

COMMENT LETTER # IND64

Merideth, Ann

From: Sean Carlin <Sean.Carlin@safeway.com>
Sent: Thursday, June 28, 2012 11:24 AM
To: Merideth, Ann
Subject: Terraces of Lafayette Project -DEIR
Attachments: DEIR Comments Letter -- Sean Carlin -- 06-28-12.docx

Ann --

Please see attached.

Thank-you,

Sean Carlin
Lafayette Resident and Voter
3191 Quandt Rd
Lafayette, CA 94549
Home: 925-979-9543

IND64-1

"Email Firewall" made the following annotations.

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=====

amerideth@ci.lafayette.ca.us

Ann Merideth, Special Projects Manager

City of Lafayette

3675 Mount Diablo Blvd. Suite 210

Lafayette, CA 94549

Subject: Terraces of Lafayette Project –DEIR

Ann,

I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Westen and Karen Zemelman.

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 charm and “small-town feel”. This proposed residence does not fit with that image.
- Traffic in that area – especially on school mornings – is already significant. The addition of this residence will make it unbearable.
- 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.

Please submit my comments to the Planning Commission.

Regards,

Sean Carlin

3191 Quandt Rd

Lafayette, CA 94549

IND64-1
cont.

IND64-2

KENNETH H. CUSICK
1332 MARTINO ROAD
LAFAYETTE, CALIF. 94549

To Ann Meredith
City of Lafayette Planning Dept.,

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.

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.

Any children who live in the

IND65-1

KENNETH H. CUSICK
1332 MARTINO ROAD
LAFAYETTE, CALIF. 94549

development will be attending Springhill School. In order to walk to school, they will have to cross Pleasant Hill Rd., walk on the Calaveras side to Quaudt Rd., then again cross Pleasant Hill Rd. to school, or be taken by car which will greatly add to the already congested area.

Thank you for your consideration.

Marjorie W. Cusick

IND65-1
cont.

COMMENT LETTER # IND66

Alexis Mena

From: s doi <shardoi@yahoo.com>
Sent: Thursday, June 28, 2012 4:56 PM
To: Merideth, Ann
Cc: self
Subject: Object to Terraces Project

Ms. Meredith

Please log me as another Lafayette resident opposed to this project.

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. It will introduce too many cars to an already hugely congested intersection. The project ignores the Hillside Ordinance. 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.

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.

Respectfully
Sharon Doi
Michael Swan
3131 Mars Court
Lafayette, CA

IND66-1

COMMENT LETTER # IND67

Alexis Mena

From: Jim Emery <jimemery0@gmail.com>
Sent: Thursday, June 28, 2012 12:13 PM
To: Merideth, Ann
Subject: Terraces of Lafayette Project

Dear Ms. Meredith,

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.

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 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?

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.

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.

Sincerely,

James Emery
Concerned Lafayette Citizen

IND67-1

IND67-2

IND67-3

COMMENT LETTER # IND68

Alexis Mena

From: Laura Emery <laurathewall@hotmail.com>
Sent: Thursday, June 28, 2012 11:02 AM
To: Merideth, Ann
Subject: Stop the Terraces of Lafayette Project

Ms. Meredith:

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.

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.

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.

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.

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.

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 developments, just ones that are not thought out, poorly located and have only negative implications.

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

IND68-1

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.

Sincerely,

Laura Emery

IND68-1
cont.

COMMENT LETTER # IND69

Alexis Mena

From: Jean Follmer <jeanfollmer@yahoo.com>
Sent: Thursday, June 28, 2012 7:50 AM
To: Merideth, Ann
Subject: Terraces of Lafayette

Ann,

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.

IND69-1

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?

IND69-2

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).

This project runs completely contrary to the historical growth pattern of Lafayette. Our growth has been essentially flat during the period 2000-2010.

IND69-3

Again, I understand that the City of Lafayette made a very regrettable, 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.

Jean Follmer
1477 Reliez Valley Road
Sent from my iPhone

COMMENT LETTER # IND70

Alexis Mena

From: Foster, Kevin <Kevin.Foster@Teradata.com>
Sent: Thursday, June 28, 2012 12:25 PM
To: Merideth, Ann
Subject: Deer Hill pleasant hill road development and EIR

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:
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.
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.

IND70-1

Please reject this proposal and EIR

Kevin Foster
Teradata Corporation

Office: 925-284-5474
Cell: 925-788-9481

COMMENT LETTER # IND71

Merideth, Ann

From: Kevin and Michelle Foster <fourfosters@yahoo.com>
Sent: Thursday, June 28, 2012 4:48 PM
To: Merideth, Ann
Subject: Lafayette Terraces letter
Attachments: DEIR commentsletter.docx

Ann,

Please accept this letter regarding the Terraces at Lafayette.

Thank you,
Michelle Foster
3489 Black Hawk Rd.
Lafayette

I
IND71-1

amerideth@ci.lafayette.ca.us
Ann Merideth, Special Projects Manager
City of Lafayette
3675 Mount Diablo Blvd. Suite 210
Lafayette, CA 94549

Subject: Terraces of Lafayette Project –DEIR

Ann,

I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Stark and Karen Zemelman.

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 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.

Please submit my comments to the Planning Commission.

Regards,
Michelle Foster

IND71-1
cont.

IND71-2

COMMENT LETTER # IND72

Merideth, Ann

From: vali frank <valifrank@yahoo.com>
Sent: Thursday, June 28, 2012 3:00 PM
To: Merideth, Ann
Subject: Comments on DEIR for Proposed Terraces of Lafayette
Attachments: Frank DEIR comments Terraces of Lafayette.docx

Dear Ms. Meredith,

Please find attached my comments on the DEIR for the Proposed Terraces of Lafayette project.

Regards,

Vali Frank

I
IND72-1

amerideth@ci.lafayette.ca.us

Ann Merideth, Special Projects Manager

City of Lafayette

3675 Mount Diablo Blvd. Suite 210

Lafayette, CA 94549

Subject: Terraces of Lafayette Project –DEIR

Dear Ms Meredith:

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.

Additionally I have a few comments of my own:

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.

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.

The rest of my comments are arranged by reference to the section and page number of the DEIR, and are as follows:

P. 4.2-14 Local Regulation and Policies

**IND72-1
cont.**

IND72-2

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 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 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.

**IND72-2
cont.**

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 SFBAAB. 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.

IND72-3

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.

IND72-4

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.

IND72-5

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 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.

**IND72-5
cont.**

4.2-28 Regional Operational Emissions

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.

IND72-6

4.2-29 Construction Risks and Hazards

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.

IND72-7

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 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 USEPA 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.

IND72-8

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.

IND72-9

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, 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.

IND72-10

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.

IND72-11

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 unsupportable 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.

IND72-12

Please submit my comments to the Planning Commission.

Regards,

Vali Frank
1600 Shangri La Ct,
Lafayette, CA 94549

COMMENT LETTER # IND73

Alexis Mena

From: John Fritschi <fritschi3@att.net>
Sent: Thursday, June 28, 2012 3:58 PM
To: Merideth, Ann
Subject: The terraces

Anne,

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.

IND73-1

Thanks for your consideration,

John and Amy Fritschi

COMMENT LETTER # IND74

Alexis Mena

From: Wendi Giordano <wgiordano@live.com>
Sent: Thursday, June 28, 2012 3:31 PM
To: Merideth, Ann
Subject: Concerns to scope of Terraces of Lafayette project

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

Subject: Terraces of Lafayette Project –DEIR

Ann,
I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Stark and Karen Zemelman.

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.

Please submit my comments to the Planning Commission.

Regards,
Wendi and Jim Giordano
Martino Rd. Lafayette, CA

IND74-1

IND74-2

COMMENT LETTER # IND75

Alexis Mena

From: Julie Hansen <juliekatehansen@yahoo.com>
Sent: Thursday, June 28, 2012 6:01 PM
To: Merideth, Ann
Cc: Micheal; Lisa Bishop
Subject: Terraces of Lafayette Project

Ann Merideth, Special Projects Manager

City of Lafayette

3675 Mount Diablo Blvd. Suite 210

Lafayette, CA 94549

Subject: Terraces of Lafayette Project –DEIR

Ann,

I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Stark and Karen Zemelman.

IND75-1

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.

IND75-2

Please submit my comments to the Planning Commission.

Regards,

Julie Hansen
3372 Springhill Road

COMMENT LETTER # IND76

Alexis Mena

From: Gene Holit <ggholit@comcast.net>
Sent: Thursday, June 28, 2012 9:34 AM
To: Merideth, Ann
Cc: Robbins, Joanne

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 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.

IND76-1

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.

IND76-2

This is the extent of my comments for your consideration. Thank you.

Sincerely
Gene Holit
1156 Bacon Way
Lafayette, DA 94549
Phone: (925) 939-6436
Email: ggholit@comcast.net

Cc Lafayette City Council

COMMENT LETTER # IND77

Alexis Mena

From: ebetsyrhyatt@comcast.net
Sent: Thursday, June 28, 2012 4:43 PM
To: Merideth, Ann
Subject: Terraces of Lafayette project

Hi Ann,

Just another concerned citizen voicing my negative opinion regarding this ridiculous project. I, too, live on the North side of Lafayette, in the 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.

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.

Betsy Hyatt

IND77-1

COMMENT LETTER # IND78

Alexis Mena

From: Keith Jarett <kjarett@gmail.com>
Sent: Thursday, June 28, 2012 3:40 PM
To: Merideth, Ann
Subject: Comment on Draft EIR for Terraces of Lafayette Project

The EIR is inadequate because:

1. The impact on schools is not addressed even though schools are the number one selling point to new residents of this proposed project.
2. Land Use impacts 1, 2, and 3 show noncompliance with current land use restrictions.
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.

IND78-1

IND78-2

IND78-3

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.

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 environmentalist to see how the results were the opposite of what the planners intended, reducing local jobs and increasing long-distance driving:

http://www.gmu.edu/depts/rae/archives/VOL17_2-3_2004/4-OToole.pdf

IND78-4

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.

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.

Keith Jarett
3224 Ronino Way
Lafayette

COMMENT LETTER # IND79

Merideth, Ann

From: Sharon Kidd <sakidd50@yahoo.com>
Sent: Thursday, June 28, 2012 4:08 PM
To: Merideth, Ann
Subject: Terraces of Lafayette Project –DEIR
Attachments: email for DEIR comments_Kidd.docx

Please see attached letter re disapproval of Project.

I IND79-1

Sharon Kidd

June 28th, 2012

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

Subject: Terraces of Lafayette Project –DEIR

Ann,

I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Stark and Karen Zemelman.

IND79-2

Additionally I have a few comments of my own:

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.

IND79-3

Please submit my comments to the Planning Commission.

Regards,

Sharon Kidd
1149 Bacon Way
Lafayette, CA 94549

COMMENT LETTER # IND80

Alexis Mena

From: Louanne Klein <Louanne_Klein@comcast.net>
Sent: Thursday, June 28, 2012 8:13 AM
To: Merideth, Ann
Subject: Opposed to The Terraces Housing Project

Dear Ms. Merideth,

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.

IND80-1

Thank you for the opportunity to express our opinion.

Sincerely,

Louanne Klein and Dave Radosevich
24 Bacon Court
Lafayette, CA 94549

Louanne Klein
Training & Development Consulting
925-323-0542
Louanne_Klein@comcast.net

COMMENT LETTER # IND81

Alexis Mena

From: Dawn Lynn Lanier <dllanier@comcast.net>
Sent: Thursday, June 28, 2012 8:47 AM
To: Merideth, Ann
Subject: RE: Terraces of Lafayette

Dear Ms. Meredith-

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.

Thank you-

Dawn Lynn Lanier
3460 Black Hawk Road
Lafayette
dllanier@comcast.net

IND81-1

COMMENT LETTER # IND82

Alexis Mena

From: Owen Linderholm <owenl1998@yahoo.com>
Sent: Thursday, June 28, 2012 11:34 AM
To: Merideth, Ann
Subject: Terraces Project

Dear Anne Meredith (and whoever else it may concern),

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.

There are many reasons to oppose the project not least of which is that it clearly is not all that well known by residents.

But here are some really salient points.

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.

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 town plan. This project is outside the scope of the plan and therefore should be rejected purely on that basis.

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?

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.

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.

Please reject this project.

Yours,

Owen Linderholm
3364 Victoria Ave
Lafayette
CA 94549

Owen Linderholm
linderholm@comcast.net

IND82-1

IND82-2

IND82-3

IND82-4

IND82-5

IND82-6

IND82-7

COMMENT LETTER # IND83

Jun 28 12:01:46p LOCATI

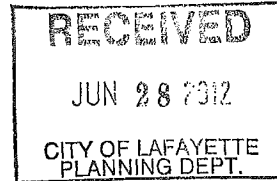
925-939-9417

p.1

<http://us.mg201.mail.yahoo.com/dc/launch?.partner=sbc&.gx=1&.ran...>

rint

From: Pamela Locati (rplocati@pacbell.net)
To: ameredith@ci.lafayette.ca.us;
Date: Thu, June 28, 2012 2:24:17 PM
Cc:
Subject: The Terraces Development



Dear Ms. Meredith:

I would like to express my dismay at the scope of the proposed Terraces Development at Deerhill 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.

IND83-1

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?

IND83-2

This proposed project would not be in accordance with the City of Lafayette's Hillside Ordinance.

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 community? Roads, schools and services in the area are already stretched to capacity.

IND83-3

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.

IND83-4

Thank you for your consideration of my concerns.

Pamela Locati

COMMENT LETTER # IND84

Alexis Mena

From: Conor MacKinnon <conormackinnon94@gmail.com>
Sent: Thursday, June 28, 2012 4:56 PM
To: Merideth, Ann
Subject: The Terraces

I OBJECT to the The Terraces project!

Conor MacKinnon
1125 Bacon Way
Lafayette, CA 94549

I IND84-1

COMMENT LETTER # IND85

Alexis Mena

From: dtcmac@comcast.net
Sent: Thursday, June 28, 2012 4:30 PM
To: Merideth, Ann
Cc: bacon-way-neighbors@googlegroups.com; suekeeley18@yahoo.com
Subject: Christmas Tree lot vs. Terraces

I object to the proposed Terraces project.
Sincerely,

David MacKinnon

1125 Bacon Way
Lafayette, CA 94549

IND85-1

COMMENT LETTER # IND86

Alexis Mena

From: Tatia MacKinnon <tatimackinnon@gmail.com>
Sent: Thursday, June 28, 2012 3:52 PM
To: Merideth, Ann
Cc: bacon-way-neighbors@googlegroups.com
Subject: Christmas tree Lot vs. Terraces

Hi, I would like to go on record that I object to the project.

IND86-1

Thank you.

Owner of 1125 Bacon Way, Lafayette, CA 94549

--

Tatiá (pronounced Tasha)

925-818-5877 cell
925-476-4790 office

www.linkedin.com/in/tatiackinnon

www.ameripriseadvisors.com/tatia.a.mackinnon/

COMMENT LETTER # IND87

Alexis Mena

From: Amy & Mike Martin <mikeamymartin@gmail.com>
Sent: Thursday, June 28, 2012 4:55 PM
To: Merideth, Ann
Subject: We Strongly oppose...

To whom it may Concern,

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 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!

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.

There is also the severe impact on our beautiful environment, which is why we moved here in the first place.

Please take my comments as well as the numerous other comments by my fellow concerned citizens into your decision making.

Thank you,
Amy DeLong-Martin
110 Secluded pl.
Lafayette

IND87-1

COMMENT LETTER # IND88

Alexis Mena

From: Marie Mlynek <mariemlynek@yahoo.com>
Sent: Thursday, June 28, 2012 2:17 PM
To: Merideth, Ann
Cc: John Mlynek
Subject: Terraces of Lafayette

Dear Ms.Meredith,

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.

IND88-1

Thank you,
Marie & John Mlynek
1233 Warner Ct.
Lafayette

COMMENT LETTER # IND89

Alexis Mena

From: Rmorri8176@aol.com
Sent: Thursday, June 28, 2012 3:13 PM
To: Merideth, Ann
Subject: Terraces of Lafayette -- Comments on draft EIR

Dear Ms. Merideth,
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.

IND89-1

The project calls for 567 parking spaces. In my opinion it is pure fantasy 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.

IND89-2

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.

IND89-3

Sincerely,

Richard Morrison
1414 Eagle Point Court
Lafayette, CA 94549

COMMENT LETTER # IND90

Alexis Mena

From: Linda Murphy <lindamurphy40@gmail.com>
Sent: Thursday, June 28, 2012 5:40 PM
To: Linda Murphy
Cc: Merideth, Ann
Subject: DEIR comment - Deer hill proposed project

> Ms Meredith.

>
> I would like to submit the following comments on the DEIR for the project proposed at Deer Hill and Pleasant Hill Roads:

IND90-1

>
> 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.

IND90-2

>
> 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 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.

IND90-3

>
> 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.

IND90-4

>
> 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.

IND90-5

>
> 5. Any analysis of the occupancy projections should factor in that this project is proposed as a moderate-income multi-family 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.

IND90-6

>
> 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.

IND90-7

>

> 7. This location is removed from downtown, and it does not provide close pedestrian access to any of the downtown retail.

>

> I do not believe there is any way this project could be sufficiently mitigated.

>

> Thank you for considering my comments.

> Linda Murphy

>

IND90-8

IND90-9

COMMENT LETTER # IND91

Alexis Mena

From: Pak, Susan N. <SNPak@clearbridgeadvisors.com>
Sent: Thursday, June 28, 2012 12:41 PM
To: Merideth, Ann
Cc: 'Mark Gundacker'
Subject: Terraces of Lafayette

Ann:

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.

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:

*Will forever change the semi-rural look of one of the only entryways to Lafayette.

*Impact to the environment. Too many to list, but to start, the removal of 400,000 cubic yards of dirt?!?

*Ignores the Hillside Ordinance that the rest of Lafayette must abide by—why? What precedent does this set?

*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.

*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.

*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.

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.

Respectfully submitted,
Suzy Pak & Mark Gundacker

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IND91-1

IND91-2

IND91-3

COMMENT LETTER # IND92

Alexis Mena

From: crotundo@att.net
Sent: Thursday, June 28, 2012 3:59 PM
To: Merideth, Ann
Subject: Subject: Terraces of Lafayette Project –DEIR

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

Ann,
I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Westen and Karen Zemelman.

IND92-1

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 lose the semi-rural aspect of our town.

IND92-2

Please submit my comments to the Planning Commission.

Regards,
Cosmo Rotundo
3163 Stanley Blvd.

COMMENT LETTER # IND93

Alexis Mena

From: Lynda Rotundo <lrotundo1@gmail.com>
Sent: Thursday, June 28, 2012 3:41 PM
To: Merideth, Ann
Subject: Terraces of Lafayette Project –DEIR

amerideth@ci.lafayette.ca.us

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

Subject: Terraces of Lafayette Project –DEIR

Ann,

I concur with the comments submitted by: Guy Atwood, Leslie Dumas, Colin Eliot, David Harnish, Eliot Hudson, Jenifer Paul, Jonathan Westen and Karen Zemelman.

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.

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.

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 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.

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.

Please don't pave paradise and put up a parking lot ...and 315 apartments.

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

IND93-1

IND93-2

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.

Sincerely,
Lynda Rotundo
3163 Stanley Blvd
Lafayette, CA 94549

IND93-2
cont.

Please submit my comments to the Planning Commission.

Regards,

Sent from my iPad

COMMENT LETTER # IND94

Alexis Mena

From: Stacy Schirmer <stacyaschirmer@gmail.com>
Sent: Thursday, June 28, 2012 6:55 AM
To: Merideth, Ann
Subject: Terraces Project

City of Lafayette,

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 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.

IND94-1

Sincerely,

Stacy A. Schirmer
16 Springhill Lane
Lafayette

COMMENT LETTER # IND95

Alexis Mena

From: Paul Scipi <austinscip@comcast.net>
Sent: Thursday, June 28, 2012 9:29 AM
To: Merideth, Ann
Subject: EIR is a BAD idea....

Good morning Ann,
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.

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??

I'm just talking from experience....

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....

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?

I can go on but this is EIR is just major mistake....

We lafayette residence 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!!!

If one truck hurts or even KILLS a child then how would you feel about this project? What if it was your child???

I would not want to live with that...

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 Cell 925 899-5960

Have a nice day,
Paul Scipi

Sent from my iPhone

IND95-1

COMMENT LETTER # IND96

Alexis Mena

From: Holly Sonne <holly.sonne@gmail.com>
Sent: Thursday, June 28, 2012 9:17 AM
To: Merideth, Ann
Subject: Terraces Project

Hi Ann,

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.

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.

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.

Please help us stop this.

Thank you,
Holly Sonne
3146 Plymouth Rd., Lafayette

–

Holly Sonne
925.765.4380

IND96-1

COMMENT LETTER # IND97

Alexis Mena

From: Margaret Stallworth <mhstall@comcast.net>
Sent: Thursday, June 28, 2012 7:52 AM
To: Merideth, Ann
Subject: Apartment complex

To Ann Merideth:

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. This idea is unacceptable!

IND97-1

Migs Stallworth

COMMENT LETTER # IND98

Alexis Mena

From: Heather Stanford <heather3k@comcast.net>
Sent: Thursday, June 28, 2012 4:54 PM
To: Merideth, Ann
Subject: Opposition to Terraces Project

To Whom it may concern:

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.

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.

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.

Please do the right thing for the City of Lafayette and VOTE NO on this proposal!!!!

Cordially,

Heather Stanford
1210 Woodborough Road, Lafayette

IND98-1

COMMENT LETTER # IND99

Alexis Mena

From: Virginia Steuber <vmsteuber@comcast.net>
Sent: Thursday, June 28, 2012 10:58 AM
To: Merideth, Ann
Subject: EIR Apartment Complex

Dear Ms. Merideth,

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.

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.

Virginia Steuber
1224 Monticello Road, Lafayette

IND99-1

COMMENT LETTER # IND100

Alexis Mena

From: Lori & Erik Suppiger <lesupp@comcast.net>
Sent: Thursday, June 28, 2012 8:12 AM
To: Merideth, Ann
Subject: The Terraces Project

Hi Ann.

I am a long-time resident of Lafayette residing on Black Hawk Road. I am writing to let you know I am **TOTALLY AND COMPLETELY OPPOSED** to any development, especially the kind that is proposed, on the Deer Hill Road lot. I strongly encourage you to **NOT APPROVE THE APARTMENT COMPLEXES**. 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. **DO NOT APPROVE THE APARTMENT COMPLEXES.**

IND100-1

Thank you.

Lori Suppiger
3424 Black Hawk Road
Lafayette

COMMENT LETTER # IND101

Alexis Mena

From: Vierengel_six <vierengel_six@comcast.net>
Sent: Thursday, June 28, 2012 7:13 AM
To: Merideth, Ann
Subject: Proposed monstrosity at Pleasant hill and Deer hill roads.

This housing project is poorly contrived and needs an aggressive review by the planning and zoning commissions. It represents an extreme burden 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

The Terraces is a 315 unit housing unit on hilly terrain.

· 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.

The City of Lafayette does not have the staff to monitor something this big.

· Understand this is a massive project 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 –

The consultants suggested in the EIR that the visiting trucks be limited to “just” 300 a day!

· 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?

Will this set a “precedent” for the remaining vacant land along the length of Deerhill Road?

· 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 that direction

– and all of our emergency vehicles are on the other side of Lafayette and have to get through that intersection.

· 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.

Again, something that none of the rest of us would be allowed to do!

· 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”

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.

IND101-1

IND101-2

IND101-3

IND101-4

IND101-5

IND101-6

IND101-7

Sent from my iPhone

COMMENT LETTER # IND102

Alexis Mena

From: Lisa Warren <warren.l@sbcglobal.net>
Sent: Thursday, June 28, 2012 9:51 AM
To: Merideth, Ann
Subject: New Development on Pleasant Hill Road

Why are we even considering this proposed development when there it violates many of our local ordinances, including hillside development? Sincerely, Lisa Warren

IND102-1

COMMENT LETTER # IND103

Alexis Mena

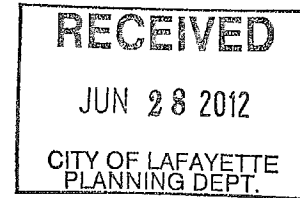
From: Lisa Warren <warren.l@sbcglobal.net>
Sent: Thursday, June 28, 2012 9:55 AM
To: Merideth, Ann
Subject: proposed development again

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. Sincerely, Lisa Warren (3284 Walnut Lane, Lafayette)

IND103-1

COMMENT LETTER # IND104

GEORGE PAUL WILSON, PHD.
Acoustical & Vibration Consultant
14 Richelle Court
Lafayette, CA 94549



28 June 2012

Honorable Jeanne Ateljevich, Chair
Lafayette Planning Commission Members
City of Lafayette
3675 Mount Diablo Boulevard, Suite 210
Lafayette, CA 94549

Subject: Draft Environmental Impact Report (Draft EIR) for
The Terraces of Lafayette Project, SCH # 2011072055

Honorable Chair Ateljevich and Planning Commission Members:

QUALIFICATIONS

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 mid size multi-unit residential projects such as 1438 Green Street in San Francisco. My experience also includes preparation of the Noise Element of the original *Lafayette General Plan* and the original *Noise Ordinance* 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.

SUMMARY

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.

IND104-1

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 *State Building Code Title 24* and the *Lafayette General Plan and Noise Ordinance*. 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 recommended design configurations and details to assure compliance with minimum standard regulatory limitations and does not assess and evaluate the environmental impacts of noise.

IND104-2

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 groundborne 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.

IND104-3

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*.

IND104-4

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.

IND104-5

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 & 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.

IND104-6

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.

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.

IND104-7

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

IND104-8

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 City of Lafayette General Plan and Noise Ordinance.

IND104-8
cont.

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 158 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 off-site uses would be *less than significant*.

IND104-9

The problem with this analysis and conclusion is that a proper professional impact assessment would identify that the existing traffic noise is already a *significant impact* and that any additional traffic or increased noise will continue to represent a *significant impact*. Again, this analysis and calculations were separate from the WIA analysis and report and the findings and conclusions regarding potential future impact were not reviewed by WIA.

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 *Lafayette Noise Element*, and the result will be a *less than significant impact*.

IND104-10

2 Groundborne Vibration

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.)

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 FTA 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 developments. Further, the acceptability criteria advocated in the FTA Manual differ significantly from the criteria presented in other manuals and International Standards and which are used uniformly throughout the rest of the world.

IND104-11

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 240 ft from the nearest project buildings there will be *no significant* groundborne vibration from the BART trains because the distance is greater than the FTA 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 groundborne vibration at the Project site. I have worked on projects where there was significant groundborne vibration impact at distances of 400 to 500 ft from the tracks.

IND104-12

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.

IND104-13

The lack of on-site measurements of existing groundborne vibration brings into question the entire discussion and conclusions regarding the potential for groundborne 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 groundborne vibration at not less than three appropriate locations.

IND104-13
cont.

3 Impact of Grading Haul Trucks

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.

IND104-14

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.

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 dBA at 50 ft per the Draft EIR on page 4.10-25) 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.

IND104-15

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 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.

IND104-16

CONCLUSIONS AND RECOMMENDATIONS

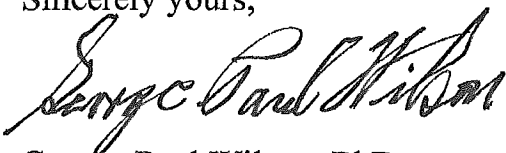
The conclusion from study and review of the Terraces Project Draft EIR Noise Chapter is that the document is incomplete, presents erroneous analyses and conclusions and requires extensive revisions and additions before it can be considered an adequate document describing the environmental conditions at the Project and the environmental effects of the Project.

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 groundborne 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.

IND104-17

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.

Sincerely yours,



George Paul Wilson, PhD.
Acoustical & Vibration Consultant

COMMENT LETTER # IND105

Alexis Mena

From: Erik Yewell <eyewell@gmail.com>
Sent: Thursday, June 28, 2012 6:55 PM
To: Merideth, Ann
Subject: please subscribe me to your mailer

I am interested in the residential development at Pleasant Hill & Stanley.

Erik

IND105-1

COMMENT LETTER # IND106

Merideth, Ann

From: Karen Zemelman <karenzemelman@yahoo.com>
Sent: Thursday, June 28, 2012 10:09 AM
To: Merideth, Ann
Cc: Srivatsa, Niroop; guy; Leslie; Karen Zemelman; Jenifer Lamken; Jen Starks; jonathan westen; colin elliott; Eliot R. Hudson
Subject: Subject: Terraces of Lafayette Project –DEIR
Attachments: DEIR cover letter.docx

Ann,

The attached is a compilation of recommendations and concerns on the Terraces of Lafayette DEIR.

IND106-1

Karen Zemelman

115 Bacon ct.

June 26, 2012

Ann Merideth
Special Projects Manager
amerideth@ci.lafayette.ca.us
City of Lafayette
3675 Mount Diablo Blvd. Suite 210
Lafayette, CA 94549

Subject: Terraces of Lafayette Project –DEIR Comments

Ann,
The following is a compilation of recommendations and concerns on the Terraces of Lafayette DEIR.

Contributors:
Guy Atwood
3345 Springhill Rd

Leslie Dumas and David Harnish
3343 Springhill Rd

Colin Elliott
3356 Hermosa Way

Eliot Hudson
109 Bacon Ct

Jenifer Paul
1293 Quandt Ct

Jonathan Westen
1294 Quandt Ct

Karen Zemelman
115 Bacon Ct



**IND106-1
cont.**

Overview/Project Description:

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.

IND106-2

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.

“Entryways should “...reflect the semi-rural residential character of the community.”

“Ensure that development respects the natural environment of Lafayette. Preserve the scenic quality”

IND106-3

“Ensure that the semi-rural character of the community protected”

“Preserve and enhance the open space, scenic viewsheds and *semi-rural qualities* 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.”

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.

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.

IND106-4

For example, it would be highly visible from the Acalanes Ridge area east 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.

Scenic Highway

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"

IND106-5

Relevant Lafayette General Plan

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 *semi-rural qualities* 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."

IND106-6

Existing Conditions

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 re-vegetation 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.

IND106-7

Residential Entry Ways

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) are to be protected from ALL viewpoints.

IND106-8

Static Viewpoints

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.

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.

IND106-9

The DEIR narrative inappropriately focuses on mitigation measures. That is not what the EIR is supposed to do. The DEIR thus “misses the point.”

IND106-10

While mitigation measures may be described, the purpose of the EIR is to describe the impacts of the Project *after* mitigation, and the narrative should focus on those impacts. The DEIR fails to do so.

Viewpoint 1; East from Deerhill Rd

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 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.

IND106-11

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.

IND106-12

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 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.

IND106-13

Viewpoint 3: Southwest from Acalanes High School Parking Lot

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 semi-rural, 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.

IND106-14

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.

IND106-15

Viewpoint 4: West from Intersection Pleasant Hill and Stanley

Page 4.1-31 fails to describe impacts remaining despite mitigations.

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.

IND106-16

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.

IND106-17

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

IND106-18

Viewpoint 5: West from Pleasant Hill Rd

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.

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 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.

IND106-19

Viewpoint 6 North from Mt Diablo Blvd

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. .

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.

IND106-20

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.

Degrading Existing Visual Character or Quality of the Site and It’s Surroundings

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 “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.”

IND106-21

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 *semi-rural*. The Project is in no way consistent with that usage.

IND106-22

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.

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

IND106-23

Lafayette community, and the proposed urbanized landscaping, sidewalks and entryways of the Project.

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.

IND106-23
cont.

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.

IND106-24

Substantial Source of Light or Glare

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.

IND106-25

Cumulative Impacts

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 the project site has had a variety of uses over time, and because it is geographically remote from other pending projects.

The logic underlying this conclusion is fundamentally flawed, and the conclusion is wrong, because the analysis addresses the wrong question. ***This Project is so prominent and massive that by itself it changes Lafayette's visual environment.*** 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:

IND106-26

- The Project site is highly prominent. Indeed, the site is probably the most prominent large developable site in Lafayette.
- The Project is massive. The Project represents, by Lafayette standards, a densely packed mini-city *on its own*.
- Lafayette is predominantly, and is predominantly recognized as, a community with semi-rural 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 ***by itself would irrevocably*** change the character of the Lafayette community.
- 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.

The cumulative impact of this Project takes that process a quantum leap in transforming Lafayette as a community.

IND106-26
cont.

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.

Photovoltaic panels

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 angled so that as to "minimize," "to the maximum extent *possible*" 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.

IND106-27

Chapter 4.2 Air Quality

The DEIR should include Springbrook Community Pool, Happy Days preschool, Grace Church preschool and Diablo Valley Montessori School, as Sensitive Receptors.

IND106-28

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.

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 "LTS".

- *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.*

IND106-29

- *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 any one time.*
- *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 also be visible to ensure compliance with applicable regulations.*

IND106-29
cont.

Chapter 4.5 Geology, Soils, and Seismicity

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.

The legible portions of the existing and future grading maps in the DEIR indicate that the recommended alternative would involve the following:

- Removing the top 20-50 feet of the ridge over a fairly large area
- Filling large low-lying areas of the property with 10-30+ feet of newly placed soil.
- 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.
- Excavating and off-hauling 300,000 cubic yards of soil to a landfill, involving 25,000 to 30,000 large dump truck trips.

IND106-30

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 *will* 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 off-hauling.

Appendix E

The DEIR does not adequately address conflicts of the recommended Terraces project alternative with the Hillside Ordinance District (HOD).

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 *grading cuts of up to 50 feet within the Class I Ridgeline setback area.*

IND106-31

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

IND106-32

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

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;

The mass grading of the project area throughout the property will not support a finding that the project complies with 6-2071(b).

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;

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).

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:

- (1) Minimize the loss of privacy to surrounding residents and not unduly impact, restrict or block significant views;*
- (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*
- (3) Not interfere with a ridgeline trail corridor or compromise the open space or scenic character of the corridor.*

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).

Hillside Ordinance 6-2071 (e) Within 100 feet of a restricted ridgeline area, or when a 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.

IND106-32
cont.

IND106-33

IND106-34

IND106-35

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).

IND106-35
cont.

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;

IND106-36

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).

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.

IND106-37

Chapter 4.8 Hydrology and Water Quality

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.

IND106-38

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.

IND106-39

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).

IND106-40

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.

IND106-41

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.

IND106-41
cont.

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.

IND106-42

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.

IND106-43

Chapter 4.9 Land Use and Planning

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.

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.

IND106-44

Chapter 4.11 Population and Housing

The DEIR fails to address the proposed project's inconsistency with the Housing Element of the General Plan.

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.

IND106-45

The DEIR under-estimates the forecast population of the new project by at least 29%, and consequently the traffic and other population-dependent project impacts are under-estimated.

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

IND106-46

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.

IND106-46
cont.

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.

IND106-47

Chapter 4.12 Public Services

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.

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.

IND106-48

LAFSD

Capacity

Page 4.12-26 of the DEIR states If Springhill Elementary School reaches its capacity, the plan will be to mitigate this issue, "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.

Redrawing boundaries line, shuffle students around, and using more portable classrooms would have an impact. This issues needs to be addressed further.

IND106-49

Budget

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."

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.

IND106-50

Developer Fees

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 *less than significant*."

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.

IND106-51

AUHSD

Page 4.12-24 states that funding is available from three ballot initiatives. Measure E, Measure G and Measure A.

The wording should include, Measure A will sunset in 2015.

IND106-52

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.

The DEIR fails to note that the proposed project will bring in the same parcel tax dollars as *one* single family home. The potential for 315 families all paying just one single parcel tax will have a *significant impact* to the schools.

IND106-53

Capacity

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.

IND106-54

Chapter 4.13 Transportation and Traffic

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.

IND106-55

Chapter 4.14 Utilities and Service Systems

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.

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.

IND106-56

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).

IND106-57

COMMENT LETTER # IND107

Alexis Mena

From: leslie westphal <westphalfarm@sbcglobal.net>
Sent: Friday, June 29, 2012 12:07 AM
To: Merideth, Ann
Subject: Terraces Project

Dear Ms. Ann Merideth,
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.

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.

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.

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.

IND107-1

Thank you very much for your time.

Leslie and Graham Westphal

3310 Springhill Road
925-283-4220