their schedules and may only serve to extend peak traffic hours.</p> <p>2. There will be a loss of parking and drop off lanes on Pleasant Hill Road currently used for Acalanes students. These will be replaced by the main entrance to “The Terraces” on Pleasant Hill Road. In addition to traffic the entrance will incur, what safety provisions will be made for the drop off of these students. This is already a risky affair.</p> <p>3. The Circulation sections 4bii and 4biii, discuss the left turn lane on Pleasant Hill Road and left turns on Deer Hill Road. The plan for the left turn on Pleasant Hill Road provides a short left turn lane. When taking the Hwy 24 off ramp to Pleasant Hill Road, there is a very limited distance to make the potentially dangerous lane change to the left turn lane. Also there is the second left turn lane within 250 feet for the left turn onto Deer Hill Road. These two left turn lanes, within this distance, may potentially increase lane backup and congestion which raises the possibility of more accidents. Also the left turn lanes into the development on Deer Hill Road may potentially increase backups.</p> <p>4. Per the DEIR, during site prep and construction (page 3-28), it will be necessary to remove 300,000 cubic yards of soil. This will require a minimum of 25,000 trips of 10-12 yards per vehicle. In section 4a, page 4.10-25 there is an estimate of 300 trips per day. With consideration to construction noise restrictions, there would be at least 30 trips per hour for a 10 hour day. This equates to approximately one trip every two minutes. It is difficult to imagine any traffic movement during this time. The DEIR speaks to not moving soil during peak hours.</p>	<p>The proposed Project’s parking impacts are addressed on pages 4.13-120 to 4.13-121 of the Draft EIR, and in Impact TRAF-23 (as numbered in the Draft EIR). With the implementation of Mitigation Measure TRAF-23 (as numbered in the Draft EIR), which requires widening southbound Pleasant Hill Road to maintain the existing curb loading and parking lane, this impact would be less than significant.</p> <p>As noted by the commentor, Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses potential impacts as a result of proposed Project driveways on Pleasant Hill Road and Deer Hill Road.</p> <p>The comment refers to soil removal and associated construction traffic. The comment does not address the adequacy of the Draft EIR.</p>
IND54-2	<p>5. An estimate has been given to the impact of added students at Springhill, Stanley, and Acalanes schools. When either of these schools exceed their capacity, interdistrict transfers will be used to accommodate the overflow. How will it be determined which children will need to be</p>	<p>As discussed in Chapter 4.12, Public Services, of the Draft EIR, the Lafayette School District may redraw internal K-5 school attendance area boundaries to redirect K-5 students to other K-5 schools when the enrollments in Springhill Elementary School exceed its capacity. Addressing transfer processes is out of this</p>

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	transferred to other district schools? Also, after the initial educational cost to the builder, how will the taxes be levied for schools in the future? What is the rate for 315 units on one parcel as compared to individual home owners?	CEQA scope.  As explained in response to Comment PC1-50, the same parcel tax rate applies to both multi-family and single-family developments.
IND54-3	6. The projected five year visuals of the project appear to be in conflict with goal LU-5 (pg 4.1-3) that stresses preservation of open space, scenic viewsheds and semi-rural qualities. Also goals OS-1 and OS-3 (pg 4.1-4) require preservation of areas with visual prominence as Open Space that will maintain the semi-rural character of the city. I agree that the current project does not meet the goals of the city. We have lived on Toyon Road, Lafayette for 43 years and make almost daily trips to downtown Lafayette for shopping, dining and recreation. We avoid peak hours now and are concerned with the development of this project. We feel we will need to change where we continue to engage in these activities should this project be approved as currently proposed	The comment is correct that, as proposed, the buildings would not reflect the semi-rural character called for in these goals, as shown in Viewpoint 2 and 3 of Chapter 4.1, Aesthetics and Visual Resources, of the Draft EIR. The Project's significant impact on the semi-rural character is addressed in Impact AES-2 of the Draft EIR. However, as mentioned on Page 4.1-39 of the Draft EIR, the applicant would have the opportunity to work with the City to address the General Plan Goal LU-5 through the City's design review process in order to design buildings that that meet the required design review findings in Section 6-275 of the Municipal Code.  The commentor expresses concern regarding the proposed Project's impact on traffic conditions. The Project's traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND55	Will Workman, MD (6/27/12)	
IND55-1	I have read through the Terraces proposal and it frightens me. This is an ill-advised venture that will turn this fairly busy corner of Lafayette into an suburban nightmare. I live in this area and I can tell you that at the rush hour/ school times of day there is already bottle neck gridlock traffic. A construction project of the magnitude proposed by the Terraces will create a nightmare scenario of industrial congestion that will continue even after completion with the hundreds of cars accessing the road in the area. I can't imagine that our fair town with bucolic views and and unassuming buildings would even consider a project that would disrupt the landscape and create so much crowding and congestion.  Please deny this project!!	The commentor expresses opposition to the proposed Project because of its potential impacts on views, community character, and traffic. The Project's aesthetic and traffic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.

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IND56	Amy Zawadski (6/27/12)	
IND56-1	<p>I am very concerned about the possible development of a extremely large complex being built on the corner of Pleasant Hill Road and strongly oppose its construction. I drive my two children to preschool and elementary school each weekday morning and am constantly shocked by the traffic congestion. To add so many new units to such an already overcrowded traffic route is alarming. Further, the safety implications of such a huge undertaking are worrisome, to say the least. My husband and I have been long-time Lafayette residents - before we even had children - and chose the location in part for its' schools and safe atmosphere. Adding so many new residents, especially in an already-overcrowded area, would threaten school quality and our children's safety. Please don't allow this complex to destroy our town.</p>	<p>The commentor expresses opposition to the proposed Project because of its potential impacts related to safety, schools, and traffic. The Project's schools and traffic impacts are addressed in Chapter 4.12, Public Services, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND57	Michael Zawadski, JD (6/27/12)	
IND57-1	<p>I am writing as I am sure many Lafayette residents are; to express my extreme opposition to the proposed Terraces project. I have lived in Lafayette for some time and I am very worried about the destruction this poorly planned greedy developer led project will cause. My wife and I are active members of the community and are very worried about this.</p> <p>After reviewing this from every angle, I cannot see any benefit for any party, other than the rich trust fund out-oftowner who inherited the property and doesn't care about Lafayette, or the self-serving greedy developer and their slick PR team. Every fact about this project makes it clear this is a BAD IDEA for all who live, work and try to drive in Lafayette.</p> <p>The proposed population increase is cause for alarm alone--315 new families (a 1000 more people!) in Lafayette will be biggest single development in Lafayette in over 30 years! In fact, it may be more new units than in the last 20 years combined!</p>	<p>The commentor expresses opposition to the proposed Project because of its potential impacts on views, community character, and traffic. The Project's aesthetic and traffic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The commentor also states that the Project would bring insufficient taxes and fees to support public services in the city. The Project's impacts on schools and City services and facilities are addressed in Chapter 4.12, Public Services, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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	<p>Traffic backups on Pleasant Hill road are already horrible. Any developer of such a HUGE project should have to cover the cost of expanding the road to three full lanes to the Pleasant Hill border. Traffic will become so bad Pleasant Hill road will become unusable. The developer’s extra driveway plan is laughable which is probably why they hired; a PR team, Lawyers and other experts with opinions that can be readily bought to try to sell this bad plan.</p> <p>There are many supplemental taxes that each household is responsible for. Before such a MEGA project can be entertained all the school and other local taxes must be redone so that they are per unit not per parcel. The landowner and developers are clearly just freeloaders - skipping out on taxes all of us have paid for quite some time. Walnut Creek has wisely started work on how to capture the true the cost of multifamily projects the wannabe tax cheats behind “The Terraces of Lafayette” are trying to sneak by our small city. Without a huge road project and rework of taxes and fees this project will: ruin our schools, our commutes and our tiny (already overburdened) police force. Giving any consideration to such a flawed and destructive project simply wastes Lafayette’s government money, energy and time.</p> <p>We have to stop the Grinches who wish to steal not just the Christmas tree lot - but the quality of life of Lafayette’s residents.</p>	
IND58	Colin Anderson (6/28/12)	
IND58-1	<p>I am writing to you as a concerned citizen of Lafayette and a 20 year resident of Contra Costa County. The proposed development across from Acalanes High School is troubling for me on several levels. Aside from the significant traffic impact it would create for residents of Lafayette, Pleasant Hill, and Walnut Creek who use Pleasant Hill Road to commute to work via HWY 24; I also worry about the added traffic and safety risk for the students of Acalanes, Spring Hill Elementary, and the Montessori Preschool on Deer Hill Road. I would be strongly opposed to any proposal that would add to the traffic and safety risk in an area of</p>	<p>The commentor expresses concern regarding potential traffic and safety impacts. The proposed Project’s traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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	<p>Lafayette that is already quite congested. Lafayette is a wonderful city that is a desirable location for families all over the Bay Area. Please help preserve the Lafayette we have all come to love and help keep it a great place for families. Major housing developments such as a large apartment complex should be located in areas that do not impact the safety of our children and lives of the many long term residents of this great area.</p>	
IND59	Guy Atwood (6/28/12)	
IND59-1	<p>Please find attached my comments on the Draft EIR for The Terraces project. Also, include my comments with those submitted earlier by Karen Zemelman and the other members of the group.</p> <p><b>PROJECT HISTORY AND LAND USE</b>                      Pages 3-7 and 4.4-6- I lived next to this property at 3384 Deer Hill Road from 1968 through 1971. As of 1968, Deer Hill Road was paved only to Elizabeth Street, and the remainder of Deer Hill Road heading east was a dirt road. This dirt road was used as an access/exit road by the owner and was connected to their residence, and several other residences to the north. This dirt road was also in a different location than the existing Deer Hill Road. From West to East, it ran almost parallel to State Highway 24 and then veered northerly to the Lagiss residence, and then parallel to Pleasant Hill Road until connecting near Stanley Boulevard. Deer Hill Road was not paved to Pleasant Hill Road until 1969-70. At that time, the location of the dirt road was moved further to the north by a substantial distance. So, historically, the road now named Deer Hill Road was very near State Highway 24 and Pleasant Hill Road. When the road was paved, it was moved further north so not to interfere with the privacy of the private residence of the owners of this 22-acre parcel, at their request.</p> <p>In the period 1968-71, as is the situation today, <b>all</b> the properties north of State Highway 24 were and are single family residences except for two gas stations (one has now been removed) and Acalanes High School. Historically, schools are located near the residences that serve them. They</p>	<p>The proposed Project’s compatibility with the semi-rural environment is addressed on page 4.1-39 of the Draft EIR. The Project’s consistency with General Plan Policy LU-13 (“Ensure that the Eastern Deer Hill Road area near the intersection of Pleasant Hill Road is developed, where development is appropriate, in a manner consistent with Lafayette’s community identity.”) has been added to page 4.1-40 and Table 4.9-1 of the Draft EIR, as shown in Chapter 3 of this Final EIR. The Project’s inconsistency with this policy is addressed by Impact AES-2.</p>

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	<p>are part of the residential character and neighborhood. During this time, children still rode their horses to school. This entire area has always been rural or semi-rural, and remains so today. There are single-family residences and open space directly north of this parcel. There are single-family residences directly east and southeast of this parcel. There are single-family residences directly east of this parcel. And, more importantly, there is a single-family residence on the property and has been since the 1940's. This entire area is single-family residential, and either rural or semi rural in character.</p> <p>The 2002 Lafayette General Plan states (I-21 ): <i>“The development allowed under current zoning along the Deer Hill Road corridor must be consistent with Lafayette’s semi rural community identity.</i> “ The introduction to the Deer Hill Road Corridor of the General Plan states (I-22): <i>“For these reasons, any development that occurs should be consistent with the semi-rural character of the community.</i> “ In the Land Use Chapter of the General Plan under <i>“guidelines to help Lafayette preserve and strengthen its distinctive community identity and small town character by:</i> the General Plan states (I-1) that <i>“shaping development such that it is harmonious with the immediate natural and built environment”, and by maintaining the quality of the residential neighborhoods”.</i> These goals, policies and themes are repeated throughout the General Plan.</p> <p>Therefore, the impacts from this project are inconsistent with the General Plan and are <i>Significant and Unavoidable</i> and cannot be mitigated.</p>	
IND59-2	<p>PROJECT HISTORY AND LAND USE (con’t):                      In addition to providing an accurate history on this property since 1968, it should be noted that the current hillside and ridgeline extending through the property was in a natural state in 1968. In other words it had not been quarried, or leveled, as late as 1968; it was, in fact an untouched natural hillside extending down almost to State Highway 24. The only area that appeared to have been quarried was lower on the property. In 1969- 70, Deer Hill Road was put through, which was the first time this upper</p>	<p>Please see responses to Comments ORG1-21 and ORG1-36, which explain that the previously disturbed nature of the Project site is acknowledged throughout the Draft EIR. The proposed Project is not responsible for mitigating any past impacts to the Project site. Therefore, no revision has been made to the Draft EIR.</p>

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	<p>portion of the hillside was disturbed. I continue to live in the area and have driven by the parcel continuously for 44 years and did not notice the leveling at the top until many years later.</p> <p>It should be abundantly clear that a significant portion of this natural hillside has been artificially disturbed, or graded, subsequent to 1970. Not only would such grading be in violation of the 2002 General Plan, it is also in violation on the 1974 General Plan.</p> <p>The only mitigation for such grading of the natural hillside and ridgeline would be to replace those portions that were impacted. Therefore, such replacement would have a <i>Potentially Significant Impact</i> on the Project. If the natural hillside cannot be restored, the impact is <i>Significant and Unavoidable</i>.</p>	
IND59-3	<p>POPULATION AND HOUSING                      Goals and Policies LU-13, LU-13.2, LU-14, LU-14.1, LU-19, H-2.1, H-2.4 (H-2.4.1): As Chair of the General Plan Advisory Committee (GPAC), which group studied the City over a nine-year period, and voted unanimously to rezone this parcel to Low Density Residential, I can state unequivocally all of the above goals and policies are inconsistent with the General Plan and the related impacts are <i>Significant and Unavoidable</i> for the following reasons:</p> <ul style="list-style-type: none"> <li>- LU-13: See discussion above under Project History and Land Use.</li> <li>- LU-13.2: The City considered options for development of this parcel utilizing a formal “Opportunities and Constraints Analysis” and concluded that a maximum of 14 housing units would be allowed. Obviously, this project does not meet that Analysis. Further under Program LU-13.2.2, and (b), (c) and (d) of this section, this project does not meet these requirements, as explained above.</li> <li>- LU -14: See discussion above under Project History and Housing. Also, it is obvious that this project does not “Protect the single-family residential neighborhoods north of Hwy 24 from commercial and multi-family development.”</li> </ul>	<p>As shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, a discussion of the proposed Project’s consistency with Goal LU-13 has been added to Table 4.9-1 of the Draft EIR.</p> <p>The Project’s consistency with Policy LU-13.2 has also been added to Table 4.9-1 of the Draft EIR. As shown in Chapter 3, Revisions to the Draft EIR, the proposed Project would be consistent with this policy because the Project site is located south of Deer Hill Road adjacent to Pleasant Hill Road, where Program LU-13.2.2 calls for development options.</p> <p>Regarding the Project’s consistency with Goal LU-14, the Project site is surrounded by major roadways that separate proposed multi-family buildings from existing neighborhoods. Therefore, the Project would not encroach upon any existing single-family residences.</p> <p>Regarding the Project’s consistency with Policy LU-14.1, as described above the General Plan also identifies areas south of Deer Hill Road and adjacent to Pleasant Hill Road (where the Project site is located) as appropriate for development options.</p>

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	<ul style="list-style-type: none"> <li>- LU-14.1: Again, it should be obvious that this project does not “Continue to maintain the freeway as the dividing line separating the Downtown from the semirural, single-family residential areas to the north.”</li> <li>- LU-19: Pursuant to the Traffic Analysis, this project will create an unsafe situation endangering the public healthy and safety.</li> <li>- H-2.4: This Policy, as shown in Program H-2.4.1, was designed for the Downtown Area of Lafayette, and not for this parcel. Therefore, this parcel does not comply with this Goal, and cannot be mitigated.</li> </ul> <p>In summary, this project is inconsistent with General Plan for all the above Goals and Policies and this inconsistency and related adverse impacts cannot be mitigated.</p>	<p>Goal LU-19 and its associated policies refer to the City’s Capital Improvement Program and infrastructure necessary to maintain public health and safety. Traffic generated by the proposed Project would not affect the City’s infrastructure planning.</p> <p>Regarding the Project’s consistency with Policy H-2.4, as demonstrated in Appendices B and C of the Housing Element, there are adequate sites in the downtown to provide for an additional 760 units of housing. Nevertheless, multi-family housing is allowed on the Project site with a land use permit, and the ability of the downtown to accommodate housing needs does not preclude the provision of housing elsewhere in the city.</p>
IND59-4	<p>TRAFFIC AND TRANSPORTATION</p> <p>PARKING: An impact that has been not been fully considered in the Draft EIR is the elimination of on street and off-street parking for the community in the immediate area and adjacent to the project. Although the project includes parking on-site, it eliminates valuable parking along Pleasant Hill Road. This current parking is used by the community for a variety of reasons including events at Acalanes High School. Further, the Draft EIR has not notified the numerous groups that utilize this site and adjacent parcels for parking for their many events at the High School. These groups will be significantly impacted by the loss in parking and may have to cancel events for the children of the community, as well as those children in the regional area. This loss in parking is not consistent with the Community Identity and the adverse impact is <i>Significant and Unavoidable</i>.</p>	<p>The Project’s parking impacts are addressed on pages 4.13-120 to 4.13-121 of the Draft EIR, and in Impact TRAF-23 (as numbered in the Draft EIR). With the implementation of Mitigation Measure TRAF-23 (as numbered in the Draft EIR), which requires widening southbound Pleasant Hill Road to maintain the existing curb loading and parking lane, this impact would be less than significant.</p>
IND59-5	<p>TRAF-2: A traffic signal at the intersection of Brown Avenue /Deer Hill Road intersection will result in increased backup of vehicles on Deer Hill Road further congesting the ingress/access of the adjacent Montessori School and creating a serious health and safety condition during periods when the school is in operation. Further, given the uneven topography in the area, vehicles will not be able to see this backup and congestion when</p>	<p>Mitigation Measure TRAF-2, which would require installation of a traffic signal at the Brown Avenue/Deer Hill Road intersection, would result in queues on Deer Hill Road. Queue lengths would depend on the type of signal phasing sequence to be provided:</p> <ul style="list-style-type: none"> <li>◆ A simple two-phase signal would provide a green signal phase for all Deer Hill Road traffic in both directions followed a green signal phase for all Brown</li> </ul>

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traversing at 45mph; significantly increasing the danger of residents and school children. Also, this traffic back up will result in an insufficient left turn radius for vehicles entering the school property heading east. This condition will significantly increase the danger of accidents for vehicles in both directions and those turning in and out of the School property. This situation cannot be mitigated, therefore it should be considered *Significant and Unavoidable*.

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Avenue traffic in both directions, with left turns yielding to opposing traffic without separate left-arrow signals. With a two-phase signal, the 95<sup>th</sup>-percentile queues on Deer Hill Road during peak hours would not extend as far as the closest driveway under Existing plus Project or Cumulative Year 2030 plus Project conditions.

- ◆ An optional signal-phasing plan would add separate left-turn arrow signal phases for Deer Hill Road in each direction while keeping only one green signal phase for all Brown Avenue traffic in both directions. With this signal phasing, under Existing plus Project Conditions, the 95<sup>th</sup>-percentile queues on Deer Hill Road during peak hours would not extend as far as the closest driveway. However, under Cumulative Year 2030 plus Project Conditions, the 95<sup>th</sup>-percentile queue in the westbound through lane on Deer Hill Road during the a.m. peak hour would be expected to extend past the westerly driveway of the Montessori School.
- ◆ Another signal-phasing option would provide separate green signal phases for each direction of Brown Avenue traffic, known as “split phase” operation, and either one green signal phase for traffic in both directions or separate left-turn arrow signal phases for Deer Hill Road. With split phasing for Brown Avenue, the 95<sup>th</sup>-percentile queue in the westbound through lane on Deer Hill Road during the a.m. peak hour would be expected to extend past the westerly driveway of the Montessori School under Existing plus Project and Cumulative Year 2030 plus Project conditions.

The peak westbound queue on Deer Hill Road would not interfere with the Montessori School driveway with two-phase operation of the proposed traffic signal at Brown Avenue. If the other potential phasing plans at the proposed traffic signal are implemented, a.m. peak-hour queues on westbound Deer Hill Road from the Brown Avenue intersection would be expected to extend past the westerly driveway of the Montessori School, making left turns into and out of the driveway more difficult. However, this peak queue condition would not change the intersection LOS results described in the Draft EIR or substantially increase hazards at the driveway, and the resulting impact is considered less than significant. Although not required as mitigation, if phasing other than two-phase operation is

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		<p>implemented at the proposed traffic signal, TJKM recommends monitoring of the westbound queue lengths on Deer Hill Road, and installation of “Keep Clear” pavement markings in the westbound lane fronting the Montessori School westerly driveway at such time that queues are observed to encroach into that area.</p> <p>TJKM also evaluated the visibility of the back of the queue for vehicles approaching from behind on Deer Hill Road, considering the topography of the road alignment. Under any of the potential signal phasing plans, sufficient stopping sight-distance would be available between the back of the 95<sup>th</sup>-percentile queue and vehicles approaching from behind at 45 miles per hour on Deer Hill Road.</p> <p>A median left-turn storage lane is provided for eastbound left turns from Deer Hill Road into the westerly driveway of the Montessori School. Neither the peak queue length in the westbound through lane nor the much shorter peak queue length in the westbound left turn lane on Deer Hill Road approaching Brown Avenue would obstruct access to the eastbound left-turn lane or otherwise result in insufficient eastbound left-turn storage for the driveway. No impact on the “left turn radius for vehicles entering the school property heading east” would result.</p> <p>As an alternative to installation of a traffic signal, Impact TRAF-2 could also be mitigated to a less-than-significant level by constructing a roundabout at the Brown Avenue/Deer Hill Road intersection. A modern roundabout design with yield control on all approaches would result in significantly shorter queues than a traffic signal, regardless of the signal phasing sequence (as described above) that is assumed for comparison. Additional study of a potential roundabout at the Brown Avenue/Deer Hill Road intersection is needed to assure its feasibility as an alternative for Mitigation Measure TRAF-2.</p>
IND59-6	<p>TRAF-4: The requirement to eliminate landscaping and signs to resolve the traffic hazards of the two driveways along Deer Hill Road are minimal and will not resolve the problem. The grade of the roadway increases the speed of vehicles heading east. The glare of the sun creates vision problems for vehicles heading east. The topography blinds the drivers of vehicles at</p>	<p>Mitigation Measure TRAF-4 (as numbered in the Draft EIR) also requires relocation of the west Project driveway to provide adequate sight-distance along Deer Hill Road. The visibility issues at the Project driveways have been addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR in section A.4.a.vii, according to published traffic engineering standards and methodologies, including</p>

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	<p>the crest of the hillside heading east and west. There is also a grade difference between the project and the roadway, which could cause additional problems. The driveway of the property across Deer Hill Road will further exacerbate any traffic problems at these driveways. Further, given the number of vehicle trips in and out of the property have been underestimated (as addressed elsewhere in the community comments), the traffic hazards caused by the driveways are <i>Significant and Unavoidable</i>.</p>	<p>field surveys and speed data collection on the subject segments of Deer Hill Road. The commentor does not provide any factual evidence to support the suggestion that Mitigation Measure TRAF-4 would not reduce this Project impact to a less-than-significant level.</p> <p>The number of vehicle trips in and out of the Project site has been estimated using standard traffic engineering practices and source data. Also see response to Comment IND63-9.</p>
IND59-7	<p>TRAF -5: The mitigation recommended for this traffic hazard is a good solution. The problem with preventing left hand turns into the property is the overall traffic circulation problem created for the residents of the project. With this mitigation, the residents now only have one way into the property and basically one way out of the property, particularly for those residents wanting to head north on Pleasant Hill Road. This solution creates a major ingress/egress problem for the project residents. There will be only one option for the residents to go to downtown Lafayette, unless they want to cross several lanes of traffic in a short distance exiting onto Pleasant Hill Road heading south, or unless they want to exit onto the freeway and exit at the downtown off-ramp, which creates further congestion at that off-ramp. Frankly, this good solution for the driveway problem, results in a horrible solution for the residents of the project. It also creates problems for fire vehicles, police vehicles, emergency vehicles and guests. Therefore, this solution causes other impacts that are <i>Significant and Unavoidable</i>.</p>	<p>Mitigation Measure TRAF-5 (as numbered in the Draft EIR) also allows for the addition of a westbound left-turn lane on Deer Hill Road at the west Project driveway as an alternative to prohibiting left turns into the driveway, with either measure reducing the impact to less than significant. If left turns into the west Project driveway were prohibited, and if left turns were also prohibited at the east Project driveway, which is not required as mitigation in the Draft EIR but is recommended in the TJKM Traffic Impact Analysis (contained in Appendix J of the Draft EIR) to address operational concerns at that east driveway, then Project residents would have only the Pleasant Hill Road driveway available to enter the property from the east. However, for this reason, the mitigation alternative of prohibiting left turns into the west Project driveway would be precluded if left turns are prohibited at the east Project driveway, in which case the westbound left-turn lane mitigation alternative would be required at the west driveway. With the recommended mitigation measures, vehicles would be able to enter the property via a northbound left or southbound right turn into the Pleasant Hill Road driveway, an eastbound right turn into both Deer Hill Road driveways, and a westbound left turn into one (but not both) of the Deer Hill Road driveways.</p> <p>Mitigation Measure TRAF-5 (as numbered in the Draft EIR) does not propose any prohibition of turning movements out of the west Project driveway. Prohibiting left turns out of the east Project driveway is not required as mitigation in the Draft EIR, but is recommended in the TJKM Traffic Impact Analysis to address operational concerns at that driveway. With the recommended measures, vehicles would be able to exit the property via a right turn out of the Pleasant Hill Road driveway to proceed southbound, a right turn out of both Deer Hill Road</p>

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		<p>driveways to proceed eastbound (and to northbound Pleasant Hill Road), and a left turn out of the west Deer Hill Road driveway to proceed westbound toward downtown Lafayette.</p> <p>The Mitigation Measure TRAF-5 alternative of prohibiting left turns into the west Project driveway on Deer Hill Road includes provisions to maintain emergency vehicle access.</p>
IND59-8	<p>TRAF -6: The utilization of an Opticom system will not mitigate the traffic congestion problems heading north on Pleasant Hill Road for vehicles or for Emergency Vehicles. The congestion that currently exists, and will only be exacerbated by this project, is a solid back up of vehicles to the freeway on and off-ramps. Emergency Vehicles (EVs) will not be able to get through under any conditions. There simply is nowhere for the Evs to go. Even if they were able to eventually get to the northbound bike lanes (which often are backed up with vehicles), they would have to wind around further traffic congestion at the intersections causing further significant delays. This traffic hazard cannot be mitigated and is <i>Significant and Unavoidable</i>.</p>	<p>Please see response to Comment ORG1-235. The proposed Project is not responsible for existing traffic congestion and any associated emergency access problems. The Project is responsible only to mitigate its contribution to additional future traffic congestion and resulting inadequate emergency access. The primary cause of the p.m. peak hour traffic congestion on northbound Pleasant Hill Road is the signalized intersection at Deer Hill Road – Stanley Boulevard, because of the high volume of conflicting traffic that results in a long red signal for Pleasant Hill Road traffic. Under Mitigation Measure TRAF-6 (as numbered in the Draft EIR), advance detection equipment for approaching emergency vehicles from Contra Costa County Fire Protection District Station 15 would trigger green traffic signals for northbound Pleasant Hill Road at Deer Hill Road – Stanley Boulevard before emergency vehicles arrive at the intersection. The green signals would allow northbound traffic to move ahead through the intersection, which will provide more opportunities to clear a path for the approaching emergency vehicles. The Project’s contribution of its fair share to the cost of installing the advance detection equipment would mitigate the Project impact to a less-than-significant level.</p>
IND59-9	<p>TRAF-8: The conclusion that this traffic hazard is that it is a temporary <i>significant</i> impact. The problem with this conclusion is that the grading for this project may take 6-12 months, or longer. During this period the community will be significantly impacted and such an impact is unacceptable to the community. The recommended mitigations will not reduce the impacts below a significant level. Therefore, this impact is <i>Significant and Unavoidable</i>.</p>	<p>As stated in the Draft EIR, Mitigation Measure TRAF-8 (as numbered in the Draft EIR) would reduce the Project’s construction traffic impact to less than significant. The commentor does not provide any factual evidence to support the suggestion that the mitigation measure would not reduce this Project impact to a less-than-significant level.</p>
IND59-10	<p>TRAF-9 and 10: These traffic hazards have been addressed above in TRAF 4 and 5, and cannot be mitigated. Therefore the impacts are <i>Significant</i></p>	<p>Impact TRAF-9 (as numbered in the Draft EIR) addresses inadequate truck turning radii at Project driveways, whereas Impacts TRAF-4 and TRAF-5 (as numbered in</p>

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	<i>and Unavoidable.</i>	
		<p>the Draft EIR) address sight-distance and left-turn access hazards at Project driveways. As stated in the Draft EIR, Mitigation Measure TRAF-9 requiring adequate truck turning radii at the Project driveways would reduce this impact to a less-than-significant level. The commentor does not provide any factual evidence to support the suggestion that Mitigation Measure TRAF-9 would not reduce this Project impact to a less-than-significant level.</p>
		<p>Mitigation Measure TRAF-10 (as numbered in the Draft EIR) is identical to TRAF-2, installing a traffic signal at the Brown Avenue/Deer Hill Road intersection. See response to Comment IND59-5.</p>
IND59-11	<p>For all the remaining Traffic Hazards that are LTS, it should be noted that anytime the project proposes to create conflicts with bicycles and/or vehicles for egress/access situations, the resulting health and safety issues cannot be mitigated. The combination of existing traffic, additional new traffic from the project, the “temporary” 30,000 truckloads of soil, the addition “temporary” construction and other workers (over a 2-3 year period), future increased traffic from the north, the haphazard traffic behavior of young students, the weather conditions (which cause mudslides on Deer Hill and Pleasant Hill Roads), topography and steep grade problems, sun glare, blind intersections, and limited ability to increase lanes and provide traffic signals cannot be mitigated. Narrowing the lanes on Pleasant Hill Road will only increase the health and safety problems, not increase traffic flow. Further, it should be noted this area is a “pinch point” for all the traffic going to and from the freeway, to and from BART, to and from Acalanes High School, to and from the other schools in the area, to and from the swim club areas and numerous events held at the High School, plus the normal traffic of local residents. None of the mitigations proposed by the project will reduce the additional traffic created by this project. <b>And, most importantly, there is no other way to avoid this intersection for most of those people living to the north and northeast.</b> Any significant increase in traffic will result in accidents and death to those traversing through the intersection (and those residents living in the project), to say nothing about the significant increase in</p>	<p>The commentor does not provide any factual evidence to support the suggestion that the mitigation measures for traffic hazard impacts described in the Draft EIR would not reduce those Project impacts to a less-than-significant level. See responses to previous specific comments addressing issues mentioned in this summary comment.</p> <p>“Narrowing the lanes on Pleasant Hill Road” is not proposed in the Project Description or in any mitigation measure described in the Draft EIR.</p> <p>Statements regarding the “pinch point” for traffic with multiple origins and destinations are noted. The Draft EIR traffic analysis demonstrates peak hour congestion on Pleasant Hill Road and its intersection with Deer Hill Road – Stanley Boulevard, which is consistent with these statements.</p> <p>The commentor does not provide any factual evidence to support the statement that, “Any significant increase in traffic will result in accidents and death to those traversing through the intersection (and those residents living in the project).” Based on the lower than average existing collision rates on roadways adjacent to the proposed Project site as described in Chapter 4.13, Transportation and Traffic, of the Draft EIR in section A.2.f, Traffic Accident History, the suggestion that increased traffic at this location would result in accidents and death is not supported.</p>

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	<p>congestion. These traffic impact cannot be mitigated and they impact the character of the community and feeling that residents have for the area. Ultimately, these impacts will effect the quality of the schools, the way of life for residents and even property values. This project will urbanize an existing rural and semi rural community. All these impacts are <i>Significant and Unavoidable</i>.</p>	
IND59-12	<p>Finally, even if this project were not in the Hillside Protection Ordinance, which it clearly is, there are numerous other General Plan Goals and Policies that would protect the natural setting of this parcel, the hillsides and ridgelines, the views, the entryway to the City, the single-family character and compatibility with the adjacent single family residential neighborhoods, and the need for a low density project.</p>	<p>The proposed Project site is located within the Hillside Overlay District and therefore the Project is subject to the Hillside Overlay District regulations. The comment is correct that some of the City’s General Plan goals and policies call for preserving natural features, like hillsides and ridgelines, views, and community character. Chapter 4.9, Land Use and Planning, of the Draft EIR addresses the Project’s consistency with these regulations. The comment does not address the adequacy of the Draft EIR.</p>
IND60	<p>Guy Atwood (6/28/12)</p>	
IND60-1	<p>Ann, there is one correction in the attachment. On the first page, second paragraph, fourth sentence from the bottom of the paragraph, I said “There are single-family residences directly east of this parcel”, when I meant to say “There are single-family residences directly west of this parcel”. I cover the residences directly east in the prior sentence.</p> <p>If you would please forward this correction to the Consultant.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND61	<p>Joni Avery (6/28/12)</p>	
IND61-1	<p>I am a 14 year resident of Lafayette and live in the Springhill Valley. I am writing you to express my strong opposition to the proposed Terrace project.</p> <p>Views/Ridgeline - this project will devastate the views on Deer Hill and from Briones. It is unfair to take those views away from the thousands of citizens for the benefit of apartment dwellers</p> <p>Negative impact on the current neighborhood - this area of Lafayette is very sleepy, semi-rural area with a high school. This project would completely change the feel, look and flow of this part of town. Multi housing should be built closer to downtown and BART. No one is</p>	<p>The commentor expresses opposition to the proposed Project because of its potential impacts on views and traffic. The Project’s aesthetic and traffic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR.</p> <p>The commentor states disagreement with many of the conclusions of the EIR but has not provided specific reasons. Without specific comments, a more detailed response cannot be provided.</p>

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	going to walk from these apartments to anywhere. Traffic – UGH!!!!!! Having endured several summers with work done on Pleasant Hill Road, this project would be a nightmare for this side of town. Gridlock doesn’t begin to describe it.	
	These are just a few of the objections my family has. I disagree with many of the conclusions of the EIR and I urge you to reject this out of place, McMansion-ish project.	
IND62	Lisa Bishop (6/28/12)	
IND62-1	I wanted to inform you of my grave concerns regarding the Terraces of Lafayette and join other concerned citizens in defeating this project in its current form.	The commentor expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND63	Kerry Bolen (6/28/12)	
IND63-1	My name is Kerry Bolen. I live in the City of Lafayette. Below, please find my comments on The Terraces of Lafayette EIR. Please let me know when you receive this, so I will be certain you have.	The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to Comments IND63-2 through IND63-9, below.
	Thank you.	
IND63-2	Aesthetic and Visual: The EIR should examine alternative placement of buildings away from the visible edges of the land. Hillside ordinance demands that visual impact be lowered. Reduce heights of buildings and move them back from site lines. Place parking screened with vegetation near prominent edges.  The EIR should examine more landscape mitigation to offset the poorly designed buildings that look like shipping containers stacked on a hillside.	Chapter 5, Alternatives, of the Draft EIR examines two alternatives that propose altering the building placements to reduce visual impacts. The Mitigated Project Alternative, for example, suggests eliminating the buildings on Pleasant Hill Road and reconfiguring Building A to avoid blocking ridgeline views.  The commentor asks for more landscape mitigation to screen the “poorly designed buildings.” The analysis of aesthetics impacts in the Draft EIR evaluates the proposed Project against CEQA thresholds of significance and focuses on visual impacts associated with massing, views, and community character, not architectural quality. Determining architectural quality of proposed buildings will be considered during the design review process subsequent to environmental review process.
IND63-3	Air Quality: Since the EIR states so many Significant and Unavoidable impacts, it	As requested by the commentor and shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, Mitigation Measure AQ-2a has been amended to prohibit

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	<p>would be appropriate to condition that the Project construction be allowed only on non Spare The Air days and days when the AQI is not elevated in the Eastern District.</p> <p>The EIR should discuss if this Project exposes sensitive receptors to increased pollution.</p> <p>There are 3 schools, full of school-aged children, very close to the project. Outdoor physical education takes place all day and well into the evening hours.</p> <p>The EIR should examine the impact to the farm animals living adjacent to the Project. I own a young horse that lives at Sienna Ranch across the street from the Project. A Veterinary analysis should be done as to the Air and Noise impacts of the Project on all farm animals living there.</p>	<p>construction on “Spare the Air” days. Spare the Air days are issued when the air pollutant concentrations are elevated and there is a high air quality index (AQI).</p> <p>Regarding sensitive receptors, please see responses to Comments PC1-56 and PC1-57. Chapter 4-2, Air Quality, of the Draft EIR evaluates impacts from on-site emissions (i.e., construction) on the surrounding sensitive land uses. The construction risk modeling includes the sensitive receptors at the day care centers, elementary school, and high school, although the reported results specifically addressed the residential receptors because they were in closer proximity to the proposed Project site and typically would have higher exposure to construction emissions and therefore higher reported risk values.</p> <p>Regarding farm animals, the comment is noted. Air quality and noise impacts to farm animals is not an environmental impact as these species are not “sensitive” species from a biological resources perspective. In addition, ambient air quality standards and health risk impacts are based on human exposure to criteria air pollutants and toxic air contaminants. Nonetheless, no significant air quality impacts were identified even at the closest sensitive receptors.</p>
IND63-4	<p>Biological:                      The EIR must examine an alternative Project, where no more than 25% of the trees are removed, as well as keeping the old 58” Valley Oak.</p>	<p>Chapter 5, Alternatives, of the Draft EIR examines the Mitigated Project Alternative that would not disturb the oak woodland and riparian area and would preserve the old valley oak and the majority of the existing trees. An additional alternative, the Applicant Refined Alternative, is evaluated in Exhibit 5-1 to this Final EIR, and would also avoid removing 56 Coast Live Oak trees, the 200-year-old Valley Oak tree, and a portion of the on-site native blue wild rye grassland. Please see Exhibit 5-1 of this Final EIR for more information.</p>
IND63-5	<p>Land Use and Planning:                      EIR should examine what the highest and best use of this land could be. Examine other alternatives in addition to the Office Complex and fewer apartments. The EIR should examine the LR-5 zoning that the citizens desire.</p>	<p>The purpose of evaluating alternatives is to identify an environmentally superior alternative by reducing the proposed Project’s significant impacts, not to identify the most desired alternative. Therefore, examining the LR-5 zoning is out of this CEQA scope. Additionally, the Project site is not zoned for LR-5, and therefore such an alternative could result in impacts on land use policies.</p>
IND63-6	<p>The EIR must address the potential of the Project to “divide the community.” Even though the Project does not physically include a wall that will divide Lafayette, the Project will bring such traffic gridlock, that</p>	<p>The comment is incorrect that the proposed Project would divide the community by reducing or eliminating pedestrian access to local schools. The Project proposes installing sidewalks on the west side of Pleasant Hill between Deer Hill Road and</p>

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	<p>the Project has the effect of dividing away the North-East side of our town. CEQA and case law have even addressed the mere widening of an existing roadway adversely affecting a community or neighborhood by effectively dividing it. In this case, the lay of the land dictates the traffic at the intersection of Deer Hill and Pleasant Hill. This intersection roughly marks the Springhill School Border, or 25% of the town. (North-East Lafayette) Just doing the math, 25% of Lafayette middle school aged children need to get through that intersection to get to Stanley Middle School, Monday - Friday. And 75% of Lafayette high school aged children need to get through that intersection to get to Acalanes High School. This Project effectively divides our City, and reduces and eliminates our access to our Public Schools. Due Process gives us the right of a free and fair education. This is not fair.</p> <p>Dividing off the northeast quadrant of our City from our own Downtown merchants, services, BART and Library is not good for anyone.</p>	<p>Highway 24. Impacts associated with narrow sidewalks and conflicts with traffic for pedestrians (Impacts TRAF-18 and TRAF-19, as numbered in the Draft EIR) would be less than significant with mitigation.</p>
IND63-7	<p>Transportation and Traffic:                      The traffic studies conducted did not sample or measure the important intersections at the most congested times. This must be remeasured. Wednesday AM school schedules are modified. This was not addressed. This time differential on Wednesday morning creates an amazing amount of extra traffic. Only one minor intersection was measured on a Wednesday morning. The traffic is completely different on a RAINY school morning. This weather differential must be factored in and measured.</p>	<p>An EIR need only address conditions on a typical, representative day as a baseline for traffic analysis. Although the Wednesday morning school schedule might possibly result in higher traffic volumes than other days, Friday mornings (while still very congested in the proposed Project vicinity) have lower volumes than average. Under these circumstances, neither Wednesdays nor Fridays are considered representative of typical traffic conditions for a weekday. Tuesdays and Thursdays are most representative of typical weekday conditions in the Project vicinity. Similarly, rainy conditions are atypical in Lafayette, and are not representative of traffic conditions during most of the year.</p>
IND63-8	<p>The EIR does not adequately address the increased safety risks caused by the traffic impact. We need serious mitigation and further examination of the noted habit of students exiting cars at red lights and crossing oncoming traffic lanes, in order to get to school.</p>	<p>The comment is incorrect that the EIR does not adequately address the increased safety risks. Pages from 4.13-106 to 4.13-109 of the Draft EIR contains various mitigation measures with regard to safety issues. For instance, Mitigation Measure TRAF-19 (as numbered in the Draft EIR) requires stop signs and special design treatments, such as paving, to alert drivers that they are crossing pedestrian and bicycle facilities. The proposed Project is not responsible for correcting existing illegal behaviors cited by the commentor.</p>

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IND63-9	<p>The EIR uses the ITE Code to calculate the car trips in and out of the Project. The ITE Code uses smaller apartment sizes, not family sized 2 and 3 bedroom apartments. Also, it uses general averages of apartments that are built smartly near downtowns and public transportation. This Project will actually be apartments stranded in the middle of suburbia. Similar data must be used or it is not valid.</p>	<p>The description of the Apartment land use in the Institute of Transportation Engineer's <i>Trip Generation, 8<sup>th</sup> Edition</i>, which was used to calculate the proposed Project trip generation in the Draft EIR, reads as follows: "This land use included data from a wide variety of units with different sizes, price ranges, locations and ages." In addition: "Many of the studies included in this land use did not indicate the total number of bedrooms." No information provided in this standard ITE reference supports the comment's suggestions that the data is based on smaller apartment sizes or locations near downtowns and public transportation. In recent years, a number of published research articles have been critical of ITE trip data as representing mostly isolated suburban locations lacking mixed land uses and transit access, but that description actually corresponds well to the proposed Project site, as suggested by the comment.</p> <p>The following mix of units proposed by the Project should also be noted in regard to this comment:</p> <ul style="list-style-type: none"> <li>◆ 1-Bedroom = 140 units (44.5%)</li> <li>◆ 2-Bedroom = 140 units (44.5%)</li> <li>◆ 3-Bedroom = 35 units (11%)</li> </ul> <p>The Draft EIR calculated trip generation for the Project using standard traffic engineering practices and source data. No factual evidence or suggested sources for possible alternative trip generation data have been presented to support the comment's suggestion to use "similar data."</p>
IND64	Sean Carlin (6/28/12)	
IND64-1	<p>Please see attached.</p> <p>I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Westen and Karen Zemelman.</p>	<p>The comment serves as an introduction to the comments that follow. No response is necessary apart from the response to Comment IND64-2, below.</p>
IND64-2	<p>Additionally I have a few comments of my own:              This proposed set of residential buildings will be a real "eyesore" for Lafayette. One of the positive attributes / benefits of Lafayette is its</p>	<p>The commentor expresses concerns regarding the proposed Project's potential impacts on community character, traffic, and school services. The Project's aesthetic, schools, and traffic impacts are addressed in Chapter 4.1, Aesthetics and</p>

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	<p>charm and “small-town feel”. This proposed residence does not fit with that image.</p> <p>Traffic in that area- especially on school mornings- is already significant. The addition of this residence will make it unbearable.</p> <p>The implications of this potential residence and new residents on the Lafayette school system (i.e., insufficient resources, crowding, teacher-student ratios, busing, etc.) cannot be underestimated. The school situation is another key reason this project should not move forward.</p>	<p>Visual Resources, Chapter 4.12, Public Services, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
	<p>Please submit my comments to the Planning Commission.</p>	
IND65	<p>Marjorie Cusick (6/28/12)</p>	
IND65-1	<p>The “Christmas tree lot” property is an extremely poor choice of locations for a project the size of the Terraces. Our primary concern is the traffic congestion which would be created by something the size of the Terraces.</p> <p>As residents of Springhill Valley it is a difficult task to merge onto Pleasant Hill Rd. during commute hours. When the traffic backs up on Pleasant Hill Rd. to Springhill Rd. there is often no space in which to merge when the light is green.</p> <p>Any children who live in the development will be attending Springhill School. In order to walk to school, they will have to cross Pleasant Hill Rd., walk on the Acalanes side to Quandt Rd., then again cross Pleasant Hill Rd. to school, or be taken by car which will greatly add to the already congested area.</p>	<p>The commentor expresses concerns about the potential traffic congestion that could be created by the proposed Project. The Project’s traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND66	<p>Sharon Doi (6/28/12)</p>	
IND66-1	<p>Please log me as another Lafayette resident opposed to this project.</p> <p>It is too large and a project of this magnitude is not appropriate for this location. People will not walk to BART from here, despite the developer’s and landowner’s assertions.</p>	<p>The commentor expresses opposition to the proposed Project because of its potential impacts on school services and traffic. The Project’s schools and traffic impacts are addressed in Chapter 4.12, Public Services, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The commentor states the EIR should be modified but has not provided specific comments. Without</p>

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	<p>It will introduce too many cars to an already hugely congested intersection.</p>	<p>specific comments, a more detailed response cannot be provided.</p>
	<p>The project ignores the Hillside Ordinance.</p>	
	<p>The project does not provide additional funding to the schools to adequately support the number of children the project may bring to the local schools.</p>	
	<p>The EIR needs modification and the entire project needs to be scaled back to something consistent with the neighborhood which is mostly single family dwellings in this area of Lafayette.</p>	
IND67	James Emery (6/28/12)	
IND67-1	<p>I am writing to you to express my deep concerns about the proposed Terraces of Lafayette project. Several people I know, including my wife, have already sent you similar correspondence detailing the many issues with the proposal. I wanted to zero in on just one of them.</p> <p>Specifically, what is the plan to alleviate the additional traffic congestion that will surely be a result of this project? I live approximately 1.6 miles North of Pleasant Hill Road off of Reliez Valley Road. Every weekday I must drive to drop off my son at daycare near Mt. Diablo @ Carol Lane requiring to drive down the short one mile section of Pleasant Hill Road between Reliez Valley and Mount Diablo. The total distance of my trip is only 3 miles one way. On an average day it takes me 15 minutes to drive these 3 miles because of traffic that backs up along Pleasant Hill Road due to existing commute traffic as well as parents dropping kids off at both Springhill Elementary and Acalanes High. On a bad day it can take over 30 minutes one way for the same trip! I shudder to think what this 3 mile trip will take me once this project has been completed with the additional commute traffic from 315 units flowing onto Pleasant Hill Road both directly from the proposed project access driveways along Pleasant Hill</p>	<p>The commentor expresses concerns about the potential traffic congestion that could be created by the Project. The Project’s traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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	Road and from those vehicles turning right off of Deer Hill Road from the proposed secondary access driveways. A full hour? An hour and a half?	
IND67-2	Please explain to me what improvements to the existing Pleasant Hill Road corridor will be made for this project. According to the project website, “Traffic from the project can be accommodated by the local roadway network; Pleasant Hill Road and Deer Hill Road will be improved at no public expense”. This is a complete and utter farce of a statement. This does not seem to be part of the project proposal according to the civil plans attached to the project website. It seems logical to me that if the City wants this project to go forward we can and should force the project developers to add additional lanes to BOTH the Pleasant Hill Road corridor from at least Springhill to the East and West Hwy. 24 onramps and Deer Hill Road from Pleasant Hill all the way to the other westbound Hwy. 24 onramp just west of First Street.	As described in detail in Chapter 3, Project Description, of the Draft EIR, the Project proposes constructing a new southbound through-lane on Pleasant Hill Road from north of Deer Hill Road to the State Highway 24 freeway on ramp, with a minor dedication from the Project property. However, the Draft EIR proposes an alternative reconfiguration of Pleasant Hill Road, described by Mitigation Measure TRAF-20 (as numbered in the Draft EIR). Mitigation Measure TRAF-11 (as numbered in the Draft EIR) calls for widening Deer Hill Road at the west Project Driveway to add a striped westbound median refuge lane to receive left turns from the driveway, and provide appropriate taper lengths west of the refuge land, and maintain appropriate widths for bike lanes, traffic lanes, and proposed sidewalks.
IND67-3	Better yet, please do the right thing and enforce the existing zoning laws to prohibit this project from moving forward. There is ZERO benefit in the proposed project to either the City of Lafayette or its citizens.	The comment serves as a closing statement. No response is necessary.
IND68	Laura Emery (6/28/12)	
IND68-1	<p>I am writing to express my concern as a voting, tax-paying and generally happy resident of Lafayette about the proposed Terraces project. I am extremely worried that this project has not been stopped in its tracks and do not see any reason why this project should go through. There are many reasons that the proposed project is a bad idea for Lafayette as outlined below.</p> <p>Increased traffic: I commute to Oakland by car every day of the week, using Pleasant Hill Road. On a bad day, it can take upwards of 30 minutes to get to Hwy 24 from my house, especially during the school year. There is no mention of a practical plan to accommodate the huge amount traffic of traffic congestion that 315 additional housing units will bring to Pleasant Hill Road and Deer Hill Road.</p>	<p>The commentor expresses opposition to the proposed Project because of its potential impacts on traffic, school services, and home values. The Project’s school and traffic impacts are addressed in Chapter 4.12, Public Services, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The commentor also expresses concern about the Project’s financial contribution to the school districts. The Project’s contribution, including development fees, is addressed in Chapter 4.12, Public Services, of the Draft EIR. However, as discussed in response to Comment PC1-49, funding for school services (besides physical facilities) is not considered in the environmental impact analysis. For the same reason, potential effects on home values are outside of the scope of this environmental review.</p> <p>The comment incorrectly states that the zoning ordinances have been updated to disallow a low-density housing development on the Project site. As discussed in Chapter 4.9, Land Use and Planning, of the Draft EIR, multi-family development</p>

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	<p>Schools: My husband and I chose to buy a home here because of Lafayette's great schools. This development would be a huge disruption not only during construction, but also after completion to Springhill Elementary School and Acalanes High School and their students. The schools in Lafayette are an asset that need to be protected.</p>	<p>is allowed under the existing Administrative/Professional Office District.</p>
	<p>Tax Implications: The proposed project is parceled in such a way that only the land owner, not each resident would be responsible for the supplemental tax parcels that help Lafayette maintain its excellent school district. So the 315 families that move here will have access to these schools, increase the burden on the district, but won't contribute financially like the rest of us. If a comparable development were proposed in Walnut Creek, the landowner would owe the city a fee per unit, per year for 30 years to recoup the cost and impact to the city. Lafayette does not have any similar laws in effect and would have little financial gain for the huge financial implications of this development.</p>	
	<p>Zoning laws: The zoning laws were already been updated to disallow a low-density housing development, I am stumped as to why they haven't been enacted. This project should not even be entertained, let alone wasting the city's and residents' time and energy with town hall meetings and the like. There are several laws to prevent ridge line building, encourage only single-family homes north of highway 24, so it seems very confusing that this project has built any momentum instead of being properly stopped in its tracks.</p>	
	<p>Negative Impact on home values and Lafayette in general: The market has been better in Lafayette than in other parts of Contra Costa County, but the development would definitely have a negative effect on the value of homes in the area, and rightly so. The people who own this land don't live in Lafayette and don't care about Lafayette or any of its residents. They wouldn't build this in their backyard, and I don't want someone building it in mine. It's not that I'm opposed to low-density</p>	

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	<p>developments, just ones that are not thought out, poorly located and have only negative implications.</p> <p>The only positive “spin” on the project is just that -- spin that is being paid for by the landowner who hired a PR firm, lawyers and other so called “experts” for hire to pretend that somehow this would be good for Lafayette. Please stop this development project from moving forward one step further. It needs to end now. As I said before, I am a happy, tax-paying resident of Lafayette. When we bought here, it was with the intention of staying here until our children are grown. I don’t have any desire to leave Lafayette, but I worry that if this project moves forward, it would be an option I would have to consider.</p>	
IND69	Jean Follmer (6/28/12)	
IND69-1	<p>I am completely opposed to the proposed Terraces of Lafayette project. Not only is this project completely out of character for Lafayette, it will add significant traffic to an already heavily congested area. Multi-family units of this tremendous scale only make sense if they are walking distance to easily accessible public transportation like the BART. Clearly, this project is not walkable to BART.</p>	<p>The comment expresses opposition to the proposed Project due to potential impacts to community character, traffic, and land use. The Project’s aesthetic, land use, and impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, Chapter 4.9, Land Use and Planning, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND69-2	<p>The impact to schools sited in the EIR is unclear and the stated capacities of each school site are not correct. From where was this capacity information obtained?</p>	<p>Enrollment and capacity data for the Draft EIR was provided by the school districts. The comment states that impact statements in the Draft EIR are unclear but provides no specific comments. Without specific comments, a more detailed response cannot be provided.</p>
IND69-3	<p>This project is on a hillside and the renderings of the project show how this gateway would be changed forever - what a loss. (Perhaps the City could try to resurrect its Redevelopment Agency for the purpose of erasing the blight it created through its own failure to act).</p> <p>This project runs completely contrary to the historical growth pattern of Lafayette. Our growth has been essentially flat during the period 2000-2010.</p> <p>Again, I understand that the City of Lafayette made a very regrettable,</p>	<p>The comment expresses opposition to the proposed Project due to potential land use and growth impacts. The Project’s land use and population impacts are addressed in Chapter 4.9, Land Use and Planning, and Chapter 4.11, Population and Housing, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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	<p>gross error in its utter failure to downgrade the building code for this property. Allowing this project to be built would only exacerbate this failure. Allowing this project to be built would run contrary to the will of the citizens that City Council was elected to represent.</p>	
IND70	Kevin Foster (6/28/12)	
IND70-1	<p>I am shocked this proposal has proceeded this far and the EIR certainly needs to be rejected. I have lived in Lafayette for 21 years and live on Blackhawk RD off of Springhill road. This proposal is flawed for many reasons:</p> <p>Traffic - egress and ingress regarding the importance of the pleasant hill road and deer hill traffic as a regional thoroughfare plus access to Acalanes High School. This area is already a high traffic area and there is no ability to handle a large residential project and residents.</p> <p>Construction impact- dramatic impact on traffic and dust to high school, residents, Springbrook pool and traffic. This east area of Lafayette are dependent on this access to shop in Lafayette. This will reduce business at downtown businesses Environment - I often see herons in the space that is being considered. This is also a beautiful hillside that would be ruined.</p> <p>Please reject this proposal and EIR</p>	<p>The comment expresses opposition to the proposed Project due to potential traffic, air quality, and biological impacts. The Project's air quality, biological resource, and traffic impacts are addressed in Chapter 4.2, Air Quality, Chapter 4.3, Biological Resources, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND71	Michelle Foster (6/28/12)	
IND71-1	<p>Please accept this letter regarding the Terraces at Lafayette.</p> <p>I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Stark and Karen Zemelman.</p>	<p>The comment expresses support for the comments contained in Comment Letter #106. The comment is noted. No response is required.</p>
IND71-2	<p>Additionally I have a few comments of my own: As a resident of the Springhill Valley, who travels Pleasant Hill Road, Deer Hill Rd and Stanley Blvd daily, I am vehemently opposed to this project moving forward in any form. The traffic is a nightmare already, even during the</p>	<p>The comment expresses opposition to the proposed Project due to potential traffic and safety impacts. The Project's traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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	<p>summer months with the school hosting year round activities. I am also a member and sit on the board of Springbrook Pool on Stanley Blvd, 1 block east of the proposed project. I am extremely concerned for the health of all of our members, but especially the very young and the older members. Our pool is open from mid April through mid December and according to the EIR, all surrounding areas will not escape the fall out of construction of the project, and then the ongoing congestion and safety concerns caused by the traffic around that intersection. The health and safety of our community is at stake! The aforementioned does not take into account all of the issues around this not being a suitable place for this type of project. This is a project that should be in a downtown area, where shopping and transit is available.</p>	
IND72	Vali Frank (6/28/12)	
IND72-1	Please find attached my comments on the DEIR for the Proposed Terraces of Lafayette project.	The comment serves as an introduction to the comments that follow. No response is necessary.
IND72-2	<p>I have reviewed and concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Stark and Karen Zemelman.</p> <p>Additionally I have a few comments of my own:</p> <p>The DEIR is flawed in several areas, but I have chosen to focus on air quality. I should note that I have considerable background in the federal Clean Air Act area, having recently left the federal EPA after 15 years working for the agency. My comments in no way represent any opinions EPA or any other federal agency may have on this project, nor did I work on this project while employed by EPA. I also spoke at the recent Planning Council meeting on this topic, and these comments are intended to supplement the comments I made there. Both sets of comments are made in my capacity as an individual resident of Lafayette, and as a parent with children attending the schools located in close proximity to the proposed Terraces of Lafayette Project.</p>	<p>The comment serves as an introduction to the more specific comments that follow. The comment expresses support for the comments contained in Comment Letter #106. In addition, the comment expresses support for Comment RA1-2. Please see responses to Comment RA1-2 and Comments IND106-1 through IND106-57. The comment is noted.</p>

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	<p>In addition to the information contained in the DEIR, I am also referencing another public document that supplements the DEIR, an email dated May 17, 2012 from Ann Muzzini, Director of Planning and Marketing, Central Contra Costa Transit Authority (“CCCTA”), the agency designated as the Congestion Management Agency for the County, addressed to you. The email provides comments from the CCCTA on the DEIR, commenting that” the location of this project makes it difficult for future residents to access public transportation.” The CCCTA notes that this project provides for no safe pedestrian access to bus stops on Mt. Diablo and Pleasant Hill Road, and points out that the CCCTA does not have the resources to expand route service. The CCCTA also predicts that the proposed moderate income character of the project will create “significant demand for public transportation and that this makes it even more concerning.” The CCCTA concludes the following: “The Terraces project is not a good example of transit oriented development.” I concur.</p>	
<p>IND72-3</p>	<p>The rest of my comments are arranged by reference to the section and page number of the DEIR, and are as follows:</p> <p>P. 4.2-14 Local Regulation and Policies</p> <p>The DEIR references the City of Lafayette’s General Plan as it is relevant to air quality, but is deficient in that it fails to analyze the extent to which the proposed project would fail to comply with various components of the general plan. In fact, the DEIR provide no analysis of whether the proposed project would be in compliance with City Policy OS-10.1-10.3. The DEIR states that various “chapters of the General Plan contain policies which would have a beneficial effect on air quality.” The DEIR also notes in this section that the Land Use and Housing Chapters actively <i>[sic]</i> encourage multifamily housing affordable to a range of incomes near to public transit and the BART station.” This statement in the DEIR, without further analysis, appears to support the impression that the Terraces project falls into the category of projects that are near public transit and the BART station. As the CCCTA has commented, this</p>	<p>Chapter 4.9, Land Use and Planning, of the Draft EIR provides a General Plan consistency analysis to evaluate potential land use impacts (see Table 4.9-1 of the Draft EIR). The proposed Project would not conflict with the three policies referenced by the commentor (Policies OS-10.1, OS-10.2, and OS-10.3).</p> <p>The air quality analysis does not assume that the proposed Project is a transit-oriented development. Implementation of the project would not conflict with the regional Clean Air Plan (see Chapter 4.2, Air Quality, of the Draft EIR). The Project would comply with the Bay Area Air Quality Management District (BAAQMD) regulations and Chapter 4.2 identifies that long-term operation of a project would not exceed the BAAQMD significance thresholds and therefore contribute to the nonattainment designations of the San Francisco Bay Area Air Basin. The proposed Project, while not a transit-oriented development, would not conflict with local, regional, and State efforts to reduce single-occupancy vehicle.</p> <p>In addition, the traffic analysis in the Draft EIR does not assume that the Project is a transit-oriented development. Page 4.13-100 of the Draft EIR notes: “no vehicle-</p>

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	<p>project is not located near any public transit, and the DEIR should provide a more thorough analysis of whether the projects is consistent with each aspect of the City General Plan.</p>	<p>trip reductions were assumed in the traffic analyses presented in this report because the Project site is not within reasonable walking distance (¼- to ½-mile) of significant public transit services or complementary retail or employment land uses, based on published research data.”</p>
<p>IND72-4</p>	<p>4.2-16 Wind Patterns                      The DEIR discusses the variability of wind patterns and the fact that winds may be strong locally in certain areas such as the Golden Gate, the Carquinez Strait, and the San Francisco International Airport, as well stagnant in other parts of the Bay SF BAA B. The DEIR does not include any discussion of local wind conditions in Contra Costa County or the City of Lafayette, which are likely to have a direct and significant impacts on air pollution created by this project. The DEIR should include local wind monitoring from the site and the adjacent area, and a discussion of the actual wind patterns and how they might change the impacts from the project and necessary mitigation measures such as dust control.</p>	<p>Chapter 4.2, Air Quality, of the Draft EIR includes a discussion of the environmental setting in the San Francisco Bay Area Air Basin. Dispersion modeling for on- and off-site impacts in the Draft EIR is based on meteorological conditions in the Project vicinity, including local wind patterns. Please see also response to Comment PC1-52. Implementation of the Bay Area Air Quality Management District’s (BAAQMD) Basic Control Measures for fugitive dust control would ensure that construction contractors comply with BAAQMD Regulation 6, Rule 1: General Requirements, which limits the quantity of particulate matter in the atmosphere. Consequently, compliance with BAAQMD’s Basic Control Measures would result in less than significant air quality impacts at sensitive receptors surrounding the site.</p>
<p>IND72-5</p>	<p>4.2-18-20 Sensitive Receptors                      The sensitive receptors section of the DEIR fails to include Springbrook pool, which hosts several local swim teams and swim meets. It also fails to calculate the numbers of children who walk or bike to local preschools, elementary schools, and high schools. The DEIR is inadequate with respect to the impacts on hikers, runners in the adjacent section of Briones Park, and children travelling on foot from Springhill School to Siena Ranch or to residences.</p>	<p>Please see responses to Comments PC1-56 and PC1-57. Chapter 4-2, Air Quality, of the Draft EIR evaluates impacts from on-site emissions (i.e., construction) on the surrounding sensitive land uses. Sensitive land uses are defined by the Bay Area Air Quality Management District as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, day care centers, senior care facilities, and residential areas. The construction risk modeling did include sensitive receptors for all schools, day care facilities, and residences within 2,300 feet from the Project site. Sienna Ranch, which is in close proximity to the Project site and has outdoor classes and summer camp for children, was also included in the risk modeling. Hikers or runners in the adjacent Briones Park and swimmers at the Springbrook Pool would be considered recreational receptors and the construction risk for these receptors would be much less than the sensitive receptors because of intermittent exposure durations (2 hours/day vs. 24 hours/day for residential receptors).</p> <p>The Springbrook Pool is located east of the Acalanes High School Football field. Acalanes High School was considered in the construction risk assessment as a</p>

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sensitive receptor. The calculated results at the Acalanes High School for cancer risk values is less than the Bay Area Air Quality Management District significance threshold of 10 in a million (1.0E-05). Therefore, the impact of the construction activities at the proposed Project site to swimmers at the Springbrook Pool would be less than the reported risk values at Acalanes High School, because of shorter exposure durations and a greater distance from the construction activities.

The reported results in Chapter 4.2 of the Draft EIR identify the residential receptors as the maximum exposed individual receptor because they were closest to the Project site and would have higher exposure to construction emissions and therefore higher reported risk values. The modeling results indicate that the excess cancer risk to the maximum exposed residential receptor is below the significance threshold. Therefore, hikers, runners, and users of Briones Park would have even lower risk exposure because of intermittent exposure duration (2 hours/day vs. 24/hours/day assumed for residential receptors).

IND72-6 4.2-22 and 4.2-33 Local CO Hotspots and CO Hotspots  
 At 4.2-22, the DEIR states that the BAAQMD does not require a CO hotspot analysis if certain criteria are met. One of the criteria is that the “Project is consistent with an applicable congestion management program established by the County Congestion Management Agency.” The May 27, 2012 comments from the CCCTA would appear to indicate that this project is not consistent with an applicable congestion management program, and the DEIR should be revised to reflect this fact and to conduct a complete CO hotspot analysis.

4.2-33 also states that the proposed Project would not conflict with the CCCTA Congestion Management Program. As the CCCTA appears to view this project as having negative impacts, this section of the DEIR should also be revised. It is also not clear that the proposed project would not alter regional travel patterns, so this statement in this section of the DEIR should be further examined. This section of the DEIR states that the proposed Project would generate a maximum of 2,032 additional weekday trips. This appears to be based on the assumption that residents

The proposed Project would not conflict with the Contra Costa Transportation Authority (CCTA) Congestion Management Program (CMP). Generally, only projects that have the potential to effect regional transportation patterns (e.g., new roadway and roadway widening projects) have the potential to conflict with the CMP. For this reason, the California Department of Transportation (CalTrans) and the Federal Highway Administration (FHWA) require carbon monoxide (CO) hotspot modeling for federally funded roadway projects. The proposed Project is not a roadway project that has the potential to alter regional transportation patterns because it does not expand roadway capacity, divide a community, or create a new regional transportation route. As described in Chapter 4.13, Transportation and Traffic, of the Draft EIR, the Project does propose widening Pleasant Hill Road to include an additional southbound lane but this reconfiguration of Pleasant Hill Road is not recommended. See response to Comment ORG1-19 for a detailed discussion of this issue. The Draft EIR proposes an alternative reconfiguration of Pleasant Hill Road that would not include an additional through lane. The CCTA letter states that the proposed Project is not a transit-oriented development but does not suggest that the Project conflicts with the CMP. Air quality modeling was based on trip generation rates

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of the proposed project would be able to access public transit, and based on the CCCTA comments, this appears to be a flawed conclusion. This conclusion appears also to be based on the assumption that each apartment would have approximately two residents, based on the statistical average for Lafayette households. This is the first projected moderate income housing complex of this size in Lafayette, and it is likely that the actual household number would be closer to the 2.7 average for Contra Costa County, since a high percentage of the likely residents would be families with children. Therefore, the DEIR is flawed in that it does not accurately calculate the full range of the number of additional vehicle trips, and the subsequent impacts on air quality.

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provided by TJKM and, as described in response to Comment IND72-3, does not include trip reductions from use of transit. TJKM trip rates are based on the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 8th Edition, for apartments (ITE Code 220). Elevated concentrations in the San Francisco Bay Area Air Basin even in the most congested locations have not been recorded in over 10 years as a result of improved fuel emission rates and turn-over of older vehicle fleets. For these reasons, the Bay Area Air Quality Management District does not consider most projects (including the proposed Project) to have the potential to create a carbon monoxide (CO) hotspot. A CO hotspot analysis is not warranted.

As shown in Table 4.13-8, the Draft EIR estimate for average daily Project trip generation of 2,032 weekday trips assumes no discount for access to public transit, and is not based on an estimate of the number of occupants per unit. The Draft EIR calculated trip generation for the Project using standard traffic engineering practices and ITE source data. The only independent variable used in the trip generation calculations is the total number of dwelling units, 315. Also see response to Comment IND63-9.

The comment does not present sufficient factual evidence to support the suggestion that the Draft EIR does not accurately calculate the number of additional vehicle trips.

Regarding household size, the commentor incorrectly states that the analysis included in the Draft EIR is flawed because it did not apply a higher population generation rate based on the commentor's opinion. The Draft EIR applied the U.S. Census Bureau population generation factor for the average household size for renter occupied units of 2.09.<sup>5</sup> The application of generation factors from the U.S. Census Bureau is an accepted practice for estimating population in the City of Lafayette. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

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<sup>5</sup> U.S. Census Bureau American FactFinder, <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>, accessed on November 3, 2011.

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IND72-7	<p>4.2-28 Regional Operational Emissions</p> <p>As noted in my previous comment, the 2,032 weekday vehicle trip projection provided in the DEIR is flawed on multiple grounds. In addition to the comments with respect to lack of public transit access and household size, I would also argue that the proposed project is likely to serve a population that uses a higher proportion of older vehicles and diesel vehicles. Moderate income families are less likely to be able to afford newer cleaner burning vehicles, and the DEIR should accurately reflect the true likely impacts for Regional Operational Emissions, which are likely to be significant.</p>	<p>Please see response to Comment IND72-6. Trip generation rates are based on Institute of Transportation Engineer rates. Air quality modeling is based on vehicle emission rates for Contra Costa County as identified in CalEEMod. Vehicle emission rates in CalEEMod are derived from the California Air Resources Board's (CARB) EMFAC2007 + PavleyI/LCFS Post-Processor. CARB's EMFAC program assumes a range of vehicle model years are in operation during the project buildout. The commenter's assertion that the proposed Project would serve people who drive older vehicles or diesel vehicles than what the State has identified in EMFAC is unsubstantiated and would be too speculative for air quality modeling purposes. Please also note that according to the 2012 income levels for Contra Costa County established by the State Housing and Community Development Department, a family of four is considered moderate-income with an annual income of \$112,200.</p>
IND72-8	<p>4.2-29 Construction Risks and Hazards</p> <p>It is somewhat unclear from the DEIR if a full analysis was conducted for all air pollutants for all sensitive receptors identified, or simply receptors located more than 520 feet away. Due to the high number of preschools and elementary schools located nearby (but further than 500 feet), I would argue that a full analysis should be conducted for all identified sensitive receptors, and that Springbrook Pool should be added. Construction trucks may need to pass down Pleasant Hill Road directly past Springhill School, causing further impacts, and these impacts should be thoroughly studied.</p>	<p>Please see response to Comment IND72-5 and responses to Comments PC1-56 and PC1-57. For the construction risk assessment, the nearest residences to the proposed Project site and all schools and day care centers within 2,300 feet of the Project site were included in the evaluation. The calculated excess cancer risk value at the maximally exposed residential receptor proximate to the Project site is less than the BAAQMD significance threshold of 10 in a million (1.0E-05). All schools and day care centers had risk levels that were less than threshold values and lower than the residential receptor values. Since the Springbrook Pool is at a greater distance than Acalanes High School, which was included as a sensitive receptor, it would have an even lower risk value than Acalanes High School, which was well below the BAAQMD significance threshold. Health risk modeling was conducted in accordance with the BAAQMD methodology. The construction risk assessment did include the off-site impact of construction trucks traveling along adjacent roadways as part of the modeling effort.</p>
IND72-9	<p>The sensitive receptor calculations in the DEIR appear to be based on mitigation measures based on the exclusive use of Tier 3 engines for large off-road equipment. Compliance with this requirement appears to be verification by the City of Lafayette that all large off-road equipment be certified to USEPA emission standard for off-road equipment, and that the City of Lafayette will also verify that all construction equipment shall</p>	<p>Mitigation Measure AQ-2a requires use of Tier 3 engines for off-road equipment larger than 50 horsepower. Chapter 4.2, Air Quality, of the Draft EIR states that without use of Tier 3 construction equipment PM<sub>2.5</sub> concentrations would be approximately 60 percent higher, resulting in significant impacts. Mitigation Measure AQ-2a requires that the contractor maintain a list of construction equipment onsite, including the type and model year and the City verify</p>

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	<p>be properly serviced and maintained (4.2-37). It is unclear whether the City of Lafayette has the staff to conduct such ongoing inspections, and the DEIR should provide a thorough analysis of the impacts if any of the large off-road equipment does not meet the US EPA emission standard. The DEIR notes Tier 3 engines are available for 2006-2008 model years, but it is unclear if the contractor or the subcontractor will be able to meet all construction needs with Tier 3 engines.</p>	<p>compliance with these measures. The construction contractor would be required to comply with this mitigation measure as a condition of project approval. The City is familiar with ensuring compliance with such conditions.</p>
IND72-10	<p>4.2-35 The proposed project has the impact to produce fugitive dust, and the DEIR does not adequately analyze these impacts. The DEIR is based on the assumption that watering all construction areas at least twice daily will adequately control PM10 and PM 2.5 emissions, although the DEIR also acknowledges that increased watering (frequency unspecified) may be necessary if wind speeds exceed 15 miles per hour. The DEIR should include a thorough analysis of local wind patterns, and a more accurate watering schedule. Likewise, the DEIR assumes that watering access roads and parking areas three times daily will adequately control fugitive dust, without an accurate measure of local winds. Since the total risk calculated in Table 4.2-9 for PM2.5 is 0.70, and the BAAQMD cumulative threshold is .80, it is particularly important to get an accurate analysis before determining that the fugitive dust emissions are less than significant.</p>	<p>Please see response to Comment IND72-4 and Comment PC1-53. Bay Area Air Quality Management District (BAAQMD) regional significance thresholds are based on average daily emissions, not peak daily emissions. Implementation of BAAQMD’s Basic Control Measures for fugitive dust control would ensure that construction contractors comply with BAAQMD Regulation 6, Rule 1: General Requirements, which limit the quantity of particulate matter in the atmosphere. The BAAQMD requires projects to implement the Basic Control Measures and construction contractors would still need to meet BAAQMD Regulation 6, Rule 1. Implementation of this existing regulation and BAAQMD’s Basic Control Measures would result in less than significant impacts. However, Mitigation Measure AQ-1 has been amended, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR to prohibit ground-disturbing activities when wind speeds exceed 25 miles per hour (25 miles per hour is based on the recommendations of the Western Governors’ Association Fugitive Dust Handbook [2006]).</p>
IND72-11	<p>4.2-36-37 Use of heavy off-road and on-road construction equipment                      The DEIR notes that use of heavy off-road and on-road construction equipment “would produce substantial emissions of criteria air pollutants, which would exceed the BAAQMD threshold of significance for NOx,</p>	<p>Construction health risk is based on toxic air contaminants (TACs) generated by the Project during construction activities. Per BAAQMD guidance, PM<sub>2.5</sub> concentrations generated by construction equipment exhaust (diesel exhaust) were modeled for their potential to expose sensitive receptors to substantial pollutant concentrations. Calculated excess cancer risk values at sensitive receptor locations proximate to the Project site with implementation of Mitigation Measure AQ-2a are less than the BAAQMD significance threshold of 0.3 μg/m<sup>3</sup>.</p> <p>Please see response to Comment IND71-9. Under Mitigation Measure AQ-2a, Tier 3 equipment is required for all equipment over 50 horsepower during all stages of construction.</p>

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	<p>and could contribute to the O3 and particulate matter nonattainment designations of the Air Basin.” The DEIR also notes this would be a significant and unavoidable impact, even with mitigation measures, but notes that use of more efficient construction equipment would reduce criteria air pollutant emissions. As noted in my earlier comments, it is unclear whether Tier 3 equipment would be used for all stages, and the DEIR should calculate the impacts with other options.</p>	
IND72-12	<p>4.2-37 For Mitigation Measure AQ-2b, the construction contractor appears to have the option of contracting with soil haulers who either use vehicles 2007 or newer standards, or to limited the off-site disposal of soil to no more than 303 truck trips per day. The DEIR does not analyze the difference in emissions between these two options, which is a deficiency in the DEIR.</p>	<p>Please note that Mitigation Measure AQ-2b has been amended, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, to restrict vehicle trips to 252 truck trips per day based on new information provided by the Project applicant. Air quality modeling in the Draft EIR is based on the haul trucks per day restriction, based on truck trip information provided by the project applicant. The mitigation measure ensures that the number of haul trucks would not exceed the emissions modeled. Based on the haul volume, truck capacity, and haul duration, use of newer construction haul trucks that have model year 2007 or newer engines would generate less emissions than those shown in Table 4.2-10 because modeling assumes a mix of pre-2007 trucks with substantially higher emissions rates and post-2007 trucks with lower emission rates.</p>
IND72-13	<p>4.2-38 The DEIR shows that “the results of the community risk assessment indicate that the average annual PM2.5 concentration for a maximally exposed on-site receptor would exceed the BAAQMD significance threshold.” The DEIR concludes that high efficiency filters could be installed and replaced every 2-3 months, and that tenants/residents of the proposed project could be informed of the increased risks if they open their windows, thereby mitigating the PM2.5 impacts down to less than significant. This conclusion in the DEIR appears to be based on a number of unsupported assumptions. First, that real world tenants would never open their windows, and that such a warning could adequately protect children and the elderly. Secondly, that the MERV high efficiency filters could realistically be replaced every two months. The DEIR should recalculate this section with more realistic and fact-based assumptions based on real data for similar apartment communities.</p>	<p>Mitigation Measure AQ-3 is a standard mitigation measure for numerous residential/multi-family projects within the Bay Area Air Quality Management District Air Basin when predicted health risks are over the acceptable threshold, and MERV filters have been installed in many apartments and residential units within the Bay Area. Maintenance and replacement of the MERV filters would be included in a project’s conditions of approval and would be part of the regularly scheduled inspection and maintenance activities.</p> <p>The risk assessment exposure assumptions for PM<sub>2.5</sub> conservatively assumed that a resident would be standing outside for 24 hours/day, 350 days/year. Because typical residents spends 87 percent of their time indoors, the predicted indoor PM<sub>2.5</sub> concentration would be below the threshold value and there should be no adverse health risk to residents from vehicles traveling along State Highway 24. Nevertheless, in keeping with Bay Area Air Quality Management District recommendations, MERV 9-12 filters are recommended, which would reduce the</p>

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	Please submit my comments to the Planning Commission.	<p>PM<sub>2.5</sub> exposure concentrations by 40 percent to 80 percent.</p> <p>It is unlikely that residents would have their windows open when either the heating or cooling system is in operation for their unit; therefore, during this time period, they would be receiving filtered air. If the windows of the units are open, the incoming air would not be filtered but the indoor/outdoor (I/O) PM<sub>2.5</sub> ratio is typically 0.60, so the air within the unit would have lower PM<sub>2.5</sub> concentrations than outside air and should still be below the threshold value. In addition, there are indoor sources of PM<sub>2.5</sub>, including smoking, cooking, and cleaning. To be conservative, Mitigation Measure AQ-3 would inform renters of the potential increased risk of exposure to PM<sub>2.5</sub> when the windows in the units are open. However, even with open windows, exposure to PM<sub>2.5</sub> concentrations should not pose an adverse health impact to residents of the Project.</p>
IND73	John & Amy Fritschi (6/28/12)	
IND73-1	We are residents of Bacon Way and use the stoplight at Pleasant Hill road and Stanley several times a day. We are very concerned that not only will be the project that they are trying to put in there be an eyesore but it will make that already long light even longer for us. We live near the Walnut Creek border and will not hesitate to spend our money in Walnut Creek if this project goes through and traffic gets worse. This seems like an attempt for the owners of the property to cash in without any regard for the neighborhood.	The commentor expresses concern regarding potential impacts on community character and traffic. The comment does not address the adequacy of the Draft EIR. No response is required.
IND74	Wendi & Jim Giordano (6/28/12)	
IND74-1	I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Stark and Karen Zemelman.	The comment expresses support for the comments contained in Comment Letter #106. The comment is noted.
IND74-2	Additionally I have a few comments of my own: The scope and size of this project is not keeping with the sanctity of Lafayette and they type of community we have here. This massive project with cause serious impact to traffic, congestion and pollution in Lafayette. As a decades long resident of Springhill Valley, I am appalled that the city would even consider such a large project that is out of line with the character of our town.	The commentor expresses concern regarding potential impacts on community character and traffic. The Project's aesthetic and traffic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR. No response is required.

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IND75	Julie Hansen (6/28/12)	
IND75-1	I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Stark and Karen Zemelman.	The comment expresses support for the comments contained in Comment Letter #106. The comment is noted.
IND75-2	We are extremely disturbed by this proposal and the effects it will have on Lafayette. No amount of revenue is worth changing the unique quality of life of our town. There is no going back after these changes are made. It will affect the environment, quality of life and ultimately the property values. It also has the potential to create congestion and traffic that is untenable. We don't think it is worth it--there is no place like Lafayette! We sincerely hope the Planning Commission has the foresight to agree.  Please submit my comments to the Planning Commission.	The commentor expresses opposition to the proposed Project because of its potential impacts on the environment, quality of life, property values, and traffic. The Project's biological and traffic impacts are addressed in Chapter 4.3, Biological Resources, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. Impacts to quality of life and property values are outside of the scope of this environmental review. The comment does not address the adequacy of the Draft EIR.
IND76	Gene Holit (6/28/12)	
IND76-1	My name is Gene Holit, and I am a retired civil engineer with extensive experience in transportation, public works engineering, and the EIR process. My home is just east of Acalanes High School, and I travel on Deer Hill and Pleasant Hill Roads extensively. I am in possession of a copy of the Terraces of Lafayette Environmental Impact Report. My time to review this document has been short, and due to a lack of full-size drawings with legible detail my comments at this time will be very brief.  My first impression is the immense density of a 315 rental apartment unit complex across from the single home neighborhood across Pleasant Hill Road. The site is so far away from public transportation. My main concern, however, is the traffic impact on Pleasant Hill Road and Deer Hill Road. The present layout on the project's "GD" and "ST" site plan drawings indicate three entrances to the site, two locations off Deer Hill and the main driveway off Pleasant Hill Road. It is my opinion that the main project driveway location on Pleasant Hill Road is not justified. While traffic volumes in and out at this location would be fairly low compared to those on Pleasant Hill Road, the left turn traffic into the	As described in the Draft EIR, the left turn from northbound Pleasant Hill Road into the main Project driveway would operate at LOS C for the 19 left turns during the a.m. peak hour, and LOS B during the school p.m. and commute p.m. peak hours, under Cumulative year 2030 plus Project Conditions. Sight-distance on Pleasant Hill Road between northbound left turns into the driveway and opposing southbound traffic would be more than adequate. These findings do not suggest conditions that are likely to result in an unusually high collision rate at this location. Signalization of the driveway is not proposed or required as mitigation. The opinion of the commentor that the Project driveway on Pleasant Hill Road should be removed is noted. However, removal of the driveway is not justified by the findings of the traffic analysis for the Draft EIR.

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	<p>main driveway off the northbound lanes and across the southbound lanes of Pleasant Hill Road (presently not proposed to be signalized) is certain to cause many collisions. Even with signalization at this location, traffic flow about 400 feet south of Deer Hill/Stanley that is south bound on Pleasant Hill Road is certain to be impeded. This can only be resolved by removing the main project driveway and the left turn off the north bound lanes of Pleasant Hill Road.</p>	
IND76-2	<p>I would further propose that the project entrance #12 near Building N on Deer Hill Road not only be enlarged as required by the removal of the main driveway, but also moved uphill for the daily rush hour cueing experienced today. Could a third entrance be put between intersections #11 and #12? An additional 12' lane could be added to Deer Hill Road to handle increased project traffic if needed. Also a separate right turn lane should be added at the Deer Hill Road/Pleasant Hill Road intersection, where drawing ST-5 only indicates a straight-through travel lane. And all traffic lanes should be 12 feet wide, not 10 feet</p>	<p>The suggested modifications to the Project's proposed roadway plans are acknowledged.</p> <p>The interaction between the east Project driveway (study intersection #12) on Deer Hill Road and adjacent eastbound queue conditions during peak hours is addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR in section A.4.a.v. Prohibiting left turns at this driveway is recommended to address these issues, rather than relocation of the driveway.</p> <p>Although an additional continuous traffic lane on Deer Hill Road is not justified, Draft EIR Mitigation Measures TRAF-5 and TRAF-11(as numbered in the Draft EIR) include widening Deer Hill Road to add a left-turn lane and a median refuge lane for left turns at the west Project driveway (study intersection #13).</p> <p>Pages 4.13-36 to 4.13-40 of the Draft EIR describe the significant impacts resulting with the addition of the southbound through lane on Pleasant Hill Road shown on drawing ST-5, including its conflict with the Lamorinda Action Plan's Gateway Constraint Policy.</p> <p>The only 10-foot wide lanes shown on the Project plans match the existing width of turn lanes on the eastbound Deer Hill Road approach to Pleasant Hill Road, and left-turn lanes on Pleasant Hill Road, on straight alignments. Ten-foot lanes are acceptable for turn lanes on relatively straight alignments.</p>
IND77	Betsy Hyatt (6/28/12)	
IND77-1	<p>Just another concerned citizen voicing my negative opinion regarding this ridiculous project. I, too, live on the North side of Lafayette, in the</p>	<p>The commentor expresses opposition to the proposed Project because of its potential traffic impacts. The Project's traffic impacts are addressed in Chapter</p>

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	<p>Baywood neighborhood off Reliez Valley Rd. A project of this size and scope, and in this incredibly vital location is not what Lafayette residents need. Pleasant Hill Rd. is a major thoroughfare connecting commuters from many towns in the East Bay to HWY 24 and the Lafayette BART station. Have you tried driving down this road at approx. 7:40 am on a weekday? Try it sometime and see how you like it. I drive it M - F taking my 2 middle schoolers to Stanley. Now add to the mix this monstrosity.</p> <p>I know what developers do. They come in with a huge project initially, then when it gets shot down, they revise it to something more “acceptable” to the community. Please don’t allow the already congested condition of this location to be made much worse by a developer and a property owner who will never have to live with the consequences.</p>	<p>4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND78	Keith Jarett (6/28/12)	
IND78-1	<p>The EIR is inadequate because:</p> <p>1. The impact on schools is not addressed even though schools are the number one selling point to new residents of this proposed project.</p>	<p>Impacts to schools are evaluated in Chapter 4.12, Public Services, of the Draft EIR.</p>
IND78-2	<p>2. Land Use impacts 1, 2, and 3 show noncompliance with current land use restrictions.</p>	<p>The comment refers to Impacts LU-1, LU-2, and LU-3 in the Draft EIR but does not state the reasons for which these impacts are, in the opinion of the commentor, inadequate. Without specific comments, a more detailed response cannot be provided.</p>
IND78-3	<p>3. Traffic impacts 1, 3, 12, 13, 14, and 15 show that traffic flow would be significantly impeded by a project of this scale. This is the only possible result when you put too many units in that space. It is not acceptable.</p>	<p>The comment refers to several traffic impacts identified in the Draft EIR but does not state the reasons for which these impacts are, in the opinion of the commentor, inadequate. Without specific comments, a more detailed response cannot be provided.</p>
IND78-4	<p>Couldn’t the city simply buy out the developer and zone the property for low density or light non-residential use? That might be the cheapest resolution for taxpayers.</p> <p>Now I’d like to make a more general point. Advocates of higher density (“smart growth”) have devised a system of regional incentives that effectively bypass voter approval. This same method has been carried much farther in Portland, Oregon. Read the account of an avowed</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>

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	<p>environmentalist to see how the results were the opposite of what the planners intended, reducing local jobs and increasing long-distance driving:</p> <p><a href="http://www.gmu.edu/depts/rae/archives/VOL17_2-3_2004/4-OToole.pdf">http://www.gmu.edu/depts/rae/archives/VOL17_2-3_2004/4-OToole.pdf</a></p> <p>Since we know from Portland’s experience that these grand plans for density will both backfire and result in voter revolt, it makes perfect sense for everyone in Lafayette’s city government to oppose these plans at every opportunity. You have the specific reasons listed if the Portland experience plus the overwhelming disapproval of residents and voters are not sufficient.</p> <p>Please approve the No Project option, zone the land properly, and compensate the land owners if required. I’d rather the city spent money on fighting stack and pack projects than on making the sidewalks prettier.</p>	
IND79	Sharon Kidd (6/28/12)	
IND79-1	Please see attached letter re disapproval of Project.	The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to Comments IND79-2 and IND79-3, below.
IND79-2	I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Stark and Karen Zemelman.	The comment expresses support for the comments contained in Comment Letter #IND106. The comment is noted.
IND79-3	<p>Additionally I have a few comments of my own:</p> <p>I am very concerned about the additional sources of off-campus places for high school students to congregate. Currently, there is limited access to business (Shell station), and I would not like to see locations which might obscure drug dealing, alcohol drinking, etc. among high school students. With a middle school child soon to attend Acalanes HS, I am hoping that this project does not get approval.</p>	The comment is noted. The comment does not provide any evidence to support the suggestion that the Project would increase illegal activity in the vicinity of the high school. Such an effect is speculative and CEQA does not require such analysis.
	Please submit my comments to the Planning Commission.	

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IND80	Louanne Klein & Dave Radosevich (6/28/12)	
IND80-1	<p>We are opposed to the Terraces Housing Project at Pleasant Hill Road and Deer Hill Road. Anyone who has been at that intersection at 8:00 a.m. or during the afternoon rush hour knows how congested the intersection already is. It sometimes takes me two or three green lights now to get onto Pleasant Hill Road in the morning. Building a complex which adds significantly more people and cars seems a recipe for horrible traffic gridlock.</p> <p>Thank you for the opportunity to express our opinion.</p>	<p>The commentor expresses opposition to the proposed Project because of its potential traffic impacts. The Project’s traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND81	Dawn Lynn Lanier (6/28/12)	
IND81-1	<p>I am writing to go on record with my opposition to the Terraces of Lafayette. This project is much too big for the site and virtually guarantees gridlock on this side of Lafayette. The Deer Hill/Pleasant Hill intersection is already one of the most congested in Lafayette. Getting to Acalanes High School or the entrance to Highway 24 in the morning is already challenging; building this project could make it virtually impossible. As it stands, this project would change Lafayette forever with buildings built on hillsides that can be seen from miles around. I would oppose any modification to Lafayette’s Hillside Ordinance that all of the residents of Lafayette need to follow. I appreciate that the owners have a right to develop their property, but a project of this size is just wrong. Lafayette is a “semi-rural” community and does not need an apartment building of this size.</p>	<p>The commentor expresses opposition to the proposed Project because of its potential traffic and aesthetic impacts. The Project’s aesthetic and traffic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND82	Owen Linderholm (6/28/12)	
IND82-1	<p>I only heard about the proposed Terraces project today and am really shocked that such a major project with an impact that is going to be felt by most of Lafayette is so poorly publicized.</p> <p>There are many reasons to oppose the project not least of which is that it clearly is not all that well known by residents.</p>	<p>The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to Comments IND82-2 through IND82-7, below.</p>

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	But here are some really salient points.	
IND82-2	Hillside and skyline impact. There is a long standing tradition and understanding in Lafayette that our sightlines and the way the town is presented is done in a way to protect the view of rolling hills and trees or grass. This project is clearly going to change that and for that alone it should be rejected.	The commentor expresses opposition to the proposed Project because of its potential aesthetic impacts. The Project's aesthetic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND82-3	Environmental impact. The amount of earth moving and hillside modification is excessive. Our area is very susceptible to soil shifts and changes and it does not sound like sufficient review has been done of impact to watershed, creeks, runoff and so forth. Frankly, the amount of earth proposed to be moved is on its own a reason to block the project. Changing the terrain in order to make building easier is not something we should be approving just to save a developer time and money.	The commentor's opinion regarding approval of the Project in consideration of the amount of grading and modifications to the terrain is noted. This comment suggests that additional review should be prepared for the impacts to watershed, creeks, runoff and other areas; however, the commentor does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and does not identify what additional analysis should be prepared. The proposed Project's impacts to watersheds, creeks, and stormwater runoff are provided in Chapters 4.3, Biological Resources, and 4.8, Hydrology and Water Quality, and were found to be less than significant with implementation of mitigation measures. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project application.
IND82-4	The town plan. This project is outside the scope of the plan and therefore should be rejected purely on that basis.	The commentor expresses opposition to the proposed Project because of its potential land use impacts. The Project's land use impacts are addressed in Chapter 4.9, Land Use and Planning, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND82-5	Increased road traffic. Not just during the project but afterward. The roads involved are already some of the busiest in Lafayette. It is well known that we are unable to keep up with road maintenance and repair as it is. So why is there no plan or mitigation for this in the proposed project?	As indicated in Mitigation Measure TRAF-8 (as numbered in the Draft EIR), the Construction Staging Plan requires restriping of bike lanes and other pavement markings at the discretion of the City Engineer to address wear from construction traffic. Mitigation Measure TRAF-8 has been revised, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, to require that the Project sponsor restore pavement service life lost as a result of proposed Project construction. The maintenance needs of roadways immediately adjacent to a project are driven more by prevailing use patterns than the additional traffic to be generated. Moreover, typically pavement degradation is largely attributable to trucks as opposed to cars. The Draft EIR already contains an analysis of impacts and related mitigations associated with truck traffic generated by Project construction activities.

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IND82-6	Philosophy. We are a small town with a small town ambiance, attitude and lifestyle. Large apartment complexes are not a good fit for that. Again - another single issue that should be a reason for rejecting this proposal.	The commentor expresses opposition to the proposed Project because of its potential impacts to community character. The Project's land use impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND82-7	I'm sure that if I had the ability to read and review the proposal in greater depth there would be more reasons and objections including some critical ones in detail. But there is no need. Each one of these is sufficient.	The comment serves as a closing remark. No response is necessary.
	Please reject this project.	
IND83	Pamela Locati (6/28/12)	
IND83-1	<p>I would like to express my dismay at the scope of the proposed Terraces Development at Deer hill Road and Pleasant Hill Road. To say the the pre- and post-construction impacts on the area would be major is an understatement. There are many significant issues involved, e.g.: traffic, grading, removal of major trees, noise, to name just a few. The addition of 300+ apartments to that particular site, involving at least one vehicle, and most likely two, per household, to an already near-gridlocked intersection would make rush hour traffic untenable. Add in the two schools, one across the street and one two blocks away, and student safety becomes even more questionable than it is currently.</p> <p>During pre-construction, it has been suggested that up to 300 trucks per day would be required for removal of 400,000 cubic yards of soil. Just how is the addition of that many huge trucks to be accommodated given the existing traffic congestion, especially at peak times?</p>	The commentor expresses concern regarding potential impacts to traffic, biological resources, and noise. The Project's biological, noise, and traffic impacts are addressed in Chapter 4.3, Biological Resources, Chapter 4.10, Noise, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND83-2	This proposed project would not be in accordance with the City of Lafayette's Hillside Ordinance.	The proposed Project's inconsistency with hillside protection policies is addressed in Chapter 4.9, Land Use and Planning, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.
IND83-3	Has any consideration been given to the impact on those of us who live in the neighborhood during construction? These impacts would greatly reduce the quality of life in the area during the course of construction and beyond. what happens after construction: when 300+ more households and their respective vehicles, children and pets are added to the	The commentor expresses concern regarding potential impacts to traffic, schools, and other public services. The proposed Project's public services and traffic impacts are addressed in Chapter 4.12, Public Services, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.

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	community? Roads, schools and services in the area are already stretched to capacity.	
IND83-4	I have some sympathy for the landowners and for the proposed developer, but in my opinion, this project is too big for the location. For the record, my late husband was a real estate developer who brought the idea for Chateau Lafayette to the City of Lafayette and consulted with Lafayette Senior Housing Association during all phases of financing, design and construction. I was responsible for relocating the residents of the existing homes on the property prior to their demolition. I mention this so that my concerns may be considered as those of someone who is been involved in the many phases of development and who has some knowledge of the processes and impacts of major developments such as The Terraces.  Thank you for your consideration of my concerns.	The comment serves as a closing remark. No response is required.
IND84	Conor MacKinnon (6/28/12)	
IND84-1	I OBJECT to The Terraces project!	The commentor expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND85	David MacKinnon (6/28/12)	
IND85-1	I object to the proposed Terraces project.	The commentor expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND86	Tatia MacKinnon (6/28/12)	
IND86-1	Hi, I would like to go on record that I object to the project.	The commentor expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND87	Amy DeLong-Martin (6/28/12)	
IND87-1	I am a Lafayette resident of ten years, and have two children going to our public schools. I have been informed that their is a developer that wants to build a 315 unit apartment complex on the corner of Deer Hill and Pleasant Hill. That is the most ludicrous thing I think I've ever heard!  That intersection is already too crowded, I have to drive through it to get to both the school and my work, and if it was anymore congested, I think	The commentor expresses concern regarding potential impacts to traffic, schools, and the environment. The proposed Project's biological, schools, and traffic impacts are addressed in Chapter 4.3, Biological Resources, Chapter 4.12, Public Services, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.

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	<p>I might move! It will not only suffer due to construction vehicles and workers, but then it will have hundreds of people exiting every morning to go to school and work once it gets built! It's absurd!</p> <p>I'm also concerned about the additional children entering our school system. We will not get their parcel tax money to help fund the additional burdens on our schools.</p> <p>There is also the severe impact on our beautiful environment, which is why we moved here in the first place.</p> <p>Please take my comments as well as the numerous other comments by my fellow concerned citizens into your decision making.</p>	
IND88	Marie & John Mlynek (6/28/12)	
IND88-1	<p>Please note that I and my husband (Marie and John Mlynek) strongly oppose the proposed project "Terraces of Lafayette". This project would forever change the semi-rural character of the neighborhood, where we live. When we were building an addition to our house, we went through a strict designer review process and went through architectural changes to satisfy the ridge line requirements. I hope that the city of Lafayette will use the same requirements when deciding on an approval of the "Terraces" and will not treat the proposed project any differently compare to the demands the city has for homeowners of single residences.</p>	<p>The commentor expresses opposition to the proposed Project due to its potential impacts on community character. The Project's aesthetic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND89	Richard Morrison (6/28/12)	
IND89-1	<p>I attended the Planning Commission meeting on June 18. During that meeting, a gentleman (a Mr. Wilson, I believe) spoke about his work not getting included in the traffic section of the draft EIR. He said the signals at the intersection of Pleasant Hill and Deer Hill were set all wrong, and he said there was a way to set them such that congestion would be minimal. He also alleged that the new access road feeding onto Pleasant Hill in the plans for Terraces of Lafayette would minimize congestion.</p>	<p>The comment is presumed to be referring to Mr. Abrams' comments (Comments PC1-25 through PC1-30). Regarding the signal timing, see response to Comment ORG1-225. Regarding the proposed additional southbound lane on Pleasant Hill Road, see response to Comment ORG1-228, which explains why the widening of Pleasant Hill Road as proposed by the Project would conflict with the Gateway Constraint Policy of the Lamorinda Action Plan and result in a significant secondary impact.</p>
IND89-2	The project calls for 567 parking spaces. In my opinion it is pure fantasy	The commentor expresses concerns regarding the traffic impacts of the proposed

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	to think that many cars working their way onto Pleasant Hill or Deer Hill wouldn't cause horrendous traffic jams. And as for the access road onto Pleasant Hill, the City is going to need to permanently station ambulances and tow trucks at the intersection to deal with the frequent accidents. As far as the traffic section of the draft EIR goes, I think the consultants got it exactly right. It would be a mistake to amend it based on that testimony on June 18.	Project. The comment does not address the adequacy of the Draft EIR. No response is required.
IND89-3	Finally, I have been a resident of Springhill Valley for the last twenty-seven years. I try to be loyal to Lafayette and do most of my shopping at the stores downtown. But if Terraces of Lafayette goes forward with the traffic congestion described in the draft EIR, I doubt I will be willing to put up with it. I'll probably end up shopping in Walnut Creek, and I would be willing to bet many others in Springhill Valley will do the same. I didn't see that economic impact covered in the draft EIR.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND90	Linda Murphy (6/28/12)	
IND90-1	I would like to submit the following comments on the DEIR for the project proposed at Deer Hill and Pleasant Hill Roads:	The comment serves as an introduction to the comments that follow. No response is necessary.
IND90-2	1. I am concerned about the impact of the proposed project at Deer Hill and Pleasant Hill Roads. The size and massing of the proposed project would devastate the hillsides that our city has consistently protected. The scale of the project is inconsistent with the surrounding area, would impact views from multiple vantage points, and would have a negative impact on our city. I do not believe the project could be sufficiently mitigated.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
IND90-3	2. I disagree with proposals to mitigate the impact on traffic by widening Pleasant Hill Road. The property is across from Acalanes High School. Adding additional lanes to this stretch of road - which is already two lanes in each direction plus a left and right hand turn lane in each direction -- would fundamentally change this intersection and make it incompatible with a pedestrian- and bicyclist-safe route to the high school. Such configuration would negatively impact the feel of our suburban high school. It would make this stretch feel like hwy 24, and with that, we'd likely see increased vehicle speeds - affecting not just the high school but	The comment is noted. As described in Chapter 4.13, Transportation and Traffic, of the Draft EIR, the Draft EIR does not recommend the proposed widening of Pleasant Hill Road to accommodate an additional southbound lane. The Draft EIR proposes an alternative reconfiguration of Pleasant Hill Road, described by Mitigation Measure TRAF-20 (as numbered in the Draft EIR).

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	<p>also Springhill Elementary. Speeding has been an issue along Pleasant Hill Road for many years, and adding additional travel lanes would negatively impact the progress that's been made.</p>	
IND90-4	<p>3. The current on-street parking must remain available to handle the overflow from the high school parking lot during the frequent high school events. It would not be fair to allow this proposed project to negatively affect the high school or the existing neighborhood.</p>	<p>As discussed in response to Comment IND59-4, with the implementation of Mitigation Measure TRAF-23 (as numbered in the Draft EIR), which requires widening southbound Pleasant Hill Road to maintain the existing curb loading and parking lane, this impact would be less than significant.</p>
IND90-5	<p>4. The project proposes to concentrate far too many units and parking spaces on a parcel of land that does not allow adequate recreational amenities or sufficient parking. The projected parking is far too minimal for the number of proposed units. The existing high school and neighborhood would be negatively affected by such high density without adequate open and recreational space.</p>	<p>The Draft EIR evaluates the Project's potential impact to parks and recreational facilities and finds that, with the proposed provision of 3.29 acres of resident-only recreational area and payment of Developer Impact Fees that support the City's parks and recreation fund, the impact would be less than significant.</p> <p>As stated on page 4.13-121 of the Draft EIR, the proposed Project's off-street parking would exceed the City's requirements.</p>
IND90-6	<p>5. Any analysis of the occupancy projections should factor in that this project is proposed as a moderate-income multifamily rental project for families. Unless it is restricted to senior housing, the occupancy per unit should be estimated not based on the 2.1 person occupancy rate common in Lafayette's market-rate multi-family housing. Rather, projections should be based on similar moderate-income multi-family facilities in the community. Estimating occupancy at 2 or 3 persons when comparable units are occupied by larger or multiple families means that the estimated impact of the project would be severely understated and the conclusions of the EIR would be incredibly flawed.</p>	<p>As described in Chapter 3, Project Description, of the Draft EIR, approximately 88 percent of the proposed 315 units would be one- and two-bedroom units. Similarly, in Lafayette as a whole 83 percent of rental units are one- and two-bedroom units.<sup>6</sup> Accordingly the Draft EIR applied the U.S. Census Bureau population generation factor for the average household size for renter occupied units of 2.09.<sup>7</sup> Section 15151 of the CEQA Guidelines states the following regarding standards from which adequacy is judged: "An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure."</p>

<sup>6</sup> U.S. Census Bureau American FactFinder, 2008-2010 American Community Survey, Table B25042, <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>, accessed on October 25, 2012.

<sup>7</sup> U.S. Census Bureau American FactFinder, 2010 Census, Table DP-1, <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>, accessed on November 3, 2011.

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		<p>The application of generation factors from the U.S. Census Bureau for the City of Lafayette as opposed to the State or Contra Costa County is an accepted practice for estimating population in the City. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.</p>
IND90-7	<p>6. The proposed project cannot be developed without many negative impacts to the well-established values of our city that permeate our history and are reflected in our various planning guidelines and restrictions designed to protect and embrace our semi-rural community and protect our hillsides and views and where density is concentrated along our main corridor.</p>	<p>The proposed Project's land use impacts are evaluated in Chapter 4.9, Land Use and Planning, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND90-8	<p>7. This location is removed from downtown, and it does not provide close pedestrian access to any of the downtown retail.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND90-9	<p>I do not believe there is any way this project could be sufficiently mitigated.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND91	<p>Suzy Pak &amp; Mark Gundacker (6/28/12)</p>	
IND91-1	<p>We have been following the detailed and thorough analysis of the EIR performed by Lafayette residents Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Stark and Karen Zemelman on the proposed Terraces of Lafayette. Our community is fortunate to have such intelligent, dedicated residents who have the patience and wherewithal to review the lengthy and cumbersome EIR.</p> <p>Our family has lived on Springhill Road for 11 years. We moved to Lafayette for the wonderful schools and semi-rural charm and character. The proposed development as I understand it ( 315 units) is incredibly inappropriate for this location for a number of reasons:</p> <p>*Will forever change the semi-rural look of one of the only entryways to Lafayette.</p> <p>*Impact to the environment. Too many to list, but to start, the removal of 400,000 cubic yards of dirt?!?</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>

Comment #	Comment	Response
	<p>*Ignores the Hillside Ordinance that the rest of Lafayette must abide by— why? What precedent does this set?</p> <p>*Significant and Unavoidable traffic impacts? We drive through this intersection multiple times a day. It is congested at peak times and is becoming more and more so. How prudent would it be to add 315 families smack in the middle of this? Then throw in two schools and a daycare center. Unbelievable.</p> <p>*The location makes it nearly impossible to walk to downtown Lafayette or the BART station. We have walked up the very steep incline of Deer Hill Road from the intersection and can't imagine many of those 315 families doing the same. If the City believes this will satisfy the move to create more "downtown" housing, they are mistaken.</p>	
IND91-2	<p>*The impact to Acalanes and Springhill schools will be significant. Not only will the student enrollment increase, but the entire development will be treated as one parcel and therefore pay the same in parcel taxes as our family of four does. The EIR has failed to acknowledge the impact to our existing student population and schools.</p>	<p>The comment expresses concern regarding impacts to schools. As discussed in response to Comment PC1-49, funding for school services (besides physical facilities) is not considered in the environmental impact analysis.</p>
IND91-3	<p>Frankly, it is hard to find anything positive about this proposed development. We believe that the EIR is incomplete and inaccurate. We urge you and city staff to take a much closer look at many of the shortcomings and inaccuracies that the Lafayette residents named above have pointed out in direct communication to you. Furthermore, we urge the City of Lafayette to listen to what its residents have been saying for several years now regarding this proposed development and do the right thing for the local community.</p>	<p>The comment states that the EIR is incomplete and inaccurate but has not provided any specific reasons and issues. Without specific comments, a more detailed response cannot be provided.</p>
IND92	<p>Cosmo Rotundo (6/28/12)</p>	
IND92-1	<p>I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Westen and Karen Zemelman.</p>	<p>The comment expresses support for the comments contained in Comment Letter #IND106. The comment is noted.</p>

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IND92-2	<p>Additionally I have a few comments of my own: This effort is really going to change the shape, look and feel of this part of Lafayette. It seems far too large of an effort. Please, let's see if we can come up with a better idea before we loose the semi-rural aspect of our town.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND93	Lynda Rotundo (6/28/12)	
IND93-1	<p>I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Westen and Karen Zemelman.</p>	<p>The comment expresses support for the comments contained in Comment Letter #IND106. The comment is noted.</p>
IND93-2	<p>Additionally I have a few comments of my own. A few years ago I worked on an extensive multi-year project with the City of Lafayette, neighbors and local businesses to bring a more pedestrian-friendly environment to the Acalanes Valley and Ridge neighborhood (Stanley Blvd), The long journey to transform our neighborhood was successful. Presently, the traffic has been calmed and neighborhood is full throughout the day and evening with people of all ages walking and riding their bikes and scooters.</p> <p>Please don't reverse the work achieved in the traffic calming and sidewalk project by directing more traffic to the neighborhood. The traffic flow off of the freeway heading north on Pleasant Hill Road already is at a stand still at certain times of the day. The traffic on Stanley Blvd near the high school is also at a stand still at certain times of the day. Increasing the traffic in this area seems misguided at best. Many drivers unable to get to the Pleasant Hill Rd left lane (when exiting the freeway), to execute a turn into the apartment complex will turn right on to Stanley Blvd further exasperating the traffic situation.</p> <p>Our neighborhood children walk and ride their bikes to school (Springhill and Acalanes), we walk to Springbrook Pool for swim team and a splash about, our young and old residents utilize the high school track, the field, tennis courts and pool at Acalanes. We walk our dogs at Briones and simply connect with our neighbors and community as we walk our</p>	<p>The comment expresses concern regarding the traffic impacts of the proposed Project. The Project's traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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	<p>neighborhood streets. Please do not force us back into our cars to drive our kids to school and activities because the increased traffic volume jeopardizes safety. Let us not forget that this is the site of a fatal car accident a few years ago.</p> <p>During the non-commute and school start and end times, Stanley Blvd is quite tranquil. When walking west on Stanley Blvd at these times, my eyes move up Deer Hill Road to the hillside and Sienna Ranch, this view is lovely and bucolic.</p> <p>Please don't pave paradise and put up a parking lot ...and 315 apartments.</p> <p>My ten-year-old son can't believe that the independence he derives from hopping on his bike and heading to water polo practice at Acalanes or to school at Springhill, or simply walking to a friends house, may be taken away from him. I have met so many more people in my neighborhood because they are out walking. In fact Lamorinda Moms Club recommended our neighborhood as one of the top Safe neighborhoods to Trick o' Treat this past fall. Does The City of Lafayette really view this quality of life less valuable than erecting a 315 apartments? I am appalled that the massive apartment complex project has even progressed this far. Please stop this madness.</p>	
IND94	Stacy Schirmer (6/28/12)	
IND94-1	<p>Please do not approve this project. The environmental impact and the City would be tremendous. Traffic on Pleasant Hill Road is already significant and this would only add to the congestion and pollution. Getting children to school and people to work would be delayed significantly. This project would require significant amounts of construction equipment to be in place which would increase traffic and pollution. Also, making it an unsafe environment for children walking to and from school. The amount of dirt required to be removed would create a mess, not to mention added pollution and contribute to poor air quality in the area. A massive oak tree would be removed. How can the City</p>	<p>The commentor expresses opposition to the proposed Project due to the Project's potential impacts on traffic, safety, and air quality. The Project's air quality and traffic impacts are addressed in Chapter 4.2, Air Quality, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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	<p>approve something like this? Residents of the City would not be allowed to remove such and oak on their property. This oak should not be removed. And, why is the Hillside Ordinance being ignored? This is a dangerous president for the City of Lafayette. Please DO NOT APPROVE this project.</p>	
IND95	Paul Scipi (6/28/12)	
IND95-1	<p>My name is Paul Scipi. I heard about this yesterday and could not believe The city of Lafayette is even considering this!! I work for a Cushing Associates which is a structural engineering company. I have been involved with engineering/construction for over 25 years. I live off of Reliez Valley road and have a junior going to acalanes high school and a 6th grader going to Stanley, then acalanes.</p> <p>I'm strongly against this project even getting consideration. With my years of experience, nothing planned to this magnitude ever gets complete as planned. We are going to "only" Remove 400,000 cubic yards of dirt/hill side? The geotechnical engineer say's after the removal of the 400,000 yards that they need to remove another 100,000 yards of dirt to satisfy him. At that point they do not stop the project because of the money invested. The city will not be able to stop the project. Then there is NO hillside left...oh well??</p> <p>I'm just talking from experience....</p> <p>Traffic over the years especially during school hours is horrendous!!! If we leave our house at 7:25 I'm lucky, going down Pleasant Hill road to get to acalanes high school by 8:00!! That's 2 miles .... And the same in the afternoon....</p> <p>And I'm sure they explained HOW MANY trucks are going to be Running on pleasant hill road that will weight 80,000 lbs full of dirt and what damage is going to be caused to the roads in the area?</p>	<p>The commentor expresses opposition to the proposed Project due to the Project's potential impacts associated with dirt removal. The Project's impacts associated with off-haul of materials are addressed in Chapter 4.2, Air Quality, Chapter 4.6, Greenhouse Gas Emissions, Chapter 4.10, Noise, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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	<p>I can go on .... but this is EIR is just major mistake....</p> <p>We lafayette [sic] residence [sic] do not need this in our community especial across the street from our high school and one block down from an elementary school... Have them propose a new l location that is not this close to our children!!!</p> <p>If one truck hurts or even KILLS a child then how would you feel about this project? What if it was your child???</p> <p>I would not want to live with that...</p> <p>Thanks for hopefully reading this and stopping this major project... If you have any question or commits please feel free to give me a call [phone number omitted.]</p>	
IND96	Holly Sonne (6/28/12)	
IND96-1	<p>As an Acalanes Valley and Ridge community member with 2 young children I have heard many concerns about this project from the neighborhood and schools since it was brought to our awareness.</p> <p>Frankly, we feel it is certainly not a good fit for our community. Traffic and safety and the impact on our schools is our main concern. Ridgeline, environmental impact, noise and construction debris/dusk also a concern.</p> <p>I personally would love to see the space used for a good purpose but the proposed development is just too big and will be too much of an impact to our community. Deer Hill Rd and Pleasant Hill Road are already dangerous, we don't need any more cars polluting our environment and making it difficult to ride our bikes and walk our dogs to the many community resources in this area – preschools, schools, Sienna Ranch, Briones Trails, etc.</p> <p>Please help us stop this.</p>	<p>The commentor expresses opposition to the proposed Project due the Project's potential impacts on traffic, safety, ridgelines, the environment, noise, and air quality. The Project's aesthetic, air quality, biological, noise, and traffic impacts are addressed in Chapter 4.1, Aesthetics and Visual Resources, Chapter 4.2, Air Quality, Chapter 4.3, Biological Resources, Chapter 4.10, Noise, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>

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IND97	Mig Stallworth (6/28/12)	
IND97-1	<p>I, as a resident of Baywood in Lafayette, strongly oppose a plan to build an apartment complex on the corner of Pleasant Hill Rd and Deer Hill Rd. Pleasant Hill road is already so overcrowded, especially during the morning and evening commute times, that it can take up to a half hour just to get from Baywood to Hwy 24. It is a very frustrating experience to go through! The apartment complex will add more traffic congestion and could pose safety hazards.</p> <p>This idea is unacceptable!</p>	<p>The commentor expresses opposition to the proposed Project due to the Project's potential traffic impacts. The Project's traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND98	Heather Stanford (6/28/12)	
IND98-1	<p>I am writing to express my strong opposition to the proposed residential apartment complex. I, along with my husband, Keith Stanford, are home owners at 1210 Woodborough Road in Lafayette – a very short distance away from the proposed site. This is a terrible idea. Pleasant Hill Road is VERY congested at morning and evening commute hours – not to mention school pick up and drop off times. This will likely lead to EVEN more delays on this heavily traveled street and at this extremely busy intersection of Pleasant Hill Road and Deer Hill. My husband and I travel on this road multiple times per day – going to and from work and BART, etc. and it is already pretty awful – especially when Acalanes, Stanley and Springhill Schools are in session. I know this well as we have three children (two of which are in these schools). Traffic is already a nightmare. I can't even imagine what the effects of the construction and ultimately the increased residents in the area will have on our neighborhood.</p> <p>Furthermore, Keith and I (along with our three children) live at the end of Woodborough Road – which is a cul de sac with a narrow road. We are concerned about the response time from emergency vehicles being delayed by traffic and construction.</p>	<p>The commentor expresses opposition to the proposed Project due to the Project's potential impacts to traffic and emergency services. The Project's emergency service and traffic impacts are addressed in Chapter 4.12, Public Services, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment also states that the proposed Project could reduce property values. Pursuant to CEQA, effects on property values are outside of the scope of this environmental review. The comment does not address the adequacy of the Draft EIR.</p>

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	<p>We are also extremely concerned about maintaining the open space of this area – which was one of the reasons that we were drawn to our home in the surrounding neighborhood. This project will most definitely bring down the property values of our home and those in the vicinity.</p> <p>Please do the right thing for the City of Lafayette and VOTE NO on this proposal!!!!</p>	
IND99	Virginia Steuber (6/28/12)	
IND99-1	<p>I am asking you to please not approve the Terraces Housing Project on Pleasant Hill and Deer Hill Roads. It does not conform to our Lafayette Hillside Ordinance. It will put excessive traffic onto our already inadequate roads. The project involves moving an unconscionable volume of dirt. Filling in a natural stream and cutting down one of the largest Valley Oaks in our city cannot possibly be a good idea for anyone to do. Certainly you would not allow me to do any of these things in my yard.</p> <p>There are so many reasons not to approve this project that it is hard to imagine how it could seem plausible. Surely you know this and do not need me to enumerate more.</p>	<p>The commentor expresses opposition to the proposed Project due to policy conflicts, off-haul of dirt, and biological impacts. The Project’s biological and land use impacts are addressed in Chapter 4.3, Biological Resources, and Chapter 4.9, Land Use and Planning, respectively, of the Draft EIR. The Project’s impacts associated with off-haul of materials are addressed in Chapter 4.2, Air Quality, Chapter 4.6, Greenhouse Gas Emissions, Chapter 4.10, Noise, and Chapter 4.13, Transportation and Traffic, respectively, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
IND100	Lori Suppiger (6/28/12)	
IND100-1	<p>I am a long-time resident of Lafayette residing on Black Hawk Road. I am writing to let you know I am <b>TOTALLY AND COMPLETELY OPPOSED</b> to any development, especially the kind that is proposed, on the Deer Hill Road lot. I strongly encourage you to <b>NOT APPROVE THE APARTMENT COMPLEXES</b>. This project is so outrageous. The developers clearly do not care at all about the impact this project will have on residents; they seem only interested in how much money they can make. This development will negatively affect my family for years to come. <b>DO NOT APPROVE THE APARTMENT COMPLEXES.</b></p>	<p>The commentor expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND101	Mark Vierengel (6/28/12)	
IND101-1	<p>This housing project is poorly contrived and needs an aggressive review by the planning and zoning commissions. It represents an extreme burden</p>	<p>The commentor expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.</p>

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	<p>in all tax paying Lafayette residents who lives within the long shadow cast by this proposed monstrosity. The project needs to be abolished and the land should be re established as open space and not an enrichment tool for its current owners.                      Mark Vierengel                      Resident of 1219 Woodborough road</p> <p>The Terraces is a 315 unit housing unit on hilly terrain.</p>	
IND101-2	<p>The mitigation proposals suggested in the EIR have not been proposed or thought out by the developers.They have mostly been prepared by independent EIR consultants who have prepared the draft report. The developer is likely to oppose many of the proposed mitigation measures.</p>	<p>The comment is noted. The Project applicant has submitted comments on the Draft EIR; please see responses to Comment Letter #ORG1. The comment does not address the adequacy of the Draft EIR.</p>
IND101-3	<p>The City of Lafayette does not have the staff to monitor something this big.</p> <p>Understand this is a massiveproject similar in size to the apartments that were recently built by Pleasant Hill BART.The amount of dirt they are planning to move is 400,000 cubic yards. This is similar to covering a football field 75 feet high. Up to 15,000 trucks will be required –</p> <p>The consultants suggested in the EIR that the visiting trucks be limited to “just” 300 a day!</p>	<p>The comment expresses concern with the scale of the proposed Project and off-haul of soil. The comment does not address the adequacy of the Draft EIR.</p>
IND101-4	<p>This development not only ignores the Hillside Ordinance that the rest of us abide by, it actually obliterates the entire hillside. If they are allowed to ride roughshod over the Hillside Ordinance, then why not everyone else?</p> <p>Will this set a “precedent” for the remaining vacant land along the length of Deerhill Road?</p>	<p>The Draft EIR identifies a significant and unavoidable impact (see Impact LU-3) associated with the proposed Project’s consistency with hillside development requirements.</p>
IND101-5	<p>The EIR has labeled nearly all of the Traffic Impacts of the completed development as being “Significant and Unavoidable”.What this means in layman’s terms is that it is likely to lead to almost complete gridlock at that intersection during the rush hours.We are going to have great difficulty getting our children to school – getting to work if heading in</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>

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	<p>that direction</p> <p>- and all of our emergency vehicles are on the other side of Lafayette and have to get through that intersection.</p>	
IND101-6	<p>The developer will (1) fill a stream and (2) cut down a 58 inch Valley Oak - which the EIR identifies as one of the largest in the City.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
	<p>Again, something that none of the rest of us would be allowed to do!</p>	
IND101-7	<p>The EIR calls for “standard mitigation” for dust during construction. That seems subpar at the least – We have hundreds of kids in a highschool across the street, and those mitigation methodologies should be detailed – not left vaguely as “standard mitigation”</p> <p>What is standard about moving 400,000 cubic yards of dirt? In an intersection that gets windy? And the wind is heading towards the highschool.</p>	<p>The Bay Area Air Quality Management District (BAAQMD) has prepared guidelines that can assist lead agencies in determining whether a project’s construction and operational activities have the potential to result in a significant air quality impacts to receptors proximate to the project site. For particulate matter generated by construction activities, the impacts are based on 1) the fugitive dust that is generated by ground-disturbing activities and 2) from equipment and vehicle exhaust. Implementation of BAAQMD’s Basic Control Measures for fugitive dust control would ensure that construction contractors comply with BAAQMD Regulation 6, Rule 1: General Requirements, which limit the quantity of particulate matter in the atmosphere. Per Mitigation Measure AQ-1, trucks carrying soil would be required to maintain at least 20 inches of freeboard or cover loose material. Consequently, compliance with existing regulations and BAAQMD’s Basic Control Measures would result in less than significant air quality impacts at sensitive receptors surrounding the site. However, Mitigation Measure AQ-1 has been amended, as described in response to Comment IND72-10, to prohibit ground-disturbing activities when wind speeds exceed 25 miles per hour.</p>
IND102	<p>Lisa Warren (6/28/12)</p>	
IND102-1	<p>Why are we even considering this proposed development when there it violates many of our local ordinances, including hillside development?</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
IND103	<p>Lisa Warren (6/28/12)</p>	
IND103-1	<p>Not only will this development on Pleasant Hill Road/Deer Hill Road go against our Hillside Ordinance but the impact on traffic at an intersection that already has had numerous accidents and is used by so many of our children, is ludicrous.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>

Comment #	Comment	Response
IND104	George Paul Wilson, PhD (6/28/12)	
IND104-1	<p><b>QUALIFICATIONS</b></p> <p>I have been an acoustical and vibration consultant in the SF Bay Area for 46 years and a resident of Lafayette for 42 years. My professional experience includes serving as the acoustical and vibration expert consultant for a large number of EIR studies and reports. The range of these projects has included system wide consultant for new rail transit systems such as the Washington D.C. Metro and the Atlanta, GA Metro and extends to small or midsize multi-unit residential projects such as 1438 Green Street in San Francisco. My experience also includes preparation of the Noise Element of the original <i>Lafayette General Plan</i> and the original <i>Noise Ordinance</i> provisions. Therefore, my experience and qualifications for review and evaluation of The Terraces Project Draft EIR are extensive. The purpose of this letter is to present comments and evaluations to assist the Planning Commission in determining the credibility and acceptability of the Draft EIR.</p> <p><b>SUMMARY</b></p> <p>The Draft EIR is an extensive document with a large volume of supporting appendices and other documents. Therefore, it is not possible to present comments and evaluations on the entire scope of the Draft EIR. This letter is restricted to review and comments on the Noise Chapter, 4.10, including references to other connected or interacting chapter sections. Further, the comments and evaluations are limited to the individual subjects or subsections that stand out as being questionable or unreasonable in the analyses and conclusions presented.</p>	<p>The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to Comments IND104-2 through IND104-17, below.</p>
IND104-2	<p>One of the main deficiencies of the Draft EIR Noise Chapter is that the evaluations and assessments of impact from existing and future traffic noise are in terms of the criteria and limits presented in the <i>State Building Code Title 2 4</i> and the <i>Lafayette General Plan</i> and <i>Noise Ordinance</i>. The evaluations and conclusions are not in terms of expected environmental impact on future residents of the Project except for one aspect: the outdoor area noise within the project. Thus the Draft EIR provides only</p>	<p>The comment incorrectly states that the Draft EIR does not assess the environmental impacts of noise. The Draft EIR evaluates and assesses impacts from existing and future traffic noise with respect to the criteria and limits of the California Building Code, City of Lafayette General Plan Noise Element’s Land Use Compatibility Criteria, and City of Lafayette Municipal Code. These analyses and assessments were conducted per industry-standard protocols and methodologies used in the preparation of CEQA-based impact documentation.</p>

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	<p>recommended design configurations and details to assure compliance with minimum standard regulatory limitations and does not assess and evaluate the environmental impacts of noise.</p>	<p>As such, the Draft EIR does assess and evaluate the environmental impacts of noise, both from the proposed Project onto the surrounding community and to the proposed Project from off-site sources (primarily arterial and freeway traffic flows). On the latter point, the Draft EIR includes a discussion of both exterior soundscapes and interior noise environments (see Sections E.1.a and E.1.b, respectively, of Draft EIR Chapter 4.10, Noise).</p> <p>The noise impact analysis in the Draft EIR uses pertinent State and local permitting standards and regulatory limitations as objective significance thresholds. Note that quality-of-life attributes are not under the purview of the CEQA process. Rather, such subjective quality considerations would be appropriate during the detailed architectural and engineering design phase of the Project subsequent to the environmental review phase.</p>
IND104-3	<p>The second major deficiency of the Draft EIR is the lack of adequate evaluation of groundborne vibration from BART trains, and possibly from heavy vehicles on Highway 24. The entire vibration assessment and evaluation of vibration was completed by the EIR Consultant staff without review or assistance of an outside consultant with groundborne vibration evaluation expertise. There was no on-site survey of existing ground borne vibration, as was done for the existing environmental noise. All of the estimates, evaluations and assessments of groundborne vibration were based on information and criteria presented in the Federal Transit Administration Guidance Manual, not on the results from an on-site survey with review and evaluation by a qualified specialist. Thus the assessment of potential groundborne vibration impact is deficient and needs to be completely redone starting with an on-site survey of existing conditions.</p>	<p>The Draft EIR noise and vibration assessment was conducted by qualified technical staff at The Planning Center   DC&amp;E. As such, no review or assistance of a separate consultant was necessary.</p> <p>Noise and vibration impacts are different environmental issues that require unique and fit-for-purpose assessment approaches. The acquisition of on-site noise measurements does not, in and of itself, necessitate the acquisition of on-site vibration data. Likewise, the lack of vibration measurements does not indicate a deficient vibration assessment.</p> <p>Consistent with common CEQA practice, the assessment of potential vibration effects in the Draft EIR uses the Federal Transit Administration's (FTA's) Noise and Vibration Guidance Manual and its well-proven methodologies. The FTA's <i>Transit Noise and Vibration Impact Assessment</i>, which is used nationwide for Federal Highway Administration and State transit projects, is organized so that the manual's user moves through successive steps of analysis – from a screening procedure, to a general assessment, to a detailed analysis (for both noise or vibration). The basis for the increasing depth of evaluation is that if no impacts are indicated at any given step, then subsequent steps are not necessary to be performed. The prudence of this approach and the conservatism built into the</p>

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evaluation methodologies have been verified over many years and several versions/updates of this document. Thus, performing on-site measurements is not the only way to demonstrate the ground vibration potential from BART trains.

The proposed Project site would not be expected to experience substantially different vibration levels from either freeway traffic flows or BART movements as have been experienced for years at the many existing residential structures on or near Circle Creek Drive, Loveland Drive, Linda Vista Lane, Mount Diablo Court, Old Tunnel Road, or Viela Court. These structures are at similar distances from the vibration sources as are the Project's first-row buildings. Since there are no known, undue vibration issues with these existing structures from either BART or traffic sources, and since the BART line was subject to a CEQA evaluation process for vibration impacts prior to its construction, the sensibility of using the FTA screening methodology in this situation is seen as being appropriate.

IND104-4 Another major deficiency of the Draft EIR Noise Chapter is the evaluation of expected noise impact from trucks which will remove about 300,000 cubic yards of grading material from the Project site. In addition, the Noise Chapter does not correlate with restrictions in other chapters which will limit the estimated 300 haul truck operations per day to 6 or 7 hours total per day over an estimated 9 month period. This means almost one truck every minute adding high level wayside noise which will significantly increase the noise exposure levels along the haul route. The Draft EIR concludes this increase is a *less-than-significant* impact because it is a small increase. This conclusion is incorrect and misleading because the existing traffic noise is already a *significant impact* and with any increase the noise continues to be a *significant impact*.

Please see Section E.4.a, Construction Vehicles, of Chapter 4.10, Noise, of the Draft EIR for the adequate and appropriate analysis of the noise impacts from construction haul and worker traffic.

Specifically, the Draft EIR evaluates a combined volume of 350 daily construction-related trips (not the 300 haul-only trips referenced by the commentor). As discussed in the Draft EIR, for on-going, Project-related traffic noise (see Section E.3 of Draft EIR Chapter 4.10), an incremental increase of less than 5 percent (due to traffic flows from proposed Project residents) equates to a noise level increase of less than 0.2 dB. This noise level increase, in practical terms regarding varying traffic noise over a daily or even hourly period, is an effectively immeasurable increment. This statement is true even when taking into account that haul trucks are noisier than passenger vehicles and when taking into account the 6 or 7 hours of haul operations (during daylight hours), which would be compared to some portion of the existing 25,000 daily trips. A general rule of thumb for a heavily-traveled roadway (such as Pleasant Hill Road) serving typical suburban areas would be that 70 percent of the total daily volume would occur between 7 AM and 7PM. Thus, roughly 17,500 trips could be expected on this road during those hours. The haul and worker trips would therefore be an incremental increase of

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		<p>approximately 2 percent. Even if the rule-of-thumb was conservatively discounted to consider a 50 percent day-night split (i.e. 12,500 vehicles, which would yield a higher increment of haul vehicles), the haul and worker trips would be an incremental increase of less than 3 percent, which would equate to much less than a 0.5 dB increase. This calculated increment would be indiscernible (as well as practically immeasurable) and is well below the most restrictive 2 dB increase for an existing residential area that experiences noise levels above the 70 L<sub>dn</sub> threshold (which would be reasonable criterion for labeling an area as “already impacted”). While the haul trucks will be audible on a single-event basis, as was discussed in the Draft EIR, such audibility does not constitute a significant noise impact under CEQA. Thus, the haul and worker trip noise effects were properly and adequately assessed in the Draft EIR.</p>
IND104-5	<p>As outlined above there are a number of factors in the Draft EIR Noise Chapter that lead to the conclusion that it is an inadequate environmental assessment and that major revisions and additions are needed to make it an acceptable EIR document. Except for the grading material haul trucks, comments on the Draft EIR construction noise and vibration analyses and conclusions are not included in this report.</p>	<p>The comment summarizes the preceding comments. No response is necessary apart from the responses to Comments IND104-2 through IND104-4, above.</p>
IND104-6	<p>DISCUSSION                      1 Noise Studies for the Draft EIR                      The introductory paragraph of the Noise Chapter at page 4.10-1 indicates that the Draft EIR incorporates the findings of the noise study prepared by Wilson, Ihrig &amp; Associates, Inc. (WIA) in June 2011 and references a third party peer review and supplements to the WIA findings with added field noise measurements and vibration impact calculations by the EIR Consultant. What is not pointed out is that the WIA study was only a CCR Title 24 study requested by the applicant and intended to identify the project design requirements to comply with the noise and sound insulation requirements in the California Building Code Title 24 and with City of Lafayette requirements. The WIA study and report was only for determining the requirements to meet the minimum standards for noise and sound insulation in a new multi-family development, it was not a study intended to determine environmental impacts and mitigations.</p>	<p>The Draft EIR puts the WIA study into proper perspective as being a study of the Title 24 issues for the proposed Project (see Sections B.1 and B.2 of Chapter 4.10, Noise, of the Draft EIR). Further, the Draft EIR uses the WIA report solely in the context of leveraging that study’s information with respect to the minimum standards for noise and sound insulation in a new multi-family development. The methodologies, results, and conclusions for the environmental noise impact assessment are discussed in the Draft EIR and said assessments are not attributed in the Draft EIR to the WIA study report. As such, WIA staff was not part of the Draft EIR preparation staff and WIA was appropriately not mentioned in Chapter 7, Report Preparation, of the Draft EIR.</p> <p>The commentator incorrectly states that the noise impact calculations and assessments in the Draft EIR were not done by a qualified consultant. The noise, vibration, and acoustics staff at The Planning Center   DC&amp;E is experienced with analyses of potential noise and vibration issues connected with large commercial,</p>

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In fact, in Chapter 7 of the Draft EIR the list of report preparation project team and subconsultants on pages 7-1 and 7-2 does not include WIA. (I confirmed with WIA staff that they had no communications with either the applicant or the EIR Consultant since submitting the Title 24 Study Report in June 2011. Further, the WIA staff was not even aware that a Draft EIR had been prepared.) Therefore, it must be considered in reviewing and evaluating the information presented in the noise chapter of the Draft EIR that the noise impact calculations and assessments were not done by an independent specialized consultant qualified to do such evaluations.

residential, and transportation (roadway and railway) projects and in the preparation of certified CEQA documents. The Planning Center | DC&E staff have worked on the noise and vibration analyses for large and complicated project throughout California, including EIRs for the City of Industry NFL Stadium, the Platinum Triangle (Anaheim), the Torrance Memorial Medical Center New Main Tower, the Irvine Business Complex (IBC), and numerous city General Plans, Noise Elements, and Specific Plans. Current staff at The Planning Center | DC&E has a combined experience of over 50 years conducting noise and vibration impact assessments. The primary investigator on this project has over 33 years of experience working on many CEQA-related assessment and noise control engineering projects, including EIRs for the Staples Center Sports and Entertainment Complex (home of the Los Angeles Lakers, Clippers, Kings, and Sparks), the Hollywood & Highland Entertainment Center (permanent home of the Oscars<sup>®</sup>), the Warner Center SEIR Noise Technical Study (per LAUSD vs. City of Los Angeles [58 Cal.App. 4th 1019]), the SR-241 (TCA) Noise Study, the San Marcos NCTD Light Rail Noise Study, and the South Pasadena Gold Line Commuter Rail Noise & Vibration Study.

IND104-7 The reason for pointing out this detail regarding the Draft EIR preparation is that the entire Noise Section Introduction presents a reasonable and appropriate introduction but was prepared entirely by the EIR consultant, not by WIA or other noise specialist. This includes Section A on pages 4.10-1 to 4.10-2, the definition of acoustical terms on page 4.10-4, the typical sound levels table on page 4.10-5, the regulatory setting description and the regulations discussion on pages 4.10-7 through 4.10-12. Some of the regulation and community noise details were extracted from the WIA Report, which is included in Appendix I, but the Draft EIR presentation was not reviewed by WIA. The third party peer review mentioned in the introductory paragraph is not included in Appendix I and is not referenced other than in the introductory paragraph.

The commentor correctly states that the noise section of the Draft EIR was prepared by the technical staff of The Planning Center | DC&E, the firm contracted with the City of Lafayette to perform the environmental impact assessment and documentation for the proposed Project. Separately, the WIA Title 24 study was conducted directly for the Project applicant who, in turn, supplied the study report to the City staff and to The Planning Center | DC&E staff to use as technical background information for the impact assessment document.

Regarding the third-party peer review mentioned in the introductory paragraph, such a review was performed by the technical staff of The Planning Center | DC&E on the WIA report to evaluate its relevance for use in the environmental impact assessment process. A copy of the WIA report was included in Appendix I of the Draft EIR for documentation of the background information contained therein.

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IND104-8	<p>The part of the Noise Chapter that can be considered a WIA contribution to the Draft EIR is Section C.1 on pages 4.10-12 though 4.10-15 describing the ambient noise survey on the project site and the results of that survey. The WIA noise survey does determine in detail the existing noise exposure at the project site and includes the projection of expected future noise exposure levels due to expected increases in traffic volume and noise. However the noise exposure levels are analyzed only in terms of the design provisions needed to comply with Title 24 requirements, which are minimum standards, and to comply with Lafayette General Plan and Noise Ordinance standards. The noise exposure levels were not analyzed and reviewed in terms of expected future noise impact on project residents; the analysis was only with regard to what is necessary to comply with Title 24 noise limits and sound insulation requirements and <i>City of Lafayette General Plan and Noise Ordinance</i>.</p>	<p>Please see response to Comment IND104-2.</p>
IND104-9	<p>For assessment of potential noise increase and future impact in the project vicinity, a separate set of noise measurements at nearby residential areas was completed by the EIR Consultant staff and projection of future noise increase due to project generated traffic was completed by TJKM. The summary of this analysis is presented on page 4.10-24 with the finding that the Project would generate the most traffic on Pleasant Hill Road, about 15 8 trips in the am peak hour and about 191 trips during the pm peak hour. The noise calculations by the EIR Consultant staff indicated this to be less than 5 percent increase in traffic and an associated increase in noise level of only 0.2 dB which is well below the restrictive criterion of 2 dB increase. Therefore, the conclusion presented is that the long term traffic noise impacts of the Project to offsite uses would be <i>less than significant</i>.</p> <p>The problem with this analysis and conclusion is that a proper professional impact assessment would identify that the existing traffic noise is already a <i>significant impact</i> and that any additional traffic or increased noise will continue to represent a <i>significant impact</i>. Again, this analysis and calculations were separate from the WIA analysis and report and the findings and conclusions regarding potential future impact were</p>	<p>Please see response to Comment IND104-4. Further, the commentor does not provide: (a) an alternate significance threshold (other than what was presented in the Draft EIR); (b) any evidence as to adjacent areas are, in the opinion of the commentor, already impacted by traffic noise; or (c) any substantiation or precedent as to why <i>any</i> additional noise increment, even an immeasurable 0.2 dB, would be an unacceptable under CEQA. The Draft EIR cites the City’s Noise Element (specifically Program N-1.2.2 which includes criteria to evaluate noise impacts from new developments to sensitive uses) as:</p> <ul style="list-style-type: none"> <li>◆ A substantial increase [and, thus, a significant impact] would result if a project would:             <ul style="list-style-type: none"> <li>◆ Cause the L<sub>dn</sub> in existing residential areas to increase by 3 dB or more; or</li> <li>◆ Cause the L<sub>dn</sub> in existing residential areas to increase by 2 dB or more if the L<sub>dn</sub> would exceed 70 dB; or</li> <li>◆ Cause the L<sub>dn</sub> resulting exclusively from project-generated traffic to exceed an L<sub>dn</sub> of 60 dBA at any existing residence.</li> </ul> </li> </ul> <p>(See Section B.2.a of Chapter 4.10, Noise, of the Draft EIR.)</p>

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	not reviewed by WIA.	As demonstrated in the Draft EIR, none of these thresholds are crossed by proposed Project-related traffic noise, so according to the thresholds in the City’s own Noise Element, there would be no significant noise impacts. Whether or not it may already be “noisy” in the area around the Project site is a matter of subjective judgment, but such judgment or opinion does not constitute a determination under CEQA that the area is already impacted.
IND104-10	The one part of the Noise Section impact analysis that is supported by the WIA analysis and report is the analysis and conclusion summarized on page 4.10-19 with the indication that the degree of sound shielding or shadowing by the project structures, sound walls and fences will provide mitigation for noise at outdoor areas within the project. Therefore, the Project will comply with land use compatibility standards for outdoor spaces, as indicated in the <i>Lafayette Noise Element</i> , and the result will be a <i>less than significant impact</i> .	The comment is noted. The comment expresses support for the findings of the Draft EIR.
IND104-11	<p>2 Groundborne Vibration</p> <p>At Section A.2., Groundborne Vibration, on pages 4.103, 4.10-6 and 4.10-7, the introductory statements and terminology descriptions make it very evident that the EIR Consultant team lacks experience and background in dealing with the subject. Upon review of the sections on expected ground borne vibration impacts and mitigation, it is evident that all of the calculations and evaluations were done by the EIR consultant. (Groundborne vibration is not even mentioned in the WIA report.)</p> <p>The Draft EIR discussions, calculations, assessments and conclusions regarding groundborne vibration, or the potential for groundborne vibration at the Terraces Project Buildings are all based on the U.S. Department of Transportation, Federal Transit Administration Manual (FTA Manual) as the source of information on expected ground vibration from BART trains and the source of criteria for acceptability. Unfortunately the FT A Manual is largely based on studies and data developed in the 1970’s and 1980’s and has not been brought up-to-date to include and incorporate more recent findings and technological</p>	<p>Regarding the experience of the EIR consultant, please see response to Comment IND104-6.</p> <p>The commentator is correct that all of the calculations and evaluations presented in Chapter 4.10, Noise, of the Draft EIR were performed by the technical staff of The Planning Center   DC&amp;E.</p> <p>The scope and responsibility of the WIA Title 24 study did not include groundborne vibration, so it would not be applicable to mention that aspect of the project with respect to WIA’s work product and, appropriately, no such mention or discussion was made in the Draft EIR.</p> <p>As discussed in response to Comment IND104-3 above, the FTA Noise and Vibration Manual is arguably one of the most-used and most-referenced impact guidance documents for transportation impact assessments, not only in California but throughout the entire country. It was last updated in 2006 by the national acoustical consulting firm of Harris Miller Miller &amp; Hanson, Inc. (HMMH) and is consistent with impact assessment methodologies used for transportation-related</p>

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	<p>developments. Further, the acceptability criteria advocated in the FT A Manual differ significantly from the criteria presented in other manuals and International Standards and which are used uniformly throughout the rest of the world.</p>	<p>projects that are under the purview of the Federal Highway Administration and Caltrans. Regarding the manual being up-to-date, it states: "...with the construction of new rail rapid transit system in the past 30 years, considerable experience has been gained as to how people react to various levels of building vibration. This experience, combined with the available national and international standards [as of 2006], represents a good foundation for predicting annoyance from ground-borne noise and vibration in residential area as well as interference with vibration-sensitive activities." (FTA Manual, page 8-1, 2006).</p> <p>Lastly, it is unclear what criteria presented in "other manuals and International Standards" the commentor is referring to, so no response can be made to that statement. As the pertinent City of Lafayette thresholds were used in this environmental impact documentation, it is unclear what relevance "criteria...which are used uniformly throughout the rest of the world" may have to the proposed Project.</p>
IND104-12	<p>In particular, at Section C.2. on page 4.10-17 on existing groundborne vibration the Draft EIR concludes that because the BART tracks are 240ft from the nearest project buildings there will be <i>no significant</i> groundborne vibration from the BART trains because the distance is greater than the FT A Manual screening distance of 200 ft. This is an incredibly bad conclusion because it is well known that groundborne vibration propagation varies greatly with differing geologies. The only way to be sure of conditions at a distance of 240 ft from rail system tracks is to make on-site measurements of the existing ground borne vibration at the Project site. I have worked on projects where there was significant ground borne vibration impact at distances of 400 to 500 ft from the tracks.</p>	<p>The FTA manual, on page 7-1 for Basic Ground-borne Vibration Concepts states: "In contrast to airborne noise, ground-borne vibration is not a common environmental problem. It is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads." Given the screening distance of 200 feet for residential land uses, it is safe to infer that 200 feet or more from a major road is beyond the range of being "close" to the roadway.</p> <p>Regarding groundborne vibration propagation, the commentor is correct that "groundborne vibration propagation varies greatly with differing geologies." This fact is mentioned in the Draft EIR (see Section E.2.b of Chapter 4.10, Noise), and is addressed several times in the FTA manual (see pages 7-8, 7-11 [Table 7-2], and 9-4). To account for these variations, the FTA methodology – including the screening process used for this project's assessment – utilizes a conservative "safety factor" of 5 decibels in vibration level. For both rapid transit or light rail vehicles and rubber-tired vehicles, this equates to an approximate 1.5x safety factor for distance (FTA Figure 10-1). The FTA manual states on page 9-4: "Because of the 5-decibel safety factor, even with efficient propagation, the screening distances will identify most of the potentially impacted areas... When there is evidence of</p>

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IND104-13	<p>Also, it should be considered that the Highway 24 westbound lanes are at a distance of only about 200 ft from the nearest Project buildings. There are heavy vehicles operating at full highway speed on Highway 24 and there is certainly the possibility for groundborne vibration from these vehicles to cause significant impact without mitigation. Again, this can be determined only with an on-site vibration survey.</p> <p>The lack of on-site measurements of existing groundbome vibration brings into question the entire discussion and conclusions regarding the potential for groundbome vibration impact at the Terraces Project buildings nearest to the BART Tracks and Highway 24. At a minimum, this part of the EIR analysis and report should be completely redone, starting with on-site measurements of existing groundbome vibration at not less than three appropriate locations.</p>	<p>efficient propagation, such as previous complaints about existing transit facilities or a history of problems with construction vibration, the distances in [Table 9-2] should be increased by a factor of 1.5.” While anecdotal experience may indicate that groundborne vibration impacts at distances beyond 200 feet are possible for other projects at other locations, there are no known groundborne vibration issues from the BART line and freeway at the numerous existing residential areas adjacent to the proposed Project site (see response to Comment IND104-3). As such, the sensibility of using the FTA screening methodology in this situation is seen as being appropriate.</p> <p>Please see responses to Comments IND104-3, IND104-11, and IND104-12, which explain that there is no evidence in this situation that the FTA vibration evaluation process, shown in Figure 9-1 on page 9-2 of the FTA manual, is not an appropriate assessment technique for the proposed Project. Since the screening stage of the FTA methodology showed that sensitive land uses were not within the potential impact distances (including the FTA’s safety factor), no vibration impact is likely and no further analysis is required (FTA manual, page 9-2). Thus, more detailed levels of vibration evaluation are not indicated and on-site vibration measurements are seen as unnecessary.</p>
IND104-14	<p>3 Impact of Grading Haul Trucks</p> <p>The Draft EIR does indicate that the proposed project includes construction activities that will result in extensive and severe noise impact on the community but it then basically ignores these impacts and sets them aside as an insignificant impact because it is a temporary condition. The noise and traffic impact from haul trucks removing 300,000 cu yds of excavation to be hauled off-site cannot be considered an insignificant impact.</p>	<p>Please see responses to Comments IND104-4 and IND104-9. As previously discussed, the commentor does not present any evidence that construction activities will result in an “extensive and severe noise impact on the community.” Further, the Draft EIR does not “set aside” or dismiss construction noise as a significant impact “because it is a temporary condition.” Rather, the Draft EIR addresses this issue using pertinent and quantifiable significance thresholds. Specifically, per the City’s Municipal Code, construction activities are limited to prescribed times of day and to a sound level limit of 80 dBA at the nearest affected property. The impact assessment for construction noise (See Section E.4b of Chapter 4.10, Noise, of the Draft EIR) finds that these thresholds would not be</p>

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IND104-15	<p>In Chapter 3 at page 3-28 the Draft EIR indicates that of the planned 400,000 cu yds of grading there will be 300,000 cu yds hauled off-site. The indication is that this is estimated to be 25,000 to 30,000 haul trips over a 9-month period. In Chapter 4.10 on page 4.10-25 this is further broken down to amount to about 150 trips per day each way or 300 total passbys per day. In the mitigation section of Chapter 4 at page 4.13- 87 the operation of large trucks entering and leaving the site is limited to 9:00 am to 3:00 pm on school days and to 9:00 am to 4:00 pm on non-school days. This then limits the haul truck operations to either 6 hours per day or 7 hours per day. That means there will be on the average 43 to 50 truck passbys each hour or almost one truck every minute.</p> <p>The analysis and conclusion presented on page 4.10-25 is that the 300 trucks per day, and 50 worker trips per day, added to the estimated 25,000 trips per day on Pleasant hill road is a negligible change. Therefore, the noise impacts are less than significant along the construction vehicle routes. The problem with this analysis is that it ignores the time limitation and the fact that the noises from haul trucks will occur almost every minute during the daytime hours. Thus it is not an occasional noise that does not significantly affect the overall noise exposure level but a repetitive noise at high sound level (86 dB A at 50 ft per the Draft EIR on page 4.1 0-25) that will impact the noise receptors such as schools and residential areas along the construction routes. Other impacts that are not noted include the air quality effects and the disruption to traffic that will occur with large trucks entering the mostly automobile traffic flow at a rate of nearly one truck per minute.</p>	<p>crossed and that with the implementation of Mitigation Measure NOISE-2, compliance with the local regulations would be achieved. Thus, the Draft EIR analysis shows that the projected activities, if they included the prescribed mitigation measures, would be an insignificant impact.</p> <p>Please see responses to Comments IND104-4, IND104-9, and IND104-14 above.</p> <p>Section E.4.a of Chapter 4.10, Noise, of the Draft EIR lays out the expected haul and worker trips during the construction phase of the proposed Project and compares them to the existing daily volumes on Pleasant Hill Road. If the construction traffic were limited to the conservative end of the commentor’s daytime duration (i.e. 6 hours) and if the daytime contribution were conservatively taken to be 50 percent of the total daily volume (i.e. 12,500 cars) in those same 6 hours, then one would expect, on average, 2,083 cars per hour or 35 cars per minute. Under this scenario, the future traffic would be one construction truck for every 35 cars per minute (which works out to an approximate increment of 3 percent). While an individual truck may be audible (since heavy trucks are noisier than passenger vehicles), the small increment of construction trucks-to-passenger vehicles that routinely travel that roadway is negligible per the CEQA process using the establish City Noise Element significance thresholds.</p> <p>Air impacts due to the construction haul and worker trips are addressed in Draft EIR Chapter 4.2, Air Quality.</p> <p>Traffic flow concerns from merging of the estimated one truck per minute are addressed in Draft EIR Chapter 4.13, Transportation and Traffic, Section A.4.b.</p>
IND104-16	<p>While this review does not include consideration of air quality issues and traffic flow/safety impacts, considering just the noise impact along the haul route should be enough to indicate that the magnitude of the project</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>

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	<p>proposed should be rejected. The noise impact alone expected along the haul route is enough to indicate that the proposed hauling away of 300,000 cu yds of grading material should be eliminated from the project.</p>	
IND104-17	<p><b>CONCLUSIONS AND RECOMMENDATIONS</b></p> <p>The conclusion from study and review of the Terraces Project Draft EIR Noise Chapter is that the document is incomplete, presents erroneous analyses and conclusions and requires extensive revisions and additions before it can be considered an adequate document describing the environmental conditions at the Project and the environmental effects of the Project.</p> <p>In particular: ( 1) the expected environmental impact of existing and future noise on Project residents needs to be determined in terms of the effects or impacts on people, not in terms of the requirements to achieve minimum standard regulations on acceptable noise levels and sound insulation, (2) the existing ground borne vibration needs to be determined by a comprehensive vibration measurement survey followed by a professional analysis and determination of any impacts and necessary mitigations, and (3) the limitations on noise and vibration from construction operations as stated in different chapters need to be coordinated and there needs to be serious consideration of limitation on the amount of grading material allowed to be hauled from the construction site.</p> <p>The recommendation is that the current Terraces Project Draft Environmental Impact Report be considered as inadequate and incomplete to an extent that does not allow approval by addendums and supplementary reports. Therefore, the Draft EIR should be rejected and the Project Team requested to prepare a completely new Draft EIR either on the Terraces Project or on an alternative project.</p>	<p>The comment provides a summary of the preceding comments. No response is necessary is necessary apart from the responses to Comments IND104-2 through IND104-16, above.</p>
IND105	Erik Yewell (6/28/12)	
IND105-1	I am interested in the residential development at Pleasant Hill & Stanley.	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.

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IND106	Karen Zemelman (6/28/12)	
IND106-1	<p>The attached is a compilation of recommendations and concerns on the Terraces of Lafayette DEIR.</p> <p>Contributors:</p> <p>Guy Atwood                      3345 Springhill Rd</p> <p>Leslie Dumas and David Harnish                      3343 Springhill Rd</p> <p>Colin Elliott                      3356 Hermosa Way</p> <p>Eliot Hudson                      109 Bacon Ct</p> <p>Jenifer Paul                      1293 Quandt Ct</p> <p>Jonathan Westen                      1294 Quandt Ct</p> <p>Karen Zemelman                      115 Bacon Ct</p>	<p>The comment serves as an introduction to the comments that follow. No response is necessary.</p>
IND106-2	<p>Overview/Project Description:</p> <p>The purpose of the EIR is to accurately describe the impacts of the proposed Project. In order to do so, the EIR must accurately and fairly describe those impacts, including impacts after mitigation, in its narrative terms as well as in its graphics. That is particularly important in an EIR that, like this one, correctly concludes that the Project creates substantial negative impacts that cannot be mitigated. The narrative portion of the analysis must contain a better description of those impacts, so that the narrative provides clear support for the summary conclusions.</p>	<p>The comment does not cite specific sections of the Draft EIR text that, in the opinion of the commentor, do not contain sufficient detail. The Draft EIR was prepared consistent with CEQA guidelines and identifies significant impacts as well as mitigation measures to reduce those impacts, where feasible mitigation measures exist.</p>

Comment #	Comment	Response
IND106-3	<p>The DEIR is both flawed in its analysis as well as inadequate in several areas. The DEIR fails to address key policy language established by the General Plan for this area of Lafayette as set forth between Policy LU-1.2 and LU1.3 {see pgs 4.1-3-4.1.4). That language is absolutely crucial because it describes- in clear terms- the fundamental values of the City of Lafayette, which have been endorsed by innumerable public comments.</p> <p>“Entryways should “ ... reflect the semi-rural residential character of the community.”</p> <p>“Ensure that development respects the natural environment of Lafayette. Preserve the scenic quality .... “</p> <p>“Ensure that the semi-rural character of the community protected ....”</p> <p>“Preserve and enhance the open space, scenic viewsheds and <i>semi-rural qualities</i> around the residential entryways ... [including] Pleasant Hill Road ... “</p> <p>“Ensure that the Eastern Deer Hill Road area near the intersection of Pleasant Hill Road is developed, where development is appropriate, in a manner consistent with Lafayette’s community identity.”</p>	<p>The comment refers to Policies LU-1.2 and LU-1.3 of the Lafayette General Plan but then quotes Goals LU-2, LU-4, LU-5, and LU-13. Policy LU-1.2 is included in Table 4.1-1 of the Draft EIR. Policy LU-1.3 (“Development shall respect the privacy of neighbors.”) is not relevant to the proposed Project because the site is separated from neighboring properties by major roadways. Draft EIR Table 4.9-1 contains a discussion of the Project’s consistency with Goal LU-2 and Policy LU-4.1 under Goal LU-4. Consistency with Goal LU-5 and the Project’s compatibility with the semi-rural environment is addressed on page 4.1-39 of the Draft EIR. As shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, a discussion of the Project’s consistency with Goal LU-13 has been added to Table 4.9-1.</p>
IND106-4	<p>Chapter 4.1 Aesthetic and Visual Resources:                      The DEIR fails to take into account and describe more views of the Project, and thereby fails to describe the impact of the Project as it would actually appear for people in the community.</p> <p>The DEIR fails to describe the fact that the Project site is probably the most broadly visible piece of developable land in the entire City, as well as from areas outside Lafayette. The Project would be visible from many areas of Lafayette, especially elevated areas that the DEIR does not describe or depict.</p>	<p>Please see response to Comment ORG1-114 for a discussion of how the viewpoint locations used in the Draft EIR analysis were chosen. It is not possible or necessary for the Draft EIR to evaluate all views of the Project site. As described in response to Comment ORG1-114, the viewpoints were selected to provide the City with simulations that realistically depict the proposed Project from roadways and sites that are likely to be impacted most, from distances immediate to the Project area.</p>

Comment #	Comment	Response
	<p>For example, it would be highly visible from the Acalanes Ridge area <i>east</i> of the high school (and certain residential areas south of Highway 24. The Project would be visible both from parts of Highway 680 and from further west along Highway 24 than the Draft describes. It would be prominently and obtrusively visible from all Pleasant Hill Road onramps and off-ramps from Highway 24. In that sense, the Project is a critical gateway entry to Lafayette as a whole, and not merely as an entry to the surrounding residential areas.</p>	
IND106-5	<p><b>Scenic Highway</b>                      Page 4.1-2 States that the “Project would be visible from the scenic portion of Highway 24”. This statement should be change to more accurately and descriptively state that the Project would be “highly visible”</p>	<p>The suggestion of the commentor is noted. However, no revision to the Draft EIR is considered to be necessary because whether the Project site is “visible” or “highly visible” is subjective.</p>
IND106-6	<p><b>Relevant Lafayette General Plan</b>                      Page 4.1-2 to 4.1-5 As previously noted, this section fails to note key language: “Ensure that development respects the natural environment of Lafayette. Preserve the scenic quality .... “ “Ensure that the semi-rural character of the community protected .... “ “Preserve and enhance the open space, scenic viewsheds and <i>semi-rural qualities</i> around the residential entryways ... [including] Pleasant Hill Road ... “ “Ensure that the Eastern Deer Hill Road area near the intersection of Pleasant Hill Road is developed, where development is appropriate, in a manner consistent with Lafayette’s community identity.”</p>	<p>Please see response to Comment IND106-3.</p>
IND106-7	<p><b>Existing Conditions</b>                      Pages 4.1-8 4.1-13 the reference to Lafayette Ridge as “terminating” across Deer Hill Road is not an accurate description of the visible ridgeline. From a visual perspective, the ridgeline, whether or not the ridge has been modified by past grading, clearly continues all the way to Highway 24. As the Draft recognizes at p 4.1-8 (Para. 2.), it does so with uncontrolled revegetation that has taken on a semi-rural aesthetic that is consistent with the surrounding area, and with the upper portions of Lafayette Ridge. The DEIR should recognize that fact.</p>	<p>The proposed Project’s impacts associated with hillside development and visual character are documented in the Draft EIR. Please see Impacts AES-2, LU-1, and LU-3.</p>

<b>Comment #</b>	<b>Comment</b>	<b>Response</b>
IND106-8	<p><b>Residential Entry Ways</b></p> <p>The DEIR notes that the General Plan protects the scenic viewshed of Pleasant Hill Road as a residential entryway, then continues that the “General Plan does not, however, stipulate a location from which to observe this view.” Rather than suggesting that the required views are limited, but that the General Plan fails to describe them, the DEIR should emphasize the obvious intent of the General Plan. That is, the scenic viewsheds as a semi-rural entryway to residential areas (as noted above) <i>are to be protected from ALL viewpoints.</i></p>	<p>The commentator’s interpretation of the intent of the General Plan is noted. However, the Draft EIR provides an adequate description of the guidance provided by the General Plan.</p>
IND106-9	<p><b>Static Viewpoints</b></p> <p>The DEIR places exclusive emphasis on static viewpoints. The Draft fails to describe the visual effect to persons traveling through the area by car, foot or bicycle.</p> <p>For example, a tree that might partially block the building edifice from a view from a single static viewpoint does not have the same visual blocking or mitigation effect for someone traveling past a building. The visual perception to the traveler will be that of a long, looming, massive and mostly unscreened, building face.</p>	<p>The commentator incorrectly states that the Draft EIR fails to describe the visual effect to persons traveling through the area by car, foot or bicycle, and speculates what the visual perception of a traveler would be, but does not provide factual support for this assertion. Please see response to Comment ORG1-128, which explains that CEQA does not stipulate exactly how a lead agency should conduct its evaluation of potential impacts. As Section 15151 of the <i>CEQA Guidelines</i> states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” CEQA Statute 21082.2(a) requires that the lead agency “shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record.” CEQA Guidelines 15384(a) clarifies that “‘substantial evidence’... means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.” Section 15384(b) goes on to state that “Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”</p>
		<p>The Draft EIR applies industry standard visual impact assessment methodology to</p>

**Comment # Comment**

**Response**

prepare the visual impact analysis, which includes the preparation of twelve visual simulations by City-approved qualified professionals showing the proposed Project at final construction and after five years, for the six representative viewpoints shown on Figure 4.1-2 of Chapter 4.1, Aesthetics and Visual Resources, of the Draft EIR. The six representative viewpoints include views from adjacent roadways, intersections, parking lots, and trails that represent users of a variety of modes of transportation, including drivers, pedestrians, and bicyclists. Aesthetics for the purposes of the Draft EIR refers to visual resources and the quality of what can be seen or overall visual perception of the environment, and may include such characteristics as building scale and mass, design character, and landscaping. In addition, aesthetics includes the visual qualities of a geographical area such as the horizon, topography, and other natural features that give an area its visual boundary and context. An aesthetic impact is typically characterized by the loss and/or significant obstruction of existing scenic vistas or other major views in the area of the site which are available to the general public. Public views are those which can be seen from vantage points that are publicly accessible, such as streets, freeways, parks, and vista points. View analysis is also based upon relative visibility with regard to viewing location and future development on-site.

While it is difficult to quantify and judge aesthetic impacts, which can be subjective, for the discussion regarding visual character, the visual simulations provide a conceptual representation of general massing, form, and height and a cursory experience of the street level ambience from the six representative viewpoints at the time of construction and after five years. The simulations are considered together to gain a sense of how the proposed Project would affect the visual environment. Specific instances of, for example, a tree partially blocking a particular building do not factor into whether or not the Draft EIR identifies a significant impact. The twelve photo simulations represent the proposed Project as it would be realistically viewed by the public, including people hiking in the nearby open space area, driving on adjacent roads, intersections and parking lots. The simulations in the Draft EIR provide a meaningful representation of the proposed Project, including views of the site as it would be viewed from a pedestrian facing the site.

Comment #	Comment	Response
IND106-10	<p>The DEIR narrative inappropriately focuses on mitigation measures. That is not what the EIR is supposed to do. The DEIR thus “misses the point.”</p> <p>While mitigation measures may be described, the purpose of the EIR is to describe the impacts of the Project <i>after</i> mitigation, and the narrative should focus on those impacts. The DEIR fails to do so.</p>	<p>The comment incorrectly states that the purpose of an EIR is to describe the impacts of a project after mitigation. As discussed in Chapter 1, Introduction, of the Draft EIR, the Draft EIR is intended to inform City decision-makers, other responsible agencies, and the public-at-large of the nature of the Project and its potential impacts. Additionally, the Draft EIR identifies mitigation measures that, if adopted, would reduce or avoid potentially significant impacts and examines alternatives to the proposed Project. As described in Section 15121(a) and 15362 of the State <i>CEQA Guidelines</i>,<sup>8</sup> an EIR is an informational document that will inform public agency decision-makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to a project. Therefore, the purpose of the Draft EIR is to focus the discussion on the proposed Project’s potential effects on the environment that the City has determined are, or may be, significant. In addition, feasible mitigation measures are required, when applicable, that would reduce or avoid significant environmental impacts.</p> <p>This Draft EIR was prepared in accordance with Section 15151 of the State CEQA Guidelines, which defines the standards for EIR adequacy:</p> <p><i>An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR would summarize the main points of disagreement among the experts. The courts have looked not for perfection; but for adequacy, completeness, and a good faith effort at full disclosure.</i></p>
IND106-11	<p><b>Viewpoint 1; East from Deerhill Rd</b>                      Page 4.1-23 of the EIR fails to describe the visual impact of the Project despite mitigations. This results from the Draft’s undue emphasis on</p>	<p>This comment incorrectly states that the Draft EIR fails to address the aesthetic impacts of the proposed Project. This comment has been previously addressed in responses to Comments IND106-9 and IND106-10. The discussion of the visual</p>

<sup>8</sup> California Code of Title 14, Chapter 3, Sections 15000-15387 (State CEQA Guidelines).

Comment #	Comment	Response
	<p>describing the mitigations, while not fully describing the effects that remain despite those mitigations. It is also due to the Draft’s undue emphasis on static viewpoints, while failing to describe the visual effect to persons traveling through the area by car, foot or bicycle.</p>	<p>simulation for Viewpoint #1 focuses on the proposed Project to identify the potential impacts that would be created by the Project as proposed. The purpose of the EIR is to evaluate the impacts of the proposed Project, and CEQA Guidelines do not require that an EIR evaluate the effects of mitigation measures at the level of detail provided for the proposed Project. Therefore, additional simulations were not created to simulate a mitigated Project scenario. Furthermore, as discussed on pages 4.1-43 and 4.1-44 of the Draft EIR, given the building heights and topography of the Project site, there are no feasible mitigation measures that would reduce the visual effects of the proposed Project to a less-than-significant level.</p>
IND106-12	<p>The narrative describes Figure 4.1-9 and -10 as showing that trees function to “partially block” the view of the Project from Deer Hill Road. That description fails to describe the visual impact of the large scale, dense mini-city that would remain visible despite the trees. Similarly, the third paragraph narrative notes that the tops of buildings would be below the existing ground plane and that they do not block far field views of Acalanes Ridge. This description also fails to describe the visual impact of a deeply graded terrace (far more than exists now), or its planned, urban-style landscaping, sidewalks and entrances, or its nighttime lights, etc. for people traveling on Deer Hill Road.</p>	<p>This comment incorrectly states that the Draft EIR fails to describe the visual impact of the proposed Project in consideration of the proposed grading and nighttime lighting impacts.</p> <p>As previously noted in response to Comment IND106-9, while it is difficult to quantify and judge aesthetic impacts, which can be subjective, for the discussion regarding visual character, the twelve visual simulations prepared for the project provide a conceptual representation of general massing, form, and height and a cursory experience of the street level ambience from the six representative viewpoints at the time of construction and after five years. The narrative cited by the commentor describes the visual simulations in light of standard of significance #1 (“Would the Project have a substantial adverse effect on a scenic vista.”). Therefore, this discussion focuses on the overall massing of the Project and whether scenic views would be blocked by proposed buildings. General impacts to visual character are addressed under standard of significance #2. Page 4.1-40 of the Draft EIR states, “The Deer Hill Road frontage is of a semi-rural character [...] Along the Deer Hill Road frontage, the proposed Project buildings would be set back from the road (from approximately 115 to 170 feet), screened by vegetation, and located approximately 21 feet below the grade of the roadway. As shown on Viewpoint 1, based on the topography, site design, and landscaping, the buildings would not degrade the visual character along Deer Hill Road.” Impacts associated with proposed lighting are addressed by standard of significance #4.</p>

**Comment # Comment**

**Response**

The analysis of aesthetics impacts in the Draft EIR evaluates the proposed Project against the CEQA thresholds of significance traditionally applied to all projects in the City and focuses on visual impacts associated with massing, views, and community character, not architecture and design quality. The “urban style” of proposed landscaping, sidewalks, and entrances will be considered during the City’s design review process subsequent to the environmental review process. CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur “before a project gains irreversible momentum” (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333-1334). In other words, CEQA requires agencies to prepare EIRs “as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (see *CEQA Guidelines* Section 15004, subd. (b); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358).

IND106-13 **Viewpoint 2; South from Lafayette Ridge Trail, Briones Regional Park.**  
 Pages 4.1-23 to 28 the narrative describes architectural features of the buildings at length, as if that were some form of mitigation. It also describes carports and parking garages as “smaller, one-story” structures, again, as if that were some form of mitigation. The narrative emphasizes that landscaping would eventually “soften” the view of the Project, and that “while the Project would be visible from the trail, it would not block far field views of the East Bay Hills from this location.”

This narrative completely misses the entire point of the impacts of the Project. *After* all those supposed “mitigations” are in place, Figures 4.1-11 and -12 demonstrate that this Project would remain a densely-packed, mini-city housing project that utterly destroys the current unbroken and unspoiled natural semi-rural character of the area. After recognizing that “Lafayette values hills and ridges as contributing to its semi-rural character, which helps to define the City’s sense of identity” (p. 4.1-9) and that Lafayette is “surrounded by panoramic vistas of rolling hills and

Please see responses to Comments IND106-09, IND106-11, and IND106-12. The narrative cited by the commentor describes the visual simulations in light of standard of significance #1 (“Would the Project have a substantial adverse effect on a scenic vista.”). General impacts to visual character are addressed under standard of significance #2. The discussion under standard of significance #2 states, “The view of an undeveloped hillside would change to a view in which the proposed buildings are prominently located on the Project site. [...] The current visual character is primarily open space, either graded (at the northeast corner) or rolling hillsides (as seen from public viewpoints) that many members of the community consider to be a visual resource.” As stated on pages 4.1-43 and 4.1-44 of the Draft EIR, given the building heights and topography of the Project site, there are no feasible mitigation measures that would reduce the visual effects of the proposed Project to a less-than-significant level. The Draft EIR correctly finds this to be a significant and unavoidable impact (specifically see Impact AES-2).

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	<p>dramatic ridgelines,” the narrative completely fails to describe how the Project would inalterably and forever devastate that character on what is probably the most broadly visible piece of developable land in the entire City.</p>	
IND106-14	<p><b>Viewpoint 3: Southwest from Acalanes High School Parking Lot</b>                      Pages 4.1-28 to 31 fails to describe impacts remaining despite mitigations. Undue emphasis on “does not block the view of the southern edge of the terminus of Lafayette Ridge,” and landscaping as “partially blocking” views of buildings, carports and garages. The visual impacts after mitigation include obliteration of what is now a semi-rural grassy field lined with natural trees, and its replacement by a wall of highly visible urban buildings on obtrusive, elevated and dominating graded fill. The plantings include urban, rather than semirural, vegetation. The currently visible semi-rural ridgeline south of Deer Hill Road would also be obliterated. The project is also inconsistent with all surrounding neighborhoods. The narrative should, but does not, describe all of those impacts.</p>	<p>This comment incorrectly states that the Draft EIR fails to describe the impacts of the project after mitigation and the proposed Project’s compatibility with surrounding land uses. Please see responses to Comments IND106-09, IND106-11, and IND106-12. The narrative cited by the commentor describes the visual simulations in light of standard of significance #1 (“Would the Project have a substantial adverse effect on a scenic vista.”). The discussion on page 4.1-28 of the Draft EIR accurately describes impacts to significant views as follows: “From this viewpoint, the three-story buildings, located on the lower terrace, are visible, along with the up-sloping driveway and two carports. Buildings on the upper terraces are also visible, removing the far field view of the terrace edge. The proposed development does not block the view of the southern edge of the terminus of the Lafayette ridge, shown on the north side of Deer Hill Road. “</p> <p>General impacts to visual character are addressed under standard of significance #2. As described in response to Comment IND106-13, the Draft EIR identifies a significant and unavoidable impact associated with the conversion of a “grassy, largely undeveloped site that many members of the community consider to be a visual resource” to a developed site.</p> <p>The Project’s compatibility with the semi-rural environment is addressed on page 4.1-39 of the Draft EIR.</p> <p>As described in response to Comment IND106-12, the analysis of aesthetics impacts in the Draft EIR evaluates the proposed Project against CEQA thresholds of significance and focuses on visual impacts associated with massing, views, and community character, not architecture and design quality. The “urban style” of the proposed Project will be considered during the design review process subsequent to the environmental review process. (See response to Comment IND106-12.)</p>

Comment #	Comment	Response
IND106-15	<p>The viewpoint is also not fairly descriptive of the parking lot as a whole. The photo is taken from one of the parking lot points furthest from the Project. Most of the parking lot is closer. From those vantage points, the building would be even larger, more of a wall, more blocking of views and more dominating.</p>	<p>Regarding compatibility with the surrounding area, please see responses to Comments IND106-21 and IND106-22.</p> <p>As described in response to Comment IND106-14, the narrative cited by the commentor describes the visual simulations in light of standard of significance #1 (“Would the Project have a substantial adverse effect on a scenic vista.”). As shown in Figures 4.1-13 and 4.1-14 of the Draft EIR, potential impacts to scenic views would be primarily caused by proposed building heights, not by parking facilities. A closer view of the proposed Project site from this direction is provided by Viewpoint #4 (see Figures 4.1-15 and 4.1-16 of the Draft EIR).</p>
IND106-16	<p><b>Viewpoint 4: West from Intersection Pleasant Hill and Stanley</b>                      Page 4.1-31 fails to describe impacts remaining despite mitigations.</p> <p>Undue emphasis on descriptions of architectural features and vegetation “partially blocking” buildings. A building screening a carport or blocking a view of an upper terrace is not a mitigation. The building is still visible. There is undue emphasis on views that are preserved of the lower portion of the ridgeline south of Deer Hill Road.</p>	<p>Please see response to Comment IND106-12. The narrative cited by the commentor describes the visual simulations in light of standard of significance #1 (“Would the Project have a substantial adverse effect on a scenic vista.”). The discussion on page 4.1-31 of the Draft EIR accurately describes impacts to significant views as follows: “The proposed building blocks the view to the rest of the proposed development on the upper terraces and the interior of the Project site. The existing view of the upper terrace is blocked by the buildings; however, views of the Lafayette Ridge and the Briones Park hills are preserved.”</p> <p>As described in response to Comment IND106-11, the purpose of the EIR is to evaluate the impacts of the proposed Project, and CEQA Guidelines do not require that an EIR evaluate the effects of mitigation measures at the level of detail provided for the proposed Project. Therefore, additional simulations were not created to simulate a mitigated Project scenario.</p>
IND106-17	<p>The continuing visual impacts after mitigation include obliteration of what is now a semi-rural grassy field lined with natural trees, and its replacement by a wall of highly visible urban buildings on obtrusive, elevated and dominating graded fill. The plantings include urban, rather than semi-rural, vegetation. The vegetation mitigation will be less apparent to people traveling past the buildings. The currently visible semi-rural ridgeline south of Deer Hill Road would be obliterated. The project is inconsistent with all surrounding neighborhoods. The narrative should, but does not, describe all of those impacts.</p>	<p>This comment has been previously addressed in responses to Comments IND106-9 through IND106-13. Specifically, as described in response to Comment IND106-13, general impacts to visual character are addressed under standard of significance #2. The discussion under standard of significance #2 states, “The view of an undeveloped hillside would change to a view in which the proposed buildings are prominently located on the Project site. [...] The current visual character is primarily open space, either graded (at the northeast corner) or rolling hillsides (as seen from public viewpoints) that many members of the community consider to be a visual resource.” The Draft EIR finds this to be a significant and unavoidable</p>

Comment #	Comment	Response
		<p>impact (see Impact AES-2).</p>
		<p>As described in response to Comment IND106-12, the analysis of aesthetics impacts in the Draft EIR evaluates the proposed Project against CEQA thresholds of significance and focuses on visual impacts associated with massing, views, and community character, not architectural style and design quality. The “urban” of the proposed Project will be dealt with in the design review process.</p>
		<p>The Project’s compatibility with the semi-rural environment is addressed on page 4.1-39 of the Draft EIR.</p>
		<p>Regarding compatibility with the surrounding area, please see responses to Comments IND106-21 and IND106-22.</p>
IND106-18	<p>Further, the Figures depicting only a few cars waiting at the stoplight on Deer Hill Road do not accurately depict the likely increase in traffic congestion, and the resulting visual impact of a line of waiting cars, at many hours of the day</p>	<p>This comment has been previously addressed in responses to Comments IND106-9 through IND106-13. Specifically, as discussed in response to Comment IND106-10, the purpose of this Draft EIR is to inform decisionmakers and the general public of the potential environmental impacts resulting from the proposed Project. While the aesthetic analysis provided in the Draft EIR does not look at every possible view of the Project site, and consider those views from every possible time of day and intersection level, the City finds the aesthetics analysis to be adequate to inform decisionmakers and the general public of the potential environmental impacts resulting from the proposed Project. The analysis of aesthetics impacts in the Draft EIR evaluates the proposed Project against CEQA thresholds of significance and focuses on visual impacts associated with massing, views, and community character. Traffic is not considered to cause an impact to visual resources.</p>
IND106-19	<p><b>Viewpoint 5: West from Pleasant Hill Rd</b>                      Page 4.1-34 fails to describe impacts remaining despite mitigations. Undue emphasis on matured grasses creating a green edge and matured tree canopies as “somewhat masking” views of the buildings.</p>	<p>This comment has been previously addressed in responses to Comments IND 106-9 through IND106-13. Specifically, as described in response to Comment IND106-11, the purpose of the EIR is to evaluate the impacts of the proposed Project, and CEQA Guidelines do not require that an EIR evaluate the effects of mitigation measures at the level of detail provided for the proposed Project. Therefore, additional simulations were not created to simulate a mitigated Project scenario.</p>
	<p>The continuing visual impacts after mitigation include obliteration of what is now a semi-rural grassy field lined with natural trees, and its</p>	

Comment #	Comment	Response
	<p>replacement by a massive wall of highly visible urban buildings on obtrusive, elevated and dominating graded fill. The vegetation mitigation will be less apparent to people traveling past the buildings. The plantings include urban, rather than semi-rural, vegetation. The currently visible semi-rural ridgeline both north and south of Deer Hill Road will be obliterated. The project is inconsistent with all surrounding neighborhoods. The narrative should, but does not, describe all of those impacts.</p>	<p>As described in response to Comment IND106-13, general impacts to visual character are addressed under standard of significance #2. The Draft EIR finds this to be a significant and unavoidable impact (see Impact AES-2).</p> <p>Regarding compatibility with the surrounding area, please see responses to Comments IND106-21 and IND106-22.</p>
<p>IND106-20</p>	<p><b>Viewpoint 6 North from Mt Diablo Blvd</b>                      Pages 4.1-34 to 39, failure to describe impacts remaining despite mitigations. Undue emphasis on descriptions of architectural features and mature vegetation that would cover the elevated slope ..</p> <p>A building screening a carport of blocking a view of an upper terrace is not a mitigation. The building is still visible. There is undue emphasis on views that are preserved of the lower portion of the ridgeline south of Deer Hill Road.</p> <p>The narrative’s comment that four buildings would be “visible” is not fairly descriptive. In fact, four massive buildings would dominate the entire area from all visual perspectives. Urban landscaping and engineered slopes and heights would replace natural semi-rural grasses and trees. The views of the hills and semi-rural feel would be utterly destroyed, and replaced by a dense, mini-city urban housing project. The narrative fails to convey the massiveness of the Project as viewed by travelers passing by it. The narrative should, but does not, describe all of those impacts.</p>	<p>This comment has been previously addressed in responses to Comments IND 106-9 through IND106-13. Specifically, as described in response to Comment IND106-11, the purpose of the EIR is to evaluate the impacts of the proposed Project, and CEQA Guidelines do not require that an EIR evaluate the effects of mitigation measures at the level of detail provided for the proposed Project. Therefore, additional simulations were not created to simulate a mitigated Project scenario.</p> <p>As described in response to Comment IND106-13, general impacts to visual character are addressed under standard of significance #2. The Draft EIR finds this to be a significant and unavoidable impact (see Impact AES-2).</p> <p>Regarding compatibility with the surrounding area, please see responses to Comments IND106-21 and IND106-22.</p>
<p>IND106-21</p>	<p><b>Degrading Existing Visual Character or Quality of the Site and It’s Surroundings</b>                      Page 4.1-40, the Draft is wrong in stating that the existing area surrounding the Project site “ranges from urban to semi-rural.” The only usage that can conceivably be categorized as “urban” is the gas station located at the intersection of Pleasant Hill Road and Stanley Boulevard. However, a single gas station in no way justifies characterizing the area as</p>	<p>The commentor incorrectly states that the Draft EIR is wrong and expresses an opinion regarding the description of the surrounding area of the proposed Project site. The opinion of the commentor is noted. The Pleasant Hill Road/Deer Hill Road/Stanley Boulevard intersection, which is adjacent to the Project site, is a particularly busy area of the city and the level of activity in this area is in many ways is consistent with a more urban environment than a semi-rural one. Page 4.1-40 of the Draft EIR has been revised to state that the character of the area ranges</p>

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	<p>“urban.” Indeed, a view of 4.1-2 demonstrates that the gas station is a timely blip on the aerial view of the surrounding area. It is inaccurate to say that the surrounding area is in any way urban.”</p>	<p>from <u>sub</u>urban to semi-rural.</p>
IND106-22	<p>The DEIR is egregiously wrong in stating that the Project is “consistent with the existing suburban uses at the intersection and would not negatively affect the visual character of the immediate area.” The Draft fails to recognize that an entire community vociferously disagrees that such a usage is “consistent” with the surrounding uses.” Indeed, this statement is inconsistent with, and incomprehensible when compared to, the multiple statements in the Draft that recognize adverse and unavoidable impacts from the Project. There is vast and fundamental difference between single family homes and the dense, packed, mini-city housing project that this Project constitutes. This same statement is wrong when it is recognized that the existing area is not only suburban, but also <i>semi-rural</i>. The Project is in no way consistent with that usage.</p>	<p>The opinion of the commentor is noted. As described in response to Comment IND106-21, the area of Pleasant Hill Road adjacent to the Project site is very active, containing a large high school complex and adjacent to State Highway 24. The Project site is surrounded by major roadways and is not directly adjacent to any single-family residences. In this sense, the proposed Project is consistent with a suburban environment. Nevertheless, as noted by the commentor, the Draft EIR does identify potential impacts to the visual character of the surrounding area.</p>
IND106-23	<p>The DEIR states that the Project would not visibly degrade the visual character along Deer Hill Road. The Draft relies for this statement on the conclusion that the Project would be set back from the road, screened (but only partially) by vegetation, and located below the road grade. The Draft apparently bases this statement on the single view demonstrated by Figure 4.1-10.</p> <p>The DEIR is inadequate and wrong for several reasons. It does not evaluate the extent to which the Project would be visible to travelers on Deer Hill Road approaching from the west. It also is wrong because the Project would unquestionably dominate the view of the project site for vehicles traveling east on Deer Hill Road at the intersection with Pleasant Hill Road. Further, the Draft is wrong because it utterly fails to recognize that there is a fundamental difference, between the existing “semi-rural character” of Deer Hill Road, which is highly prized by the Lafayette community, and the proposed urbanized landscaping, sidewalks and entryways of the Project.</p>	<p>Page 4.1-40 of the Draft EIR states, “The Deer Hill Road frontage is of a semi-rural character [...] Along the Deer Hill Road frontage, the proposed Project buildings would be set back from the road (from approximately 115 to 170 feet), screened by vegetation, and located approximately 21 feet below the grade of the roadway. As shown on Viewpoint #1, based on the topography, site design, and landscaping, the buildings would not degrade the visual character along Deer Hill Road.” As described in response to Comment IND106-13, general impacts to visual character are addressed under standard of significance #2. The Draft EIR finds this to be a significant and unavoidable impact (see Impact AES-2).</p> <p>The Project’s compatibility with the semi-rural environment is addressed on page 4.1-39 of the Draft EIR. Regarding compatibility with the surrounding area, please see responses to Comments IND106-21 and IND106-22.</p> <p>The commentor’s suggestion that the word “dramatic” or “substantial” be added to the Draft EIR text is noted. However, no revision to the Draft EIR is considered to be necessary because whether change is “dramatic” or “substantial” is subjective.</p>

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	<p>The reference to a “change” in the visual character of the site should read, a “dramatic” or “substantial” change in the visual character of the site.</p>	
IND106-24	<p>Page 4.1-41, the DEIR comes to the correct conclusion that the impact would be significant. However, the Draft seriously understates the degree of that impact. The Draft is inadequate because it addresses only limited static views. In fact, the Project would be visible from a far greater number of views. Further, for travelers on the scenic highway, the visual impression would be one of prominent and looming buildings for a substantial distance of travel.</p>	<p>The opinion of the commentor is noted. Please see responses to Comments IND106-4 and IND106-9.</p>
IND106-25	<p><b>Substantial Source of Light or Glare</b>                      Pages 4.1-41 to -42, the DEIR generally states the correct conclusion that impacts would be significant, but it is inadequate because it understates those impacts. The Draft especially fails to describe the visual effect of many hundreds of windows in large elevated buildings on what is now a semi-rural hillside. During the day those windows would reflect light, and at night they would be expansive light sources. The report is also inadequate where it concludes that “light and glare from the site would be consistent with the surrounding development at the intersection of Pleasant Hill Road and Deer Hill Road, and on the south side of Highway 24,” because the Draft fails to adequately appreciate the cumulative impact of the project with the existing uses. The Project site appears virtually as large as the entire Acalanes High School complex. The current sources now appear as isolated areas of light, but adding the enormous project area would, from a light and glare standpoint, create an impression of an area carpeted with development (as, indeed, it would be). The Project would transform an enormous area (see Figure 4.1-2) from currently semi-rural to an enormous field of urban reflection and light.</p>	<p>As described in response to Comment IND106-22, the proposed Project site is located in a suburban environment and multi-family residential buildings would be consistent with this environment. As noted in the Draft EIR and by the commentor, the potential glare would be consistent with existing development, including Acalanes High School, in the Project site vicinity. In addition, potential glare impacts from building windows would be reduced by proposed vegetation. The Draft EIR finds that greatest impacts from light and glare would be as a result of nighttime lighting and photovoltaic panels (see Impacts AES-4 and AES-5 of the Draft EIR). Therefore, no revision to the Draft EIR is necessary. Please see response to Comment IND106-26 for a discussion of cumulative aesthetic impacts.</p>
IND106-26	<p><b>Cumulative Impacts</b>                      Pages 4.1-43 this is one of the most flawed discussions in the Aesthetics chapter. This section considers whether the “Project would have significant cumulative impacts on Lafayette’s visual environment in combination with cumulative projects.” The Draft concludes that the cumulative impact of the Project would be less than significant because</p>	<p>The commentor incorrectly states that the Draft EIR fails to adequately analyze the Project’s cumulative aesthetic impacts. The Project’s impacts are identified in Chapter 4.1, Aesthetics and Visual Resources, of the Draft EIR, and four impacts are identified. (Note that Impact AES-4 has been removed since publication of the Draft EIR, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.) The commentor correctly states that the purpose of the cumulative impact</p>

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	<p>the project site has had a variety of uses over time, and because it is geographically remote from other pending projects.</p> <p>The logic underlying this conclusion is fundamentally flawed, and the conclusion is wrong, because the analysis addresses the wrong question. <i>This Project is so prominent and massive that by itself it changes Lafayette’s visual environment.</i> That is a “cumulative” impact in that the project is so large that it carries its own impact for the entire community. The Draft fails to adequately consider:</p> <p>The Project site is highly prominent. Indeed, the site is probably the most prominent large developable site in Lafayette.</p> <p>The Project is massive. The Project represents, by Lafayette standards, a densely packed mini-city <i>on its own</i>.</p> <p>Lafayette is predominantly, and is predominantly recognized as, a community with semirural character and single-family homes. Because of the Project’s prominence and size, and its fundamental inconsistency with both Lafayette’s semi-rural character and its single-family home character, this Project <i>by itself would irrevocably</i> change the character of the Lafayette community.</p> <p>But, the Project is not by itself. Downtown Lafayette has experienced a substantial increase in multi-family projects of increasing size and density. Regardless of their physical distance from the Project site, they cumulatively are changing the visual environment of Lafayette.</p> <p>The DEIR conclusion is a prime example of the means by which the fundamental character of communities disappear over time, leaving the residents wondering how it happened. The purpose of this section to be to accurately describe how this Project contributes to that process. The DEIR fails to do so.</p>	<p>discussion is to consider the proposed Project along with other cumulative projects. Per CEQA Guidelines Section 15355, “Cumulative impacts” refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.</p> <p>(a) The individual effects may be changes resulting from a single project or a number of separate projects.</p> <p>(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.</p> <p>“Cumulative projects” for the purposes of the Draft EIR analysis are listed in Table 4-1 of the Draft EIR. The analysis of cumulative aesthetics impacts in the Draft EIR evaluates the proposed Project against CEQA thresholds of significance and focuses on visual impacts associated with massing, views, and community character. The Project’s impacts to the character of the Project site vicinity are evaluated in the Draft EIR and Impact AES-2 is identified as a significant and unavoidable impact. The commentor’s opinion that the Project, along with development in downtown Lafayette, would change the city’s overall character, is noted. Although the General Plan promotes the city’s semi-rural character, it also calls for areas that are appropriate for more intense forms of development. The Project site is zoned as Administrative/Professional Office, a zoning district within which multi-family housing is allowed with a land use permit. In addition, the Project would be consistent with Policy LU-13.2 of the General Plan because the Project site is located south of Deer Hill Road adjacent to Pleasant Hill Road, where Program LU-13.2.2 of the General Plan calls for development options. Therefore, the Draft EIR provides an adequate assessment of the Project’s impacts to the community character in the vicinity of the Project site.</p>
IND106-27	<p><b>Photovoltaic panels</b></p> <p>Page 4.1-45 this analysis is inadequate and, indeed, irresponsible. The DEIR concedes that “the location and materials for the panels is not yet known,” yet inexplicably concludes that the impact after mitigation is less than significant. Stating that a field of voltaic panels will be sited and</p>	<p>The Draft EIR acknowledges that details regarding photovoltaic panels are unknown. CEQA does not require a project to exist in its precise final form before it is studied. Instead, CEQA review must occur “before a project gains irreversible momentum” (<i>City of Antioch v. City of Pittsburg</i> (1986) 187 Cal.App.3d 1325, 1333- 1334). In other words, CEQA requires agencies to prepare EIRs “as</p>

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	<p>angled so that as to “minimize,” “to the maximum extent <i>possible</i>” their impacts, and then baldly concluding that the impact will be less than significant, is unjustifiable. The impacts cannot be truthfully assessed without complete information about the materials, location and angles.</p>	<p>early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (see <i>CEQA Guidelines</i> Section 15004, subd. (b); <i>Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners</i> (2001) 91 Cal.App.4th 1344, 1358). To provide an environmentally conservative analysis, the Draft EIR identifies a significant impact associated with photovoltaic panels and includes mitigation consistent with a level of mitigation that would be required if details were known.</p>
<p>IND106-28</p>	<p><b>Chapter 4.2 Air Quality</b>  <b>The DEIR should include Springbrook Community Pool, Happy Days preschool, Grace Church preschool and Diablo Valley Montessori School, as Sensitive Receptors.</b>                      Springbrook occupies a 3.5 acre site and has over 250 children on its swim team and is a very active club nearly all year round.</p>	<p>Please see response to Comments PC1-56, PC1-57, IND72-5, and IND72-8. Health risk modeling was conducted in accordance with the Bay Area Air Quality Management District (BAAQMD) methodology. Happy Days Preschool and Diablo Valley Montessori School were evaluated as sensitive receptors in addition to Springhill Elementary School and Acalanes High School. Risks at the receptor locations were calculated as follows:</p> <ul style="list-style-type: none"> <li>◆ Diablo Valley Montessori School – 8.2E-07</li> <li>◆ Happy Days Learning Center – 5.1E-06</li> <li>◆ Springhill Elementary School – 6.0E-07</li> <li>◆ Acalanes High School – 2.1E-06</li> </ul> <p>The Springbrook Pool is east of Acalanes High School and would be considered a recreational receptor. Since it is farther from the proposed Project site than Acalanes High School and the exposure duration is shorter (conservatively assuming two hours/day for five days a week versus eight hours per day at the high school), the calculated risk at this location would be 75 percent less than the calculated risk at the high school, which was below the threshold value of 10 in a million. The Grace Cooperative Preschool at 2100 Tice Valley Boulevard in Walnut Creek is approximately 2.2 miles southwest from the Project site. It is much farther than the Diablo Valley Montessori School, which is about 0.3 mile west of the Project site. Because the Diablo Valley Montessori School has a calculated risk value of 8.2E-07, which is well below the 10 in a million threshold, the Grace Cooperative Preschool would have a much lower risk and also would be below the significance threshold.</p>

**Comment # Comment**

**Response**

IND106-29

**The DEIR does not include adequate mitigation measures to control air quality during the grading and earth movement stage of the construction.**

Given the unprecedented amount of earth-moving required, the hillside nature of the site, and the location opposite a high school, near three pre-schools and close to Springbrook Community Pool, the BAAQMD Basic Controls for reducing PM won't be enough. The wind can pick up here in the late afternoon and evening, and we would expect the following mitigation measures (which have been adopted for other sites in CA) to be incorporated in the EIR, in addition to the proposed measures in the DEIR, in order for the Environmental Significance to be reduced to "L TS".

- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- Air monitoring devices should be installed around the perimeter of the site and at nearby sensitive receptor locations. The monitors should be analyzed once every 24 hours by an independent testing laboratory.
- All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at

The Bay Area Air Quality Management District (BAAQMD) has prepared guidelines that can assist lead agencies in determine whether a project's construction and operational activities have the potential to result in a significant air quality impacts to receptors proximate to the site. For particulate matter generated by construction activities, the impacts are based on 1) the fugitive dust that is generated by ground-disturbing activities and 2) from equipment and vehicle exhaust. Implementation of BAAQMD's Basic Control Measures for fugitive dust control ensures that construction contractors comply with BAAQMD Regulation 6, Rule 1: General Requirements. Compliance with existing regulations and BAAQMD's Basic Control Measures would result in less than significant air quality impacts at sensitive receptors surrounding the Project site. However, Mitigation Measure AQ-1 has been amended, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR to prohibit ground-disturbing activities when wind speeds exceed 25 miles per hour and wind breaks for storage piles. Prohibiting visible dust plumes is already restricted by BAAQD Regulation 6, Rule 1. Monitoring devices do not limit the amount of fugitive dust produced and therefore this measure is not warranted; in addition, BAAQMD maintains monitoring stations in the SFBAAB. The Basic Control Measures require watering to reduce fugitive dust and therefore lab testing of soil to ensure that the soil is sufficiently wetted is not warranted. The Basic Control Measures require the construction contractor to sweep streets to ensure that fugitive dust from tire track out is minimized.

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	<p>any one time.</p> <ul style="list-style-type: none"> <li>• Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 24 hours. The Air District’s phone number shall a/so be visible to ensure compliance with applicable regulations.</li> </ul>	
IND106-30	<p><b>Chapter 4.5 Geology, Soils, and Seismicity</b></p> <p>The DEIR is insufficient because it does not consider loss of topsoil due to the estimated 400,000 cubic yards of soil grading that is part of the recommended alternative, with 300,000 cubic yards of soil to be shipped off-site.</p> <p>The legible portions of the existing and future grading maps in the DEIR indicate that the recommended alternative would involve the following:</p> <ul style="list-style-type: none"> <li>• Removing the top 20-50 feet of the ridge over a fairly large area</li> <li>• Filling large low-lying areas of the property with 1 0-30+ feet of newly placed soil.</li> <li>• Grading an estimated 400,000 cubic yards of soil, equivalent to a cube of dirt the size of an NFL football field that is 75 yards high. Since the project is at the preliminary design stage, this estimate may even grow.</li> <li>• Excavating and off-hauling 300,000 cubic yards of soil to a landfill, involving 25,000 to 30,000 large dump truck trips.</li> </ul> <p>The DEIR currently indicates that the project will not result in loss of topsoil so long as regulatory requirements are followed for storm water protection and erosion control. While this may be true for a project where the main loss of topsoil would be from storm water runoff and erosion, that is not the cases for the proposed Terraces project. The proposed project is designed to remove, fill, and re-contour a large portion of the existing near-surface soils. This is a very large grading project, and the above site preparation <i>will</i> result in substantial loss of topsoil. The DEIR is insufficient by not considering erosion/loss of topsoil as a direct result of the 400,000 cubic yards of soil grading and 300,000 cubic yards of</p>	<p>This comment incorrectly describes the loss of topsoil impacts of the proposed Project analyzed in the Draft EIR. Under CEQA, the removal of soil as part of the grading phase is not considered an environmental impact in and of itself. However, if the removal of the soil were to subsequently cause harm to the environment then the removal of the soil could be considered an environmental impact. As discussed in Chapters 4.2, Air Quality, 4.3, Biological Resources, and 4.8, Hydrology and Water Quality, impacts to air quality, riparian habitat, and water quality, respectively, were found to be less than significant with implementation of mitigation measures. Accordingly, the Draft EIR has sufficiently addressed impacts associated with the loss of topsoil as a result of Project implementation.</p>

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	off-hauling.	
IND106-31	<p><b>Appendix E</b>  <b>The DEIR does not adequately address conflicts of the recommended Terraces project alternative with the Hillside Ordinance District (HOD).</b>                      A Class I Ridgeline and setback is located on the project site, as shown on the Lafayette Area Ridge Map (Figure 3-4 of the DEIR). The grading plans in Appendix E illustrate that the ridgeline is actually planned to be removed, with <i>grading cuts of up to 50 feet within the Class I Ridgeline setback area.</i></p>	<p>As shown on Figure 3-4 on page 3-6 in Chapter 3, Project Description, of the Draft EIR, and correctly described by the commentor, a portion of the proposed Project is proposed within the 400-foot Setback of the Class I Ridgeline and as shown on page 3-32 of the Draft EIR, the Project would require a Hillside Development Permit for development within the Hillside Overlay District, under Chapter 6-20, Hillside Development, Lafayette Municipal Code. The commentor is directed to Chapter 4.9, Land Use and Planning, which includes a summary of the City of Lafayette Hillside Development Requirements on pages 4.9-2 through 4.9-4 and a detailed policy consistency analysis on pages 4.9-24 through 4.9-30. As found on page 4.9-30, inconsistency with the Hillside Development Permit requirements would be a significant and unavoidable impact.</p>
IND106-32	<p>The project has many conflicts with the Hillside Development Ordinance, which establishes, among other things, regulation of visual, grading, and other development impacts within the HOD. The DEIR announcement from Anne Meredith indicates “The Project will require a Hillside Development Permit, Ridgeline Exception” The Hillside Development Ordinance outlines the findings that must be made in order to grant an exception, and we feel that the recommended project alternative - very clearly- conflicts with many findings needed to allow an exception to requirements of the Class I Ridgeline setback (Article 6 Section 2071 ). Examples are copied in italics below, with additional comments in bold</p> <p><i>Hillside Ordinance 6-2071 (b) The development will preserve open space and physical features, including rock outcroppings and other prominent geological features, streams, streambeds, ponds, drainage swales, native vegetation, native riparian vegetation, animal habitats and other natural features;</i></p> <p><b>The mass grading of the project area throughout the property will not support a finding that the project complies with 6-2071(b).</b></p>	<p>Conflict with Hillside Section Ordinance 6-2071(b) is addressed in Table 4.9-2 of the Draft EIR. As discussed in Impact LU-3 of the Draft EIR, the proposed Project would result in a significant and unavoidable impact due to inconsistencies with Hillside Development Permit requirements.</p>
IND106-33	<p><i>Hillside Ordinance 6-2071 (c) Structures in the hillside overlay district will, to the extent feasible, be located away from prominent locations such as ridgelines, hilltops, knolls and open slopes;</i></p>	<p>The proposed Project’s consistency with the Hillside Ordinance Section 6-2071(c) is addressed in Table 4.9-2 of the Draft EIR. As stated in Table 4.9-2, proposed building heights were designed to use the existing terraces and to comply with the</p>

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	<p><b>The location and large scale of the project within the Class I Ridgeline setback area will not support the finding that the project complies with 6-2071 (c).</b></p>	<p>height limits required under the Hillside Overlay District. However, as addressed by Impact LU-3 of the Draft EIR, the Project would result in a significant and unavoidable impact due to inconsistencies with other Hillside Development Permit requirements.</p>
IND106-34	<p><i>Hillside Ordinance 6-2071 (d) the development, including site design and the location and massing of all structures and improvements will, to the extent feasible:</i></p> <p><i>(1) Minimize the loss of privacy to surrounding residents and not unduly impact, restrict or block significant views;</i></p> <p><i>(2) Not have a significant visual impact when viewed from lower elevations from public places, using the viewing evaluation map as a guide to establish locations from which views are considered; and</i></p> <p><i>(3) Not interfere with a ridgeline trail corridor or compromise the open space or scenic character of the corridor.</i></p> <p><b>The DEIR project visualizations indicate that the location and large scale of the project within the Class I Ridgeline setback area will not support the finding that the project complies with 6-2071 (d), particularly (d)(2).</b></p>	<p>Conflict with Hillside Ordinance Section 6-2071(d) has been already addressed in Table 4.9-2 of the Draft EIR. As discussed in Table 4.9-2, the proposed Project would result in significant visual impacts. As discussed in Impact LU-3 of the Draft EIR, the Project would result in a significant and unavoidable impact due to inconsistencies with Hillside Development Permit requirements.</p>
IND106-35	<p><i>Hillside Ordinance 6-2071 (e) Within 100 feet of a restricted ridgeline area, or when an exception to a ridgeline setback has been granted, the development will result in each structure being substantially concealed by terrain or vegetation when viewed from lower elevations from public places, using the viewing evaluation map as a guide to establish locations from which views are considered.</i></p> <p><b>The DEIR project depictions indicate that this is actually within the Class I Ridgeline setback area, not just within 100 feet, and will not support the finding that the project complies with 6-2071 (e).</b></p>	<p>Conflict with Hillside Ordinance Section 6-2071(e) is addressed in Table 4.9-2 of the Draft EIR. As discussed in Table 4.9-2, and as shown in the visual simulations in Chapter 4.1, Aesthetics, of the Draft EIR, not all buildings would be screened from view. As discussed in Impact LU-3 of the Draft EIR, the proposed Project would result in a significant and unavoidable impact due to inconsistencies with Hillside Development Permit requirements.</p>
IND106-36	<p><i>Hillside Ordinance 6-2071 (f) Development grading will be minimized to limit scarring and cutting of hillsides especially for long roads or driveways, preserve existing geologic features, topographic conditions and existing vegetation, reduce short and long-term erosion, slides and flooding, and abate visual impacts;</i></p>	<p>Conflict with Hillside Ordinance Section 6-2071(f) is addressed in Table 4.9-2 of the Draft EIR. The proposed Project includes extensive grading and would result in visual impacts and the loss of existing vegetation. As discussed in Impact LU-3 of the Draft EIR, the Project would result in a significant and unavoidable impact due to inconsistencies with Hillside Development Permit requirements.</p>

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	<p>The mass grading of 400,000 cubic yards, removal of ridgeline features within the Class I Ridgeline setback area, and significant re-contouring of topography throughout the parcels, will not support the finding that the project complies with 6-2071 (f).</p>	
IND106-37	<p>DEIR maps in Appendix E that illustrate existing and future elevations are barely legible or illegible, making it difficult to identify areas and amount of cut/fill as a result of the recommended project. Typically a cut/fill map will be prepared for this specific purpose, because so many of the project environmental impacts can result from the footprint of excavation and grading. This ambiguity is a deficiency.</p>	<p>The commentator incorrectly states that the provision of Project’s Preliminary Civil Engineering Plans included in Appendix E of the Draft EIR is a deficiency of the Draft EIR. CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur “before a project gains irreversible momentum” (<i>City of Antioch v. City of Pittsburg</i> (1986) 187 Cal.App.3d 1325, 1333- 1334). In other words, CEQA requires agencies to prepare EIRs “as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (see <i>CEQA Guidelines</i> Section 15004, subd. (b); <i>Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners</i> (2001) 91 Cal.App.4th 1344, 1358). Furthermore, Section 15003 also explains the emphasis of CEQA upon good-faith efforts at full disclosure rather than technical perfection:</p> <p><i>(i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR’s environmental conclusions, but only determines if the EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692).</i></p> <p><i>(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553).</i></p> <p>The Project Preliminary Civil Engineering Plans are the initial plans prepared for the Project and are considered standard plans for the preparation of an EIR under CEQA. Final Civil Engineering Plans would be prepared for the Project and subject to the approval of the City upon approval of the final Project design. Accordingly, the Preliminary Engineering Plans prepared for the proposed Project</p>

Comment #	Comment	Response
IND106-38	<p><b>Chapter 4.8 Hydrology and Water Quality</b></p> <p>The DEIR presents conclusions that Reliez Creek will not be affected by the recommended alternative, but is deficient in that it does not support the conclusion through a hydrology analysis to demonstrate that downstream waters will be protected after the significant grading and drainage modifications at the site. The impact of this is an incomplete evaluation of project impacts on downstream erosion and decreased water quality in Reliez Creek.</p>	<p>are adequate for the preparation of the environmental analysis of the Project.</p> <p>The comment expresses a concern regarding the environmental analysis of the downstream water quality impacts to Reliez Creek as a result of the Project, but does not provide guidance on what additional analysis should be prepared. The commentor incorrectly states that environmental evaluation provided in the Draft EIR with regards to downstream erosion and decreased water quality in Reliez Creek is incomplete and the analysis in the Draft EIR does not support the conclusion. The commentor does not provide factual support for this assertion. Section 15204(c) of the CEQA Guidelines states that “Reviewers should explain the basis for their comments, and, should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Given that an effect is not considered significant in the absence of substantial evidence, subsection (c) advises reviewers that comments should be accompanied by factual support.</p> <p>Chapter 4.8, Hydrology and Water Quality, of the Draft EIR fully discloses that the proposed Project would require grading to create the building pads, to construct the on-site roadways, and for installation of utilities, and that if not controlled, the transport of loose soils to local waterways would temporarily increase suspended sediment concentrations and release pollutants attached to sediment particles, which can accumulate at downstream storm drain inlets and reduce capacity. In addition, Chapter 4.8 describes that the Project development would result in an increase in impervious surfaces, which could result in increases in peak runoff rates at downstream drainage facilities and could potentially create downstream drainage and erosion problems. The Project would be required to submit a Notice of Intent (NOI) Stormwater Pollution Prevention Plan (SWPPP), and erosion control plan prior to the commencement of construction activities. The Project applicant has proposed a complex on-site drainage control and detention system to ensure that off-site runoff rates and volumes do not exceed pre-development levels. A Preliminary Stormwater Control Plan (SWCP) provides the size, capacity, and location of the 18 bioretention areas and the supporting calculations in Appendix G of the Draft EIR. Similar to the discussion</p>

Comment #	Comment	Response
IND106-39	<p>The DEIR describes post-development hydrology drainage system that includes the use of 19 drainage management areas. The DEIR further references a preliminary storm water control plan, included as Appendix G. Per page 4.8-10, “Storm water runoff from each DMA drains to a bioretention facility, which has been sized for both flow control and treatment, in accordance with Provision C3 requirements. However, nowhere in either the DEIR or Appendix G is the ability of the bioretention facility to manage storm water runoff from the site demonstrated.</p>	<p>previously provided in response to comment IND 106-37, the Preliminary SWCP is conceptual in nature and as noted on page 4.8-23, the additional hydrologic analyses and detailed system design specifications would be provided to the City prior to the issuance of grading permits. Also, a Storm Water Control Operation &amp; Maintenance Plan would be prepared for review by the City and a Stormwater Management Facility Operation and Maintenance Agreement would be signed indicating the applicant or its successor-in-interest would accept responsibility for the operation and maintenance of the stormwater facilities in perpetuity.</p>
IND106-40	<p>As described in Appendix G, page 7, “the proposed storm drain system ... generally maintains the existing hydrology of the site ... “. However, on page 4 of Appendix G it states “The existing site is roughly 3.3% impervious. The proposed site will be 53% impervious”. It has not been demonstrated how the proposed drainage system for the site can maintain the site hydrology given more than an increase of an acre of impervious areas (as stated on page 6 of Appendix G).</p>	<p>This comment correctly describes the proposed Project’s drainage management areas (DMAs) discussed in Chapter 4.8, Hydrology and Water Quality, in the Draft EIR, and expresses a concern about the adequacy of these proposed bioretention areas. As discussed in response to comment IND106-38, the Preliminary Stormwater Control Plan (SWCP) prepared for the Project and included in Appendix G of the Draft EIR provides the size, capacity, and location of the 18 bioretention areas and the supporting calculations. The sizing calculations for the bioretention facilities are provided in Appendix B of Appendix G (see pages 50 to 58). The Preliminary SWCP was prepared by experts in the field in accordance with the California Regional Water Quality Control Board for the San Francisco Bay Region Provision “C.3” to the National Pollutant Discharge Elimination System (NPDES) permit governing discharges from the municipal storm drain systems of cities within Contra Costa County and the Contra Costa County Water Program Storm Water C.3 Guidebook (5th Edition, October 2010).</p>

**Comment # Comment**

**Response**

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		<p>series of bioretention basins, which would serve to maintain the sites existing hydrology. The implementation of the bioretention areas would allow the drainage on the project site to remain similar to existing conditions. Although the proposed Project will increase the amount of impervious areas, the bioretention facilities are designed to temporarily retain the increase in site runoff that results from development and hold it so that it can be slowly released. As a result, post-development runoff rates would not exceed pre-development rates and therefore the existing hydrologic conditions from the site would be maintained. Please also see responses to comments IND106-38 and IND106-39.</p>
IND106-41	<p>Page 4.8-22 of the DEIR notes that “Project development would result in an increase in impervious surfaces, which could result in increases in peak runoff rates at downstream drainage facilities and could potentially create downstream drainage and erosion problems.” The document then notes that the proposed onsite drainage control and detention system will ensure that off-site runoff rates and volumes do not exceed pre-development levels. The Preliminary SWCP is referenced as proof to this point. However, the preliminary SWCP only deals with water quality BMPs and notes on page 6 of Appendix G that “the sloped landscaped areas are self-treating and drain directly to the treated storm drain system.” The local storm drain system drains to Reliez Creek, which has been experiencing downcutting/scouring and bank instability due to the cumulative impacts of runoff routing on the creek’s peak hydrograph. Nowhere in Appendix G is the project’s impact on the peak hydrograph of Reliez Creek evaluated, nor is the ability of the proposed development’s storm water management system to reduce peak flows from the site demonstrated.</p>	<p>The commentor correctly describes the proposed Project’s potential impacts from increases in peak stormwater runoff rates at downstream drainage facilities. However, the comment incorrectly states that the Preliminary Stormwater Control Plan (SWCP) only deals with water quality Best Management Practices (BMPs) and does not demonstrate how the Project’s proposed drainage management areas would control peak stormwater runoff. As described in Chapter 4.8, Hydrology and Water Quality, on pages 4.8-22 and 4.8-23, and correctly noted by the commentor, the proposed on-site drainage control and detention system would ensure that off-site runoff rates and volumes do not exceed pre-development levels. To comply with the Contra Costa County Water Program’s Hydromodification Management Plan (HMP), the Project’s Integrated Management Practices (e.g. bioretention areas) have been prepared by experts in the field and designed in accordance with the program’s Low Impact Development (LID) site design procedures and facility sizing tools, as defined in the Contra Costa County Water Program Storm Water C.3 Guidebook (5th Edition, October 2010). As noted on page 4.8-22 of the Draft EIR, these design elements would reduce the potential for increased runoff. Existing drainage from the Project site is directed to a concrete arch culvert along the northeastern edge of the Project site and three concrete metal pipes in the southern and eastern portions of the Project site. The runoff from the sloped landscaped areas would not be substantially different from the runoff rates of the existing site and could be accommodated by the local storm drain system without adversely impacting Reliez Creek.</p>
		<p>As previously noted, the size, capacity, and location of the bioretention areas and</p>

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		<p>the supporting calculations are provided in the Preliminary SWCP and were included in Appendix G of the Draft EIR. As described in response to comment IND106-37, CEQA does not require a project to mature to its precise final form before it is studied. Accordingly, as provided on page 4.8-23 of the Draft EIR, additional hydrologic analyses and detailed system design specifications would be provided to the City prior to the issuance of grading permits. Also, a Storm Water Control Operation &amp; Maintenance Plan would be prepared for review by the City and a Stormwater Management Facility Operation and Maintenance Agreement would be signed indicating the applicant or its successor-in-interest would accept responsibility for the operation and maintenance of the stormwater facilities in perpetuity. Therefore, the Preliminary SWCP prepared for the Project and included in Appendix G of the Draft EIR is adequate for the preparation of the environmental analysis of the Project.</p>
IND106-42	The cumulative impacts analysis for this section of the DEIR does not address potential impacts to Reliez Creek (including scouring and bank instability) resulting in changes to the creek's runoff hydrographs resulting from cumulative impacts of development in the area.	<p>As discussed in response to comments IND106-38 through IND106-41, the Preliminary Stormwater Control Plan prepared for the proposed Project does adequately address the Project's potential impacts to water quality and increased stormwater runoff considering the preliminary nature of the Project design at the environmental review phase of the Project approval process. As found in Chapter 4.8, Hydrology and Water Quality, of the Draft EIR, with implementation of Mitigation Measures HYDRO-1a, HYDRO-1b and HYDRO-2, Project impacts to water quality and stormwater runoff, which could result in scouring and bank instability, would be less than significant. CEQA Guidelines Section 15355 describes a cumulative impact as the impact from several projects that results in a change in the environment from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. As described on page 4.8-25 of the Draft EIR, the impacts of the proposed Project with respect to surface runoff and groundwater are predicted to be minimal, but would incrementally contribute to the increase in stormwater runoff and pollutant loading to the nearby storm drains. Because the post-development runoff rates will not differ from pre-development rates, the creek's runoff hydrograph would not change with implementation of the Project and scouring/bank instability would not occur.</p>

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Comment #	Comment	Response
IND106-43	<p>The DEIR and the preliminary SWCP in Appendix G describe the proposed storm water drainage system as “Drainage from sloped landscape areas are collected with earthen ditches lined with jute netting which allows drainage to flow directly to the treated storm drain systems which bypass bioretention areas and discharge to offsite storm drainage facilities” (page 5 of Appendix G). Again, the analysis included in the DEIR does not address the direct impacts that this drainage will have on the peak hydrograph of Reliez Creek (the downstream receiving waters) nor the potential impacts on the creek resulting from this routing. Further, jute is a natural fiber and will decay over time. Long-term, the jute will decay and drainage from the site will be collected in earthen ditches without any form of erosion control, and may result in the downstream release of entrained soil in runoff into Reliez Creek. Reliez Creek is considered a navigable water of the U.S. per 40 CFR 122.2.</p>	<p>At the time of writing this Final EIR, the closely related past, present, and reasonably foreseeable probable future projects within three miles of the proposed Project have been reviewed by the City, and some are under construction. As with the proposed Project, these related projects are required to comply with drainage and grading regulations and ordinances that control runoff and regulate water quality at each development site; to demonstrate that stormwater volumes could be managed by downstream conveyance facilities and would not induce flooding; and required to comply with the City’s standard conditions of approval, regulations, and ordinances regarding water quality and NPDES permitting requirements. Accordingly, compliance with these procedures would ensure that cumulative impacts to water quality and stormwater runoff, including impacts to Reliez Creek, would be less than significant.</p> <p>This comment correctly describes the proposed stormwater drainage for areas of the proposed Project site that will bypass the proposed bioretention areas. As discussed in response to comments IND106-38 through IND106-41, the Preliminary Stormwater Control Plan prepared for the Project does adequately address the Project’s potential impacts to water quality and increased stormwater runoff, including impacts to Reliez Creek, considering the preliminary nature of the Project design at the environmental review phase of the project approval process. Existing runoff from the Project site is directed to concrete drainage pipes along the perimeter of the property. Drainage from the sloped landscaped areas would be similar in quantity and quality as the existing drainage from the Project site. With the addition of bioretention facilities for the developed areas of the Project site, which would temporarily retain on-site runoff, the peak hydrograph for Reliez Creek should not be significantly different than existing conditions.</p> <p>The application of earthen ditches lined with jute netting to allow drainage to flow directly to the treated storm drain systems and discharge to the off-site storm drainage facilities are industry standard practices. However, during the review and approval process of the Final Stormwater Control Plan, as required in Mitigation Measure HYDRO-1a, the City may require alternative materials that would serve the same purpose of the jute. Additionally, the commentor speculates that the jute</p>

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		<p>will decay and cause further downstream impacts; however, the maintenance of the jute would be an ongoing process as part of the mitigation monitoring program required under CEQA.</p>
IND106-44	<p><b>Chapter 4.9 Land Use and Planning</b>  <b>The DEIR fails to make clear under Land Use and Planning that multi-family residential is not permitted by right under the existing APO zoning.</b>                      Multi-family housing requires a Conditional Use Permit under APO zoning. Consideration of a CUP is a discretionary act. According to the State Office of Planning and Research, “a Conditional Use Permit (CUP) allows a city or county to consider special uses which may be desirable to a particular community, but which are not allowed as a matter of right within a zoning district. Another traditional purpose of the CUP is to enable a municipality to control certain uses which could have detrimental effects on the community”. We believe the latter circumstance applies here, which is why multi-family was not included originally as an approved use within the APO zoning district. The proposed project is therefore not consistent with the existing zoning -only an office development can be developed by right. This is an important distinction that the DEIR fails to make.</p>	<p>The comment is correct that multi-family residential uses in the APO zoning district are not permitted by right. Page 3-1 of the Draft EIR correctly states that a land use permit is required to build multi-family housing in the APO district. The decision making body for the Project will consider the application for the land use permit after the environmental review is completed, and determine if the findings required by Section 6-215 of the Lafayette Municipal Code can be made.</p>
IND106-45	<p><b>Chapter 4.11 Population and Housing</b>  <b>The DEIR fails to address the proposed project’s inconsistency with the Housing Element of the General Plan.</b>                      The proposed project site is not identified nor required under the Housing Element for Moderate or any other type of housing in order to meet the City’s Regional Housing Needs allocation. The City’s Regional Housing Needs allocation is for just 80 Moderate income units. The proposed project will provide 315 units and is therefore unnecessary.</p>	<p>The commentor is correct that the proposed Project site is not included in the Housing Element’s inventory of potential sites. However, it is incorrect to say that the Project is inconsistent with the Housing Element. See response to Comment ORG1-258. RHNA provides guidance to the City on allocating affordable housing units, but does not preclude the City from allowing more affordable or market-rate housing units.</p>
IND106-46	<p><b>The DEIR under-estimates the forecast population of the new project by at least 295, and consequently the traffic and other population-</b></p>	<p>As described in Chapter 3, Project Description, of the Draft EIR, approximately 88 percent of the proposed 315 units would be one- and two-bedroom units.</p>

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	<p><b>dependent project impacts are underestimated.</b>                      Page 3-16 of the DEIR states that “Based on the 2010 United States Census Bureau Census household size of 2.09 persons per household, the Project would generate approximate 658 residents.” The 2010 U.S. Census notes an average of 2.89 persons per household in the state, and 2.74 persons per household in Contra Costa county, substantially higher than Lafayette’s 2.09. Lafayette’s average is based on a much smaller rental housing inventory, and therefore the larger county and state inventories give more robust statistical estimates of average occupancy for a blended rental housing inventory such as the 300+ unit proposed Terraces project.</p>	<p>Similarly, in Lafayette as a whole 83 percent of rental units are one- and two-bedroom units.<sup>9</sup> Accordingly, the Draft EIR applied the U.S. Census Bureau population generation factor for the average household size for renter occupied units of 2.09.<sup>10</sup> The application of generation factors from the U.S. Census Bureau for the City of Lafayette as opposed to the State or Contra Costa County is an accepted practice for estimating population in the City. Please see response to Comment IND90-6. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.</p>
IND106-47	<p>There are currently no rental projects of this scale in Lafayette, it makes more sense to use the more robust statistical averages outside of Lafayette. We believe all the calculations of impacts in the EIR based on population need to be recalculated based on the Contra Costa County average of 2.74 or the state average of 2.89.</p>	<p>The application of generation factors from the U.S. Census Bureau for the City of Lafayette as opposed to the State or Contra Costa County is an accepted practice for estimating population in the City. See responses to Comments IND90-6 and IND106-46. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.</p>
IND106-48	<p><b>Chapter 4.12 Public Services</b>  <b>The DEIR under-estimates the number of students this project would generate. Page 4.12-26 of the DEIR states the general yield rate of 0.2, the footnote indicates that the yield rate was taken from the adjacent Walnut Creek School District.</b>                      If Lafayette itself does not have its own yield rate, than a more accurate comparison would be to use a yield rate from Orinda or Moraga. In addition, this project is in walking distance to Springhill Elementary and Acalanes High School and therefore may generate an even higher yield rate than other developments similar in size and scope.</p>	<p>As discussed in response to Comment PC1-47, the yield rate of 0.2 is close to the LAFSD’s general yield rate for multi-family housing. The LAFSD’s yield rate of 0.413 students (K through 8 Grades) per multi-family unit is only slightly (0.013) higher than the one used in the Draft EIR; since the Draft EIR calculated K-5 and 6-9 Grade students separately with a yield rate of 0.2, this makes the overall rate up to 0.4 per unit. In addition, school districts estimate student generation rates by development type, not by distance.</p>
IND106-49	<p><b>LAFSD</b>  <b>Capacity Page 4.12-26 of the DEIR states If Springhill Elementary School reaches its capacity, the plan will be to mitigate this issue,</b></p>	<p>Consistent with CEQA guidelines, the EIR analysis focuses on whether the proposed Project requires physical remodeling or construction of school facilities that could have a significant effect on the environment. As discussed in the Draft</p>

<sup>9</sup> U.S. Census Bureau American FactFinder, 2008-2010 American Community Survey, Table B25042, <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>, accessed on October 25, 2012.

<sup>10</sup> U.S. Census Bureau American FactFinder, 2010 Census, Table DP-1, <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>, accessed on November 3, 2011.

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	<p><b>“first through inter-jurisdictional transfers and then through the use of portable or modular classroom buildings.” In addition, LAFSD may need to redraw internal K-5 school attendance area boundaries, but yet the DEIR states that this would not constitute an environmental impact.</b></p> <p>Redrawing boundaries line, shuffle students around, and using more portable classrooms would have an impact. This issues needs to be addressed further.</p>	<p>EIR, redrawing boundaries line, transferring students, and using existing portable classrooms do not result in physical alteration, and therefore a less-than-significant impact would occur.</p>
IND106-50	<p><b>Budget</b></p> <p><b>Page 4.12-23 states, “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.”</b></p> <p>This vastly over simplifies the budget and the dollar amounts are inaccurate. The budget numbers need to be verified with LAFSD. Currently, 15.8 percent of the LAFSD budget comes from contributions received from Lafayette Partners In Education (LPIE), Parent Clubs, and Parcel Taxes. Additionally, the DEIR does not require a study on the impact to our schools operating budget, however, it can and it should.</p>	<p>As shown in Appendix L of the Draft EIR, the LAFSD has provided the budget numbers. The comment is correct that CEQA thresholds do not require a study on the impact to school budgets.</p>
IND106-51	<p><b>Developer Fees</b></p> <p><b>Page 4.12-26, As per the DEIR, “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 <i>less than significant</i>.”</b></p> <p>Developer fees would not fully mitigate the impact of new development on school facilities. Developer fees only address the structural impact of the school. A large influx of students requires much more than making physical room for them.</p>	<p>The comment is correct that developer impact fees aim to offset impacts to construction and/or reconstruction of school facilities. As discussed in response to Comment PC1-49, funding for school services (besides physical facilities) is not considered in the environmental impact analysis. In addition, please see response to Comment IND3-4.</p>
IND106-52	<p><b>AUHSD</b></p> <p><b>Page 4.12-24 states that funding is available from three ballot initiatives. Measure E, Measure G and Measure A.</b></p> <p>The wording should include, Measure A will sunset in 2015.</p>	<p>Page 4.12-22 of the Draft EIR correctly states that Measure A began on July 1, 2010 and will generate about \$4 million per year for five years.</p>
IND106-53	<p><b>Page 4.12-25 states that the Project would pay a parcel tax to AUHSD under Measure G, therefore the impact would be less than significant.</b></p>	<p>As discussed in response to Comment PC1-49, funding for school services (besides physical facilities) is not considered in the environmental impact analysis.</p>

Comment #	Comment	Response
	<p>The DEIR fails to note that the proposed project will bring in the same parcel tax dollars as <i>one</i> single family home. The potential for 315 families all paying just one single parcel tax will have a <i>significant impact</i> to the schools.</p>	
<p>IND106-54</p>	<p><b>Capacity</b>                      Page 4.12-25. of the DEIR states that the capacity of Acalanes High School is 1,400 students; current enrollment is 1,366 with a 2012-13 projection of 1,399 students. The 53 or more students would exceed Acalanes High School capacity, and could likely be accommodated through transfers.                      Shuffle students around would have an impact. This issues needs to be addressed further.</p>	<p>As discussed in response to Comment IND106-49, transferring students is not considered as an environmental impact.</p>
<p>IND106-55</p>	<p><b>Chapter 4.13 Transportation and Traffic</b>                      The DEIR discusses the addition of sidewalk on Deer Hill Road (page 3-27), but it will not extend to either downtown or BART, and will consequently promote additional use of automobiles for routine travel in and around the proposed project.                      The DEIR omits from the analysis that the new sidewalk will terminate at the project edge and leave approximately 0.5 mile to the next sidewalk to access on (Brown St) to downtown shopping areas and transit hubs (e.g. BART). No plans are identified to connect the proposed new sidewalk to existing downtown and BART sidewalks. Given the budget difficulties of the City adding new sidewalks, this is a gap in the analysis of the recommended alternative.</p>	<p>The comment incorrectly states that the Draft EIR does not acknowledge that the proposed sidewalk on Deer Hill Road would not extend to downtown Lafayette or the BART station.</p> <p>The Draft EIR estimates Project vehicle trip generation using Institute of Transportation Engineers (ITE) trip data, which represents isolated suburban locations lacking good pedestrian access to downtown areas and transit service, similar to the Project site.</p> <p>Page 4.13-92 of the Draft EIR describes the improvements in the Project vicinity proposed in the City’s Master Walkways Plan, including a walkway on the north side of Deer Hill Road from Pleasant Hill Road to Brown Avenue, listed as a lowest “Priority 4” project.</p> <p>Page 4.13-95 of the Draft EIR states that “Deer Hill Road has no sidewalks in the Project vicinity.”</p> <p>Page 4.13-105 of the Draft EIR states: “The Project site plans propose constructing a 5-foot-wide sidewalk <i>along the Project site frontage</i> [emphasis added] on the south side of Deer Hill Road....”</p>

Comment #	Comment	Response
IND106-56	<p><b>Chapter 4.14 Utilities and Service Systems</b>  <b>The DEIR does not address the potential for the proposed project, with the significant level of earthwork (cut and fill) required, to impact the underlying EBMUD Lafayette No. 1 and 2 aqueducts.</b>                      The DEIR does not indicate the depth of the aqueducts, nor does it address, either directly or indirectly, the potential for the development to create conditions through its construction (specifically, the proposed soil removal) that could impact these aqueducts.</p>	<p>The comments regarding the missing sidewalk connection on Deer Hill Road are acknowledged. However, the Draft EIR provides an accurate description of the sidewalk conditions resulting with the Project.</p> <p>The commentor incorrectly states the Draft EIR does not address the potential for the proposed Project to impact the portion of the East Bay Municipal Utility District (EBMUD) No.1 and No. 2 Aqueducts. Lafayette Aqueduct No. 1 is a seven-mile-long pipe from Walnut Creek to the Orinda Water Treatment Plant. Lafayette Aqueduct No. 2 runs seven miles from the City of Walnut Creek to the Briones Diversion Works near the City of Orinda. The location of the portion of these Aqueducts, which are situated in two 30-foot-wide easements that traverse through the northern section of the Project site, are shown on the preliminary Civil Engineering Plans prepared for the Project in March 2011 included in Appendix E of the Draft EIR. As discussed in Chapter 4.14, Utilities and Service Systems, of the Draft EIR, the Aqueducts at the Project site, referred to as the Pleasant Hill Tunnels, are located in a “sub-surface tunnel easement only,” which does not extend to the surface and would not restrict development on the Project site, provided that the proposed development would not interfere with, damage or endanger the tunnels, or the aqueducts themselves. Any impacts to these Aqueducts that would occur as a result of accident during construction would be speculative. CEQA does not require such analysis. CEQA Guidelines Section 15145 provides that: “If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” As requested in their August 22, 2011 comment letter submitted as part of the Notice of Preparation phase of the Draft EIR, the EBMUD was provided copies of the conceptual Project site plans and Preliminary Civil Engineering plans to review. While no construction over these Aqueducts is preferred by EBMUD, it is not prohibited.<sup>11</sup> The EBMUD’s Procedure 718 — Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses provides the procedures for review and authorization of surface and sub-surface use of EBMUD-owned property containing raw water aqueducts for non-</p>

<sup>11</sup> Rehnstrom, David, Senior Civil Engineer, Water Service Planning, East Bay Municipal Utility District. Personal communication with The Planning Center | DC&E, October 18, 2011.

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		<p>Aqueduct uses. As would any project sponsor of any new development that would occur over these Aqueducts, the Project sponsor is required to adhere to the EBMUD's requirements on use of the right-of-way described in the EBMUD's Procedure 718.<sup>12</sup> Furthermore, all new development applicants must adhere to EBMUD's requirements not to impede the EBMUD's ability to maintain the Aqueducts. Procedure 718 also indicates that use, development, and control of fee-owned rights-of-way for EBMUD and non-EBMUD uses are required to conform to Policy 7.01, Aqueduct Rights-of-Way Maintenance, to be permitted. As noted in response to comment IND106-37, final engineering plans would be prepared for the Project and subject to the approval of the City and EBMUD upon approval of the final Project design.</p>
IND106-57	<p><b>The DEIR states, on page 4.14-23, that EBMUD transports water from Camanche Reservoir to its filter plants in Walnut Creek. EBMUD transports water from Pardee Reservoir, not Camanche Reservoir (which is utilized for downstream runoff management).</b></p>	<p>In response to this comment the first sentence of the last paragraph on page 4.14-23 has been revised as follows:                  Water is transported from <del>Camanche</del> <u>Pardee</u> Reservoir to the initial EBMUD water treatment plants, located in Walnut Creek. Any water not immediately treated and distributed is stored in one of five East Bay reservoirs. The combined maximum storage capacity of these reservoirs is 155,150 acre-feet. San Pablo Reservoir is the northernmost (located in Contra Costa County) and the Briones Reservoir is the largest (located outside of Orinda), and the others include Lafayette Reservoir (located in the southwest corner of Lafayette), Upper San Leandro Reservoir, and Chabot Reservoir (both located in Alameda County).<sup>13</sup></p>

<sup>12</sup> Rehnstrom, David, Senior Civil Engineer, Water Service Planning, East Bay Municipal Utility District. Personal communication with The Planning Center | DC&E, October 18, 2011.

<sup>13</sup> East Bay Municipal Utility District (EBMUD), 2011. All About EBMUD, <http://www.ebmud.com/sites/default/files/pdfs/All-About-EBMUD-2011.pdf>, accessed on November 1, 2011 and October 19, 2012.

Comment #	Comment	Response
IND107	Leslie & Graham Westphal (6/29/12)	
IND107-1	<p>Hello, how are you? I am writing to you in hopes that this is received on time. We are out of town and only recently found out about the deadline. It is currently one minute before 12:00 California time on Thursday June 27.</p> <p>We are residents of the Springhill area and are vehemently opposed to the Terraces project proposed for the corner of Pleasant Hill Road and Deer Hill Road. The current traffic conditions are horrendous and I can't imagine how grid locked it would be if the city to allow any more cars, or traffic on that road. As it stands now, we have to leave our house 30 minutes earlier in the morning just to get through the ONE block from our home on Springhill Road to Deer Hill Road, due to the number of commuters going towards the freeway and students getting to Acalanes.</p> <p>We are opposed to the construction project for numerous other reasons, not the least of which is the obstruction of hillside views; the damming of a creek, the cutting down of one of the largest oaks in all of Lafayette, the environmental impact and the eyesore that it will create in what is currently open space.</p> <p>Please hear our pleas and do not allow this project to come to fruition. We are all hoping the city of Lafayette will do the right thing.</p> <p>Thank you very much for your time.</p>	<p>The commentor expresses opposition to the proposed Project. The comment expresses concerns regarding existing traffic conditions. The Project's traffic impacts are addressed in Chapter 4.13, Transportation and Traffic, of the Draft EIR. The comment does not address the adequacy of the Draft EIR.</p>
<b>ORAL COMMENTS</b>		
PC1	Planning Commission Hearing on the Draft EIR (6/18/12)	
PC1-1	CALL TO ORDER, ROLL CALL INFORMATION, ETC.	<p>The comment includes the introductory part of the public meeting on June 18, 2012. The comment does not address the adequacy of the Draft EIR.</p>
PC1-2	<p>Mr. Moore distributed a handout to staff for the Commission and said they are very disappointed in the Draft EIR. They believe respectfully that the report violates their constitutional rights and due process rights.</p>	<p>The commentor correctly states that the purpose of an EIR is to provide an informational document, but incorrectly states that the Draft EIR for the proposed Project fails to provide the information that helps the Commission and the public</p>

Comment #	Comment	Response
	<p>EIRs are governed by the California Environmental Quality Act which states the purpose of an EIR is to put forth information so the Commission and the public can understand the project. He quoted from Guidelines Section 15121, and said it is not an advocacy document to lead one to a decision, but an informational document. Unfortunately, this EIR fails to give the Commission the information it desires. They anticipated this problem, so as part of their application they worked with staff and the EIR consultant to make a list of the documents needing to be discussed in the EIR. On this list is the document before the Commission.</p>	<p>understand the proposed Project. Pursuant to CEQA Guidelines Section 15124, Chapter 3, Project Description, of the Draft EIR discloses the intended uses of the EIR and describes the Project as proposed.</p> <p>Please see responses to Comments ORG1-2, ORG1-8, and ORG1-12, which explain that the purpose of the Draft EIR is to provide an environmental review of the proposed Project and the EIR for the proposed Project is an informational document that will be used by the City to evaluate the proposed Project.</p> <p>As explained in response to Comment ORG1-27, the documents prepared by the Project applicant have been reviewed and considered during the preparation of the Draft EIR.</p>
PC1-3	<p>The EIR is about 3.5 inches thick and has about 16 significant and unavoidable impacts. About half of those impacts indicate that they are within the Hillside Ordinance and within the City's ridgeline setback. On the face of their application, they submitted extensive consultant information showing they were not in the Hillside District and not within the City's ridgeline setback. They then had ENGEO indicate in its 13-page report precisely where the ridgeline ends. This conclusion shows the ridgeline ends about 650 feet to the west of their project line. The topography map in the EIR is wrong and is based upon topography decades old and shows a ridge going across Highway 24 as if that ridge still exists. ENGEO points that out and concludes there is no ridgeline and they are not within the Hillside District. The EIR's response is nothing and it does not reference the ENGEO report. It does not discuss it or attach it as an appendix.</p>	<p>As previously discussed above, a peer review of the ENGEO study indicates that the City is correct in that a protected ridgeline is in the viewshed.</p>
PC1-4	<p>Other documents on the list they checked out with staff were not even discussed in the EIR or referenced or attached which is a travesty, and he thinks this violates their rights to due process and a fair hearing. In conclusion, the Commission may disagree or agree with the project, but CEQA says EIRs are supposed to be informational. He asked how the information they submitted not be discussed in the EIR.</p>	<p>Please see response to Comment ORG1-27.</p>
PC1-5	<p>Linda Riebel said she is not against affordable housing or infill, but what</p>	<p>Chapter 4.13, Transportation and Traffic, of the Draft EIR includes an analysis of</p>

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	<p>she is against is guaranteed gridlock. There is no way that this project or even a project half its size cannot completely devastate the circulation at the east end of Lafayette. She began reading the traffic section on 4-13 of the EIR and it seems thorough. It is indisputable that the traffic will back up through the collector and arterial roads. It is 1.6 miles from the intersection of Deer Hill and Pleasant Hill to the BART pedestrian entrance. She does not think people will walk, but rather drive to BART. The traffic is already terrible all day long and the construction alone of the development will damage the roads.</p>	<p>levels of service for existing and future years at intersections along Pleasant Hill Road during morning, mid-day, and afternoon peak hours. Chapter 4.13 evaluates potential traffic impacts related to the Project at these intersections. The comment does not address the adequacy of the Draft EIR.</p>
PC1-6	<p>Most important are safety issues. She asked that with guaranteed gridlock, how police, fire and ambulances will reach citizens who need assistance.</p>	<p>As discussed in Chapter 4.13, Transportation and Traffic, of the Draft EIR, Mitigation Measure TRAF-6 (as numbered in the Draft EIR) would reduce the impacts of the Project on emergency vehicle access to a less-than-significant level. The comment does not address the adequacy of the Draft EIR.</p>
PC1-7	<p>Also, ridge protection is something of value and questioned how the legal debate over the legality of the City’s hillside and ridgeline ordinance will play out.</p>	<p>This comment is not related to the adequacy of the EIR, and hence no further response is necessary.</p>
PC1-8	<p>George Wilson, 14 Richelle Court, said he has lived in town for 42 years and is an acoustical and vibration consultant with 46 years’ experience which has included many large EIR studies and reports. The range of projects includes complete new rail systems to smaller residential multi-family units. He founded Wilson and Associates in 1966 and is now President Emeritus. His experience and qualifications for review of the Terraces project Draft EIR are extensive, and include the fact that he wrote the original General Plan noise section for Lafayette and he wrote the original Noise Ordinance provisions.</p>	<p>The comment summarizes the commentor’s experience in the field of acoustics and acoustical consulting, including his involvement with noise planning and noise regulation within the City of Lafayette. The comment does not address the adequacy of the Draft EIR.</p>
PC1-9	<p>The DEIR introductory paragraph on noise at page 4.10-1 indicates that the Noise Chapter incorporates the findings of a noise study prepared by Wilson and Associates in June 2011 and references a third party peer review and supplements to the WIA findings with additional field measurements and noise and vibration calculations by the EIR consultant. What is not pointed out is that the WIA study was only a California Title 24 study designed to identify the project design requirements to comply with the California Building Code Title 24 noise and sound insulation</p>	<p>The Wilson Ihrig &amp; Associates (WIA) report is discussed in the Noise section of the DEIR, including the attachment of the report as Appendix I. The WIA report, in the 3rd and 4th paragraphs of the <i>Introduction</i> section and the 1st paragraph of the <i>Applicable Noise Standards - Noise Study Criteria</i> section, clearly states that the report is intended to assess the proposed project “with respect to the requirements of the California Code of Regulations (CCR), Title 24”. It was not intended to be an environmental impact and mitigation document and it was not used that way in the Draft EIR. Rather, the Draft EIR itself performed the environmental impact</p>

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	<p>requirements. It is a study to determine the requirements to meet the minimum standards for noise and sound insulation in a new multi-family dwelling and not a study to determine environmental impacts and mitigations.</p>	<p>assessment and mitigation investigation using the WIA report as a supplemental information source from which a proper CEQA analysis of potential impacts onto the project (from the outside world) could be conducted.</p>
<p>PC1-10</p>	<p>In fact, in Chapter 7 the list of project team and subconsultants does not include Wilson and Associates. They had no part in preparing this EIR. He confirmed last week with staff that they had no communication since presenting the original report and they were not even aware that an EIR report had been prepared.</p>	<p>As noted in Comment PCI-9, the Draft EIR used the Wilson and Associates' study as a supplemental information source to assess the impacts. Wilson and Associates is not part of the Project team and the City and EIR consultant have not consulted with them in regard to assessing noise impact.</p>
<p>PC1-11</p>	<p>There are a number of things that are wrong with this report, and because of time limitations most of his comments will be in writing. One item is all of the information on groundborne vibration in the report is a terrible demonstration of poor background and information. The entire conclusion that there is no ground vibration potential from the BART trains can only be demonstrated from taking measurements on site and not by taking an FTA screening distance.</p> <p>Commissioner Chastain confirmed Mr. Wilson will be submitting more information in writing.</p>	<p>It is common practice in CEQA impact assessments to conduct this kind of evaluation for potential vibration effects. So common, in fact, that such an approach has been used in most EIR documents. The referenced FTA document (entitled <i>Transit Noise and Vibration Impact Assessment</i>) which is used nationwide for FHWA and state transit projects, is organized so that the manual's user would move through successive steps of analysis; from a screening procedure to a general assessment, to a detailed analysis (for both noise or vibration). The basis for the increasing depth of evaluation is that if no impacts are indicated at any given step, then subsequent steps are not necessary to be performed. The prudence of this approach and the conservatism built into the evaluation methodologies have been verified over many years and several versions/updates of this document. Thus, performing on-site measurements is not the only way to demonstrate the ground vibration potential from BART trains. Further, the proposed Project site would not be expected to experience substantially different vibration levels from either freeway traffic flows or BART movements as would the many existing residential structures on or near Circle Creek Drive, Loveland Drive, Linda Vista Lane, Mount Diablo Court, Old Tunnel Road, or Viela Court, as these structures are at similar distances from the vibration sources as are the project's first-row buildings. There are no known, undue vibration issues with these existing structures, which would tend to reinforce the sensibility of using the FTA screening methodology in this situation.</p> <p>Mr. Wilson's written comments are included as Comments IND104-1 through IND104-17 in this table.</p>

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PC1-12	<p>Vice Chair Maggio said as a result of this she asked how it has impacted the content and conclusions of the EIR. Mr. Wilson said there is no support whatsoever for the conclusion that the potential ground vibration from the BART trains is an insignificant impact. They do not even mention the ground vibration from trucks on Highway 24 which is even closer to the buildings. Vice Chair Maggio asked if Mr. Wilson was inferring there could be greater impacts. Mr. Wilson said he is inferring there may be an impact; that no measurements were done and the study should be completely restarted as far as the vibration section is concerned and should begin with on-site measurements.</p>	<p>As with the response to Comment PC1-11 above, the lack of demonstrated vibration issues or concerns at existing structures on or near Circle Creek Drive, Loveland Drive, Linda Vista Lane, Mount Diablo Court, Old Tunnel Road, and/or Viela Court due to freeway truck traffic indicates that there are no significant problems. The DEIR should have included a statement addressing SR-24 vehicle vibration similar to the following: Because the rubber tires and suspension systems of trucks and other on-road vehicles provide vibration isolation, it is unusual for on-road vehicles to cause groundborne noise or vibration problems. Groundborne vibrations are mostly associated with passenger vehicles, busses, and trucks traveling on poor roadway conditions such potholes, bumps, expansion joints, and other discontinuities in the road surface (FTA, 2006). Because there are no demonstrated vibration problems from roadway or railway vehicle movements at existing structures (which are at similar or closer distances than project facilities) and given the well-accepted guidance and methodologies of the FTA assessment document, no future transportation-induced vibration impacts are predicted at the project site. Thus, the Draft EIR's assessment is viewed as being suitable and appropriate such that no further assessment is warranted and no on-site measurements are justified.</p>
PC1-13	<p>Commissioner Mitchell said in the EIR there are plan objectives, such as to supply housing for the area. He asked staff where this was located.</p>	<p>The proposed Project objectives are listed on page 3-12 of Chapter 3, Project Description, of the Draft EIR. The objectives #1 and #2 address housing supply issues.</p>
PC1-14	<p>Bruce Peterson, St. Mary's Road, said the same people are opposing this project are the same people who wanted to raise taxes to pay Lafayette's own little dead end streets. Some people call the site the Christmas tree lot. The biggest part of the project consists of a huge ugly old quarry. The present owner has hired a company to make the best use of this old quarry and hired the best attorney to help them. This attorney has a good record of winning lawsuits against the City of Lafayette. If one wants to make attorneys rich, he asked the Commission to scream out its opposition in improving the ugly old quarry. If the Commission wants the City, County and School District to reap windfall and property tax, remain silent. There is a 150-unit apartment complex across the freeway from this project and he has never noticed it creating any problems. If</p>	<p>The comment states that the Commission should approve this Project to reap property tax and because the City will lose in the lawsuit against the Applicant. The comment also mentions that another apartment project in the vicinity of the Project has not created any problems. The comment does not address the adequacy of the Draft EIR.</p>

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	people want to keep the ugly old quarry growing star thistles, he suggested raising the money to buy it or lease it.	
PC1-15	James Wilson, Rancho View Road, said he is not familiar with this process, but looked at the EIR report and was amazed at its size. But he is reminded of something Bob Dylan saying, “You don’t need to be a weatherman to know which way the wind blows.” He has been commuting this road for 32 years. He does not live on St. Mary’s Road, but he can tell the Commission it will have a significant impact. He cannot express it enough, but the visual and traffic impacts will be horrendous. There have been times when it has taken longer to go 1.5 miles on Pleasant Hill Road than it takes him to get to the Tunnel, and it will be that much worse with the schools in the area.	The comment expresses concerns about the traffic and visual impacts associated with the proposed Project on the neighborhood. Chapter 4.13, Transportation and Traffic, of the Draft EIR addresses the traffic impacts. The comment does not address the adequacy of the Draft EIR.
PC1-16	This does not take into account the visual impacts, open space, and consideration of the ridgeline which is terribly visible. There is nothing in this project that fits Lafayette, and he voiced his opposition now.	The comment expresses opposition to the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
PC1-17	Charles Clark, Matthews Court, Pleasanton, said Lafayette and Pleasanton are similar. Pleasanton had a 29,000 unit housing cap where no more rental units could be built. This was challenged because of constitutionality reasons. The City voted it in overwhelmingly but the State basically reversed it. Lafayette has similar techniques to get the same result. From what he has seen, Lafayette’s population has been declining over the last few decades from 32,000 to 28,000. He is in the apartment rental business and would like to build more, but from what he has seen here, if a building can be seen it cannot be built. Lafayette is anti-growth, anti-development, anti-residential housing and he would like to see more projects built. This project is a good one; it is near a school, it has lots of circulation in and out of it, and he supported it be approved.	The comment supports the proposed Project. The comment does not address the adequacy of the Draft EIR. No response is required.
PC1-18	Norm Dyer, LCA Architects, Walnut Creek, said they prepared the architectural design for the Terraces project and several additional project studies and exhibits, two of which are conspicuously absent from the DEIR’s evaluation.	The comment states that the Draft EIR did not use two of the prepared studies for the impact evaluation. Please see responses to Comments ORG1-27 and ORG1-34.
PC1-19	The DEIR’s conclusion that four or five aesthetic impacts are significant and unavoidable is not support by their facts nor is it the result of a fair	Please see response to Comment ORG1-133.

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	and impartial evaluation of the project.	
PC1-20	The DEIR does not even do the applicant the courtesy of including or evaluating several key documents which were prepared by LCA Architects, one at the request of City staff specifically per their instruction.	Please see response to Comment ORG1-34.
PC1-21	First and foremost, he said it must be remembered that the project site has previously been used as a quarry and a construction staging area and has been subject to a significant amount of materials removal and grading. The site and terrain were altered many years ago, such that neither the original ridgeline nor formerly scenic hillsides have survived.	Please see response to Comment ORG1-36, which explains that the previously disturbed nature of the Project site is acknowledged throughout the Draft EIR, including in Chapter 4.1, Aesthetics and Visual Resources. Please also see response to Comment ORG1-30, which explains that the location of the Project site within the Lafayette Ridge is supported by a peer review of the ENGEO Ridge Report that was prepared by Cal Engineering & Geology. The Cal Engineering & Geology report is included in Appendix M of this Final EIR.
PC1-22	Secondly, it must be remembered that the aesthetics evaluation of any project is necessarily a subjective determination. In that regard, special attention should be made to present an unbiased and a balanced analysis which places the project and property in proper context. The DEIR does neither of these, but instead fails to evaluate the complete project, evaluates the project against incorrect General Plan policies, overstates impacts by selectively choosing view evaluation locations, draws conclusions which are not supported by the analysis, and offers no reasonable mitigation consistent with project objectives.	See the response to Comment ORG1-112.
PC1-23	In conclusion, he is very disappointed that their fine work was not included in the DEIR nor was it evaluated, and said he will be submitting written correspondence regarding his comments.	Please see response to Comment ORG1-34.
PC1-24	Noted Present: Commissioner Curtin-Tinley was noted present at 7:30 p.m.	The comment notes the arrival of one of the Commissioners.
PC1-25	Charlie Abrams, Principal with Abrams Associates Traffic Engineering, Walnut Creek, said after their analysis the bottom line is that this project does not have any significant impacts that cannot be mitigated.	The opinion of the commentor is noted. No response is required.
PC1-26	The EIR ignores the part of the project which is a proposal to add a third continuous lane along the frontage of the project. It is not recommended as a mitigation measure and it has enormous benefits on existing traffic	Please see to response to Comment ORG1-19.

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	conditions, with a minimum of widening and provides right-of-way from the project itself.	
PC1-27	The EIR is fully of technical errors, it has faulty traffic counts, major conclusions are based upon one traffic count taken last December. Their report, which was not utilized, had three traffic counts at three different times of the year, and provided a much better basis for evaluating traffic conditions.	<p>See response to Comment ORG1-223. The Abrams report included one set of traffic volumes for each intersection, which were shown in Figure 4 of that report and in the LOS analysis worksheets presented in its Technical Appendix, but traffic count data worksheets were not included. At the start of the Draft EIR preparation, TJKM requested and Abrams Associates provided traffic count data worksheets for each of the eight study intersections in their report (same locations as intersections numbered 1 through 8 in the Draft EIR). For each intersection, the count data provided by Abrams Associates was for a single date, although the eight intersections were counted over a period of seven different dates, including seven counts on six different dates in May 2011 and one count in September 2010.</p> <p>The traffic counts utilized in the traffic analysis for the Draft/Final EIR includes traffic counts for three periods of the day when schools are in session and represents typical traffic conditions in the study area.</p>
PC1-28	Another section of the report where peak hour factors are used severely inflates traffic counts. The EIR uses existing signal timing on this intersection. If optimized signal timing is used, which they have worked out, it relieves many of the intersection's problems. The intersection is now purposely mistimed in order to impede through-traffic coming in on Pleasant Hill Road, which should not be the basis for evaluating this project.	Please see responses to Comments ORG1-224 and ORG1-225.
PC1-29	Also, many impacts are based on a model called CORSIM, which predicts traffic 20 years in the future and estimates problems with weaving factors and concludes these cannot be mitigated. The use of this model in applying it to this project is voodoo science and does not fit into such an analysis.	Regarding the CORSIM model, see responses to Comments ORG1-231 and ORG1-232. CORSIM is not used to forecast future traffic demand volumes. It is a micro-simulation model, which uses traffic demand volumes as input data, to simulate the resulting traffic flow conditions and produce output that includes traffic speed on the roadway segments being modeled.
PC1-30	Because of these many technical errors, this EIR when reviewed will show there are no impacts that cannot be mitigated as part of the project.	The comment summarizes Comments PC1-25 to PC1-29. Please see responses to Comments PC1-25 to PC1-29 above.
PC1-31	Marylee Guinon, the applicant's biological consultant, Walnut Creek, referred to her written comments which provide specific information as to how the Draft EIR can be improved to reflect more current and	Please see responses to Comments ORG1-180 through ORG1-194.

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	accurate information, and said she would address only a couple of items.	
PC1-32	First, the applicant, in consultation with the regulatory agencies, has designed an alternative that fully avoids impacts to the on-site creek by creation or construction with a culvert, removal of two lanes down to one lane, and then creek enhancement with native plantings. As a result of this full avoidance alternative, the Army Corps of Engineers has requested they withdraw their Army Corps of Engineers' permit. Fish and Game has reviewed and approved this alternative and has a full draft of their permit, and she has something in process similarly with the Water Quality Control Board as well. Because of the full avoidance and enhancement planning, these agencies will not be requiring any off-site mitigation. With concurrence from these three regulatory agencies for state and federal biological resources, they only have one authority remaining—the City of Lafayette.	Please see responses to Comment ORG1-186, ORG1-187, ORG1-193 and ORG1-194.
PC1-33	The part of the EIR that brings up the blue wild rye grassland is odd, and it could be dealt with very logically. The Draft EIR describes the blue wild rye plant association, which is neither protected by federal or state laws, the species and plant community is common and widespread. The grassland association is on an inventory watch list. The alliance list indicates a high inventory priority in the City and is urged to consider it under CEQA. The EIR acknowledges that the blue wild rye grassland can be readily mitigated by exercising additional avoidance on the site and preservation and restoration on an on-site property. On page 4.3-49 the EIR explains why the mitigation ratio of only one to one is necessary and she quoted, "A higher placement ratio would not be warranted because of the extent of an apparent past disturbance to the remaining native grasslands on the site and the relative ease which this particular species can be salvaged, replanted and re-established at alternative locations". However, for the EIR to conclude that these impacts to remain significant and unavoidable after mitigation is arbitrary and unfounded; she thought it was a typographical error. If one compares BIO-5 and BIO-4, the wetlands and the grasslands, it is the same exact logic—mitigation, best management practices, ratios, monitoring success criteria. Yet the	Please see responses to Comment ORG1-181 through ORG1-186.

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	wetlands and creeks that are regulated by the state and feral agencies is concluded to be significant and unavoidable, and she urged that this issue be looked at closely.	
PC1-34	Guy Atwood asked if there will still be an opportunity for the public to meet with the Circulation Commission and to provide comments to them. Their meeting was canceled tonight and the final written report is due June 28th.	The comment asks about the future public meeting with the Circulation Commission. The comment does not address the adequacy of the Draft EIR. No response is required.
PC1-35	Regarding the history of the property, he lived next to the property 44 years ago for over three years, and Deerhill Road did not even go through to Pleasant Hill Road in 1968. It was a dirt road and it went around below and to the house. The creation of Deerhill Road, which is an artificial boundary, was not even completed until about 1969/1970. At that time, there was nothing but rolling hills there. There was no quarrying in 1971 and none of the flat areas present today. He still maintains that if the proper ridgeline calculations were made, they wouldn't meet the steepness requirement, and he believes there would not be allowed more than one half dozen homes.	The proposed Project is on an existing lot of record, and does not include a subdivision. Therefore, the calculation of density is prescribed in Section 6-2043 of the Municipal Code. Development requirements for subdivisions in the Hillside Overlay District do not apply. The maximum density applicable to the proposed Project is 35 units per acre.
PC1-36	Additionally, it seems like the whole EIR is based upon the fact that the 400,000 cubic yards of dirt has been either taken off the property or redesigned the whole project. Yet if they are not allowed to remove this dirt, it seems that all conclusions on aesthetics and other things related would be incorrect. Therefore, he is curious as to why it assumes that this gets done when in fact it might be the one thing they are not allowed to do from the beginning under any kind of permit.	EIRs usually assess the impacts based on assumptions regarding Project details, which are defined in Project Description in an agreement with the City. Chapter 3, Project Description, of the Draft EIR contains all the Project details on which the Draft EIR analysis is based. Removal of dirt is a common practice during construction and, as addressed in Mitigation Measure GEO-1, the applicant would coordinate with the City prior to issuance of the grading permits to address any issues regarding grading.
PC1-37	He is also curious as to why there was not a fourth project alternative. Staff did a constraints and analysis study which showed 14 housing units would be allowed on this property, and this is a project alternative that should be looked at.	The comment is noted. The Draft EIR included a range of alternatives that "feasibly attain most of the basic objectives of the project," consistent with CEQA Guidelines Section 15126.6. An alternative that evaluates only 14 housing units on the Project site represents such a reduction in size from the proposed Project that it is not considered to represent a feasible alternative as defined by CEQA to the Project as proposed. Further, the constraints and analysis study referred to by the commentor calculated the maximum density on the proposed Project site that would result from a single-family subdivision. This calculation determined that the maximum density would 14 units. Using a 14-unit single family subdivision as an

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PC1-38	In addition, he thinks the quarry is only a small part of the remaining area of the parcel, which has basically been used as a single family home.	<p>alternative to the proposed Project is not reasonable since single-family units are not an allowed use under the APO zoning and the Project is not a subdivision.</p> <p>As noted in Chapter 3, Project Description, of the Draft EIR, the middle portion of the site was used as a quarry from 1967 to 1970. A part of the northeast portion of the site has served as a seasonal Christmas tree lot since 1997. The majority of the site is currently grass-covered and approximately 100 trees are concentrated near the driveway and drainage in the eastern portion of the site. The proposed Project site is currently developed with approximately 27,000 square feet in paved surfaces and approximately 5,000 square feet in various structures, including a vacant single-family residence, two small office buildings, a garage, a cargo storage box, and a construction trailer.</p>
PC1-39	Lastly, he did not understand why people can assume they can do what they are doing. Any permit to allow building on this property is still a discretionary permit and is not necessarily guaranteed or allowed other than for an office building. For anyone to make a comment that 700 units can be built there is outlandish, and he said he would put further comments in writing.	As discussed in Chapter 4.9, Land Use and Planning, of the Draft EIR, multi-family uses are allowed in the APO district with a land use permit.
PC1-40	Chair Ateljevich questioned how the timing of the June 28th deadline will work out given the cancellation of the Circulation Commission meeting. Ms. Merideth said the Commission does not meet until July, but staff will see whether a special meeting could be scheduled before next week, and this will be noticed if it occurs.	The comment describes the discussion about the next Circulation Commission meeting. The comment does not address the adequacy of the Draft EIR. No response is required.
PC1-41	<p>Chair Ateljevich said if there is no special meeting, she asked if they would respond as individuals, and Ms. Merideth said yes.</p> <p>Jonathan Westen said he heard the introduction from the developer's representative about how he is extremely disappointed with the EIR and went on with a series of threats about the constitutional issues with it. He hopes that the Commission will not be biased by it, and he is disappointed to hear that this angle on it is just an odd assault. With respect to the aesthetic conclusions, he agrees completely with the final project conclusions that they are significant and unavoidable.</p>	The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.
PC1-42	The analysis of each individual viewpoint though has some problems.	The impacts of the proposed Project on the City's semi-rural character are

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	<p>There seems to be an over-focus on the possible ridgelines and no regard for the semi-rural characteristic component of the community. So, even when looking at viewpoint 2 or 4, the conclusion is that it doesn't impact the view of the ridgeline. But, when looking at the difference of the current view of spot 2 to the proposed spot 2, you go from a semi-rural look to a mini-city. This certainly changes the feel and characteristic of it, and this is lost in the analysis. Also, on page 4.1-43, it states, "the development of the project site when combined with other development projects within the vicinity would not contribute to an overall shift in the existing visual character of the surrounding area." This could not be further from the truth and this is completely redesigning the landscape of one of two entry points into the City.</p>	<p>evaluated on pages 4.1-40 to 4.1-41 of the Draft EIR.</p>
PC1-43	<p>Lastly, he agrees with the conclusions that aesthetic problems with the project are significant and unavoidable, but he thinks there is more consideration that needs to be done to the analysis because these conclusions are a lot stronger than what is represented in the current proposal.</p>	<p>Please see responses to Comments ORG1-112, ORG1-113, and ORG1-133.</p>
PC1-44	<p>David Bowie said as attorneys they are required to raise various issues as a matter of process. If they talk about due process, they are not trying to threaten anybody, but practically, they have to make a record, and make it in the event there should be some kind of litigation.</p>	<p>The comment is noted. The comment does not address the adequacy of the Draft EIR. No response is required.</p>
PC1-45	<p>He said he found himself somewhat in agreement with Mr. Atwood regarding the dearth of any viable project alternative. One thing that occurred during the course of the presentation or preparation of the EIR is that there was a dearth of any real dialogue between the project consultants and the EIR consultants. Had there been such a dialogue, there could have been some effort made to come up with a viable project alternative which would have done a better job of addressing the issue of proper mitigations. This was disappointing this did not occur. They will be submitting a project alternative as part of their written comments.</p>	<p>Please see response to Comment ORG1-134.</p>
PC1-46	<p>He agrees with Mr. Atwood that the project alternative is sadly lacking. Regarding traffic, the EIR makes a number of mentions of the gateway constraint policy. He would love to have the EIR consultants attempt to</p>	<p>The Gateway Constraint Policy is a component of the Lamorinda Action Plan's goals to discourage use of Pleasant Hill Road as an alternative to the freeway system. The policy for Pleasant Hill Road is to constrain capacity by maintaining</p>

Comment #	Comment	Response
	<p>reconcile this policy with the need to try and create an adequate traffic flow through the Pleasant Hill Road/Deerhill Road intersections. The policy is that there should be an attempt to create obstructions in traffic—to slow down traffic so it does not run very well in an attempt to create the desire to use other forms of transportation other than cars. This is the policy currently in effect. The traffic signals are not optimized and are actually working against the flow of traffic. One thing he has noted is that if the traffic signals were optimized and at the same time used an accurate traffic count, one would find there is no mitigatable impact even without the addition of a traffic lane, which is something they have proposed for the project.</p> <p>So, in effect, there is an artificial situation here, and it impacts all Lafayette citizens who travel through 1 that intersection. And he suspects that not many citizens are aware of that particular constraint policy. He thinks there needs to be a reconciliation between that policy and the actual significant physical adverse impacts upon the environment that congestion and traffic causes. The flip side of this is also true—if you will give effect to the constraints policy, the Commission should approve this project because it will add to 5 congestion which is actually a goal of the regional area. So, under either analysis, he submitted there is no non-mitigatable environmental impact related to traffic.</p>	<p>the existing number of lanes and potentially using traffic signal timing to meter traffic flow. Please refer to Comment ORG1-228 regarding capacity constraints on Pleasant Hill Road.</p>
PC1-47	<p>Chad Follmer said his comments have to do with impacts on the schools. The EIR in section 4.12 on page 26 claims that a yield rate of 0.2 percent is based on the Walnut Creek School District. He asked that the City look at other school districts because many people move to Lafayette specifically for the schools. He suspects it might be a higher yield rate that would greatly impact that.</p>	<p>The comment is correct that the actual yield rate in the Lafayette School District might be slightly higher than the one of the Walnut Creek School District. However, it is incorrect that this higher yield rate would result in a greater impact. When the EIR consultant was preparing the Draft EIR, the Lafayette School District did not have student yield rates, as shown in a letter from the District in Appendix L of the Draft EIR. As a result, the Draft EIR uses a yield rate of the adjacent, comparable community. On April 11, 2012, the District adopted the final Developer Fee Justification Study for Lafayette School District, which also estimated new student yield rates. The Study estimated a yield rate of 0.413 students (K through 8 Grades) per multi-family unit. This yield rate is only slightly (0.013) higher than the one used in the Draft EIR; since the Draft EIR</p>

Comment #	Comment	Response
		<p>calculated K-5 and 6-9 Grade students separately with a yield rate of 0.2, this makes the overall rate up to 0.4 per unit. As discussed in Chapter 4.12, Public Services, of the Draft EIR, the students generated by the Project would not exceed the school capacity nor require new facilities, and therefore the impact related to school facilities would be less than significant.</p>
PC1-48	<p>He also thinks that the capacities may need to be reviewed because they are different from what the current student count and maximum capacity to be.</p>	<p>As indicated in Footnote 41 on page 4.12-26, the capacity and enrollment numbers are provided by the School District staff when preparing the Draft EIR.</p>
PC1-49	<p>Also, under developer fees under Section 65996 of the California Government Code, the fees will fully offset the impact to the schools, which he did not believe was true. The fees only impact the structural impact and do not take into account that a big part of the funding for services in Lafayette schools are from private funds.</p>	<p>The comment is correct that developer impact fees aim to offset impacts to construction and/or reconstruction of school facilities. However, funding for school services (besides physical facilities) is not considered in the environmental impact analysis. CEQA standards of significance do not include a threshold related to funding for non-structural school services, because the purpose of EIRs is to evaluate environmental impacts related to development. Therefore, as stated on page 4.12-27, 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.</p>
PC1-50	<p>Lastly, on the parcel taxes, they would lose revenue on this because they would be paid as one parcel. To have 315 family units paying one parcel tax does not quite cover costs.</p>	<p>The comment is correct that the proposed Project would pay for parcel taxes for one parcel. However, it is incorrect that the School Districts would lose revenue. Firstly, the proposed Project would not decrease the amount of parcel taxes paid to the School Districts. Secondly, the School Districts receive their revenue from other funding sources and programs, including developer fees and General Obligation Bonds. Nevertheless, as stated on page 4.12-27 of the Draft EIR, 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 and therefore this issue is not considered an environmental impact under CEQA thresholds.</p>
PC1-51	<p>Madeline Swartz said the corner is very important to her. She said her house is contiguous with Stanley Boulevard and she can either go left to Walnut Creek or right to Lafayette. She goes often to Walnut Creek to shop because she does not want to travel on the corner when school is in session, during the commute hour, and it is getting worse. She does not know what the EIR says but she felt there must be impacts to the corner</p>	<p>Chapter 4.13, Transportation and Traffic, of the Draft EIR, discusses traffic impacts to the intersection of Deer Hill Road/Stanley Boulevard at Pleasant Hill Road. The comment does not address the adequacy of the Draft EIR.</p>

Comment #	Comment	Response
	given the proposal for 315 units.	
PC1-52	Colin Elliott said he has children in Acalanes, Springbrook and Stanley, and he and his wife travel through the intersection often. He appreciates the developer’s attorney trying to claim that black is white and there will be no traffic impact from this development, but clearly this defies common sense. Having sat there, he can see what speed the lights change at, and there is nothing that can be done to mitigate the traffic coming from all directions at different times throughout the day.	Chapter 4.13, Transportation and Traffic, of the Draft EIR, evaluates traffic impacts from the Project at the intersection of Deer Hill Road and Pleasant Hill Road. The comment does not address the adequacy of the Draft EIR.
PC1-53	In addition, he is particularly concerned with the high school and the effects of this development, not just from the traffic but from the earthmoving, and some of the details concern him, particularly that one could make the earthmoving less of a significant impact just by using BAAQMD basic controls for dust mitigation. This site can get very windy in the evenings, and he would predict that basic mitigation of watering would not be near enough for a site like this, and this would need to be reviewed in much more detail.	The Bay Area Air Quality Management District (BAAQMD) has prepared guidelines that can assist lead agencies in determining whether a project’s construction and operational activities have the potential to result in a significant air quality impacts to receptors proximate to the site. For particulate matter generated by construction activities, the impacts are based on 1) the fugitive dust that is generated by ground-disturbing activities and 2) from equipment and vehicle exhaust. Implementation of BAAQMD’s Basic Control Measures for fugitive dust control ensures that construction contractors comply with BAAQMD Regulation 6, Rule 1: General Requirements, which limit the quantity of particulate matter in the atmosphere. Consequently, compliance with BAAQMD’s Basic Control Measures would result in less-than-significant air quality impacts at sensitive receptors surrounding the site. Chapter 4.2, Air Quality, of the Draft EIR includes a risk assessment for construction risk and hazards from onsite equipment and vehicles from toxic air contaminants and fine particulate matter. As identified in the Draft EIR, use of Tier 3 construction equipment required pursuant to Mitigation Measure AQ-2a would ensure construction emissions would not substantially elevate air pollutants at sensitive receptors proximate to the site and impacts would be less than significant.
PC1-54	Regarding project alternatives, he was also concerned that not enough detail was included about what these might be.	The alternatives evaluated in the Draft EIR are described on pages 5-1 through 5-4 of the Draft EIR.
PC1-55	He also noted there did not appear to be any mention in the Land Use and Planning section of the EIR about the Housing Element. It seems that this project is not at all in compliance with the City’s own Housing Element, and this needs to be brought out as well.	Chapter 4.9, Land Use and Planning, of the Draft EIR focuses on consistency with policies related to land use. Please see response to Comment ORG1-258 for an evaluation of the Project’s consistency with applicable goals, policies, and programs from the City’s Housing Element.

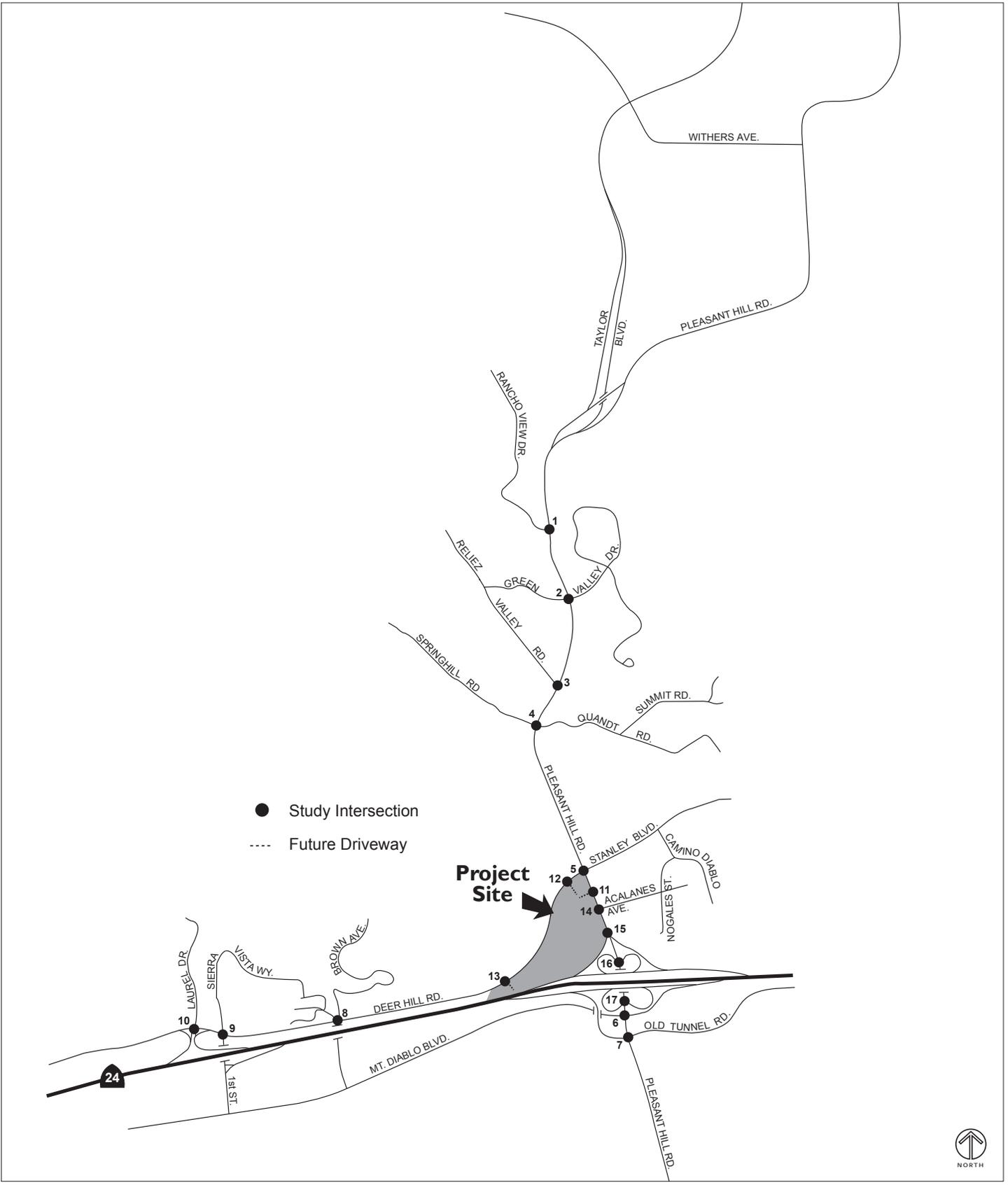
Comment #	Comment	Response
PC1-56	Vali Frank said she regularly commutes through this intersection off of Reliez Valley Road. She has children at Springhill Elementary School, and she has also spent the past 15 years as an attorney for the EPA and has some background in the Clean Air Act.	<p data-bbox="1098 280 2026 380">Please see response to Comment PC1-53. Chapter 4.2, Air Quality, of the Draft EIR includes a risk assessment for construction risk and hazards from onsite equipment and vehicles.</p> <p data-bbox="1098 418 2026 959">The construction risk modeling for the Draft EIR did include the sensitive receptors at the day care centers, elementary school, and high school, although the reported results specifically addressed the residential receptors because they were in closer proximity to the proposed Project site and typically would have higher exposure to construction emissions and therefore higher reported risk values. Based on the comment requesting more specific risk information for the preschools and elementary/high schools, the DPM emission concentrations at each of the receptors were obtained from the model runs and the risks were calculated, using age-specific body weights, breathing rates, and age sensitivity factors (ASFs) for each age group. For example, for the day care centers, the children were conservatively assumed to be 0 to 2 years old, with age-appropriate breathing rates and weights for that age group. In addition, the calculated risk was multiplied by a factor of 10 to account for early age exposures, as per the BAAQMD guidelines. For the elementary school and high school, an ASF of three was applied to the calculated risk values as well as age-specific weights and breathing rates. The results are summarized herein:</p> <ul data-bbox="1121 971 1625 1101" style="list-style-type: none"> <li>◆ Diablo Valley Montessori School – 8.2E-07</li> <li>◆ Happy Days Learning Center – 5.1E-06</li> <li>◆ Springhill Elementary School – 6.0E-07</li> <li>◆ Acalanes High School – 2.1E-06</li> </ul> <p data-bbox="1098 1141 2026 1271">All of the calculated excess cancer risk values are less than the BAAQMD significance threshold of 10 in a million (10.-06). Therefore, the impact of the construction activities at the Project site would be less than significant to the nearby day care centers and schools.</p>
PC1-57	She is concerned specifically with the air quality aspects of the EIR. She does not think it adequately measures the impacts on sensitive receptors. It does identify sensitive receptors, both at some of the adjacent preschools and also Acalanes Elementary School. It would exclude	Please see response to Comment PC1-56 above.

Comment #	Comment	Response
	Springhill because it is more than 1,000 feet, but she would like to see a more thorough analysis, specifically of the impacts both on the preschools, Acalanes and Springhill schools.	
PC1-58	She is also concerned that the five-acre alternative of what was originally agreed to by the City Planning Commission was adequately addressed in the EIR.	Please see response to Comment ORG1-12, which explains that the purpose of the Draft EIR is to provide an environmental review of the proposed Project. Analysis of the General Plan and zoning land use designations considered in GP02-08 and RZ02-08 is not part of this environmental review for the proposed Project
PC1-59	Finally, she noticed there are comments from the Director of the Contra Costa Transportation Agency which noted that they felt there was not sufficient mitigation, the project is not a good idea because it was not close to or easily accessible to any public transportation. It is more than one mile from BART, there is no pedestrian access provided for in the plan for any of the current Contra Costa bus stops, and the transit agency was clear they do not have funding to add additional bus stops. They also noted that due to the moderate income nature of housing, there will undoubtedly be a need for public transit. She emphasized that the agency specifically responsible for public transportation in this area has identified this as a poor project. She would like to see further analysis in the EIR of this specific issue now that they have this comment from the transit agency, and she will also provide additional comments in writing.	See the response to Comment RA1-2 above. Vali Frank's written comments are included as Comments IND72-1 through IND72-13 in this table.
PC1-60	Commissioner Mitchell stated that in the Commission's staff report, the Commission did receive the letter from the Director of CCTA, and she addresses the fact that there are no plans or money to facilitate additional public transportation in that location.	The comment is noted. The comment does not relate to the adequacy of the Draft EIR. No response is required.
PC1-61	Chair Ateljevich closed the public comment period.	The comment ends the public comment period during the Planning Commission's public hearing. The comment does not address the adequacy of the Draft EIR. No response is required.
PC1-62	Commissioner Mitchell questioned if staff was able to locate the EIR plan objectives such as housing supply, and he asked if it was just the information listed on 3-12. Ms. Merideth said the information begins on page 3-10.	The proposed Project objectives are listed on page 3-12 of Chapter 3, Project Description, of the Draft EIR. The objectives #1 and #2 address housing supply issues.
PC1-63	Vice Chair Maggio suggested staff or the consultant discuss some of the issues brought up by the applicant, such as why some of the documents	The comment states that the consultant will review all the comments as part of the Final EIR. The comment does not address the adequacy of the Draft EIR. No

Comment #	Comment	Response
	were not included and asked if they would be included in the future. Ms. Merideth said this will all be part of the Final EIR response. Everything submitted by the applicant was reviewed by the consultants.	response is required.
PC1-64	Chair Ateljevich commented that the Hillside Ordinance does provide that if there is disagreement about a ridgeline's location that it be re-studied to determine the correct location.	This is not a comment on the EIR's validity and no further response is necessary.
PC1-65	Commissioner Mitchell asked if this property falls into the Hillside Overlay District, and Chair Ateljevich said it does. He asked if the slope density calculation would apply as well, and Ms. Merideth said no, because this is not a subdivision.	The proposed Project is on an existing lot of record, and does not include a subdivision. Therefore, the calculation of density is prescribed in Section 6-2043 of Article 5. Development Requirements for Subdivisions in the Hillside Overlay District do not apply.
PC1-66	1. How did the consultant arrive at determining the mitigated project? He noted there are also two "no-build" areas which are near the corner, and he asked why this was selected?	As described on page 5-13 of the Draft EIR, the Mitigated Project Alternative is designed to avoid the aesthetic, biological resource, and land use impacts of the proposed Project. Under the Mitigated Project Alternative, no buildings would be constructed within the Ridgeline Setback area, creek corridor, or oak woodland area. With the removal of buildings proposed in these areas, six building (Buildings A, H, I, J, K, and L) of the proposed Project would remain and the number of residential units would be reduced from 315 units to 153 units.
PC1-67	2. Is there is a reason why Mr. Atwood's idea that project alternative #4 was not included?	Please see response to Comment ORG1-37.
PC1-68	3. Regarding plan objectives listed on 3-12, it shows #1 which is to provide multi-family moderate income rental housing in Lafayette which he agrees is a great goal, but he does not think this would be the number 1 priority as it relates to this particular parcel. He would like an explanation of how the project objectives were determined.	Please see response to Comment ORG1-147.
PC1-69	4. The school mitigation fees appear to be a one-time fee, and he questioned the fiscal impacts which many speakers brought up. A number of the fees are paid for by residents and he does not see this as a problem with multi-family housing, but he questioned what the impacts would be.	The mitigation fees are a one-time fee that is paid prior to building permit issuance. As discussed in Section C of Chapter 4.12, Public Services, of the Draft EIR, 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.
PC1-70	5. The photo-simulations on 4.10-19 do a good job of showing the photo-simulations from the east and the south but not from the southeast. He was not sure if Highway 24 was considered a scenic highway there, but he would like a photo-simulation from the southeast.	As described on pages 4.1-1 and 4.1-2 of the Draft EIR, State Highway 24 is a State-designated scenic highway. Page 4.1-2 of the Draft EIR explains the process of selecting key locations for the Project impact evaluation. Based on the City's Viewing Evaluation Map, the adopted Viewing Evaluation Sites, and the City's input, six simulations were prepared by the EIR consultant using viewpoints on

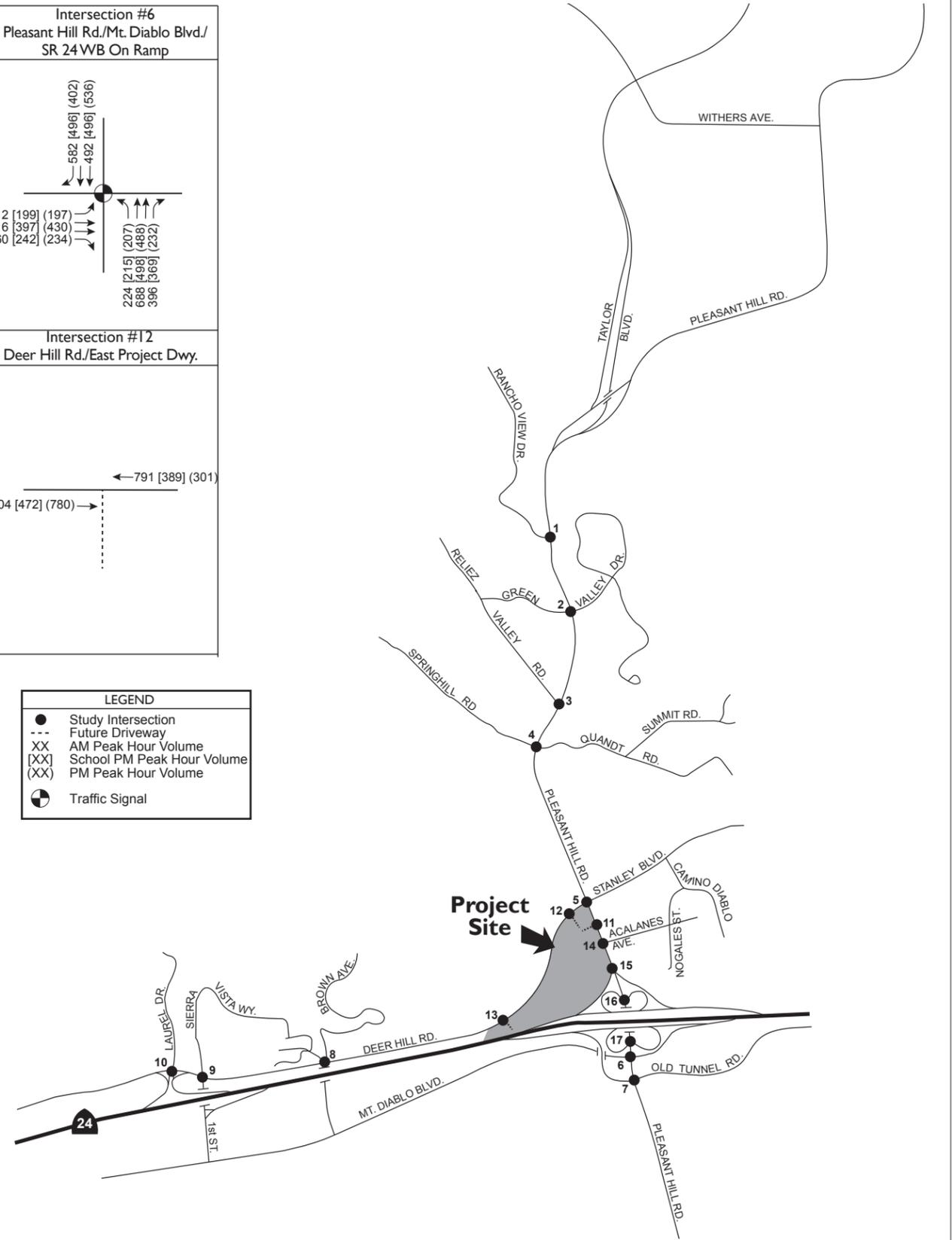
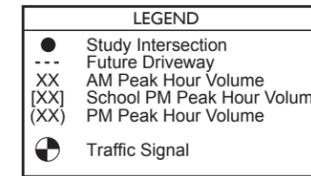
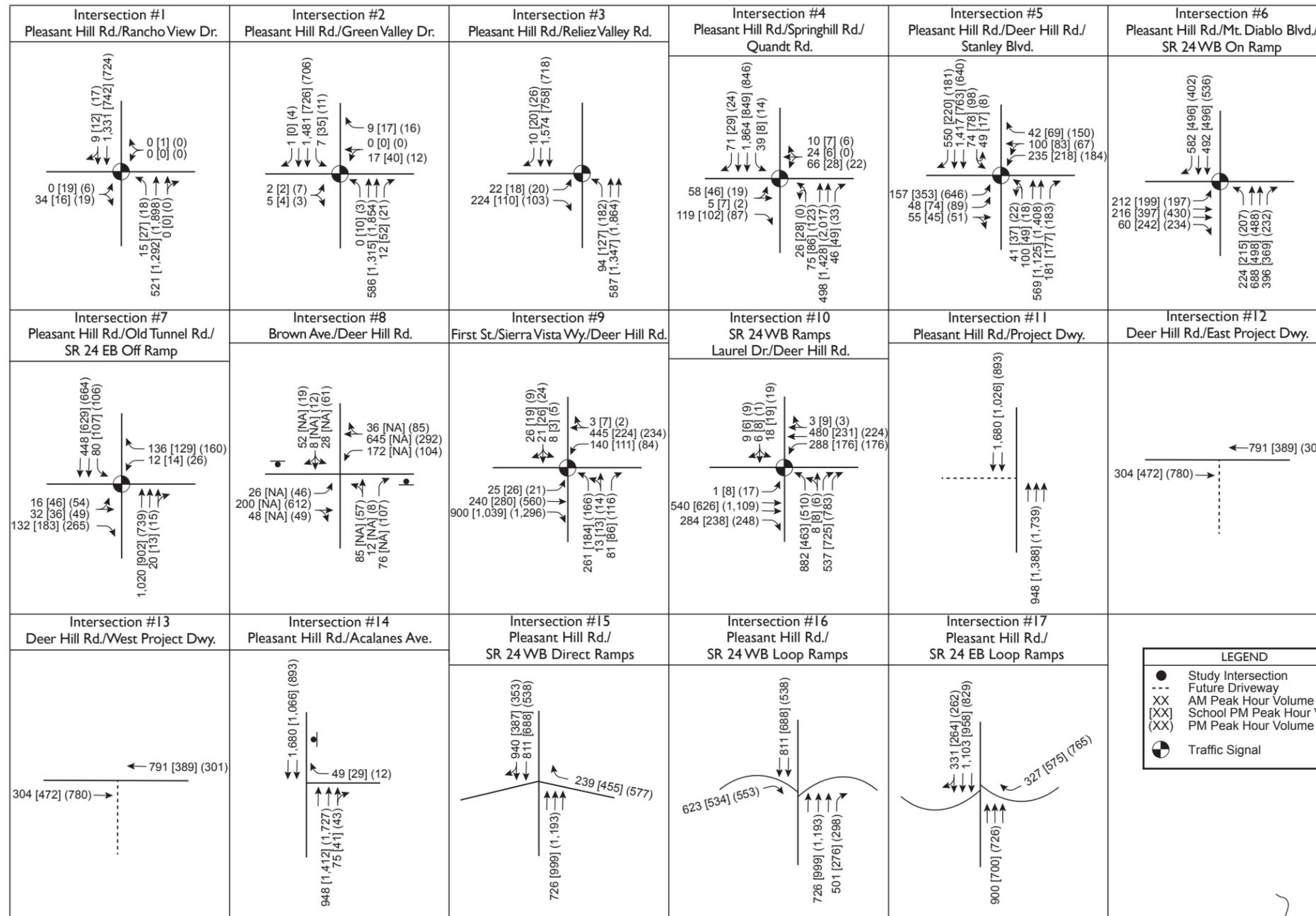
Comment #	Comment	Response
PC1-71	6. Regarding grading on 3-26, it appears that the upper portion of the lot has been leveled off. It looks as though the properties are in two locations: at the top and at the bottom. He asked for a larger topographical map in order to understand the difference between the existing grades and proposed grades.	roads and sites defined on the City List of Viewing Evaluation Sites from distances that provide realistic potential visual impacts that would be noticed by the public. . Appendix D of the Draft EIR provides larger topographical maps and Appendix C of the Draft EIR contains site sections, which show the difference between the existing grades and proposed grades. As shown in Figure 4.9-2 of the Draft EIR, the Project site is generally uneven and consists of four relatively flat-lying areas (terraces) ranging in elevation from 330 to 463 feet above mean sea level (msl). The upper portion of the Project site, approximately 90 feet southeast of Deer Hill Road, would be leveled off to 420 feet in elevation to create the first terrace where Buildings A, B, C, and D would be located. The second terrace would be at 400 feet in elevation, where Buildings E, F, G and a club house would be located. The existing elevation of the area where Buildings G and F would be located is much higher than where Building E would be located (417 feet), and therefore more grading would occur (from approximately 440 feet to 400 feet). The third terrace where Buildings J, K, and L would be located is planned to be at 396 feet in elevation, which is approximately 9 to 16 feet lower than the existing grade. Due to the uneven topology, the portion of the area where Building J would be locate would be filled. Building N would be located approximately 10 feet higher than the existing grade.
PC1-72	Commissioner Chastain noted that Commissioner Mitchell mentioned some of his concerns in terms of views from Highway 24. He thinks the photo-simulations are lacking.	Please see response to Comment ORG1-70.
PC1-73	He also questions the impacts to schools.	The impacts related to school services are addressed in Chapter 4.12, Public Services, of the Draft EIR.
PC1-74	Chair Ateljevich asked if the school impact was normally responded to by the superintendents of the school districts involved. Ms. Merideth said she is sure the City would hear from them before June 28th.	Including school districts' input is a common practice for EIR impact assessments. The Planning Center   DC&E has consulted the staff of the school districts in Lafayette and assessed school impacts based on the school districts' input. No comments on the Draft EIR were received from the school districts.
PC1-75	Commissioner Mitchell said he had asked that they get a better understanding of the circulation issues. He noticed that many of the intersections have significant and unavoidable consequences and impacts. He asked to receive a presentation specifically describing what is occurring at these intersections and why the impacts are the way they are.	The comment is noted. The comment does not relate to the adequacy of the Draft EIR. No response is required.

Comment #	Comment	Response
PC1-76	<p data-bbox="268 280 1081 654">Commissioner Curtin-Tinley apologized for arriving late and questioned the remaining process. Ms. Merideth stated there was a brief presentation about what the purpose of gathering comments are, but she said once the comment period is over, comments are given to the consultants for response and they will be folded into a Final EIR which will return to the Planning Commission for further consideration. This should happen in early fall. Once the environmental review process is completed, the land use permit, the hillside development permit will be considered and reviewed by the Planning Commission for a final determination which will include many hearings. Commissioner Curtin-Tinley confirmed that the Planning Commission is the final approval body.</p> <p data-bbox="268 695 1081 857">Chair Ateljevich questioned whether staff will notice future hearings. Ms. Merideth said if the Circulation Commission decides to hold a special meeting, staff will provide notice. She said individuals, as well as the Commission, are welcome to submit comments, and these will be forwarded to the consultants.</p> <p data-bbox="268 898 1081 1101">Chair Ateljevich said it is expected that the Draft EIR will not become a Final EIR until this fall, and at that time, there will be another public hearing on the EIR itself. The Planning Commission will then begin consideration of the project, and design review would be part of their concern at that time. She noted that approval of the EIR does not constitute in itself approval of a project.</p> <p data-bbox="268 1141 1081 1239">Commissioner Mitchell said for the public's benefit, he is sure the public has many questions and the best place to address those questions is to submit written comments to staff.</p> <p data-bbox="268 1279 363 1304"><b>BREAK</b></p> <p data-bbox="268 1312 1081 1375">Chair Ateljevich called for a 5-minute break at 8:13 p.m. and thereafter reconvened the regular meeting at 8:17 p.m.</p>	<p data-bbox="1102 280 2034 378">The comment states the next steps after the comment period. After the environmental review, the Planning Commission will begin consideration of the proposed Project. The comment does not address the adequacy of the Draft EIR.</p>



Source: TJKM, 2012.

FIGURE 4.13-1  
 PROJECT SITE VICINITY



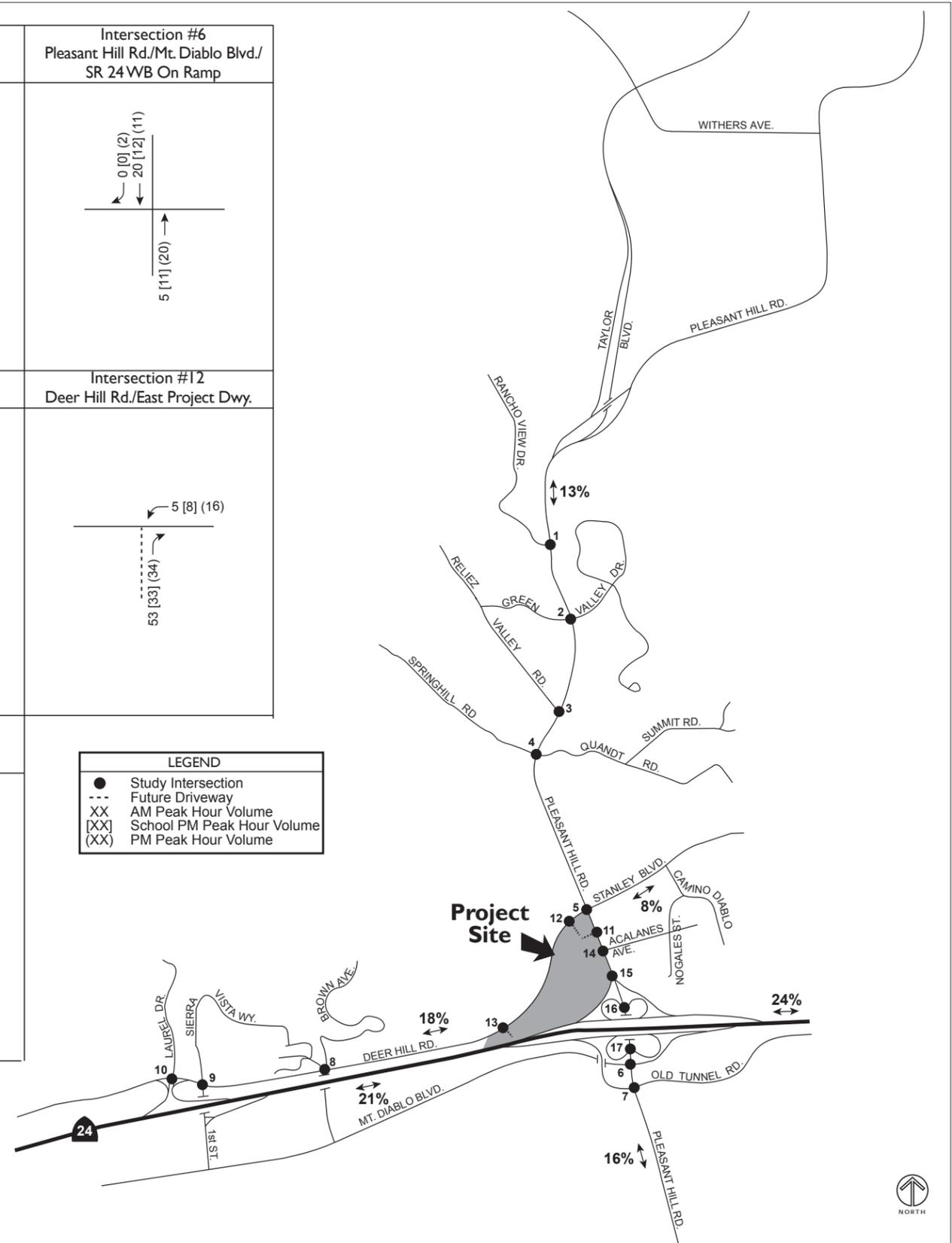
Source: TJKM, 2012.

FIGURE 4.13-2  
EXISTING TRAFFIC VOLUMES, LANE GEOMETRY, AND CONTROLS

<p><b>Intersection #1</b> Pleasant Hill Rd./Rancho View Dr.</p>	<p><b>Intersection #2</b> Pleasant Hill Rd./Green Valley Dr.</p>	<p><b>Intersection #3</b> Pleasant Hill Rd./Reliez Valley Rd.</p>	<p><b>Intersection #4</b> Pleasant Hill Rd./Springhill Rd./ Quandt Rd.</p>	<p><b>Intersection #5</b> Pleasant Hill Rd./Deer Hill Rd./ Stanley Blvd.</p>	<p><b>Intersection #6</b> Pleasant Hill Rd./Mt. Diablo Blvd./ SR 24 WB On Ramp</p>
<p><b>Intersection #7</b> Pleasant Hill Rd./Old Tunnel Rd./ SR 24 EB Off Ramp</p>	<p><b>Intersection #8</b> Brown Ave./Deer Hill Rd.</p>	<p><b>Intersection #9</b> First St./Sierra Vista Wy./Deer Hill Rd.</p>	<p><b>Intersection #10</b> SR 24 WB Ramps Laurel Dr./Deer Hill Rd.</p>	<p><b>Intersection #11</b> Pleasant Hill Rd./Project Dwy.</p>	<p><b>Intersection #12</b> Deer Hill Rd./East Project Dwy.</p>
<p><b>Intersection #13</b> Deer Hill Rd./West Project Dwy.</p>	<p><b>Intersection #14</b> Pleasant Hill Rd./Acalanes Ave.</p>	<p><b>Intersection #15</b> Pleasant Hill Rd./ SR 24 WB Direct Ramps</p>	<p><b>Intersection #16</b> Pleasant Hill Rd./ SR 24 WB Loop Ramps</p>	<p><b>Intersection #17</b> Pleasant Hill Rd./ SR 24 EB Loop Ramps</p>	

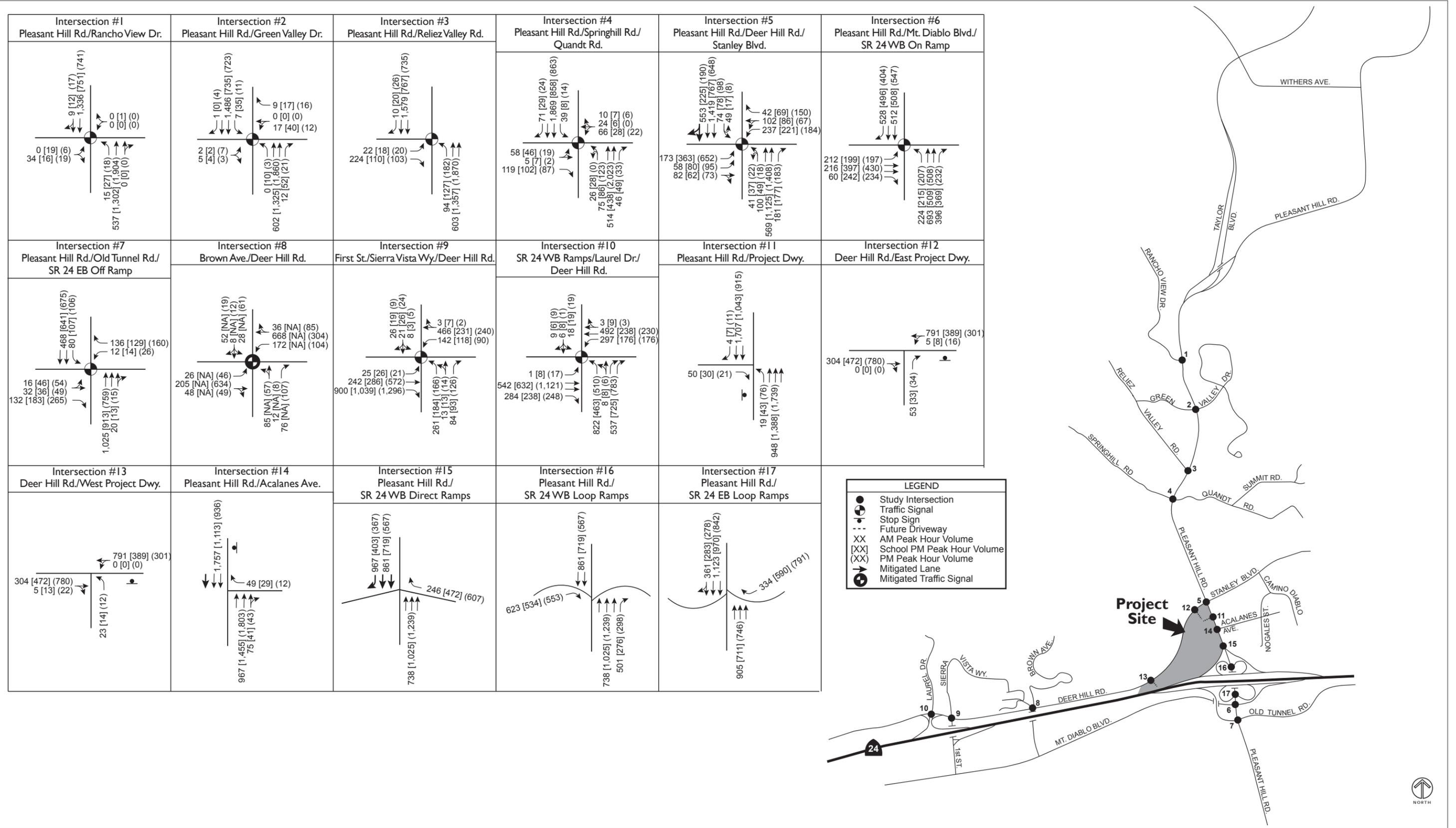
**LEGEND**

- Study Intersection
- - - Future Driveway
- XX AM Peak Hour Volume
- [XX] School PM Peak Hour Volume
- (XX) PM Peak Hour Volume



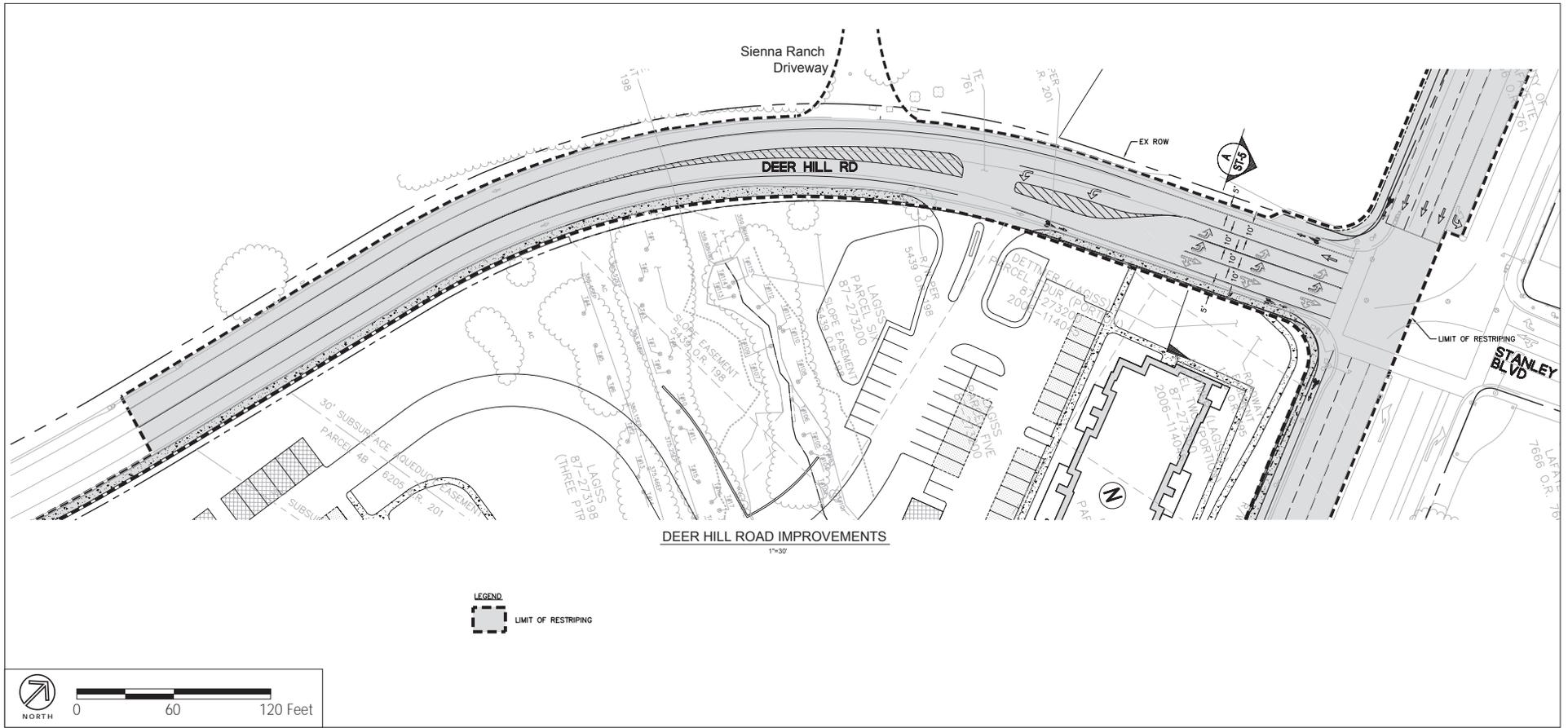
Source: TJKM, 2012.

FIGURE 4.13-3  
 PROJECT TRIP DISTRIBUTION AND ASSIGNMENT



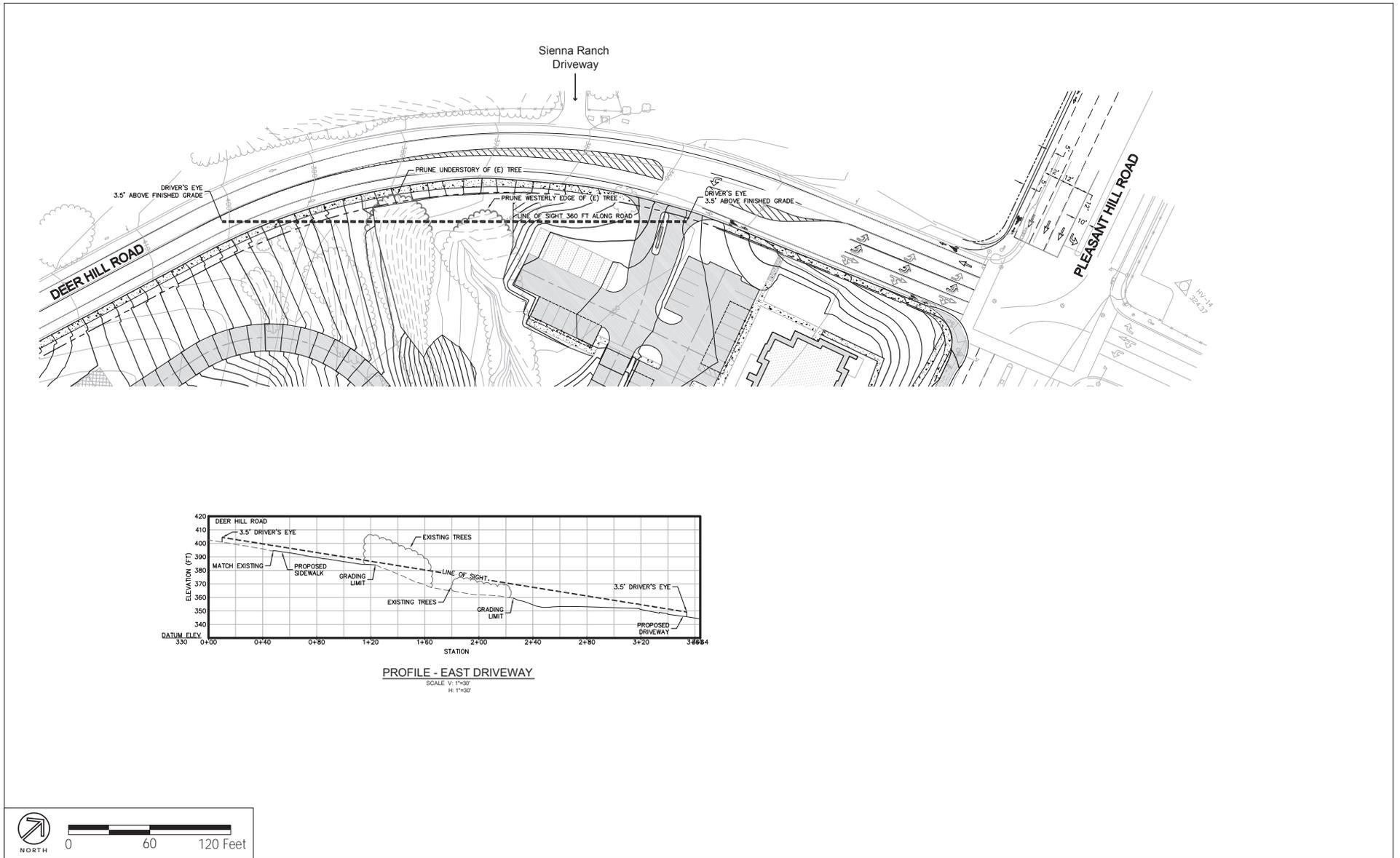
Source: TJKM, 2012.

FIGURE 4.13-4  
 EXISTING PLUS PROJECT TRAFFIC VOLUMES, LANE GEOMETRY, AND CONTROLS



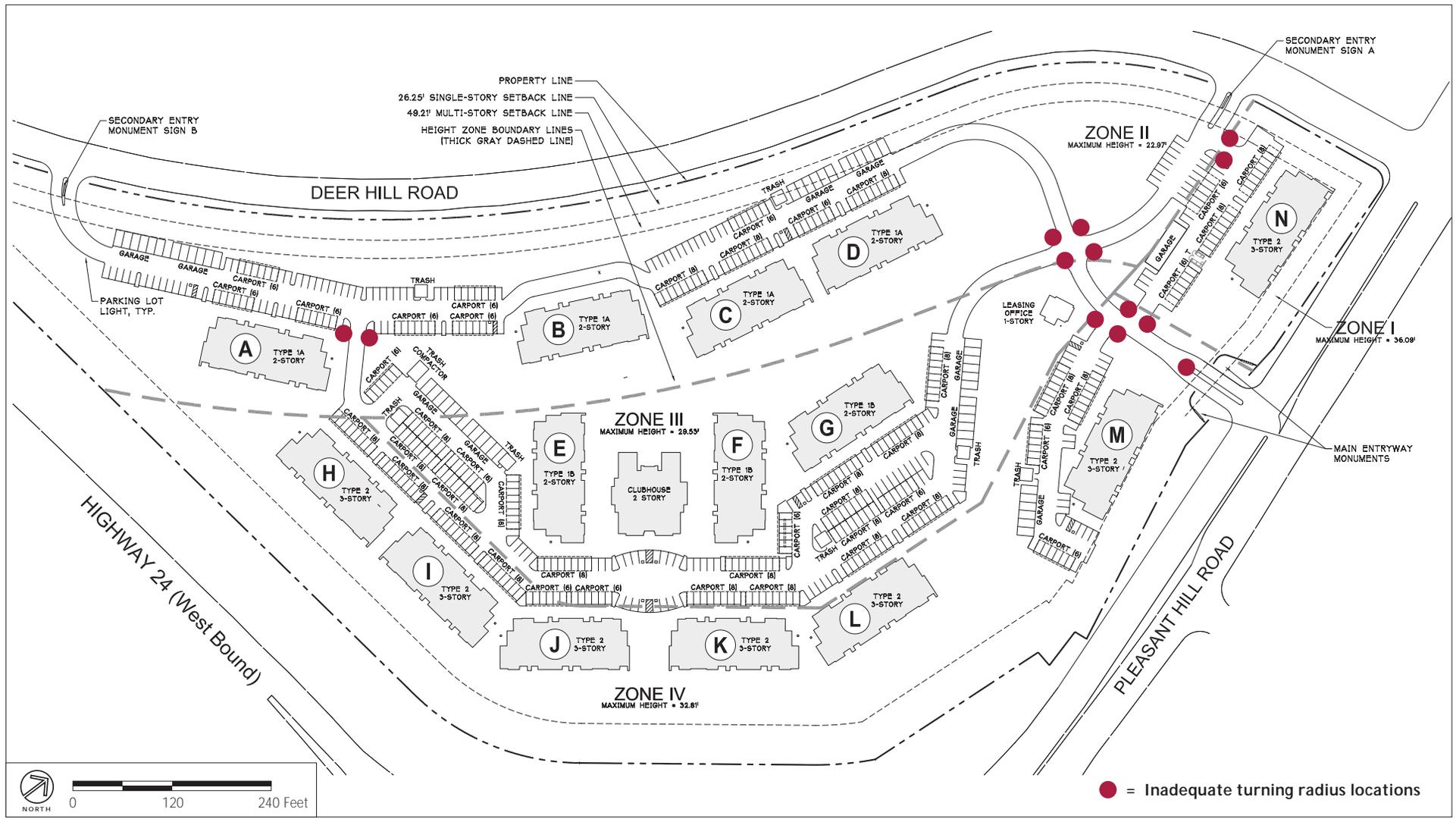
Source: LCA Architects, 2011.

FIGURE 4.13-6  
PROPOSED PROJECT DEER HILL ROAD AT PLEASANT HILL ROAD IMPROVEMENTS



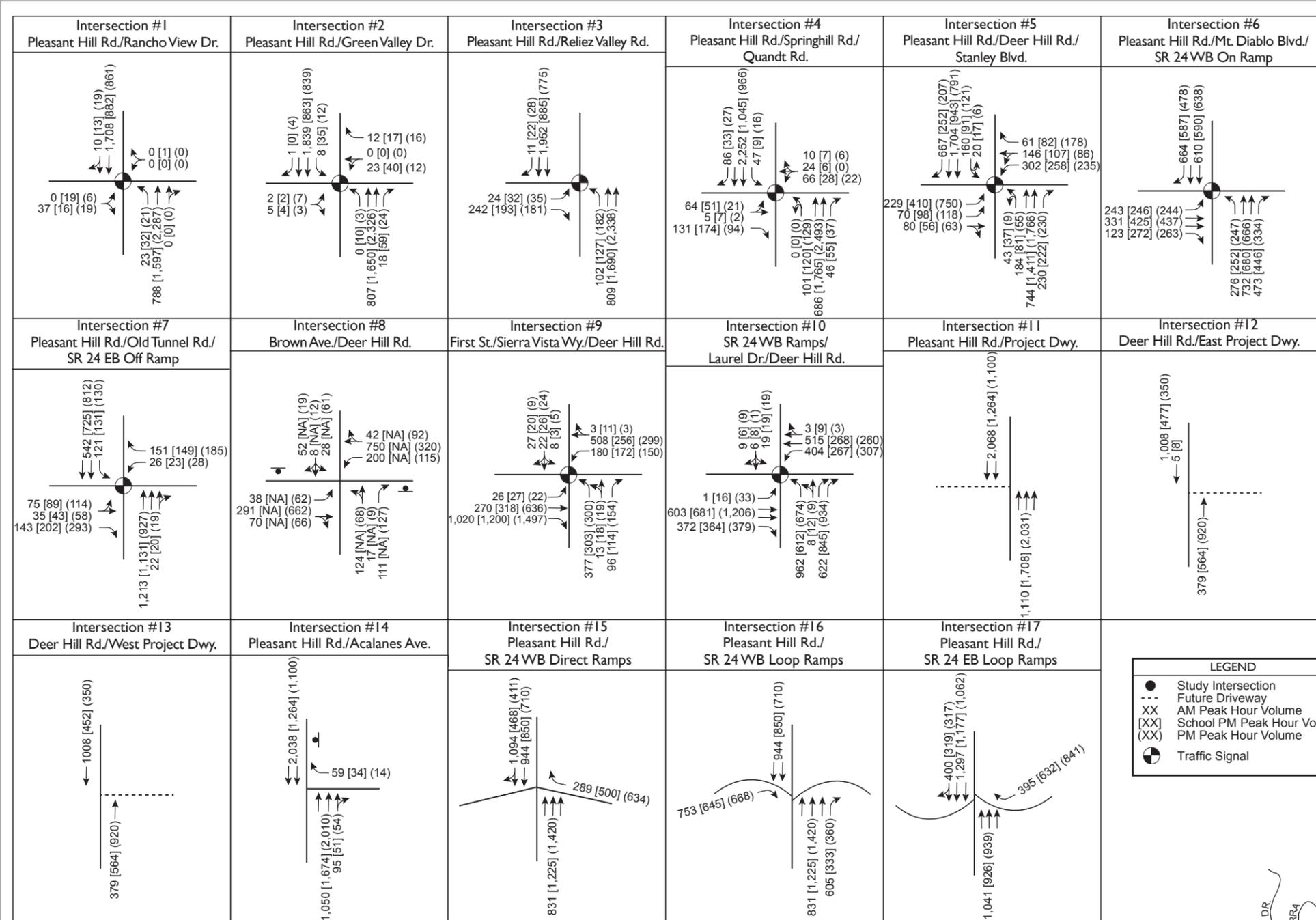
Source: BKF, 2012.

FIGURE 4.13-7B  
 DEER HILL ROAD PROJECT DRIVEWAY SIGHT DISTANCE: EAST DRIVEWAY



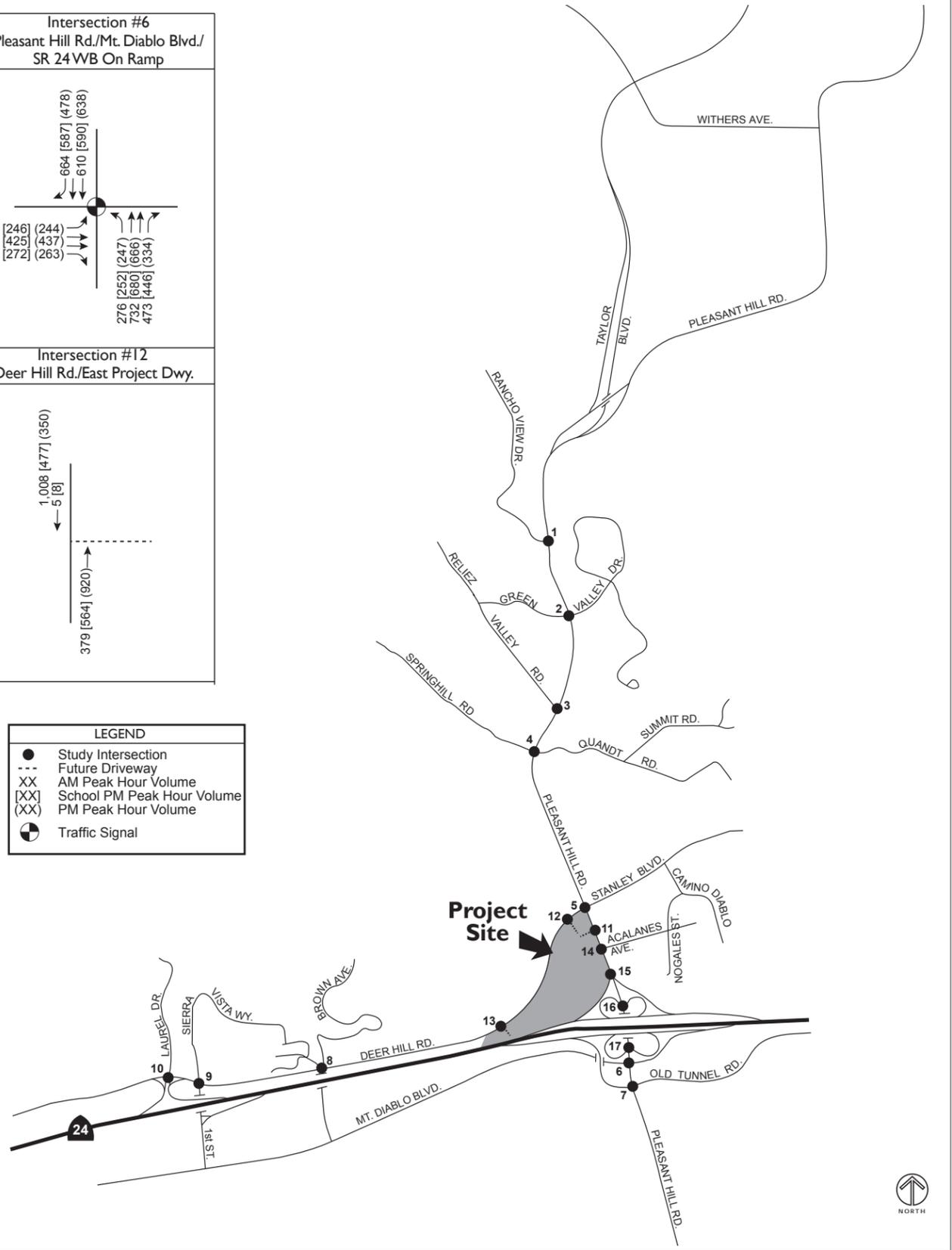
Source: LCA Architects.

FIGURE 4.13-8  
 LOCATION OF ON-SITE TURNING RADIUS DEFICIENCIES



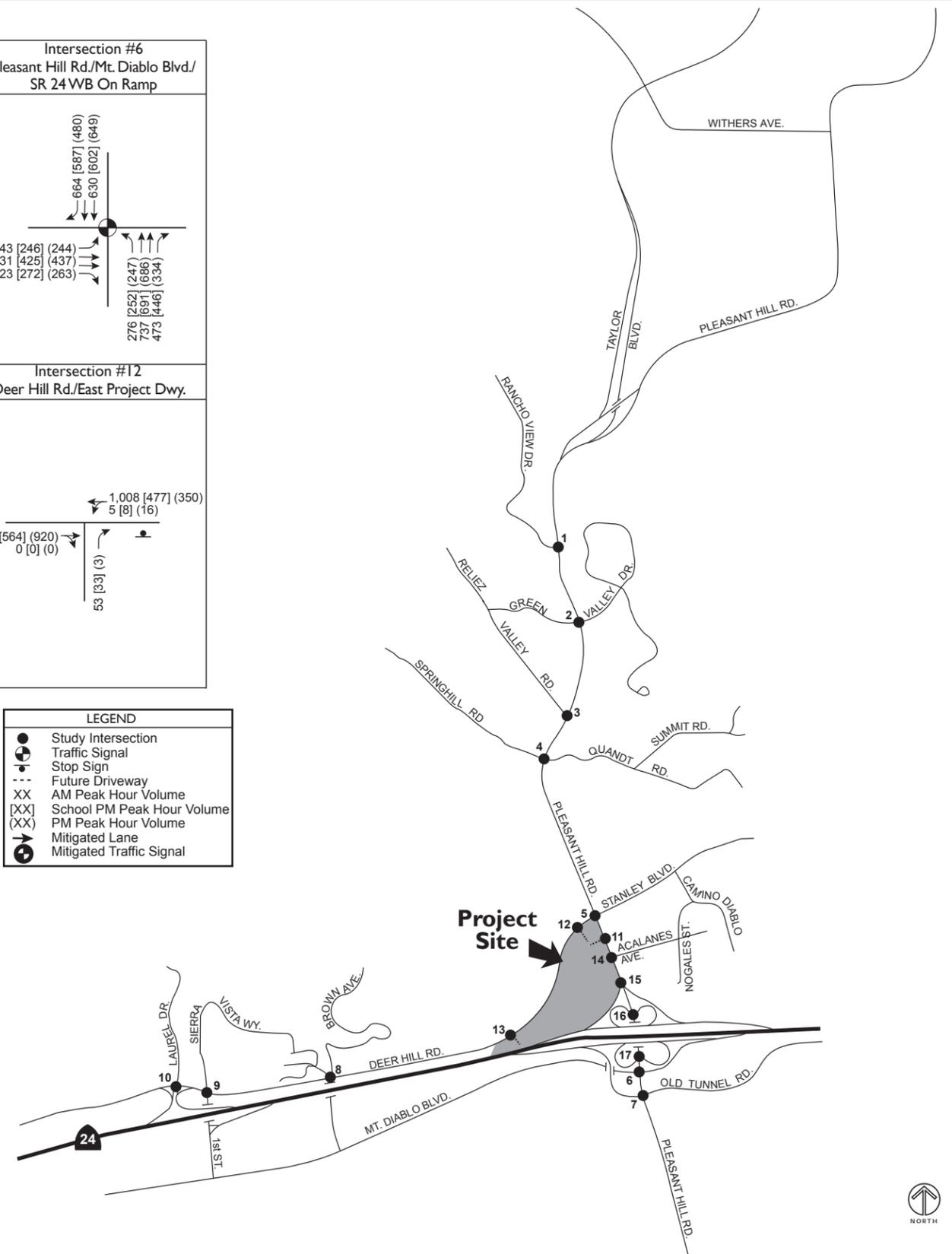
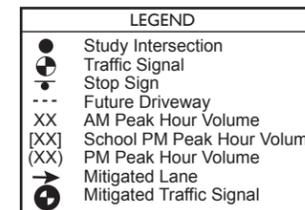
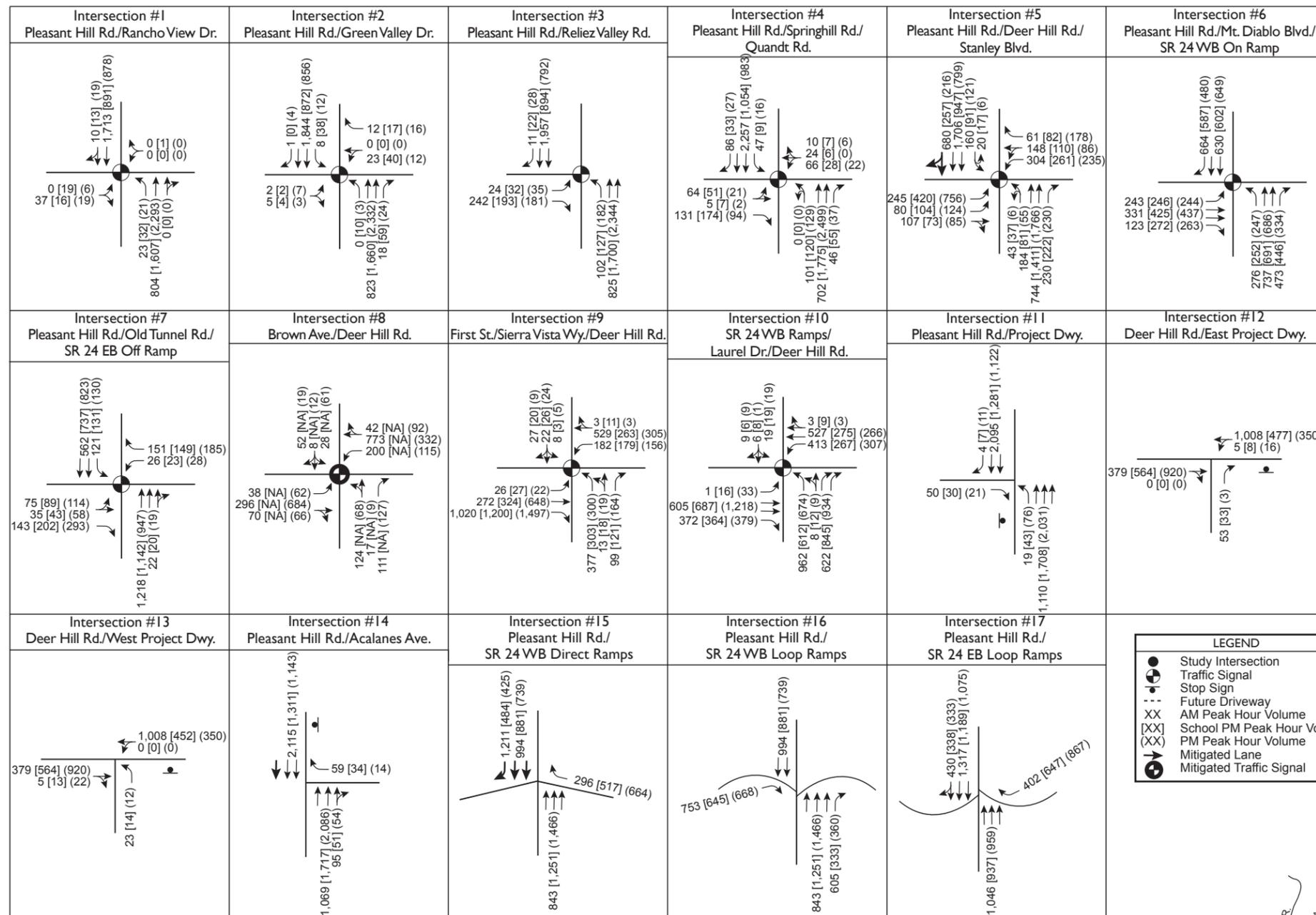
**LEGEND**

- Study Intersection
- ⋯ Future Driveway
- XX AM Peak Hour Volume
- [XX] School PM Peak Hour Volume
- (XX) PM Peak Hour Volume
- ⊙ Traffic Signal



Source: TJKM, 2012.

FIGURE 4.13-9  
CUMULATIVE NO PROJECT TRAFFIC VOLUMES, LANE GEOMETRY, AND CONTROLS



Source: TJKM, 2012.

FIGURE 4.13-10

CUMULATIVE YEAR 2030 PLUS PROJECT TRAFFIC VOLUMES, LANE GEOMETRY, AND CONTROLS

E X H I B I T 5 - 1

EVALUATION OF THE APPLICANT  
REFINED ALTERNATIVE





## ***EVALUATION OF THE APPLICANT REFINED ALTERNATIVE***

The Draft EIR evaluates three alternatives to the proposed Project: the No Project Alternative, which is required under CEQA Guidelines to be evaluated in the EIR; and two alternatives developed by the City, the Mitigated Project Alternative and Office Development Alternative. The Draft EIR finds that the Mitigated Project Alternative would be the Environmentally Superior Alternative to the proposed Project.

As stated in Comment ORG1-42, the Project applicant has prepared a new alternative, the Applicant Refined Alternative, in response to the two alternatives (the Mitigated Project Alternative and the Office Development Alternative) that were prepared by the City. As described in Chapter 5 of the Draft EIR, the Mitigated Project Alternative and Office Development Alternative leave a “No Build Area” undeveloped. The “No Build Area” includes the Class I Setback, an area containing blue wildrye habitat, a creek corridor, and an oak woodland area that contains a 200-year-old oak. As stated in Comment ORG1-145, the Project applicant does not agree that excluding the entire No Build Area is necessary to reduce aesthetic, biological resource, and land use impacts; in addition, as stated in Comment ORG1-147, the Applicant argues that the smaller scale of the Project would make the Mitigated Project Alternative financially infeasible. The Applicant Refined Alternative reconfigures the location, height, and number of buildings on the Project site in a way that the Project applicants argue would avoid aesthetic, biological resource, and land use impacts. It should be noted, however, that the Project applicant does not agree with several of the impact findings in the Draft EIR and therefore the Applicant Refined Alternative is not designed to address the impacts identified in the Draft EIR, but rather addresses aesthetic, biological resource, and land use issues as viewed by the Project applicant.

The Applicant Refined Alternative is evaluated in this Exhibit at the same level of analysis as the three alternatives that were evaluated in the Draft EIR. This evaluation relies entirely on the information provided by the Project applicant.

*A. Comparison to the Mitigated Project Alternative*

Table 1 compares the Applicant Refined Alternative to the Mitigated Project Alternative, which is identified in the Draft EIR as the Environmentally Superior Alternative. As shown in Table 1, while both alternatives would be environmentally superior to the proposed Project, the Mitigated Project Alternative would be more of an improvement than the Applicant Refined Alternative.

*B. Principal Characteristics*

Under the Applicant Refined Alternative, the proposed Project site would be developed with twelve 2-story (23-foot-tall) residential buildings, a rental office/clubhouse building, and surface parking. The buildings would be sited to avoid the creek corridor, 56 Coast Live Oak trees, the 200-year-old Valley Oak tree, and a portion of the on-site native blue wildrye grassland. A new paved driveway and a bridge would cross the creek to connect the residential buildings on the Project site to the Project site entrances to from Deer Hill Road. Additionally, all of the residential buildings (except Building N) would be relocated and clustered to the center of the site resulting in larger landscaped setbacks from Deer Hill Road and State Highway 24. As a result, the areas where Buildings J, K, L, and M were sited under the proposed Project would remain as open space. Building N, located in the northeast corner of the Project site, would be reduced from three to two stories, and would remain in the same location as under the proposed Project. Portions of three of the 2-story buildings located along Deer Hill Road would be located within the 400-foot Class I Ridgeline Setback area. The leasing office would be moved into the clubhouse, which would be located at the center of the site, similar to the proposed Project.

TABLE 1 *COMPARISON OF THE APPLICANT REFINED ALTERNATIVE AND MITIGATED PROJECT ALTERNATIVE TO THE PROPOSED PROJECT*

Topic	Applicant Refined Alternative	Mitigated Project Alternative
Aesthetics and Visual Resources	=	+
Air Quality	+	+
Biological Resources	+	++
Cultural and Historic Resources	+	+
Geology, Soils, and Seismicity	+	+
Greenhouse Gas Emissions	+	+
Hazards and Hazardous Materials	=	=
Hydrology and Water Quality	+	+
Land Use and Planning	+	++
Noise	+	+
Population and Housing	=	=
Public Services	+	+
Transportation and Traffic	+	++
Utilities and Service Systems	=	=
++	Substantial improvement compared to the proposed Project.	
+	Slight improvement compared to the proposed Project.	
=	Similar to the proposed Project.	
-	Slight deterioration compared to the proposed Project.	
--	Substantial deterioration compared to the proposed Project.	

It is assumed that the on-site amenities – including a clubhouse with fitness facilities, theatre, pool, meeting rooms, men’s and women’s showers, and game room – would be included in the community facility buildings located in the center of the site. Overall, the number of residential units would be reduced from 315 units to 248 units, generating up to 518 residents on the site.<sup>1</sup> Based on the reduced number of residential units, the Applicant Refined Alternative would include 418 parking spaces throughout the site, with a parking ratio of 1.68 per unit. Parking areas would be redesigned to connect the relocated buildings to the Project driveways.

Under this alternative, as proposed by the applicant, grading cut and fill material would be balanced, so that no graded soil or other grading-related materials would be off-hauled from the site during construction. However, it is assumed that construction and demolition debris would be transferred to the Keller Canyon Landfill under this alternative, as under the proposed Project.

From the west side of Pleasant Hill Road to Deer Hill Road, along the southern edge of the Project site, a new multi-use path would be constructed for bicycles and pedestrians. This alternative also proposes a sidewalk connecting from Deer Hill Road to Mount Diablo Boulevard along the west side of Pleasant Hill Road, similar to the proposed Project. Under this alternative, southbound Pleasant Hill Road would be widened along the Project frontage to provide a Class II bike lane and a new through traffic lane in addition to the existing traffic lanes. This configuration would not maintain the existing curb loading and parking lane.

Since circulation of the Draft EIR, the applicant’s biologist has prepared a Conceptual Mitigation Plan for Blue Wildrye Native Grassland Avoidance and Replacement Program (CMP) (dated August 2012), included in Appendix F of this Final EIR. The CMP would be accomplished both on-site and off-site on the AMD property north of Deer Hill Road. It is assumed that the Applicant Refined Alternative would include the CMP.

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<sup>1</sup> Based on the average household size of renter-occupied units of 2.09 persons per the United States Census Bureau, Census 2010 for Lafayette.

Under this alternative, the Project objectives would remain unchanged, and this Alternative would meet all the objectives.

### *C. Impact Discussion*

The Applicant Refined Alternative would have the following impacts relative to the proposed Project:

#### **1. Aesthetics and Visual Resources**

The proposed Project would result in three significant and unavoidable impacts, associated with blocking views of ridgelines and degrading the existing visual character. The proposed Project would result in significant but mitigable impacts associated with glare from photovoltaic panels.

As described above, under the Applicant Refined Alternative, the majority of the residential buildings would be relocated to provide large setbacks between the buildings and the view points along Highway 24 and Pleasant Hill Road, and the 3-story buildings would be lowered by 10 feet. However, one residential building, located in the southwest corner of the site, and Building N, despite being 2 stories in height, would block the views to ridgelines (as shown in the simulation provided in Comment ORG1-160), resulting in a significant impact, similar to the proposed Project. Consequently, impacts on views from a scenic highway would be significant as under the proposed Project. Despite the lowered building heights and larger landscaped setbacks under this alternative, given the topography of the Project site the visual prominence of the buildings when viewed from off-site locations would degrade the existing visual character of the surrounding area, similar to the proposed Project. New lighting or sources of glare, including buildings, photovoltaic panels, and parked cars, would be introduced to the site. As under the proposed Project, it is assumed that lighting and glare impacts would be mitigated by landscaping and design considerations for photovoltaic panels. Overall, this alternative would be considered *similar* in relation to the proposed Project.

## 2. Air Quality

The proposed Project would not conflict with the 2010 Bay Area Clean Air Plan, but would result in significant but mitigable and significant and unavoidable impacts related to construction emissions. In addition, the Project would pose a risk to on-site receptors (residents) due to average annual PM<sub>2.5</sub> concentrations that would exceed the BAAQMD significance threshold. Other impacts associated with community risks and hazards, odors, carbon monoxide hotspots, and operational emissions would be less than significant following mitigation.

Under the Applicant Refined Alternative, air quality impacts would occur at a lower level than those of the proposed Project due to a reduced amount of development on the site and balanced grading. Construction activities and the number of new truck trips would be reduced because grading would be balanced on site, eliminating the need to transport soil off site. As a result, the Applicant Refined Alternative would avoid the Project's significant and unavoidable construction-related impact. The reduced on-site construction activities would result in slightly less construction risk and hazards impacts than the proposed Project. Nevertheless, similar to the proposed Project, the impact would be less than significant with mitigation.

This alternative would generate less pollutant emissions associated with long-term operation of a residential development. However, like the proposed Project, community risk and hazards for on-site receptors from the Project's operational phase would be less than significant with mitigation. This alternative would also be consistent with the 2010 Bay Area Clean Air Plan. All mitigation measures that are applicable to the proposed Project would also be applied to this alternative. Overall, because this alternative would eliminate a significant and unavoidable impact related to construction-related air emissions, this alternative would be a *slight improvement* over the proposed Project.

### 3. Biological Resources

The proposed Project would result in significant and unavoidable impacts associated with the loss of native trees and conflicts with Section 6-1707.F of the Tree Protection and Preservation Ordinance, and with the elimination of the blue wildrye sensitive natural community from the site. The proposed Project would result in significant but mitigable impacts to special-status plant and animal species, both on and off-site, and to and wildlife movement opportunities along the on-site creek corridor.

The Applicant Refined Alternative has the potential to reduce impacts to the creek corridor and associated wildlife movement opportunities, native tree resources, and the blue wildrye sensitive natural community. Under this alternative, the proposed extent of development would be adjusted to allow for preservation of a portion of the native grasslands on the Project site, which would not be feasible under the proposed Project. With the modifications to the limits of grading and development under this alternative, the performance standards identified in Mitigation Measure BIO-5 could be met under the Applicant Refined Alternative through a combination of on-site avoidance and revegetation and off-site habitat preservation and native grassland restoration. With full implementation of Mitigation Measure BIO-5 and the on-site preservation and revegetation that would be provided under the Applicant Refined Alternative, together with any required off-site compensatory mitigation, potential impacts on the blue wildrye sensitive natural community would be mitigated to a less-than-significant level and Impact BIO-5 would no longer be considered significant and unavoidable.

This alternative would include the Conceptual Mitigation Plan for Blue Wildrye Native Grassland Avoidance and Replacement Program (CMP) prepared by the Project applicant's biologist. The CMP would be accomplished both on-site and off-site on the AMD property north of Deer Hill Road. As currently proposed, the CMP is inadequate to address the loss of native blue wildrye grasslands on the Project site, and potential impacts would remain significant under both the proposed Project and the Applicant Refined Alternative. However, the partial on-site protection that would be provided under

the Applicant Refined Alternative, together with the minimum replacement ratios and preparation of an adequate Native Grassland Avoidance and Replacement Program called for in Mitigation Measure BIO-5 of the Draft EIR, provides an opportunity to provide adequate mitigation and reduce this potential impact to a less-than-significant level. This would require that on-site avoidance of approximately 25 percent of the native grasslands can be achieved.

The Applicant Refined Alternative provides a schematic plan for redesigning the proposed Project to address a number of significant environmental issues but does not include a grading plan, which is necessary to show the grading required for landslide repair, roadway access, building envelope areas, and other details of the revised development and to demonstrate the feasibility of this plan. As mentioned above, this evaluation is based on the information provided by the Project applicant. Because the existing information does not address the limits of these improvements in relation to areas of native grasslands and other sensitive biological resources to be retained, a conclusive determination cannot be made on the level of significance of potential impacts following implementation of required mitigation.

The on-site protection of the 58-inch valley oak and other native trees in the vicinity that appears to be possible under the Applicant Refined Alternative would substantially reduce the required replacement tree plantings and, together with the minimum replacement ratios called for in Mitigation Measure BIO-7 of the Draft EIR to ensure compliance with the City's Tree Protection Ordinance, would provide an opportunity to provide adequate mitigation and reduce this potential impact to a less-than-significant level. This however assumes that avoidance of the 58-inch valley oak and other native trees in the vicinity can be achieved, which has still not been demonstrated. Again, the Applicant Refined Alternative provides a schematic plan for redesigning the proposed Project to address a number of significant environmental issues but the feasibility of this plan has not been demonstrated with any grading plans. Without knowing the limits of these improvements in relation to areas of native grasslands and other sensitive biological resources to be retained, a con-

clusive determination cannot be made on the level of significance of potential impacts following implementation of required mitigation.

Overall, the Applicant Refined Alternative would be a *slight* improvement over the proposed Project.

#### **4. Cultural Resources**

Under the proposed Project, project-related ground-disturbing activities could disturb unidentified archaeological or paleontological resources, or human remains. However, given the history of site disturbance on the site, the likelihood of unearthing as-yet-undiscovered resources or remains is minimal. Under the Applicant Refined Alternative, ground-disturbing activities, with the exception of the construction of the Project driveway, would not occur near the creek where unidentified archaeological or paleontological resources or human remains would be more likely to be found. Therefore, the potential to damage or destroy known and unknown archaeological resources or unknown paleontological resources and human remains would be slightly lower compared to the proposed Project. Overall, the Applicant Refined Alternative represents a *slight improvement* in relation to the proposed Project.

#### **5. Geology, Soils, and Seismicity**

The proposed Project would result in significant but mitigable impacts associated with landslides, soil erosion, liquefaction, lateral spreading, and expansion of soils. No septic tanks or alternative wastewater disposal systems would be required to serve new development. Under the Applicant Refined Alternative, the reduced number of dwelling units would result in reduced exposure of residents and property to geologic or seismic hazards. This alternative is otherwise considered the same as the proposed Project, and all the impacts identified under the proposed Project could be similarly mitigated under this alternative. Overall, the Applicant Refined Alternative would be considered a *slight improvement* in relation to the proposed Project.

## 6. Greenhouse Gas Emissions

The proposed Project would result in a significant but mitigable GHG emissions impact, due primarily to GHG emissions from vehicle miles traveled (VMT). GHG emissions associated with construction period activities of the proposed Project were found to be less than significant. In addition, the proposed Project was found not to conflict with applicable GHG reduction plans. Under the Applicant Refined Alternative, construction activities would decrease due to the reduced amount of on-site development and no off-hauling from grading activity. Therefore, emissions associated with construction and operation of the Applicant Refined Alternative would be lower. Additionally, given the reduced number of buildings and residents under this alternative, operational GHG emissions would be lower compared to the proposed Project. Overall, the Applicant Refined Alternative would be considered a *slight improvement* in relation to the proposed Project.

## 7. Hazards and Hazardous Materials

The proposed Project would result in significant but mitigable impacts from hazards and hazardous materials due to the demolition of existing buildings, which may release asbestos-containing materials (ACMs) or lead-based paints (LBPs) into the environment. Project impacts associated with hazardous materials and wildland fire hazards would be considered less than significant. Similarly, under the Applicant Refined Alternative, the existing structures on the Project site would be demolished and pose the risk of releasing hazardous materials. Otherwise, neither the Project nor this alternative would involve hazardous materials, be located in proximity to an airport, result in wildland fire hazards, or impair implementation of the Emergency Operations Plan. Overall, the Applicant Refined Alternative would be considered *similar* in relation to the proposed Project.

## 8. Hydrology and Water Quality

The proposed Project would result in significant but mitigable impacts to the existing drainage pattern of the site due to an increase in surface runoff. The proposed Project would not result in impacts to a groundwater table nor would it expose people or structures to risks associated with any flooding and

inundation by seiche and tsunamis. However, because the Project site is located on a hillside that is susceptible to landslides, there is potential for mudflows, which would be a less-than-significant impact following mitigation.

In comparison, the Applicant Refined Alternative would result in a smaller development footprint with less impervious surface area. Consequently, impacts associated with altering existing drainage patterns or increasing surface runoff rates would be reduced. Additionally, under this alternative, there would be fewer structures or people exposed to impacts associated with mudflows. Overall, the Applicant Refined Alternative would be considered a *slight improvement* in relation to the proposed Project.

#### **9. Land Use and Planning**

Neither the proposed Project nor the Applicant Refined Alternative would result in land use conflicts or conflicts with a habitat conservation plan or natural community conservation plan. A portion of the proposed Project would be in the Class I Ridgeline Setback area, and so the proposed Project would be subject to the Hillside Development Permit requirements set forth by the City's Municipal Code. However, the proposed Project would be inconsistent with Hillside Development Permit requirements and General Plan policies associated with hillside development and cluster development. Impacts associated with policy or regulation inconsistencies would be significant and unavoidable. Under the Applicant Refined Alternative, more of the Project site would be preserved as undeveloped and the buildings would be clustered in one area of the Project site, resulting in a less-than-significant impact associated with General Plan Policy LU-2.2, which calls for cluster development. However, because of the buildings in areas that would block scenic views to ridgelines, this alternative would have the significant and unavoidable impacts associated with policy or regulation inconsistencies, similar to the proposed Project. Therefore, and the Applicant Refined Alternative would be a *slight improvement* to the proposed Project.

#### **10. Noise**

Under the proposed Project, noise impacts related to the exposure of people to noise in excess of City standards, excessive groundborne vibrations, and a permanent or temporary increase in ambient noise levels would be less than significant after mitigation. In comparison, with fewer units, construction and operational noise impacts would be lower under the Applicant Refined Alternative. All mitigation measures that are applicable to the proposed Project would also be applied to this alternative. Therefore, this alternative would be a *slight improvement*.

#### **11. Population and Housing**

The proposed Project would create 315 new residential units in the city, but the estimated population generated as a result of the Project would not exceed local or regional growth projections. Moreover, given that the existing housing unit on the Project site is vacant, no impacts associated with displacement of substantial numbers of existing housing and people would occur.

The Applicant Refined Alternative would result in 248 housing units, with an estimated population of 518 residents. Therefore, the Applicant Refined Alternative would also be within local and regional growth projections. This alternative would also not displace any existing housing or people. Because neither the proposed Project nor the Applicant Refined Alternative would result in significant impacts to population or housing, the Applicant Refined Alternative would be *similar* to the proposed Project.

#### **12. Public Services**

The proposed Project would result in an increase in demand for public services and recreation. Project impacts associated with police protection services would be potentially significant but mitigable. Impacts to other public services would be less than significant. Similarly, the Applicant Refined Alternative would increase population and result in an increase in demand for public services or recreation. However, the increase in population and demand would be less than the proposed Project, and the same mitigation measures would be applicable. Therefore, the Applicant Refined Alternative

would be considered a *slight improvement* when compared to the proposed Project.

### 13. Transportation and Traffic

As shown in Chapter 3, Revisions to the Draft EIR, of the Final EIR, the impacts of the proposed Project have been revised since publication of the Draft EIR. The following bullet points summarize the revised impacts:

- ◆ Previously significant and unavoidable Impacts TRAF-3 and TRAF-14 would be less than significant under revised speed reduction thresholds for weaving conditions.
- ◆ Under existing conditions, previously significant Impact TRAF-6 to emergency vehicle access would be less than significant under revised speed reduction thresholds for weaving conditions. However, under Cumulative Year 2030 conditions, the impact related to emergency vehicle access would remain the same (less than significant with mitigation).
- ◆ Previously significant and unavoidable Impact TRAF-13 under Cumulative Year 2030 conditions, which would result from left-turn queue lengths exceeding the available storage lane capacity, would be mitigated to less than significant by extending the left-turn storage lane.

Overall, the proposed Project would increase VMT in the area and have one significant and unavoidable impact on the level of service for arterial segments and intersections in the vicinity of the Project site under Existing plus Project conditions. Two significant and unavoidable cumulative impacts associated with left-turn queue length or Delay Index would occur. Construction of the Project would also result in significant impacts associated with traffic hazards due to inadequate sight distance, construction traffic, parking conditions, and inadequate emergency access. Additionally, the proposed Project would conflict with adopted policies or plans regarding transit, bicycle, and pedestrian facilities, as well as increase hazards with vehicles, pedestrians, and bicyclists. These impacts could be mitigated to less-than-significant levels. There would be no impact to air traffic.

The following significant impacts of the proposed Project would be expected to also occur under the Applicant Refined Alternative. Note that the impact numbering referred herein remains the same as the Draft EIR:

- ◆ Impact TRAF-1: At the Deer Hill Road and Stanley Boulevard/Pleasant Hill Road intersection, a significant and unavoidable impact on existing a.m. peak-hour traffic delay would also occur under the Applicant Refined Alternative. However, the increase in average delay during the a.m. peak hour under this Alternative would be closer to the five-second threshold for a significant impact, compared to a nine-second delay increase under the proposed Project. This impact would remain significant and unavoidable given the significant secondary impacts previously identified in the Draft EIR for the proposed additional southbound lane on Pleasant Hill Road, which is not considered feasible as mitigation.
- ◆ Impacts TRAF-2 and TRAF-10: At the Deer Hill Road/Brown Avenue intersection, a significant impact on Existing and Cumulative Year 2030 traffic delay during peak hours, which would require the Project sponsor to contribute a fair share to the cost of installing a traffic signal at the intersection as mitigation, would also occur under the Applicant Refined Alternative.
- ◆ Impacts TRAF-4, TRAF-5, and TRAF-11: Significant impacts to traffic safety on Deer Hill Road at new driveway locations, which would be mitigated to less than significant by implementing specified design features and requirements, would also occur with the Applicant Refined Alternative. The potential exception would be the west driveway on Deer Hill Road, which would be located further west with the Applicant Refined Alternative than with the proposed Project. The driveway relocation assumed with this Alternative could provide one of the mitigations for the proposed Project's impact on traffic safety caused by inadequate sight-distance at the west driveway, pending confirmation by additional engineering analysis, resulting in a less than significant impact.
- ◆ Revised Impact TRAF-6: Significant impacts to emergency vehicle access because of increased p.m. peak-hour travel times for northbound Pleasant Hill Road that result in a significant impact on the Delay Index would al-

so occur under this Alternative under Cumulative Year 2030 Conditions. These emergency vehicle access impacts would require the Project sponsor to contribute a fair share to the cost of installing advance detection for emergency vehicle preemption of traffic signals as mitigation.

- ◆ Impact TRAF-8: Significant impacts on traffic delay and safety for school pedestrians and vehicle traffic during construction of both the ARAP and the proposed Project, which would be mitigated to less than significant by implementing a Construction Staging Plan including specified restrictions on large trucks and site access, would also occur under the Applicant Refined Alternative.
- ◆ Impact TRAF-12: On northbound Pleasant Hill Road at Deer Hill Road, a significant and unavoidable impact during the a.m. peak hour under Cumulative Year 2030 conditions with the proposed Project, which would result from the peak left-turn queue length exceeding the available storage lane capacity, would also probably occur under this Alternative.
- ◆ Revised Impact TRAF-13: On northbound Pleasant Hill Road at the driveway, the significant impact, which would result from peak left-turn queue lengths exceeding the available storage lane capacity, would be mitigated to less than significant by extending the left-turn storage lane under this Alternative, similar to the proposed Project.
- ◆ Impact TRAF-15: On Pleasant Hill Road, significant and unavoidable impacts on the peak-hour peak direction Delay Index under Cumulative Year 2030 conditions would also occur, as the Delay Index would increase by more than 0.05 for the a.m. and p.m. peak directions on this roadway where the Delay Index currently exceeds 2.0.
- ◆ Impacts TRAF-16 and TRAF-17: Significant transit impacts because of increased parking demand at the Lafayette BART station and lack of a loading area for school bus service, which would be mitigated to less than significant by implementing shuttle service to the BART station and construction of bus stop pullouts, would also occur.
- ◆ Impact TRAF-23: Significant impacts on safety for school pedestrians and vehicle traffic because of elimination of existing designated spaces on the

west curb of Pleasant Hill Road that are currently used for school passenger loading, which would be mitigated to less than significant by implementing specific measures to replace most of the existing loading capacity, would also occur under this Alternative.

The following impacts of the proposed Project would not be expected to occur under the Applicant Refined Alternative:

- ◆ Impact TRAF-7: Significant impacts to emergency vehicle access because of the proposed Project's inadequate turning radii on-site, which would be mitigated to less than significant by implementing site plan revisions specified in the Draft EIR, might not occur under the Applicant Refined Alternative, pending confirmation that the site plan would incorporate adequate turning radii.
- ◆ Impacts TRAF-18, TRAF-19, TRAF-20, TRAF-21, and TRAF-22: Some of the significant impacts on existing and planned pedestrian and bicycle facilities with the proposed Project, which would be mitigated to less than significant by implementing specified design features and accommodation requirements for such facilities, might not occur under the Applicant Refined Alternative. The potential exceptions with less-than-significant impacts for the Applicant Refined Alternative would be where the features and accommodations required as mitigation for the Project, or other variations from the proposed Project plans, are shown on the applicant's site plan for this Alternative. However, the Applicant Refined Alternative site plan provided by the applicant does not provide enough detail to ascertain whether some of those features comply with the dimensions and design details described in the Draft EIR as mitigations for the Project. The following describes the potential Applicant Refined Alternative impacts relative to each of the Draft EIR Project Impacts/Mitigation Measures for pedestrian and bicycle facilities:
  - TRAF-18: The sidewalks shown on the south side of Deer Hill Road and the west side of Pleasant Hill Road along the frontage would result in a less-than-significant impact if they comply with the dimensions

specified in the Draft EIR Mitigation, which cannot be determined from the plan provided by the applicant.

- TRAF-19: At the three site driveways, stop signs for exiting traffic and special design treatments to be specified by the City Engineer would result in a less-than-significant impact if installed, but those details of the Draft EIR Mitigation cannot be ascertained from the site plan provided by the applicant.
- TRAF-20: With the Class II bike lane located adjacent to the west curb on southbound Pleasant Hill Road along the entire site frontage as shown on the Applicant Refined Alternative plan, instead of the alignment shown in the proposed Project plans, this impact would be less than significant under the Applicant Refined Alternative.
- TRAF-21: The multi-use trail shown along the southerly boundary of the Applicant Refined Alternative site would result in a less-than-significant impact if it complies with the dimensions specified in the Draft EIR Mitigation, which cannot be determined from the plan provided by the applicant.
- TRAF-22: The proposed multi-use trail shown in the site plan would intersect the project driveway at Pleasant Hill Road directly adjacent to Pleasant Hill Road, resulting in a significant impact under either the Applicant Refined Alternative or the proposed Project. This impact would be less than significant with the mitigation measure described in the Draft EIR.

Overall, the impacts of the Applicant Refined Alternate Plan on traffic, transit, pedestrian, and bicycle facilities would be a *slight improvement* compared to the impacts of the proposed Project.

#### **14. Utilities and Service Systems**

The proposed Project would increase demand for utilities and service systems, but impacts would be less than significant. The Mitigated Project Alternative would also result in an increase in demand but, with 248 units, the demand would be less than the proposed Project. Therefore, demand for water sup-

ply, wastewater services, solid waste disposal, and energy would be reduced, and impacts would also be less than significant. Overall, the Applicant Refined Alternative would be *similar* to the proposed Project.

*E X H I B I T 5 - 2*

EXCERPTS FROM THE  
1974 LAFAYETTE GENERAL PLAN





On the north side of the freeway, within the rather arbitrary boundaries of this interchange area, all of the land between the freeway and El Nido Ranch Road is vacant. El Nido Ranch Road relates back to Mt. Diablo Boulevard and the park proposed along the creek. This plan provides that, as a part of the landscape entrance aspect of this interchange, the property between the freeway and El Nido Ranch Road be designated open space, or devoted to public or semi-public uses. The remnant parcels owned by the State should be purchased for open space. North of El Nido Ranch Road, the development can appropriately continue in single family residential use.

As a part of the City wide open space studies, certain other key parcels in the vicinity of the interchange, but outside the immediate study area, will be identified for their important visual significance.

There are no circulation recommendations for the area since existing circulation is adequate for present and future use.

PLEASANT HILL ROAD INTERCHANGE \*

The Pleasant Hill Road interchange area is a more difficult question because of prior zoning patterns. It is also a more important and vulnerable interchange because of greater traffic volume.

The northeast quadrant of the interchange which is presently outside the City limits, is developed with single family uses and several institutional sites. Few parcels remain vacant. It is recommended that this area be reserved entirely for single family residential and institutional uses, except for a parcel already zoned multi-family. Possible vulnerable sites are the few vacant properties. These should be maintained as residential. For this projected use, the existing circulation pattern will be adequate.

In the southeast quadrant, there are miscellaneous office type uses along the north side of Old Tunnel Road (the main entrance to the neighborhood). Otherwise, the uses are entirely single family residential in nature. This nonresidential area should be zoned for professional and administrative uses. Retail commercial uses should be kept from intruding into the neighborhood. There is also a vacant parcel north of the Leland Reservoir which contains severe topographic conditions that virtually preclude other than open space or residential uses. This site should either be acquired or rezoned for single family or duplex residential use.

The southwest quadrant has several problem areas. It is a prominent part of the eastern approach to the City and has an

existing high density residential zoning which has largely been committed. This area will be permitted to develop in its present multi-family zoning. The single family zoning of the area just south of the off-ramp and just west of Pleasant Hill Road will be maintained. There is an area just south of Mt. Diablo Boulevard which, unfortunately, retains some remnant commercial zoning on parcels which effectively are in the middle of what should have been the interchange area. Development of this property should be as a single parcel, with a single well designed structure which will be the least demanding of public attention by way of signs and character of building. Office use, a restaurant or another high quality, nonobtrusive special business use would be acceptable.

The northwest section of the interchange contains the single most important and critical parcel in terms of impact, visual character, and image for the City. It is the large property lying between Deer Hill Road and State Route 24. The land has remained vacant a long time due primarily to topographic conditions and the cost of development. With the advent of the rapid transit line in the median strip of State Route 24, Deer Hill Road has been constructed from Happy Valley Road to Pleasant Hill Road. Through this interchange, the road lies in a deep cut. The land on the north side of the street should be designated for open space and residential uses. A small triangle currently zoned for administrative offices should be designated as open space with consideration being given to it in evaluating the density of development on the south side of Deer Hill Road. Recently, this south side property has been extensively graded to create a more buildable site.

The significance to the City of this particular site is that it forms the terminus of Lafayette Ridge, the City's most prominent ridge line, extending back to Briones Park. This should be considered in conjunction with the fact that, when approaching the City from the east, traffic on the freeway is pointed directly toward this prominence, giving people their first impression of Lafayette from the east. Administrative offices would be the use which would most likely permit low profile, highly landscaped development and which would be the most visually acceptable from the freeway. Careful site planning with substantial landscaping and height control will be important in City review. This use would also be able to capitalize on the recognizable dramatic views from the property looking eastward to Mt. Diablo. The Plan provides, therefore, that the present zoning of this property be maintained; that is, administrative office uses with careful site planning review. The portion of this parcel at the corner of Pleasant Hill Road and Deer Hill Road should be changed from neighborhood business to administrative office so that the entire property will be devoted to the same use.

There are no modifications to the circulation facilities needed in this quadrant.

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#### FOUR: EXISTING DEVELOPMENT CONTROLS FOR SCENIC ROUTES

A number of mechanisms is currently available to the City for controlling aspects of the landscape related to scenic routes, including the following:

##### 1. *General Plan land use policies*

In Lafayette, the basic method for controlling the general appearance of the City from travel ways is the provision of a pattern of land uses that results in preservation of the aesthetics of the landscape. Two of the most important scenery-preserving characteristics of the General Plan land use map are 1) lower density residential use of highly visible hillsides, and 2) limitation of the areal extent of commercial land uses.

##### 2. *Zoning regulations*

Zoning regulations, through which land use policies are implemented, provide specific standards for density, structural heights, and yard sizes--all of which are related to general appearance of developments.

Commercial zoning regulations require design review of proposals for new construction and remodelling when the results would be visible from public right-of-way. The review process allows decision-makers to consider not only general appearance of improvements, but to study particular design problems that may result from unusual relationships between building sites and travel ways. An example of a design problem in the latter category is the situation in which wall-mounted or rooftop-mounted mechanical equipment would be visible from Route 24 or other elevated travel ways in the City. (Past approvals of commercial facilities with this problem have been conditioned on provision of adequate screening of mechanical equipment.)

The commercial zoning districts also require land use permits for uses outside of enclosed structures, and the district which permits heavier commercial uses requires not only a land use permit for outside uses, but also specifies that the Planning Commission shall be assured that any potentially visually-offensive outside use will be adequately screened.

##### 3. *Subdivision review*

The subdivision review process allows City decision-makers the opportunity to assure aesthetically pleasing general layouts for new residential developments. Within this process, consideration of building sites, lot configurations, road alignments, and earthwork are especially important.

#### 4. *Hillside and ridgeline development regulations*

The ordinance providing these regulations requires lot sizes for single family developments to be increased in area relative to increasing slope steepness. It also restricts development on or near the ridgelines of certain prominent ridges in the City. Thus, it is a device for protecting the scenic qualities of the undeveloped highlands that are visible from many travel ways. ]\*

#### 5. *Rezoning request review*

The rezoning review process also allows decision-makers the opportunity to consider design. Such considerations may be especially important in situations where rezonings will result in significant land use changes. (Such changes would, of course, require changes in the General Plan land use map and, perhaps, in other land use policies.)

Two rezoning devices allow for extraordinary control of development: 1) contract rezoning and 2) planned unit development rezoning. Both methods provide for rezonings only on the basis of specific plans and conditions. Contract rezoning is usually associated with commercial rezoning requests, and can be imposed by the reviewing body. Planned unit development rezoning is usually associated with residential development proposals, and is requested by developers who wish approval of residential proposals that deviate from existing zoning standards (other than density standards). In the case of residential proposals, the planned unit development process can be especially effective because it allows the imposition of development conditions that are not legally available under the non-PUD subdivision review process. Thus, landscaping conditions and other provisions related to aesthetics may be required.

#### 6. *Environmental Review Commission procedures*

The five member Environmental Review Commission was created by Ordinance No. 128, effective November 8, 1974. The Commission, comprised of trained design professionals, reviews all sign permit applications, and is "...the principal advisor to the Planning Staff, the Planning Commission and the City Council on all matters of design...which affect the physical appearance of the City."\* The Review Commission, at the discretion of the Planning Director, reviews development applications before they are heard by the Planning Commission and makes recommendations on such applications, which may be imposed by the Planning Commission as conditions of approval. Normally, the Review Commission considers all applications for commercial

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\* Lafayette Municipal Code, Section 2-1209(b)

## SIX: SCENIC ROUTES IN LAFAYETTE

The Scenic Routes Element designates only one scenic way in the City--State Route 24, the freeway passing through the central area on a generally east-west alignment. Other routes, however, are proposed for study in a local scenic routes program (Section Seven).

### State Route 24

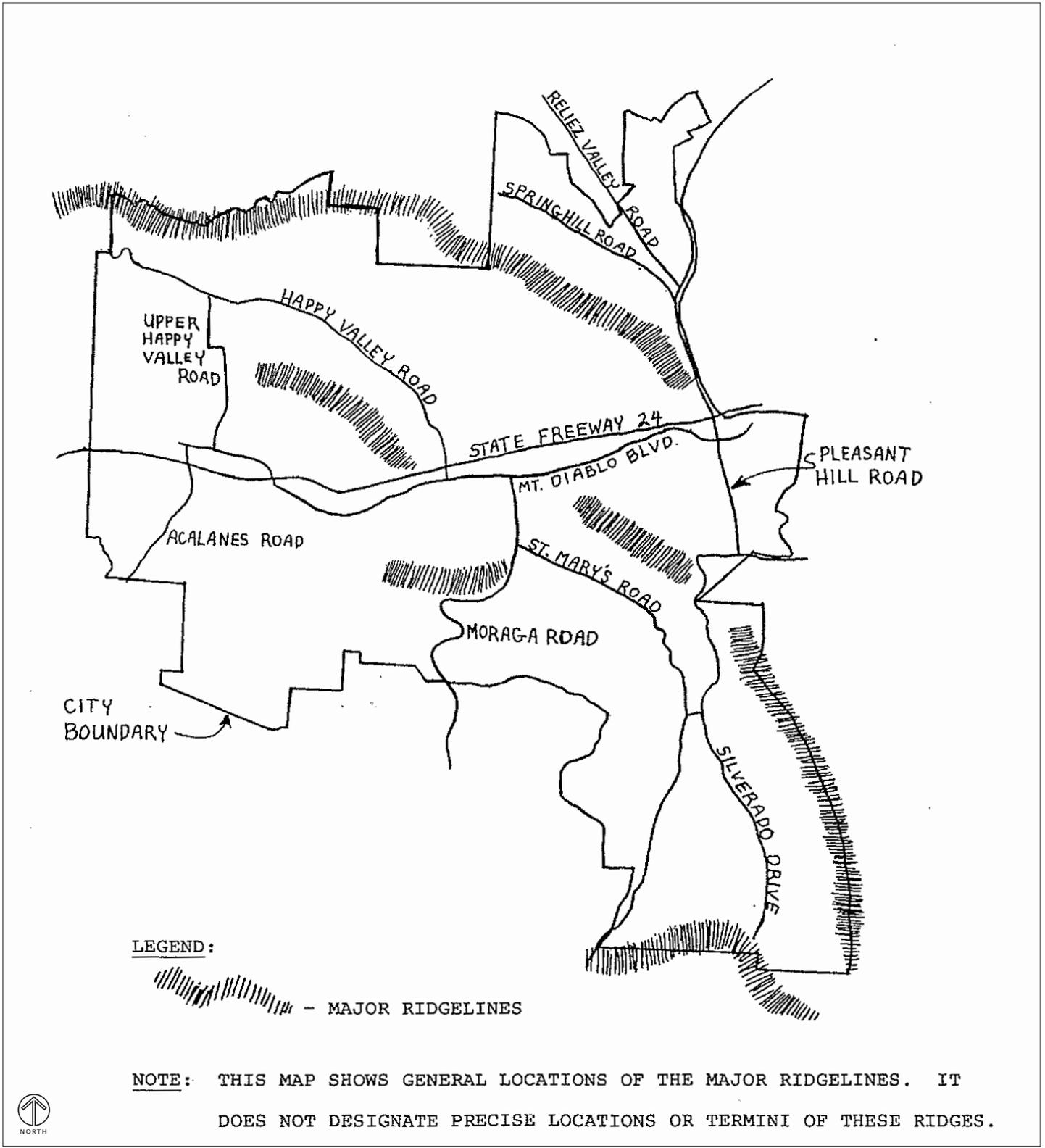
Route 24, the most significant motor vehicle way in the Lafayette area, has been designated as an eligible Scenic Highway in California's Scenic Highway Master Plan. However, the route has yet to be officially designated since the City has not yet completed the steps necessary to achieve such designation.

Route 24 possesses a number of scenic qualities which give it the aesthetic character that was necessary for its designation as a planned route on the California Master Plan for Scenic Highways:

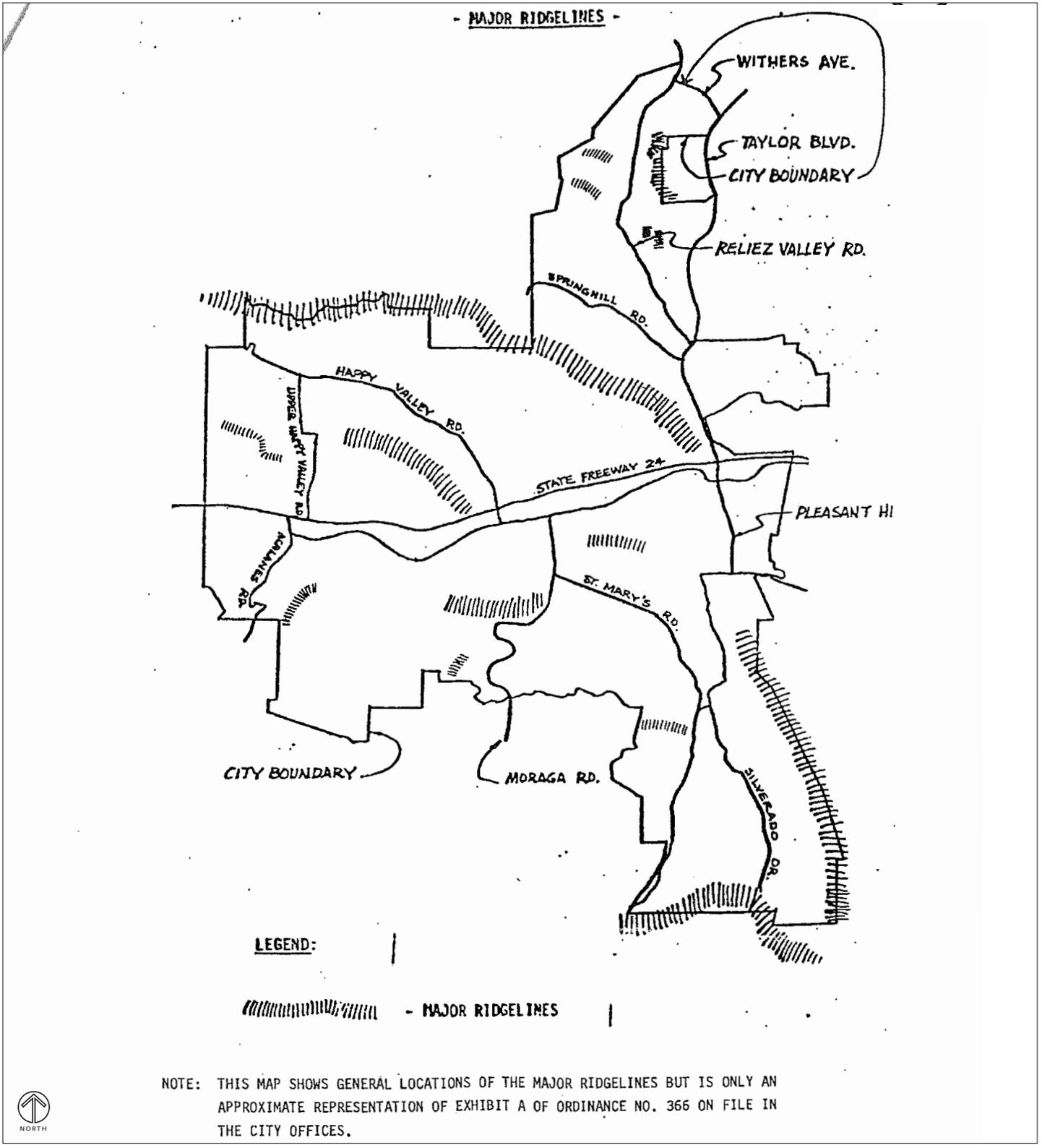
1. *Long-range views, eastbound, of Mt. Diablo*
2. *Long-range views, westbound, of the hills in the Orinda area, and at its westerly Contra Costa County extremity, impressive views of the Berkeley Hills*
3. *Intermediate- to short-range views of hills and ridges in Lafayette, including, most prominently, Lafayette Ridge, Quail Ridge, and the ridge system just south of the freeway*

Within the City the qualities of the route are a combination of landscape features which include the following:

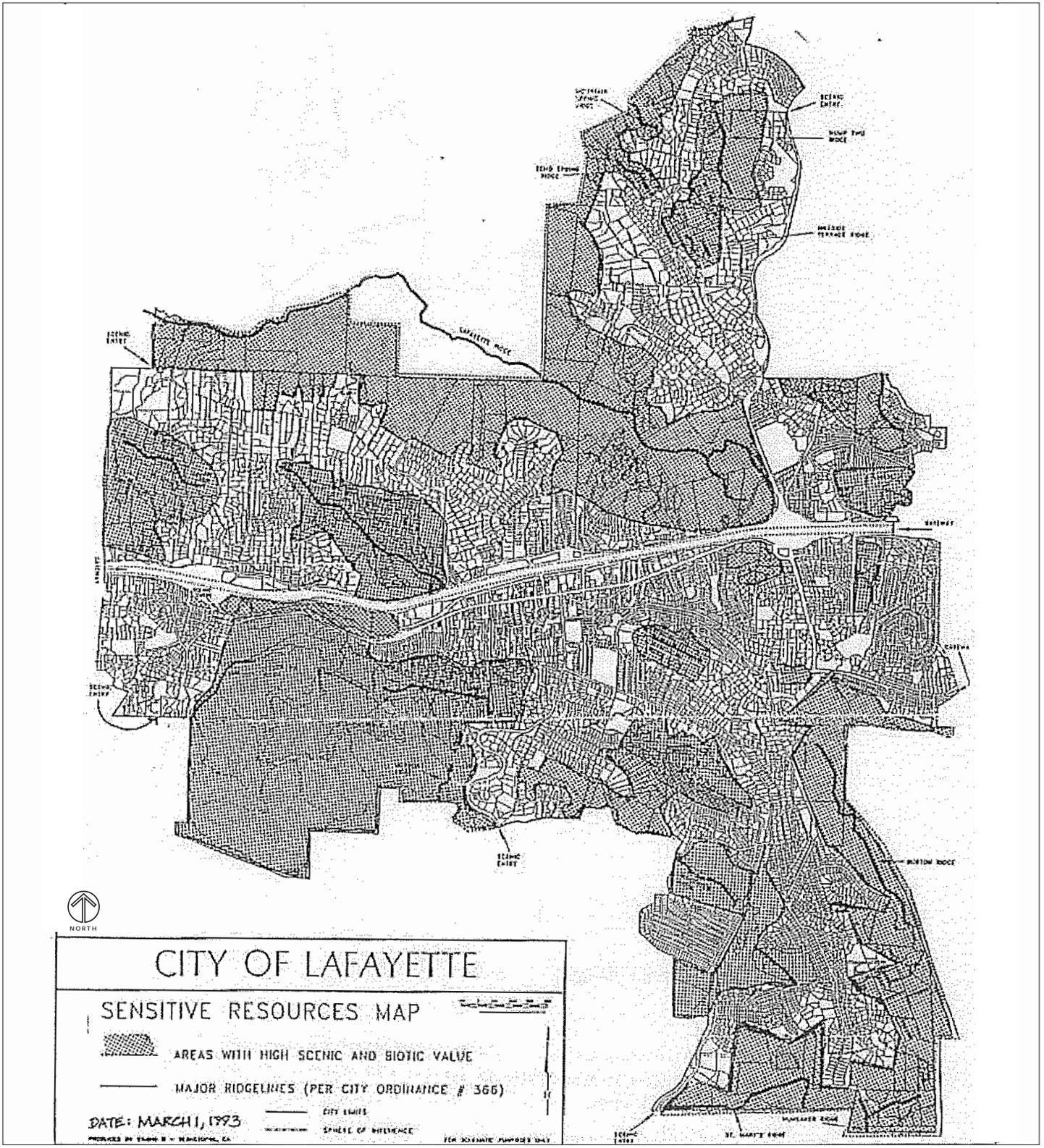
1. *Classic California oak-woodland (clusters of oak trees set against a background of grassy hills)*
2. *Heavily-wooded hills--especially on north-facing slopes--combining numerous species of native and introduced trees and shrubbery*
3. *Irregular patterns of development, with residential structures dispersed among vegetation*
4. *Commercial development that is generally located well below the elevation of the freeway and interspersed with vegetation*
5. *Attractive freeway landscaping--particularly at the Acalanes and Pleasant Hill interchanges, at either extremity of the route within the City (The freeway trees--including eucalyptus, redwoods, and conifers--*



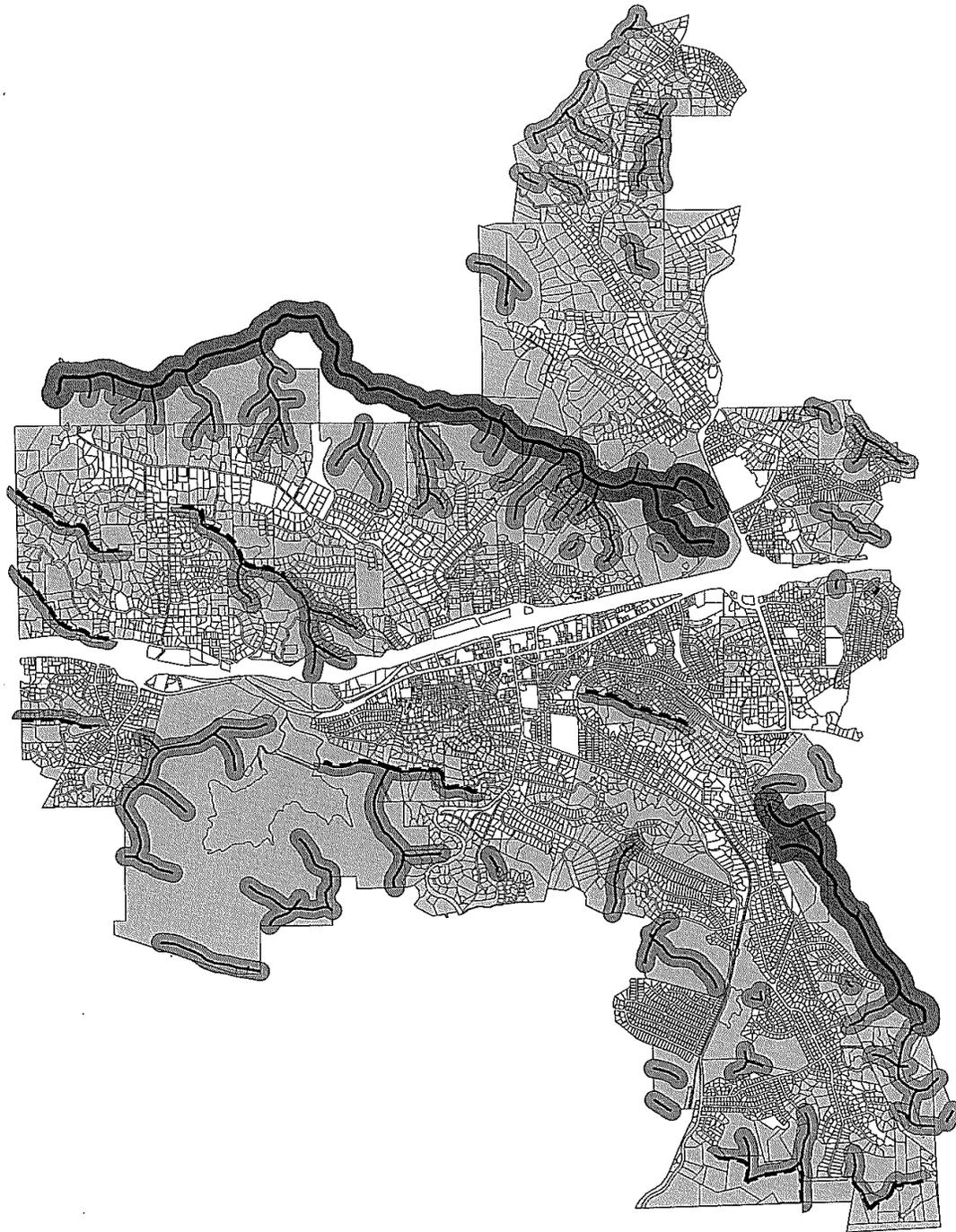
Source: City of Lafayette, 1976.



Source: City of Lafayette, 1988.



Source: City of Lafayette, 1993.



City of Lafayette  
Lafayette Area Ridge Map  
Hillside Overlay District Map  
Adopted July 8, 2002 - Ordinance 528

- Class I Ridge
- Class II Ridge
- Class III Ridge
- Class I Setback (400-ft.)
- Class II Setback (250-ft.)
- Hillside Overlay District



Source: City of Lafayette, 2002.

E X H I B I T 5 - 7

CITY OF LAFAYETTE STAFF  
REPORT, JANUARY 10, 2001

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# City of Lafayette Staff Report

**For:** Planning Commission  
**By:** Greg Wolff, Associate Planner  
**Date Written:** January 10, 2001  
**Meeting Date:** January 10, 2001  
**Subject:** ZT03-00 Mapping

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## **Introduction**

At its December 14, 2000 meeting the Planning Commission had questions relating to the maps that are part of the pending zoning text amendment ZT03-00. The Commission requested staff to prepare materials for the next meeting.

You will find in your packet that was distributed prior to the meeting enlargements of both the Acalanes Road and Pleasant Hill Road freeway interchanges as well as the area at the northwest end of Springhill Road, where there was some discussion of the appropriate classification for the ridge on the Hynek property.

## **Environmentally Sensitive Areas Boundary and Property Lines**

After analysis and hand drawing of the ESA boundary based on slope, visibility, vegetation and development, the Hillside Development Steering Committee directed staff to “snap” the ESA boundary to property lines wherever possible. While the ESA boundary does correspond to property lines for the majority of its length, there are instances, such as flag lots, where it crosses a property, making it neither entirely inside nor outside the ESA. Staff will present an exhibit at the meeting that illustrates those parcels that are bisected by the proposed ESA boundary.

Option I: A parcel that is not entirely within the ESA boundary is not subject to Hillside Development regulations.

Option II: A parcel that is *partially or entirely within* the ESA boundary is subject to Hillside Development regulations.

Option III: The map shall be the determining factor. Development proposed within the mapped ESA boundary is subject to Hillside Development regulations. Development proposed on relatively flat land mapped outside the ESA boundary would not be subject to Hillside Development regulations.

**Recommendation:** Staff recommends Option III. The Planning Commission will have the opportunity to review each parcel that is bisected by the ESA boundary. Any correction to

the boundary that the Commission deems necessary can be incorporated into the map, allowing it to accurately reflect the ESA boundary and cross a parcel in a limited number of cases.

**Lagiss Property is Not Mapped within an Environmentally Sensitive Area**

Lagiss Property is not shown within the Environmentally Sensitive Areas boundary. The General Plan update proposes that the area be designated as a Special Study Zone, that would require a specific plan to be completed and approved before any development could occur. Design guidelines, height restrictions and uses could be set forth in the specific plan. This designation would afford the property greater scrutiny than being mapped in the ESA and subject to the Hillside Development regulations.

Option I: Do not include the Lagiss property in the Environmentally Sensitive Areas, as its proposed General Plan designation as Special Study Zone will afford it adequate protections.

Option II: An alternative would be to include the Lagiss property in the Environmentally Sensitive Areas.

**Recommendation:** Staff recommends Option II, that the Lagiss property not be included in the ESA, as the General Plan update designation as a Special Study Zone would afford adequate protection of the property.

# City of Lafayette Staff Report

**For:** Planning Commission

**By:** Michael Henn, Planning Services Manager

**Date Written:** January 5, 2001

**Meeting Date:** January 10, 2001

**Subject:** ZT3-00 City initiated consideration of changes to the Lafayette Municipal Code governing development within hillside and ridgeline areas and the Low Density Residential (LR) zoning district, including the repeal of Chapter 6-20 Hillside And Ridgeline Preservation, Chapter 631 Regulations Governing the Subdivision of Hillside Land, and Chapter 11, Article 2 Hillside Planned Development District; and adoption of a new Chapter 6-20 entitled Hillside Development which makes changes to hillside land including increasing the scope of design review, modifying the slope density requirements, increasing the number of protected ridgelines, and modifying regulations dealing with clustering of development; Consideration of creation of a new Article 9 to Chapter 6-7 entitled Single Family Residential district, 5 acres, RR-5; Modification of Chapter 7, Article 10 (formerly Article 9) Low Density Residential District including the increase of the minimum parcel size to 10 acres. Consideration of creation of a new Article 11 to Chapter 6-7 to establish a procedure for requesting a reduction in the minimum lot area in the LR district to avoid taking claims; Consideration of Adoption of a Negative Declaration of Environmental Significance

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## BACKGROUND

The Planning Commission first considered this matter at its regularly scheduled meeting on October 19, 2000, then continued the public hearing to November 20, 2000 and again to December 14, 2000.

At the December 14, 2000 meeting there was considerable progress in dealing with several important aspects of the overall review including:

- The HPD density bonus has been eliminated (3-2 vote). *Clustering is required, but no density bonus would be provided.*
- The density in the LR zone is reduced from 1du/5A to 1du/10A (4-1).
- The former Sensitive Resource Area is replaced with a broader Environmentally Sensitive Area based on topography of over 15% slope. *Generally accepted but still unresolved issues regarding certain boundaries of such areas and criteria for inclusion.*

- Development in an Environmentally Sensitive Area is subject to a Hillside Development Permit Approval. *Generally agreed upon but concerns with review responsibilities.*
- The probable lot yield from subdivision is reduced by the elimination of Hillside Exclusions. *A compromise was reached that increased the potential reduction to 40% for all subdivisions in zones smaller than R-65.*
- Expansion of the number of protected ridgelines and the creation of two ridgeline Classes, I and II, with differing regulations. *Staff was asked to provide a clearer map that delineated the ridges where one side was different than the other. A proposal from Springhill Rd. residents to add more Class 2 ridges in their area was continued, and the Commission would review the request before the next meeting.*

Because of the short time between meetings, the departure of the Community Development Director, the holidays as well as a staff vacation, some of the review requested is not complete or nor as thorough as desired. Nevertheless, there are several areas of progress available for the Commission. In particular the Commission was working its way through editing the various pending ordinances and completed Article 6-20. Four articles or chapters remain for review.

*6-20 Acre Issue:* There still remained questions as to whether certain properties now zoned LR should be treated differently. Different possible approaches were raised by concerned citizens who felt their very limited subdivision plans were being unfairly restricted because of concerns with much bigger subdivisions. The attached list of LR properties containing from 6 to 20 acres shows 49 properties that would be affected by the change. The highlighted rows indicate property owners who have voiced opposition to the proposed density reductions.

If the Commission determines that some existing LR properties should not be subject to the new 10 acre minimum, it would need to be determined if some properties should be treated differently now as part of the current process, or subsequently by means of individual General Plan and rezoning requests. If the former process is preferred, the City should use criteria to distinguish properties suitable for a higher density such as the new RR-5 zone or higher. Suggested criteria could include the following:

- Adjacent zoning and land use
- Steepness/topography
- Access from existing public streets vs. need for cutting in new streets.
- Off-site visibility
- Need for grading to develop

#### **Other Issues:**

*Caretaker's Unit:* The Commission did not get to this matter as of yet although there have been indications of support. An owner of a 10 acre parcel has spoken on several occasions

with a request that, if the 10 acre change occurs, that there be a new provision added to the LR zone to allow an owner to apply for a Land Use Permit for a detached second unit. Since an attached second unit is conditionally permitted in all residential zones, the change to allow a detached second unit on parcels over 10 acres should have very limited impact on the open space preservation goals of the LR zone. Additionally, it may allow owners to stay on their large properties longer if they could have a caretaker's unit. The 750 sq. ft. maximum size seems rather small in the LR context. Staff would suggest an increase to a size limitation such as 1250 sq. ft. to make the caretaker concept more viable. The pending Article 10, Section 6-7184, sub-section (8) now before the Commission could be amended to allow a detached second unit, of up to 1250 sq. ft.

*CEQA Discussion:* At least one speaker as well as letters have expressed the view that an EIR was legally required for the types of changes contained in ZT3-00. At the first Planning Commission meeting on October 19, 2000, staff proposed the use of the Negative Declaration process as the means to achieve CEQA compliance. An initial study was attached. The Commission was aware of this recommendation and has not asked for a change. There may have been some confusion on the part of some speakers relative to the actual EIR process underway associated with the pending General Plan.

*General Plan Consistency:* A speaker expressed the view that the 10 acre minimum was inconsistent with the 1974 General Plan. Although the proposed 10 acre LR parcel size falls about midway in the 3-20 range of the existing General Plan, this speaker believes that the 3 to 20 acre range must be represented to be consistent. Staff does not agree. For example we have R-20 zoning within the General Plan range of 1 to 4 units per acre and have never felt or required that the four units per acre end of that density range had to be allowed. Opponents have also expressed the view that the housing goals of the Housing Element could not be achieved with the density reductions proposed. Generally, the housing goals would be achieved by development within the higher density areas and downtown and not from the LR zoned areas, particularly for affordable housing. A preliminary analysis prepared during the Hillside Subcommittee review estimated that there would be a potential build out reduction of about 230 units citywide with the proposed change. Without the proposed change the pending Housing Element estimates that there is a build out potential of 1160 units. Therefore there would not be General Plan housing inconsistencies resulting from the pending zoning text amendment.

**Current Proposals:** The contents of the package of ordinances are as follows:

- New Chapter 20 – Hillside Development (repeal current Chapter 20)
- New Article 9 – Low Density Residential 5-acres (repeal current Article 9)
- New Article 10 – Low Density Residential (LR) (1du/10acre maximum density)
- New Article 11 – Administrative Procedure for Application to Reduce Minimum Lot Area in the LR zone.
- New Chapter 6-24 dealing with Lot Line Adjustments.

### Status of the Moratorium

The moratorium on hillside development enacted by ordinance 510 and extended by ordinance 511 was extended again on November 27, 2000, and will expire on April 1, 2001. The moratorium was extended to allow for completion of the consideration of the subject hillside regulations.

### Staff Analysis

A rising concern among staff is that the increase in design review created by the new, expanded Environmentally Sensitive Area will have significant impacts on staffing as well as on commissioner's length and frequency of meetings. The recent history of design reviews and variances is as follows:

YEAR	DESIGN REVIEW	VARIANCE
1990	39	38
1991	37	37
1992	44	21
1993	40	26
1994	36	43
1995	41	23
1996	33	31
1997	46	23
1998	52	29
1999	61	29
2000	78	50

While much of this recent increase is the result of the strong economy and we cannot predict the future economy, staff feels that it needs to be understood that the increases in the scope of review could not be accomplished without a corresponding increase in staffing and in Design Review Commission and Planning Commission meetings. The Environmentally Sensitive Area is **44% larger** than the existing Sensitive Resources area, and as proposed the triggers for review are tightened (e.g. 30 feet height to midline of roof changing to 20 feet to high point). Also, in some cases, both Planning Commission and Design Review Commission action is proposed where currently only Design Review Commission action is required. Although the questions of staffing levels, office space etc. are not in the hands of the Planning Commission, the Commission needs to be aware of the impacts of the proposed changes. Additionally, the Design Review Commission is considering changing the design review triggers citywide which would further increase the load of design reviews.

*Environmentally Sensitive Area Boundary Criteria:* It was believed by at least one commissioner that the Environmentally Sensitive Areas would include all currently zoned LR parcels. While largely true, the Hillside Development Study Steering Committee (HDSSC) reviewed the Environmentally Sensitive Area map at great length with the intent of making the boundaries more rational. For background, they began with a computer-generated

map that located the boundary between land steeper than 15% and land less steep. Because that boundary line was frequently jagged and had small blips and islands, the HDSSC smoothed the line to correspond with property lines where possible. Because nearly all LR land is steeper than 15% it was included within the Environmentally Sensitive Area. However, we are aware of three areas where some gentle LR areas were excluded from the Environmentally Sensitive Area. One is the southerly few hundred feet of the Hynek property near Prado Way. Another is off the end of Franklin Lane. The third is at the Acalanes Road off-ramp area where three smaller developed lots have historically been zoned LR. Staff is not aware of a problem resulting from not having these areas in the Environmentally Sensitive Area since they do not meet the slope criteria for inclusion. However, if the commission finds it necessary to modify the Ridgeline and ESA map to include them, that is an option.

*Interchange Areas:* While not directly a ridgeline or hillside related subject, a commissioner asked that the Environmentally Sensitive Area or other special design controls be investigated for Pleasant Hill Road and Acalanes Road, two of the three Lafayette interchanges. Area maps have been provided. Staff would not favor the inclusion of these areas into the Environmentally Sensitive Area because they generally do not meet the basic slope criteria and particularly the Pleasant Hill interchange is in zones that require design review already. However, if the Commission determines that additional design review is required, there are other options. For example, there is an existing but not-applied zone in the Zoning Ordinance entitled Interchange Transitional District (6-13). The language of this zone created in 1971 is partially obsolete, but this zone otherwise sounds appropriate for the subject of interchange design controls, and it could be adapted to cover all three interchanges, if deemed necessary. Because pursuing this alternative at this time would get us involved with additional property owner notification and carefully defining the boundaries and text language, it does not seem necessary to include it in the subject of the hillside and ridgeline matter, given the time constraints.

## **REQUIRED FINDINGS**

The required findings for a Zone Text Amendment are as follows:

- 6-213 Findings before making recommendation on change in land use district classification or land use regulation. Before making its recommendation on the application for (1) change of land use district applicable to the subject property or (2) change in the text of land use regulations, the Planning Commission shall determine whether or not:
- (a) The change proposed is consistent with the General Plan and each element of it;
  - (b) In the case of a general land use regulation, the proposed change is compatible with the uses authorized in, and the regulations prescribed for, the land use district for which it is proposed; and with the regulations for other land use districts; and
  - (c) Community need is demonstrated for the change proposed.

**Recommendation**

Staff recommends that the Commission re-open the public hearing and take testimony on ZT3-00. If the issues raised at the prior meetings and in this report can be resolved, it is further recommended that the Commission adopt a negative declaration of environmental impact. Alternatively, the Commission may continue the public hearing for additional testimony or further study.

**Attachments**

Chart of 6-20 Acre Parcels  
Hynek letter, 1/4/01

E X H I B I T 5 - 8

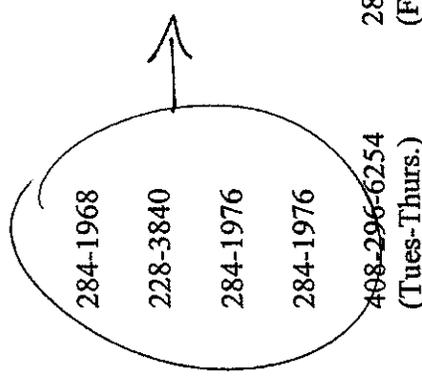
HILLSIDE DEVELOPMENT STUDY  
STEERING COMMITTEE





HILLSIDE DEVELOPMENT STUDY STEERING COMMITTEE

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<b>STAFF</b>				
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Charlie Williams		228-3840		
Mike Henn		284-1976		Lafay1968@aol.com
Greg Wolff		284-1976		" "
Natalie Glavinovich	3164 Lucas Dr., Lafayette	498-296-6254 (Tues-Thurs.)	283-8586 (Fri-Mon.)	



Hillside Comm.info.



E X H I B I T 5 - 9

CITY OF LAFAYETTE STAFF  
REPORT, FEBRUARY 12, 2001

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WOLFF  
8

# City of Lafayette Staff Report

**For:** City Council  
**By:** Michael Henn, Planning Services Manager  
**Date Written:** February 6, 2001  
**Meeting Date:** February 12, 2001  
**Subject:** ZT3-00 City initiated consideration of changes to the Lafayette Municipal Code governing development within hillside and ridgeline areas and the Low Density Residential (LR) zoning district, including the repeal of Chapter 6-20 Hillside And Ridgeline Preservation, Chapter 6-31 Regulations Governing the Subdivision of Hillside Land, and Chapter 11, Article 2 Hillside Planned Development District; and adoption of a new Chapter 6-20 entitled Hillside Development which makes changes to hillside land including increasing the scope of design review, modifying the slope density requirements, increasing the number of protected ridgelines, and modifying regulations dealing with clustering of development; Consideration of creation of a new Article 9 to Chapter 6-7 entitled Single Family Residential district, 5 acres, RR-5; Modification of Chapter 7, Article 10 (formerly Article 9) Low Density Residential District including the increase of the minimum parcel size to 10 acres. Consideration of creation of a new Article 11 to Chapter 6-7 to establish a procedure for requesting a reduction in the minimum lot area in the LR district to avoid taking claims; Adoption of a new Chapter 6-24 regulating Lot Line Adjustments; Consideration of Adoption of a Negative Declaration of Environmental Significance

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## Background

The Planning Commission considered this matter on October 19, 2000, November 20, 2000, December 14, 2000, January 10, 2001, January 18, 2001 and January 25, 2001. At the January 25, 2001 meeting the Commission concluded its deliberations and recommended the adoption of three new or revised ordinances, and passed forward without a recommendation two additional ordinances. The three ordinances for which there is an affirmative recommendation are as follows:

- New Chapter 6-20 – Hillside Development (repeal current Chapter 6-20) (5-0)
- New Article 10 – Low Density Residential (LR) (1du/10acre maximum density) (4-1)
- New Chapter 6-24 Lot Line Adjustments (5-0)

There was not a consensus to recommend adoption of the two following ordinances:

- New Article 9 – Single Family Residential 5-acres (repeal current Article 9) (failed 3-2)
- New Article 11 – Administrative Procedure for Application to Reduce Minimum Lot Area in the LR zone (failed 4-1)

Prior to the Planning Commission deliberations of this matter, a six-member Hillside Development Steering Committee (HDSC) appointed by the Council considered and made recommendations on the issues previously identified by the Council in creating the moratorium (Ordinance 510 & 511). The Hillside Development Steering Committee met 18 times from January to October 2, 2000 when they completed their study and voted 4 to 2 to pass on to the Planning Commission their recommended changes to be adopted.

### **Status of the Moratorium**

The moratorium on hillside development enacted by ordinance 510 and extended by ordinance 511 was extended again on November 27, 2000, and will expire on April 1, 2001. The moratorium was extended to allow for completion of the consideration of the subject hillside regulations. Unless special meetings are scheduled, the Council will only have two opportunities to consider this matter to remain within the time frame of the moratorium.

### **Planning Considerations**

During the great breadth and depth of discussion on these matters for approximately one year numerous items were brought up and discussed. Some matters were incorporated into the draft ordinance; others were not agreed to but may be raised again at the City Council hearings. The following is a summary of what the various ordinances will accomplish. Following that is a list of matters that represent recurring themes in the discussions.

- The HPD density bonus has been eliminated. While clustering is required, there is no density bonus provided.
- The density in the LR zone is reduced from 1du/5A to 1du/10A.
- The former Sensitive Resource Area is replaced with an Environmentally Sensitive Area approximately 44% larger based on topography of over 15% slope.
- Development in an Environmentally Sensitive Area is subject to a Hillside Development Permit Approval.
- Hillside exclusions of up to 25% are being retained in the case of subdivision of hillside land.
- Expansion of the number of protected ridgelines and the creation of three ridgeline categories, I, II, and III with differing regulations.
- Lot Line Adjustments in the Environmentally Sensitive Area will require Planning Commission approval except in the case of a "friendly neighbor" adjustment between two developed lots.

**6-20 Acre Issue:** The Commission heard much testimony and discussed at great length the question as to whether certain properties now zoned LR should be treated differently.

Different possible approaches were raised by concerned citizens who felt their very limited subdivision plans were being unfairly restricted because of concerns with much bigger subdivisions. The attached list of LR properties containing from 6 to 20 acres shows 49 properties that would be affected by the change. Some commissioners stated accommodating these requests for areas of smaller lot zoning would look like "spot" zoning. All recognized that they did not have time for individual property reviews. Speakers were told that they could later apply separately.

**Caretaker's Unit:** The Commission agreed that there should be a new provision added to the LR zone to allow an owner to apply for a Land Use Permit for a detached second unit. Since an attached second unit is conditionally permitted in all residential zones, the change to allow a detached second unit on parcels over 10 acres should have very limited impact on the open space preservation goals of the LR zone. Additionally, it may allow owners to stay on their large properties longer if they could have a caretaker's unit. The 750 sq. ft. maximum size was increased to 1250 sq. ft. to make the caretaker concept more viable.

**CEQA Discussion:** Several speakers as well as letters have expressed the view that an EIR was legally required for the types of changes contained in ZT3-00. At the first Planning Commission meeting on October 19, 2000, staff proposed the use of the Negative Declaration process as the means to achieve CEQA compliance. An initial study was attached. The Commission was aware of this recommendation and has not asked for a change. There may have been some confusion on the part of some speakers relative to the actual EIR process underway associated with the pending General Plan. Staff and the City Attorney have expressed the view that reducing densities and increasing the level of design review, while it may have other economic impacts, does not have any significant environmental impacts.

**Pre-1993 LR Regulations:** There has been continued confusion regarding whether the LR zone had a 20-acre minimum prior to 1993. The Commission asked staff for a history of the matter which is provided as follows: Prior to 1993 the LR zoning required a "stepped" process to increase densities from 1:20 acres to 1:3 acres if increasingly difficult findings could be made. The LR zone was created by Ordinance No.185 in 1978. It was amended in 1985 primarily dealing with design review.

During the 1978 to 1993 period there were 12 subdivisions approved in the LR zone. The following table indicates the actual acreages allowed for each subdivision. These results represent the City's practice in interpreting the minimum parcel size requirement under the pre-1993 LR ordinance.

Subdivisions Approved in LR Zone 1977-1993				
Tract/Minor Subdivision	Year Approved	Acres	Number of Lots	Average Size
TR7424	1993	40	8	5
TR5572	1986	43	8	5
TR5939	1981	23	5	5
MS507-89	1990	10	2	5
MS506-88	1989	15	2	7
MS505-88	1989	11	3	4
MS504-81	1982	25	2	12
MS501-80	1980	39	4	10
MSL13-79	1979	10	2	5
MSL10-79	1980	27	3	9
MSL8-79	1981	13	2	6
MSL6-79	1980	19	4	5
	Total	275	45	7

While the nominal minimum lot size was 20 acres in the LR zone from 1978 to 1993, it is apparent from the foregoing table that it was the City's practice to routinely make the necessary findings to reduce the size of lots created from 20 acres to an average of between 6 and 7 acres. The smallest lots approved were less than 4 acres. None of the subdivisions produced lots of 20 acres or larger. Since 1993 there have been only two minor subdivisions approved in the LR zone, one for three lots and one for four lots.

**Potential Changes to Ridgelines:** There has been input from two directions on the question of which ridges shall be protected. Several speakers have protested new or existing ridgelines with their required setbacks as unreasonable and a potential taking. On the other hand some area residents, fearing new development near them have asked that other smaller ridges or spurs be included to gain further protection. Input in this regard has come from residents on Silver Dell Rd., Springhill Road, and Prado Way have asked to have additional ridgelines designated as Class I or II to prevent development that they believe to be inappropriate. The Planning Commission has not supported changes to the ridgelines previously recommended by the HDSC.

**Lot Line Adjustments:** It has been recognized by the staff and Planning Commission that lot line adjustments have occasionally been used to create lots that were potential problems. For example in hill areas past lot line adjustments have produced lots that had a very limited building site but prior to the adjustment a better site was available. The City Attorney had produced a lot line adjustment ordinance separate from subject zoning text amendment in summer of 2000. The Planning Commission did not recommend for it stating that it was too burdensome on non-problem situations. Instead the Commission integrated a less burdensome version in subject ZT3-00. The concerns raised by Commissioner Humann in his attached January 18, 2001 letter were partially addressed by changes that the Commission made that evening.

**Fiscal Impact:** The Planning Commission discussed the subject of staffing needs and fiscal impact at the January 10, 2001 meeting. Further information is provided for the Council. The fiscal impact of the proposed regulations are dependent upon a number of factors, only some of which are under the control of the City. For example, the demand for new houses and house additions is largely dependent on the regional economy and interest rates, neither of which the City can influence. However, the regional economy and interest rates have a major impact on the workload of the Planning Services Division.

Because a large percent of applications would require Planning Commission and Design Review Commission approval under the proposed regulations, it is clear that the workload of the Planning Services Division as well as the commissions will increase. However, the projected increased workload might be tempered by a general economic slowdown. The workload possibly could be reduced to a small degree if the Council adopts a ten-acre minimum parcel size where the present minimum is five acres. A change in the minimum lot size is not expected to have a significant effect on the workload because past experience shows that most new applications will be generated by new houses and house additions on existing lots of record rather than new lots created through the subdivision process.

It is helpful to look at the number of design review applications processed by the City on a yearly basis. From 1990 to 1996 the number of design review applications ranged from 33 to 44 per year. The number of reviews varied considerably from year to year, and there were no trends in the number of applications. However, from 1997 to the end of 2000, there was a dramatic increase in the number of design reviews per year. There were 46 reviews in 1997 rising steadily to 78 reviews in 2000, an increase of seventy percent (see chart in 1-10-01 PC report).

It is difficult to project the impact of the proposed regulations on the number of applications the City may be asked to process. However, valuable insight can be gained by comparing the existing Sensitive Resources Area (SRA) with the proposed Environmentally Sensitive Area (ESA).

The intent of both the SRA and ESA is to limit the amount of development in areas which are of environmental concern because of topography, visibility, and natural features. The existing SRA covers about 4,686 acres, or 48.2% of the land area in the City. The proposed ESA covers approximately 6,730 acres, or 69.2% of the City's land area. The land area covered by the ESA is 43.6% larger than the area covered by the SRA.

Significantly increasing the amount of land in Lafayette which is covered by the regulations plus increasing the amount of regulations will have an impact on the ability of the present Planning Services staff to administer the proposed regulations in a thorough manner within a reasonable period of time. All else being equal the following proposed changes in regulations will impact the ability of staff to administer the rules.

**Existing SRA Area**

A proposed new house or house addition which, in total, will be less than 6,000 sq. ft. and no higher than one story may be approved at a staff level Zoning Administrator's hearing. Larger and higher structures require approval by the Planning Commission and Design Review Commission.

**Existing Regulations Outside SRA Area**

A proposed new house or house addition which, in total, will be less than 6,000 sq. ft. and no higher than 30 ft. does not typically require any planning permits as long as the project complies with the Municipal Code. No hearing is required.

**Proposed ESA Area**

House additions no larger than 1,200 sq. ft. and no more than 20 ft. high could be acted upon by staff after conducting a Zoning Administrator's hearing. Additions larger than 1,200 sq. ft. or higher than 20 ft. would require approval by the Planning Commission and Design Review Commission.

Additional staff resources to administer the proposed ordinance could be secured by increasing the size of the present staff or through the use of contract staff. If the City added one Associate Planner to the staff to assist in administering the ordinance, the City would be faced with the following costs:

**Salary**

\$4,423	Basic mid-point salary per month as of February, 2001
\$1,389	Benefits, social security, workers comp., retirement, etc.
\$5,812	Approximate monthly cost

**Computer**

\$ 100	Monthly lease fee--- computer and operational costs
--------	---

**Telephone**

\$ 200	Purchase telephone
\$ 20	Average monthly charges

**Furniture**

\$2,000	A one time cost
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**Staff training**

\$ 125	Based on an average of \$1,500 per employee per year
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**Supplies, etc.**

\$ 30	
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A new employee would cost the City approximately \$75,200 the first year and \$76,400 the second year. In addition to the above figures, it would cost about \$285 per month for office space (based on a 100 sq. ft. space at \$2.85 per sq. ft.). City offices probably would have to be expanded to house an additional employee. The addition of a new employee

might trigger the need for part-time secretarial support services. When the regional economy is good, application fees could pay for most additional costs. However, application fees would have to be at least doubled for a new City position to be about 100 percent fee supported. To administer the proposed ordinance where Planning Commission and Design Review Commission approval is required, the present fee of \$1,065 would have to be increased to over \$2,000.

A second option would be for the City to hire a contract planner. If a contract planner could be found with expertise to administer the new regulations, he/she could be placed on a retainer by the City. The contract planner could assist the regular staff in reviewing applications in environmentally sensitive areas. Such a contract planner would cost about \$70 per hour. It is common practice for an applicant to pay all of the costs associated with a planner under retainer to the City. However, this alternative may also result in equally significant increases in costs to applicants. Additionally whether contract or regular employee, securing office space could be a problem.

A third option would be for the City to hire a planner who does not initially have the expertise to administer the new regulations. This contract planner would be given routine planning assignments to allow time for seasoned, regular staff members to administer the new regulations. The hourly cost of such a planner would be about \$60 per hour.

Staff recommends that in the short term the City try to engage the services of a contract planner rather than increasing the size of the permanent staff. This recommendation is based on the following factors:

1. The amount of additional work that would be generated by the new ordinance is not clear. A contract planner could be paid on a project basis, whereas a new City employee could incur costs not covered by application fees.
2. Before the City increases the size of the permanent staff, the City should undertake the study of the planning function as discussed at the Council's recent goal setting session. This study will address possible ways to improve application processing, the relationship between the Planning Commission and Design Review Commission, options for architectural review of projects, and related issues, all of which could affect staff levels.

In the long term the City might have to increase the size of the permanent staff to administer the proposed ordinance, especially if the regional economy is good and the number of applications continues to increase. As stated above, there was a seventy percent increase in the number of applications from 1997 to 2000. In the proposed Environmentally Sensitive Area (ESA), there will be a 43.6 percent increase in land area subject to Planning Commission and Design Review Commission action. If the number of applications increases proportionally to the increase in land area under the ESA, the size of the staff would have to be enhanced.

### Staff Comments

The majority of the commission supported the changes now contained in the draft ordinances, but there were opposing positions on most votes. Staff and the City Attorney supported the creation of a five-acre single family residential zone and the administrative takings procedure chapter. It is believed that having these measures in place could serve to protect the city from litigation under the "takings" argument. However the majority felt that such provisions could undermine the strong community stance favoring lower densities, greater ridgeline protection and broader coverage of design reviews. At both the Hillside Development Study Committee and the Planning Commission there was dissenting opinion as to whether there was any identified need to make the proposed changes particularly in making the LR density change to 10 acres. The 6-member HDSC has a minority report attached to the October 19, 2000 staff report making this argument. Two Planning Commissioners recused themselves from deliberations.

Generally staff supports the final product as being representative of the majority of the community sentiment as well as implementing General Plan policies regarding ridgeline and open space protection. However we have the following two caveats. We should err on the side of caution regarding the difficult, complex and changing world of takings litigation. Second, any significantly greater levels of review have equally significant impacts regarding staffing levels, fiscal impacts and employee and commissioner burnout.

### Required Findings

The required findings for a Zone Text Amendment are as follows:

- 6-213 Findings before making recommendation on change in land use district classification or land use regulation. Before making its recommendation on the application for (1) change of land use district applicable to the subject property or (2) change in the text of land use regulations, the City shall determine whether or not:
- (a) The change proposed is consistent with the General Plan and each element of it;
  - (b) In the case of a general land use regulation, the proposed change is compatible with the uses authorized in, and the regulations prescribed for, the land use district for which it is proposed; and with the regulations for other land use districts; and
  - (c) Community need is demonstrated for the change proposed.

### Recommendation

Staff recommends opening the public hearing and take testimony on ZT3-00. If the Planning Commission's recommended ordinances are satisfactory, and all other issues raised are resolved, it is recommended that the Council adopt a negative declaration of environmental significance and introduce Ordinance \_\_\_\_, New Chapter 20, Hillside Development; Ordinance \_\_\_\_, New Article 10, LR zone (with 10 acre min.); and Ordinance \_\_\_\_, New Chapter 6-24, Lot Line Adjustment Procedures.

Staff and the City Attorney also recommend the introduction of Ordinance \_\_\_\_, New Article 9, Low Density Residential, 5-acre minimum; and Ordinance \_\_\_\_, New Article 11 – Administrative Procedure for Application to Reduce Minimum Lot Area in the LR zone; continue for adoption.

### Attachments

Ordinance \_\_\_\_ - Proposed Chapter 6-20 - Hillside Development  
 Ordinance \_\_\_\_ - Proposed Article 9 - Creation of a Five-Acre Single Family Zone  
 Ordinance \_\_\_\_ - Proposed Article 10 - Revised LR Zoning  
 Ordinance \_\_\_\_ - Proposed Article 11 - Administrative Takings Procedure  
 Ordinance \_\_\_\_ - Proposed Chapter 6-24 - Lot Line Revisions  
 PC Resolution No. 2001-01  
 PC Resolution No. 2001-02  
 PC Resolution No. 2001-03  
 PC Resolution No. 2001-04  
 PC Resolution No. 2001-05  
 City of Lafayette Environmental Checklist  
 Proposed Environmentally Sensitive Areas & Lafayette Area Ridge Map

Existing Chapter 6-20 Hillside and Ridgeline Preservation  
 Existing Chapter 6-31 Regulations Governing the Division of Hillside Land  
 Existing Chapter 11, Article 2 Hillside Planned Development District (HPD)  
 Existing Chapter 7, Article 9 Low Density Residential District (LR)  
 Staff Report and Minutes – Planning Commission Meeting of January 25, 2001  
 Staff Report and Minutes – Planning Commission Meeting of January 18, 2001  
 Staff Report and Minutes – Planning Commission Meeting of January 10, 2001  
 Staff Report and Minutes – Planning Commission Meeting of December 14, 2000  
 Staff Report and Minutes – Planning Commission Meeting of November 20, 2000  
 Staff Report and Minutes – Planning Commission Meeting of October 19, 2000  
 Staff Report and Minutes – ~~Planning Commission Meeting~~ <sup>HPD</sup> Meeting of September 26, 2000  
 Analysis of Subdivision Potential for LR Properties (Parcels 10 Acres or Larger) 2/6/01

### Letters Received

Paul and Roni Melmed	February 6, 2001
Paul Schweibinz	January 29, 2001
Dave Bruzzone	January 25, 2001
Ruth Sayre	January 25, 2001
Rick Humann	January 18, 2001
Paul Sack	January 15, 2001
Richland Development Corporation	January 10, 2001
Alfred and Anna Nickel	January 9, 2001
Miller, Starr and Regalla	December 14, 2000
Martin Brook	December 14, 2000
Jerry and Gail Gabriel	December 12, 2000

William R. Hansen	December 6, 2000
Paul and Roni Melmed	December 6, 2000
Kevin and Roxane Gahagan	December 6, 2000
Ruth and Dick Sayre	December 6, 2000
Dan Van Etten	December 5, 2000
Valerie and Geoffrey Meredith	December 5, 2000
Lori and Warren Lane	December 5, 2000
Bimal J. Patel, M.D.	December 4, 2000
Stanley and Diane Pedder	November 27, 2000
Lillick and Charles	November 27, 2000
Richland Development Corporation	November 27, 2000
Lillick and Charles	November 20, 2000
Miller, Starr & Regalia	November 20, 2000
Valerie and Geoffrey Meredith	November 11, 2000
Lillick & Charles	October 30, 2000
Berger and Norton	October 18, 2000
Lawrence S. Thal	October 18, 2000
Pedder, Stover, Hesselstine, et. al.	October 3, 2000
Michael and Mary Hugglebee	October 2, 2000
Howard and Sherry Hoover	September 28, 2000
Alfred A. Nickel, MS, DDS	September 28, 2000
Michael and Mary Hugglebee	September 27, 2000
Lorraine Bauermeister	September 18, 2000
Kathryen and Eugene Peterson	September 7, 2000
Alfred A. Nickel, MS, DDS	September 7, 2000
BurtonValley.com	September 7, 2000
Karel Fisher	September 7, 2000
Stanley and Diane Pedder	September 6, 2000
Carly Wood	September 5, 2000
Lafayette Homeowners Council	September 5, 2000
BurtonValley.com	September 5, 2000
Peter L. Kutrubes	August 31, 2000
Anonymous letter	August 30, 2000
David Van Etten	August 7, 2000

*E X H I B I T 5 - 1 0*

LETTER TO MR. AND MS. LAGISS,  
OCTOBER 27, 1992

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WILLIAMS & WOODS  
an association including a professional corporation

Muir Parkway  
1320 Arnold Drive, Suite 160  
Martinez, California 94553

Charles J. Williams  
a professional corporation  
Michael R. Woods  
Teresa L. Highsmith  
Elizabeth B. Hearey

M. Henn  
Tel. 510.228.3840  
Fax 510.228.1703



RECEIVED

October 27, 1992

OCT 28 1992

CITY OF LAFAYETTE

Anthony Lagiss  
Anna Maria Lagiss  
P.O. Box 222  
Lafayette, CA 94549

Re: Grading Operation of Lagiss Property at 3233 Deer Hill Road

Dear Mr. and Ms. Lagiss:

On October 23, 1992, we scheduled an informal show cause hearing at the City offices in order to discuss with you the grading and quarry operations occurring on your property. Despite both a mailed and hand-delivered notice of the hearing, you failed to appear and failed to advise the City in advance that you would not appear. It was only later in the afternoon of October 23rd that you telephoned the Planning Department and advised that you would not attend any meetings with the City in the future.

While you were conducting this grading and quarrying operation and before we sent you notice of the hearing, you were served with a stop work order. You failed to comply with that also.

Over the years the City has been in discussions with you concerning whether or not you were or are entitled to conduct grading and quarrying operations on your property. On more than one occasion the City has indicated to you its position that you are not entitled to conduct grading operations without a grading permit and has asked you to comply with the grading ordinance. You have ignored these requests in the past and your most recent conduct indicates that you have no intention of complying with the City's request or attempting to provide the City with documentation which supports your position that you are entitled to both grade and conduct operations on your property which amount to a quarrying operation in violation of the zoning ordinance.

Based on this long history as well as your most recent conduct, the City Council of the City of Lafayette has directed us to institute legal proceedings against you. We would like, however, to attempt to resolve this issue short of litigation and propose that you and the City agree in writing to the following terms and conditions:

1. You will agree to cease all further grading violations and conduct of any activity on the property which amounts to a quarry until either (a) you apply for and receive a grading permit or (b) apply for and receive a re-zoning of the property which would permit the operation of a quarry; or

Anthony Lagiss  
Anna Maria Lagiss  
October 27, 1992  
Page 2

2. If you maintain that either a grading permit is unnecessary, a re-zoning is unnecessary, or both, and you and the City have not been able to resolve the issues, you will give the City 30 days advance written notice before engaging in conduct on your property which does not conform to the City's grading and land use regulations which the City has determined apply to your property. The purpose of this is to permit the City to present to a court for resolution the issues which you and the City have not been able to agree upon.

Our files indicate that Mr. Anthony J. DeMaria has acted as your attorney in the past and we are taking the liberty of sending a copy of this letter to him.

Although we would like to resolve this matter short of litigation, we must ask that you respond within a reasonable period of time to this suggestion that the parties enter into such an agreement. If we do not hear from you within the next 30 days we will assume that you have rejected this proposal.

If you have a counter-proposal or additional suggestions as to how the controversy can be resolved we would be receptive to discussing them with you.

Please give this matter your prompt attention and feel free to contact us if you have any questions.

Very truly yours,



Charles J. Williams

CJW:sb

cc: Robert F. D. Adams, City Manager  
Michael Henn, Assistant Planning Director  
Anthony J. DeMaria, Esq.

*E X H I B I T 5 - 1 1*

LETTER TO MR. LAGISS,  
FEBRUARY 27, 1978

.....





*J.C. Lewis*

CITY COUNCIL  
Ned Robinson, Mayor  
George W. Wasson, Vice Mayor  
Barbara H. Langlois  
Robert B. Roche  
Norman Tuttle II

10

February 7, 1978

Mr. Tony Lagiss  
P O Box 222  
Lafayette CA 94549

Dear Mr. Lagiss:

In response to your inquiry about City of Lafayette permission to do grading, including earth removal, and moving of earth around on your property, I submit the following:

1. The quarry permit issued for your property at the northwest corner of Pleasant Hill Rd. and Freeway 24 expired in December, 1970.
2. The grading permit issued for a 6 month term which was in effect sometime prior to 2-27-75 to allow you to grade the crest of the hill on the property so as to reduce the elevation to make it level with the crest of Deer Hill Rd. has been fulfilled and has therefore expired. That is irrespective of the City Manager's determination discussed in my memo to the Planning Commission dated February 27, 1975.
3. On February 5, 1976, the Planning Commission discussed grading on your property and sent a memo (copy attached) to the City Council on February 10, 1976, expressing their concern.
4. On February 23, 1976, the City Council at their regular meeting (copy of portion of minutes attached) expressed concern over "major grading activities" requesting that staff prepare a proposal providing for notice and hearing before permits are issued for such activities.
5. Attached is a copy of a memo to me dated April 2, 1976 from the Grading Section indicating a permit is necessary for the removal of fill material from your property.
6. The Planning Commission's current concern is over the movement of earth on your property without the benefit of a permit or a plan indicating the existing and proposed contours on your property.

The Planning Commission has received the copies of your letter of 3-17-75, and my memo of 2-27-75, which you dropped off at the City Office last Friday. They are quite interested in what you are doing in the way of earth moving, removal, or grading on your property, and may very well be willing to discuss

it at their next meeting at 7:30 p.m. on Thursday, February 9, 1978. If you wish to appear before the Planning Commission at their next meeting so they can publicly tell you their precise concerns, please let me know.

Very truly yours,

A handwritten signature in cursive script that reads "Edgar H. Lion III". The signature is written in dark ink and is positioned above the typed name.

Edgar H. Lion III  
Planning Director

EHL:ba  
cc: Planning Commission

*E X H I B I T 5 - 1 2*

SUBDIVISIONS IN THE  
HILLSIDE OVERLAY DISTRICT  
(HOD)

.....



### Subdivisions in the HOD

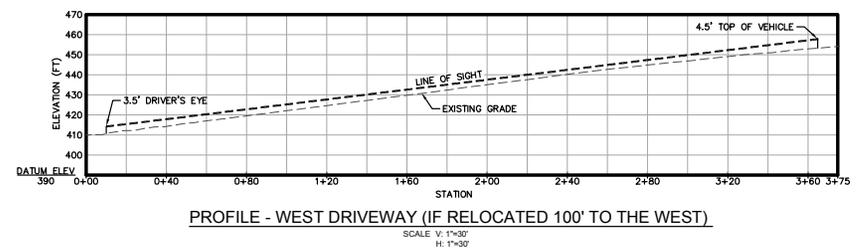
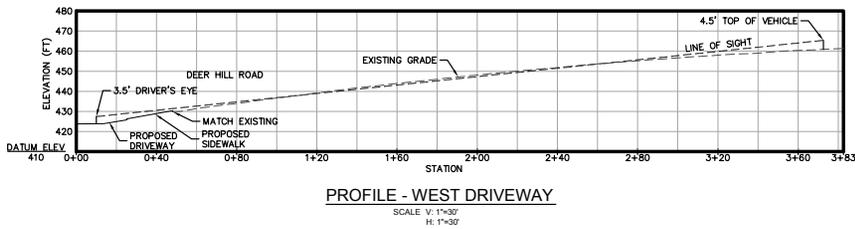
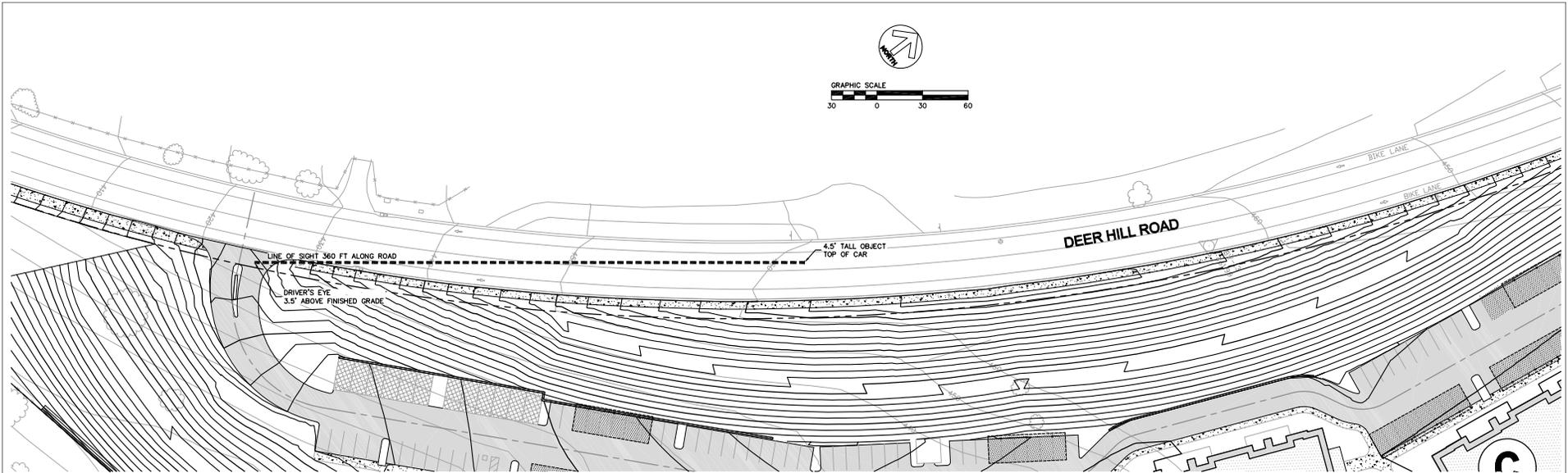
SOURCE: Planning Database • 8/15/2012 • Greg Wolff, Senior Planner

Query: [Application Number] = "MS\*" or "TR\*" [Project Description] = contains "hillside"

Project Description	Action
MS501-09 & HDP20-09 DANA SACK c/o HUMANN COMPANY (APPLICANTS), PAUL SACK/TE (OWNER), LR-10 ZONING: Request for: (1) Minor Subdivision pursuant to Chapter 6-30 of the Lafayette Municipal Code ("LMC"), (2) Hillside Development Permit pursuant to Chapter 6-20, Article 5 LMC, (3) Exception to permit a subdivision within a Class II Ridgeline Setback Area pursuant to Section 6-2027 LMC, (4) Exception to permit a building site greater than 30% slope pursuant to Section 6-2047(b) LMC, (5) Exception to allow alteration of a slope in excess of 35% pursuant to Section 6-2050(b) LMC, and (6) Exception to exceed the 15-degree declination requirement pursuant to Section 6-2070(c) LMC to divide two parcels, totaling 31.13-acres, into three lots, within the Hillside Overlay District and a Class II Ridgeline Setback Area, located at 640 Morecroft Road, APNs 189-120-004 and 238-090-032.	Withdrawn / Closed
RZ01-08, MS501-08, & HDP45-08 IBIS SCHLESINGER-JAMES (APPLICANT), MURIEL JAMES BRAWLEY (OWNER) R-65 ZONING: Request: (1) to rezone a 7.73 acre parcel from R-65 to R-40 pursuant to Section 6-213 of the Lafayette Municipal Code ("LMC"), (2) to subdivide the parcel into four lots pursuant to Chapter 6-30, LMC, (3) for a hillside development permit for a subdivision in the Hillside Overlay District pursuant to Chapter 6-20, LMC, and (4) for an exception to allow an increase in density pursuant to Section 6-2045, LMC, located within the Hillside Overlay District at 725 St. Mary's Rd. APN 236-100-003	Withdrawn/ Property sold
MS503-06 JEFF & JACKIE MANN (APPLICANTS & OWNERS), LR-10 ZONING: Request for a minor subdivision to divide a 39.35-acre parcel located in the Hillside Overlay District into four lots pursuant to Chapter 6-30 LMC, located at 45 Prado Way. APN 231-090-001. HDP47-06 JEFF & JACKIE MANN (APPLICANTS & OWNERS), LR-10 ZONING: Request for a hillside development permit to subdivide a 39.35-acre parcel located in the Hillside Overlay District into four lots pursuant to Chapter 6-20 of the Lafayette Municipal Code, located at 45 Prado Way. APN 231-090-001.	Approved with conditions
LLR04-06 JEFF & JACKIE MANN (APPLICANTS & OWNERS), LR-10 ZONING: Request for a lot line adjustment pursuant to Section 6-2406 of the Lafayette Municipal Code to adjust the lot lines between the parcels located at 45 Prado Way and 1548 Rancho Del Hambre. APNs 231-090-001 & 230-010-019.	Denied without prejudice
MS502-06 WARD YOUNG ARCHITECTS (APPLICANT), KASRA AMIR DELFAN (OWNER), R-20 ZONING: Request for (1) a minor subdivision pursuant to Chapter 6-30 of the Lafayette Municipal Code (LMC) and (2) an exception to increase the allowable density up to 40% pursuant to Section 6-2045 LMC to subdivide a 4.44-acre parcel into two lots within the Hillside Overlay District located at 4110 El Nido Ranch Road. APN 249-140-015 (See MS501-05 previously withdrawn)	Approved with conditions
MS505-05 BIMAL AND GRISHMA PATEL (APPLICANTS & OWNERS), LR AND R-40 ZONING: Request for a minor subdivision to divide a 9.32-acre parcel located in the Hillside Overlay District into three lots pursuant to Chapter 6-30 of the Lafayette Municipal Code, located at 1755 Reliez Valley Road. APN 167-070-001. HDP88-05 BIMAL AND GRISHMA PATEL (APPLICANTS & OWNERS), LR AND R-40 ZONING: Request for a hillside development permit to subdivide a 9.32-acre parcel located in the Hillside Overlay District into three lots pursuant to Chapter 6-20 of the Lafayette Municipal Code, located at 1755 Reliez Valley Road. APN 167-070-001.	Denied without prejudice
MS501-05 WARD YOUNG ARCHITECTS (APPLICANT), KASRA AMIR DELFAN (OWNER), R-20 ZONING: Request for (1) a minor subdivision pursuant to Chapter 6-30 of the Lafayette Municipal Code (LMC) and (2) an exception to increase the allowable density up to 40% pursuant to Section 6-2045 LMC to subdivide a 4.44-acre parcel into two lots within the Hillside Overlay District located at 4110 El Nido Ranch Road. APN 249-140-015	Approved with conditions

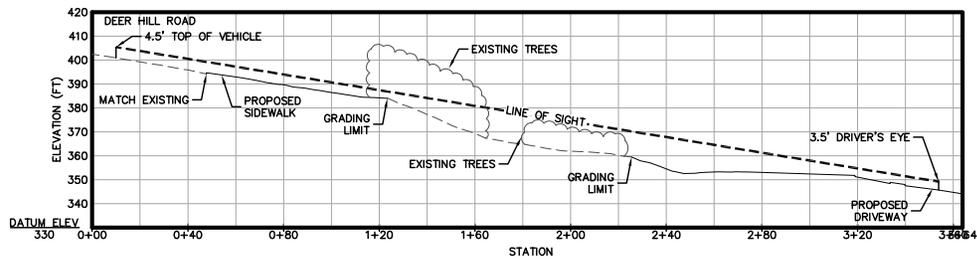
Project Description	Action
<p>MS503-04 SCOTT &amp; GAIL JOHNSTON (APPLICANTS &amp; OWNERS); R-40 ZONING: Request for a minor subdivision to divide a 3.5± acre parcel into two lots pursuant to Chapter 6-30 of the Lafayette Municipal Code, located at 1751 Reliez Valley Rd. APN 167-070-002. [See secondary application HDP50-04]</p> <p>HDP50-04 SCOTT &amp; GAIL JOHNSTON (APPLICANTS &amp; OWNERS); R-40 ZONING: Request for a hillside development permit to subdivide a 3.5± acre parcel into two lots pursuant to Chapter 6-20 of the Lafayette Municipal Code (LMC) and a request for an exception to Section 6-2043, LMC, limiting the allowed density on parcels exceeding 26 percent average slope, located at 1751 Reliez Valley Road. APN 167-070-002. [See primary application MS503-04]</p>	Approved with conditions
<p>MS501-03 AND HDP48-03; ART LEHMAN AND CELIA LOPEZ (APPLICANTS AND PROPERTY OWNERS), D-1 and H-O-D ZONING: Request for a minor subdivision of one lot into three lots for the conversion of two dwelling units to two condominium units and one common area lot pursuant to section 6-3201 et. seq. and a hillside development permit pursuant to Chapter 6-20, Lafayette Municipal Code, located at 3704 and 3706 Highland Road, APN 241-064-011.</p>	Approved with conditions
<p>RZ03-01 BIMAL PATEL (APPLICANT &amp; OWNER), LR &amp; R-40 ZONING: Request to rezone a 9.32 acre parcel with split LR &amp; R-40 zoning to Hillside Planned Development District (HPD), located at 1755 Reliez Valley Road. APN: 167-070-001.</p>	Withdrawn
<p>MS502-01 BIMAL PATEL (APPLICANT &amp; OWNER), LR &amp; R-40 ZONING: Request to subdivide a 9.32 acre parcel into three lots, located at 1755 Reliez Valley Road. APN: 167-070-001. CONSIDERATION OF ADOPTION OF A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT</p>	Approved with conditions
<p>TR6569 GREG WOEHRLE (APPLICANT), SOLDIER FIELD PARTNERS, LLC (OWNER); LR ZONING AND H-O-D: Request for a subdivision of 87.9 acres into eight residential lots and one remainder open space lot pursuant to Part 6, Lafayette Municipal Code and California Government Code sections 66410 et seq., located at 3148 Lucas Drive, APN 238-080-019.</p>	Approved with conditions
<p>HDP86-04 GREG WOEHRLE (APPLICANT), SOLDIER FIELD PARTNERS, LLC (OWNER); LR ZONING AND H-O-D: Request for 1) a hillside development permit for a subdivision of 87.9 acres into eight residential lots and one remainder open space lot pursuant to Chapter 6-20, Lafayette Municipal Code (LMC) and 2) an exception to development within a class 1 ridgeline pursuant to Section 6-2026, LMC, located at 3148 Lucas Drive, APN 238-080-019.</p>	Withdrawn/ Property sold
<p>TR7978 SOHRAB NAZARI (APPLICANT), JAMES W. MOORE (OWNER); LR ZONING AND H-O-D: Request for a subdivision of 65.16± acres into six lots pursuant to Part 6, Lafayette Municipal Code and California Government Code sections 66410 et seq., located at 788 Glenside Drive, APN 238-080-036.</p>	Withdrawn/ Property sold
<p>HDP82-03 SOHRAB NAZARI (APPLICANT), JAMES W. MOORE (OWNER); LR ZONING AND H-O-D: Request for 1) a hillside development permit to subdivide 65.16± acres into six lots pursuant to Chapter 6-20, Lafayette Municipal Code (LMC) and 2) an exception to development within a class 1 ridgeline pursuant to Section 6-2026, LMC, located at 788 Glenside Drive, APN 238-080-036.</p>	





- MITIGATION OPTIONS**
1. RELOCATE PROPOSED DRIVEWAY WEST ALONG DEER HILL ROAD.
  2. PROVIDE WESTBOUND ACCELERATION LANE.

Source: BKF, 2012.



**PROFILE - EAST DRIVEWAY**

SCALE V: 1"=30'  
 H: 1"=30'

**MITIGATION OPTION**  
 TREES AND FOLIAGE TO BE TRIMMED AND MAINTAINED TO PROVIDE  
 ADEQUATE LINE OF SIGHT.

Source: BKF, 2012.