

IV. CITY STAFF AND OFFICIALS

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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City of Lafayette Staff Report

For: Planning Commission
By: Ann Merideth, Community Development Director
Date Written: February 25, 2010
Meeting Date: March 1, 2010
Subject: Public hearing on the Downtown Lafayette Specific Plan Draft EIR

Summary

The Planning Commission will be holding a public hearing on the Draft EIR on March 1 and March 15. The purpose for this hearing is twofold:

- Provide an additional opportunity for the public to submit comments on the Draft EIR.
- Provide an opportunity for the Planning Commission to ask questions about the Draft EIR that should be addressed in the Final EIR. (An initial list of questions from Commissioners is attached.)

All comments and questions from the public hearing, as well as all written comments and questions submitted to the City by March 16, will be addressed in the Final EIR.

Recommendation

Conduct the public hearing, and provide comments and questions for the Final EIR.

Attachment

Initial comments by Planning Commissioners (February 24, 2010)

10-1

Initial questions from Planning Commissioners

February 24, 2010

- Does the Commission have the right to disagree with the consultants with respect to significance? I 10-2
- How does the Commission address mitigation measures that the Commission decides are unacceptable? I 10-3
- Are the data in a form that can be interpolated so that the impacts can be shown for BAE's estimations of what we could hope to support? (100,000 sf of new retail, including restaurants and personal services; 75,000 sf of new office; 1,083 new residential units) I 10-4
- Why are the buildout projections for the project so much higher than the General Plan projections when the density stays the same – 35 units/acre? I 10-5
- The General Plan alternative is identified as the environmentally preferred alternative. Is the City encouraged by CEQA to adopt the environmentally preferred alternative or can the City adopt the project or one of the other alternatives with a Statement of Overriding Considerations? I 10-6
- Why are there are no aesthetic impacts? I 10-7
- The photosimulations show most of the new buildings as being right to the sidewalk, except for the Safeway and Carol Lane photosimulations. The buildings appear to be set back from the sidewalk, or, in the case of Safeway, at the back of the lot. Why were the buildings sited differently? I 10-8
- Is the existing height standard for Moraga Road different than 35 feet? I 10-9
- The DEIR identifies buildings with historic significance. What types of protections are afforded these identified buildings? I 10-10
- The Forge at the corner of Mount Diablo Boulevard and Brown Avenue is over 50 years old and represents Lafayette's pioneering past better than many of the historical buildings that have been "covered" over. Why does the DEIR not list the property as having historical and cultural interest for Lafayette? I 10-11
- Can the Final EIR include a simple plan that shows where the 250' line falls for air quality impacts? I 10-12
- How will mitigations PH-1 and PS-1 be implemented? How does a mitigation fee get allocated to the infrastructure? Are there thresholds that determine adequacy of the infrastructure such that a building permit can be issued? I 10-13
- Do higher buildings and/or more dense development result in more impacts, such as higher costs, to fire protection services? I 10-14
- Can the Final EIR illustrate where road widening for additional lanes must occur? Removal of parking? What kind of traffic increases will trigger the necessity for the various traffic mitigations? I 10-15

LETTER #10

- In Figure 4.13-3, the diagram for Intersection #18 shows 213 right-turn movements from School Street onto Moraga Road at the mid-day peak. That figure seems low; is it correct? **I 10-16**
- For Table 4.13-6, what is the baseline for these reduction figures? **I 10-17**
- Table 4.13-10 seems to show that residential uses can generate more trips than retail. Is that correct or is it because how each is calculated (square footage or dwelling unit)? **I 10-18**
- For Table 4.13-17, what is the difference between traffic on Pleasant Hill Road north of State Route 24 and south of SR 24? **I 10-19**
- Brook Street and School Street are considered a Bicycle Boulevard. Can the Final EIR include a map of the City's ROW and a cross-section showing how space can be provided for bicyclists? **I 10-20**
- Can the Final EIR include a map showing the City ROW on the north side of Brook Street just west of Moraga Road and suggest how Brook Street can be made safer? **I 10-21**
- Are there data showing how many riders that use the Lafayette BART station do not live in Lafayette? **I 10-22**

LETTER 10

**Ann Merideth, Community Development Director. City of Lafayette.
Staff Report to the Planning Commission. February 25, 2010.**

Response 10-1

The comment serves as an introduction to the comments that follow. It explains that the Planning Commission will have held public hearings on March 1 and March 15, providing an opportunity for comments and questions for this Final EIR. No response is necessary apart from the responses to the comments below.

Response 10-2

The comment asks if Planning Commissioners have a right to disagree with EIR consultants with respect to significance findings. Planning Commissions, and all members of the public, have the right to disagree with the findings of the Draft EIR and submit comments on the Draft EIR. All comments are reviewed, considered, and responded to through the Final EIR.

Response 10-3

The comment asks how the Planning Commission should address mitigation measures that the Commission decides are unacceptable. The Planning Commission provided comments on the Draft EIR that have been taken into consideration through the Final EIR. Any necessary changes to the Draft EIR's mitigation measures in response to these comments are reflected in Chapter 3 of this Final EIR. If, following the release of the Final EIR, Commissioners still find mitigation measures to be unacceptable, they can recommend to the City Council that additional mitigation measures be adopted.

Response 10-4

The comment asks if data exists in a form that could interpolate the impacts associated with the supportable development estimated by Bay Area Economics. The comment is referring to a June 2, 2008 memorandum prepared by Bay Area Economics that summarized the results of a study to determine the

amount of new development that the downtown could support. As stated by the commentor, the study found that the downtown could support 100,000 square feet of retail development, 75,000 square feet of office space, and 1,083 new housing units. The study was prepared as background for the Draft Downtown Lafayette Strategy and Specific Plan (January 2009). The Draft EIR evaluates potential impacts associated with adopting the Revised Draft Downtown Lafayette Specific Plan (September 2009). The Bay Area Economics report is not considered as part of the Plan.

Response 10-5

The comment asks why buildout projections for the Plan are so much higher than projections for the General Plan when the density is the same. The buildout numbers are different due to different methodologies used in calculating buildout. Please see response to Comment 7-7.

Response 10-6

The comment correctly states that the No Project Alternative is identified as the environmentally superior alternative in the Draft EIR. The comment asks whether the City is encouraged by CEQA to adopt the environmentally superior alternative. CEQA does not require the Lead Agency to adopt the environmentally superior alternative. CEQA Section 15043 states that the public agency may approve a project even though it would result in significant effects, so long as the agency can make a fully informed and publicly disclosed decision by adopting a statement of overriding consideration and finding that: a) there is no feasible way to lessen or avoid the significant effect, and b) expected benefits from the project outweigh the policy of reducing or avoiding significant effects.

Response 10-7

The comment asks why there are no aesthetic impacts. The impact findings regarding aesthetic impacts are fully described in Chapter 4.1, Aesthetics, of the Draft EIR. The Draft EIR finds less-than-significant impacts to scenic vistas, views from a scenic highway, visual character or quality of the downtown area and its surroundings, and new sources of substantial light or glare.

The comment does not address the adequacy of the Draft EIR and asks for information that is provided in the Draft EIR. Therefore no revision to the Draft EIR is necessary.

Response 10-8

The comment states that the visual simulations in the Draft EIR show most of the buildings as being built up to the sidewalk, except for the simulations in Figures 4.1-12 and 4.1-16. To provide a consistent analysis throughout the EIR, the visual simulations assumed redevelopment of the same parcels that were assumed to redevelop under the buildout methodology. As described above in response to Comment 9-56, it is not foreseeable that every parcel in the Plan Area would redevelop within the next 20 years. The visual simulations reflect this understanding, and provide simulations of what new development under the Plan would look like if scattered throughout the Plan Area on sites that are most likely to redevelop. This is considered to provide a more realistic view of the aesthetic impact of new development under the Plan. The building simulations in Figures 4.1-12 and 4.1-16 were designed to reflect the development standards of the Plan, but some of the simulated buildings are located on parcels that do not front on Mount Diablo Boulevard and therefore appear to be set back from the street.

Response 10-9

The comment asks if the existing height standard for Moraga Road is different than 35 feet. Existing building height limits in the Plan Area are shown in Figure 5-2 of the Draft EIR. As shown in this figure, the maximum building height limit for the parcels along Moraga Road is 35 feet. However, as stated in Section 6-868 of the Lafayette Zoning Code, the following restrictions apply to the MRO district:

- ◆ Office uses may not exceed two stories or 30 feet in height.
- ◆ Combined office/residential uses or residential-only uses may not exceed three stories or 35 feet in height.
- ◆ For a building in excess of 25 feet in height, the Planning Commission shall ensure that its height and proportions are compatible with other

buildings in the vicinity, and that it is favorably located in relation to topographic conditions in a manner that visually attenuates its height. No part of the third-floor portion of a building shall be located within 50 feet of the right-of-way or Moraga Road or St. Mary's Road.

Response 10-10

The comment asks how buildings with historic significance are currently protected. Existing regulations, programs, and policies protecting historic structures are described on pages 4.14-16 to 4.14-17 of the Draft EIR. As described in the Draft EIR, several mechanisms are in place to protect Lafayette's historic structures. Structures that are currently designated as historical structures are protected through federal and State preservation laws from substantial adverse change. The City's Municipal Code protects structures with historical value by reviewing and regulating changes to landmark properties. The City's General Plan includes goals, policies, and programs intended to protect historic sites and structures. Lafayette Redevelopment Agency Resolution R2006-01 requires that the Redevelopment Agency Governing Board review all applications for demolition permits within the Redevelopment Project Area to ensure that no historically significant structures would be demolished. These federal, State, and local regulations and procedures ensure that structures known to have historic merit are protected from demolition and substantial alteration, and that proposals for demolition in the Redevelopment Project Area are reviewed for historical significance.

Response 10-11

The comment states that the Forge is over 50 years old and represents Lafayette's pioneering history. The comment asks why the Draft EIR does not list the property as having historical or cultural interest for Lafayette. Please see response to Comment 9-33, above.

Response 10-12

The comment asks whether the Final EIR can include a simple plan that shows where the 250-foot line for air quality impact falls (describing the potential for significant TAC/PM_{2.5} exposure). The comment is noted. Figure

4.2-1 has been added to the Draft EIR, as shown in Chapter 3 of the Final EIR.

Response 10-13

The comment asks how Mitigation Measures PH-1 and PS-1 will be implemented. Mitigation Measure PH-1 is: “The City will ensure that planning for infrastructure and services is adequately addressed by monitoring development in the Plan Area. As development occurs under the Plan, issuance of building permits shall be conditioned on the long-term availability of infrastructure and public services adequate to serve the project.” Mitigation Measure PS-1 is: “In compliance with California Government Code Section 66000 et seq., the City will calculate and assess an impact fee on new commercial and residential development in the Plan Area. This impact fee will be sufficient to accommodate new development without further compromising the delivery of fire services in the Plan Area.” The comment asks how a mitigation fee gets allocated to infrastructure. The comment asks whether there are thresholds to determine the adequacy of the infrastructure such that a building permit can be issued. All new development applications are reviewed by the City and potentially affected service providers to determine how the proposed development would impact infrastructure and services. The City would condition the development to provide its fair share of mitigation to offset these impacts consistent with existing General Plan goals (LU-19 and LU-20) and associated policies and programs.

Specific methods for implementing this mitigation measure will be set forth in writing by the City in the mitigation monitoring and reporting program that will be developed and adopted by the City through the EIR certification process, as required under Section 15097 of the CEQA Guidelines.

Response 10-14

The comment asks whether higher buildings or denser development result in more impacts, such as higher costs, to fire protection services.

CEQA requires that the focus of the analysis of environmental impacts be on the physical changes that would occur as a result of the proposed project. Under CEQA, a significant impact would result if the Plan, in combination with other reasonably foreseeable development in the surrounding area, would require the provision of new or physically altered facilities, the construction of which would cause significant environmental impacts. Consideration of service ratios, response times, and other performance objectives is required insofar as it would result in the construction or expansion of facilities, which could cause environmental impacts. As such, building height or density of development does not influence the determination of impacts to fire protection services.

However, separate from mitigating for the potential environment impacts of construction or expansion of facilities, the Draft EIR also proposes development impact fees for fire and emergency medical services so that growth resulting from the Plan could be accommodated, although these fees are not required under CEQA. The proposed impact fees, described on page 4.11-6, would apply to future development in the Plan Area.

Response 10-15

The comment requests an illustration of locations where road widening for additional lanes and removal of parking specified in mitigation measures would occur. The requested illustrations are beyond the required scope of a programmatic EIR. When specific development applications and roadway improvement projects are proposed, additional information at this level of detail would be warranted.

The comment also asks what kind of traffic increases would trigger the necessity for the various traffic mitigation measures. The suggested analysis to determine the level of traffic increases at which proposed mitigations would be needed is not standard practice in CEQA documents, and is beyond the scope of this EIR. By themselves, the threshold levels of traffic increases would not be very useful unless they were connected to the levels of development generating that traffic. However, the assumptions required regarding the future

schedule and location of development in the Plan Area and other cumulative development projects outside the Plan Area would be speculative. Where appropriate, the Draft EIR recommends that the City monitor intersections and install the mitigations at such time that the specified threshold is met, which complies with CEQA Guidelines regarding mitigations.

Response 10-16

The comment asks whether the 213 right-turn movements from School Street from Moraga Road at the mid-day peak, as shown in Figure 4.13-3, is a correct figure. The subject intersection traffic volume on Figure 4.13-3 is correct as shown. Please also see response to Comment 53-60.

Response 10-17

The comment asks what the baseline is for the reduction figures in Table 4.13-6. The land use quantities shown in Table 4.13-14 on page 4.13-35 of the Draft EIR are the projected development in the Plan Area over the 20-year Plan horizon, which were used to calculate the “baseline” trip generation before applying the trip reductions. The baseline trip generation calculation used standard ITE trip rates based on surveys of isolated suburban land uses with negligible transit service, which does not correspond to the proximity and quality of transit service in the Plan Area, and requires adjustment through the trip reductions. These trip reductions are not reductions to the projected development land use quantities.

The transit reduction factor was applied to the baseline total trip generation for residential and office land uses for the AM, mid-day, and PM peak hours, and daily. (No transit reduction factor was applied to retail use trip generation.) The percentage of the transit reduction factor shown in Table 4.13-6 varies depending on the proximity of future development sites in the Plan Area to the BART station. With application of the transit reduction factor menu in Table 4.13-6, the resulting overall percentage of the transit reduction to the baseline total trip generation for future development in the Plan Area based on the ITE rates was no more than 6 percent. Please see responses to Comment 9-140 and Comments 56-50 through 56-53 for additional detail.

Response 10-18

The comment asks whether the information in Table 4.13-10 shows that residential uses generate more trips than retail uses. In Table 4.13-10, the 730 residential dwelling units generate more trips than the 138,000 square feet of retail in the AM and PM peak hours because the proportion of the residential area is much higher than the retail area. Generally, retail trip generation rates are higher than residential trip generation rates when compared on a square footage basis. Please also see response to Comment 53-54.

Response 10-19

The comment asks for clarification regarding the difference between traffic on Pleasant Hill Road north of State Route 24 and south of State Route 24. Pleasant Hill Road north of State Route 24 is designated a Route of Regional Significance by CCTA, which is the reason the Delay Index is reported for that location in Table 4.13-17. The CCTA designation does not apply to Pleasant Hill Road south of State Route 24. Based on the traffic volumes shown at intersection #15 on Figure 4.13-5, the peak hour peak directions for Pleasant Hill Road south of the State Route 24 eastbound off-ramp are the reverse of those on the north portion shown on Table 4.13-17; on the south portion, the AM peak direction is northbound, and the PM peak direction is southbound. The peak hour peak direction volumes on Pleasant Hill Road south of the State Route 24 interchange are less than half those north of State Route 24.

Response 10-20

The comment requests that the EIR include a map of the City's right-of-way on Brook Street and School Street, which are recommended Bicycle Boulevards in the City's Bikeways Master Plan, along with a cross-section showing how much space can be provided for bicyclists. Bicycle Boulevards are roadways designed for cars and bikes to equally share the right-of-way, with traffic calming features to enhance bicycle safety. Because cars and bikes share the right-of-way, no widening is necessary to implement Bicycle Boulevards. The requested illustrations are beyond the required scope of a programmatic EIR. When specific development applications and roadway improvement projects

are proposed, additional information at this level of detail would be warranted.

Response 10-21

The comment requests that the EIR include a map of the City's right-of-way on the north side of Brook Street just west of Moraga Road and suggest how Brook Street can be made safer. No safety issues were identified on Brook Street in the Draft EIR that would require mitigation. The requested illustrations and identification of potential safety improvements are beyond the required scope of a programmatic EIR.

Response 10-22

The comment asks whether any data exists showing how many of the riders that use the Lafayette BART station do not live in Lafayette. According to the 2008 BART Station Profile Survey, 47 percent of riders boarding at the Lafayette BART station whose trips originate at home live outside Lafayette.

From: Jeanne Ateljevich [mailto:jateljevich@comcast.net]
Sent: Wednesday, March 03, 2010 9:00 AM
To: Srivatsa, Niroop
Subject: A question has arisen

Hi Niroop

The consultant has measured impacts of the DSP at 80% of capacity. And comparisons are made with the "no project" capacity taken from the General Plan. When the GP numbers are quoted are they also calculated at 80% of capacity? If not, we have bushels of apples and oranges in traffic, housing potential, retail potential and office potential. Can you get the answer to this for me, it's causing concern for a lot of people.
Jeanne.

|

11-1

LETTER 11

Jeanne Ateljevich, Planning Commissioner. City of Lafayette. March 3, 2010.

Response 11-1

The comment asks whether the No Project Alternative buildout was calculated using the assumption that only 80 percent of maximum density would be achieved. The No Project Alternative was not calculated using the same methodology as the Plan. Please see response to Comment 7-7.

From: Brandt Andersson [mailto:brandtander@gmail.com]
Sent: Tuesday, March 09, 2010 4:05 PM
To: Robbins, Joanne
Subject: Re: FW: Attention Niroop Sirvasta

Sherry --

Thank you for your letter. It is clear that you have put a lot of thought into it, and there are some useful ideas. Capping the population increase is an interesting concept, if it could be done within the constraints of the housing requirements. Clearly, any population increases could aggravate the traffic situation.

However, putting multifamily housing in the East End instead of the Downtown Core would undoubtedly aggravate the traffic even more, since everyone in those units would have to drive, not walk, to the downtown and park there for most of their shopping.

According to the school superintendent, additional students actually will help the cash-strapped schools, which are losing students (and associated funding) in addition to the State takeaways we are all suffering.

The EIR has given us a lot more information to consider, and you are quite correct that we have some difficult choices. Striking a balance within the constraints and the current atmosphere will not be easy, and I'm hoping the Planning Commission's efforts can give us some useful guidance.

Thank you also for your comments at the meeting last night and your service on our marvelous Emergency Preparedness Commission.

-- Brandt

12-1

LETTER 12

Brandt Andersson, Mayor, City of Lafayette, March 9, 2010.

Response 12-1

The comment letter is an email from Brandt Andersson, Mayor of Lafayette, in response to Comment Letter #30. The commentor is responding to the suggestion in Letter #30 that the east and west ends of the downtown may provide suitable locations for new housing. The commentor states that new multi-family housing outside of the core of the downtown could further aggravate traffic conditions due to an increased distance from transit and services.

The commentor also refers to Comment Letter #8 and states that new students would generate needed funds for Lafayette schools.

The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

V. MEMBERS OF THE PUBLIC

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Traci Reilly [mailto:tracireilly@comcast.net]
Sent: Tuesday, February 09, 2010 7:37 PM
To: Robbins, Joanne
Subject: City Council meeting 2/8/10 follow up

Dear Mayor Andersson and Council members,

I wanted to address the question that was asked of me and/or staff about my concerns over the Downtown Specific Plan (EIR). My three main concerns with the proposed plan are as follows: population growth, traffic, and public safety. They are quality of life issues that will effect many of our current residents. I would like the opportunity to clarify any questions that you might have had.

13-1

1. Population growth: DSP suggests a 19% increase in new residents or 4589 in the next 20 years. (page 4.10-9 of the report). Lafayette's population growth in the past decade (2000 - 2009) was less than 1% (page 4.10-3). The DSP's growth plan is 10.9% more than ABAG's recommendation . (page 4.10-9)

13-2

2. Traffic is already is problem in the downtown area, including Moraga Rd. and Mt. Diablo. By the plans own admission, 6 out of 14 problem areas will not be fixable by mitigations. After possible mitigations, they still have a "SU" rating, which is "significant unavoidable impact." (pages 2-13 - 2-20). Since all the growth is planned in the downtown area, this plan will only take a bad traffic situation and make it worse.

13-3

3. Public safety currently has the lowest police officer per resident ratio in all of Contra Costa County. The current ratio is .7 officers per 1000 residents. The plans states that it will not results in any significant impacts to law enforcement, and that no mitigations are planned. (page 4.11-10) I respectfully disagree. The addition of almost 5000 new residents to the downtown area will only create more calls for service. Our police force is already spread thin. This plan will only lower the officer to resident ratio, potentially to a level that is unsafe.

13-4

I hope that you consider the concerns and needs of the residents that currently reside in Lafayette and pay taxes. Many of us moved here from urban settings, for the semi-rural life that this city offered. These concerns are about quality of life issues, and issues of public safety. I hope that you considered these concerns, and vote against the DSP.

13-5

Best regards,
Traci Reilly

LETTER 13

Traci Reilly, February 9, 2010.

Response 13-1

The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to the comments below.

Response 13-2

The comment states that the population growth proposed under the Plan would exceed ABAG's projections. The comment reiterates information provided in the Draft EIR and does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 13-3

The comment states that traffic is already a problem in the downtown, and that the significant and unavoidable impacts identified in the Draft EIR will worsen the situation. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 13-4

The comment contests the finding of no significant impact to police services from the Plan because an increase in population would lower the officer to resident ratio.

Under CEQA, a significant impact would result if the Plan would require the provision of new or physically altered facilities, the construction of which would cause significant environmental impacts. Consideration of service ratios, response times, and other performance objectives is required insofar as it would result in the construction or expansion of facilities, which could cause environmental impacts. The potential need for new or physically altered police facilities is analyzed on pages 4.11-6 through 4.11-10 of the Draft EIR. The Lafayette Police Chief was consulted in the preparation of the Draft EIR and the chief confirmed that the Department maintains an average response time

of three minutes for priority calls and seven minutes for non-priority calls, which is in line with the targets established in the General Plan. The General Plan's targets do not include personnel per population.

The Draft EIR acknowledges that buildout of the Plan may require additional personnel and vehicles to maintain targeted police response times, or the construction or expansion of facilities to house additional personnel and vehicles. However, the General Plan provides a framework for evaluating the potential impact of development on the delivery of law enforcement services and assessing impact fees, and as the increase in population and the growth of businesses in downtown Lafayette would occur incrementally over approximately 20 years it would be possible to assess the need for additional personnel and equipment and address these needs to ensure that the law enforcement response time standards in the community are maintained. If and when the construction or expansion of facilities to accommodate additional personnel or equipment becomes necessary, CEQA review, General Plan provisions, and Municipal Code regulations would all apply, thereby minimizing environmental impacts. Consequently, in accordance with the provisions of CEQA, the Draft EIR concluded that the impact on law enforcement services from the Plan would be less than significant.

Response 13-5

The comment serves as a closing remark to the preceding comments. No response is necessary apart from the responses to the comment above.

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COMMENTS AND RESPONSES

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From: "Lynn Hiden" <dandlhidden@comcast.net>
Date: February 27, 2010 10:34:06 AM PST
To: "Niroop Srivatsa" <NSrivatsa@ci.lafayette.ca.us>
Cc: "Maeve Pessis" <MaevePessis@gmail.com>
Subject: **EIR transp comments fm Lynn and Maeve (done for the LHC but for you, also)**

Niroop, would you please email and give this paper that Maeve Pessis and I put together per the D EIR transportation portion of the LHC to the Planning Commission for their March 1 meeting, in case some of these subjects should happen to come up at that time? There are some general comments made, as well.

14-1

Many thanks,

Lynn

Draft EIR for DSP LHC Comments by: LYNN HIDDEN & MAEVE PESSIS Volume 1				
Chapter	Page #	Paragraph	Subject	Comment
General Comments #1			Staff & Circulation Commission comments	LHC supports the comments provided on 2/10/10 by the Staff & Circulation Commission.
General Comments #2			Methodology	Explain how TJKM methodology of calculations differs from that used by Fehr and Peers, which gave a different result.
General Comments #3			Projection Percentage	Explain the use of Trips Projections based upon a 1% per year growth rate vs. the more typical 2% per year that Lafayette has known in past studies.
General Comments #4			Incompatible Goals	Discuss and resolve in the Circulation chapter and throughout --the contradiction between air and noise pollution mitigation BAAQD instructions to children, the elderly, asthmatics, cyclists and those with lung and heart problems—to stay indoors when within 500-1,000' of Hwy 24, as opposed to DSP goals of drawing people outdoors to walk, bike, participate in downtown community life ... all in proximity to Highway 24.
General Comments #5			Expand discussion of Air and Noise pollution	Address pronounced Air and Noise pollution impacts and mitigations in Chapter 4 on Transportation & Circulation.
Chapter 2 - Report Summary	2-1	4	Ped- Auto Conflict	Explain how the City will avoid severe pedestrian-auto conflicts in the revised DSP Core.
Chapter 2 - Report Summary	2-4	AQ-1	Conflict with CAP Assumptions	Explain benefits to be derived from these unavoidable impacts.
Chapter 2 - Report Summary	2-5	Table 2-1, AQ-2	Air Quality Mitigation	See General Comments, above, at #4 just above above re Incompatible Goals: Discuss and resolve in the Circulation chapter and throughout --the contradiction between air and noise pollution mitigation BAAQD instructions to children, the elderly, asthmatics, cyclists and those with lung and heart problems—to stay indoors when within 500-1,000' of Hwy 24, as opposed to DSP goals of drawing people outdoors to walk, bike, participate in downtown community life... all in proximity to Highway 24.
Chapter 2 - Report Summary	2-6	Table 2-1	Greenhouse Gas Emissions	Revise in light of up to 4,859 new residents cooking, heating living spaces, and driving cars, etc. in a confined area.

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**Draft EIR for DSP
LHC Comments by: LYNN HIDDEN & MAEVE PESSIS**

Volume I

Chapter	Page #	Paragraph	Subject	Comment
Chapter 2 - Report Summary	2-12	PH-1	Population and Housing— new infrastructure & Services	Our City, like some others, has had great difficulty funding infrastructure and services adequately, and assessing short-term and long-term costs in its projects. Explain how the City will suddenly be able to ensure adequacy in these areas.
Chapter 2 - Report Summary	2-13	PS-1, PS-2	Impact Fees	Verify the legality of charging sufficient impact fees to cover all of these ongoing public services: more police, schools, fire protection. Explain how these impact fees will compensate for slowed response time to emergencies.
Chapter 2 - Report Summary	2-9	Table 2-1, NOI-1	Noise Mitigation, Pre-existing structures	For pre-existing structures, propose mitigation from increasing noise level due to new development, building density, thousands of new people and traffic. Would impact fees be sufficient to retrofit?
Chapter 2 - Report Summary	2-19	Table 2-1, TRAF 13, 14	Pedestrian impact at parking facilities	Add pedestrian queuing impact on streets and add the pedestrian demand time on the signal.
Chapter 4.13 - Traffic and Transportation	4.13.16	Lines 17, 18, 19	LOS FF ?	Explain in terms of real-life experience what a LOS F at School/Moraga in 2010 (what we have now), with a noon delay index of 124, amounts to-- vs. a Cumulative plus project build-out delay index of F 247.2 would mean in terms of length of backup, length of time to reach Mt. Diablo from certain targeted distances, such as Silver Springs or Rheem. State whether the LOS for Plan build-out could best be described as FF. If not, why not?
Chapter 4.13 - Traffic and Transportation			School Mitigations	What mitigations could be provided if schools and City worked together.
Chapter 4.13 - Traffic and Transportation			Trip Diversion	Regarding Moraga Road trip build-out projections, determine how many trips will divert to Reliez Station Road and the St. Mary's Corridor. State whether or not the DEIR LOS projections took into account likely diversions.
Chapter 4.13 - Traffic and Transportation			Moraga Trips	Calculate and include how many of the current and projected trips at the Moraga/School St. and at Mt. Diablo/PH Road intersections are trips to and from the Town of Moraga and what the level of service might be if the Lafayette trips were reduced to General Plan anticipated levels.
Chapter 4.13 - Traffic	4.13.20	Table 4.13.6 &	Unsubstantiated	The Contra Costa Transportation Authority does not agree to

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**Draft EIR for DSP
LHC Comments by: LYNN HIDDEN & MAEVE PESSIS**

<i>Volume 1</i>						
Chapter	Page #	Paragraph	Subject	Comment		
and Transportation		Table 4.13.7, etc.	Reduction Factors	the use of "trip reduction factors." In light of this, justify the use of these in this TJKM study.		14-19
Chapter 4.13 - Traffic and Transportation	4.13.20	(see page above)		Lafayette residents are busy and frequently in a hurry. Given the character of our high-achieving population, explain whether these trip reductions are therefore applicable to Lafayette.		cont. 14-20
Chapter 4.13 - Traffic and Transportation	4.13.22			Lafayette's residents are busy and frequently in a hurry. Given the character of our high-achieving population, explain whether these trip reductions are therefore applicable to Lafayette.		14-21
Chapter 4.13 - Traffic and Transportation		Bullet 2		Which plan?		14-22
Chapter 4.13 Traffic and Transportation	4.13.26	Paragraph 3	Fees	Please recommend changes in this very outdated fee formula.		14-23
Chapter 4.13 - Traffic and Transportation	4.13.32	Table 4.13.13	Missing item on Table	Add Table Item indicating LOS on PH Rd./Mt. Diablo Blvd.		14-24
Chapter 4.13 - Traffic and Transportation	4.13.73	mid-page	Parking	Line 4, add "sufficient" to off-street parking reference.		14-25
Chapter 5 - Alternatives	5-3	Table 5-2	Comparison Table	The General Plan receives ++ Air Quality Rating and ++ Rating in Transportation. Add this Alternatives Comparison Table to the Hazards Chapter in the EIR.		14-26
Chapter 5 Alternatives	5-9	Table 5-2	Views	Compare preservation of views in the 3 alternatives and reflect in Table 5-2		14-27
Chapter 5 - Alternatives	Fig. 5-5 and Fig. 5-12		Setback /Street plan Comparison	Explain why there are no setbacks shown from sidewalks for General Plan/ No Project. Is there bias, since WRT's setbacks & landscaping are shown?		14-28
Chapter 5 - Alternatives	5-19	Paragraph 3	Policies	Inaccurate statement. State that No Project (GP) could address these same policies very well. Draft mitigations to provide these.		14-29
Chapter 5 - Alternatives	5-22	Paragraph 3	Fire Risk	Correct inaccurate statements. Con Fire calls Lafayette a high-risk area and a continuous fuel chain. Lack of emergency roads in and out of Lamorinda complicates the problem.		14-30

**Draft EIR for DSP
LHC Comments by: LYNN HIDDEN & MAEVE PESSIS**

Volume 1

Chapter	Page #	Paragraph	Subject	Comment
Chapter 5 - Alternatives	5-29	3	Trips	The NO PROJECT GP produces only 44% per day of the trips produced by the other 2 alternatives. Explain the advantages in quality of life.
Chapter 5 - Alternatives	5-32	1,3,4	Circulation	Explain that the GP can include these policies and programs, as well.
Chapter 5 - Alternatives	5-33	3	Nat. Resources	Recommend adding to GP as mitigations.
Chapter 5 - Alternatives	5-38	F	Natural Resources	Inaccurate. Change to reflect High Risk designation by Consolidated Fire.
Chapter 5 - Alternatives	5-52		Fire Danger	Same as above. Related to emergency circulation.
Chapter 5 - Alternatives	5-57	3	Turns	Change "southbound" to "northbound."
Chapter 5 - Alternatives		4	Level of Service (LOS)	Explain how close this would be to gridlock.
Chapter 5 - Alternatives	5-63	3	Parking	Explain and add to comparison chart under "Aesthetics and Services" T 5-2

14-31

14-32

14-33

14-34

14-35

14-36

14-37

14-38

LETTER 14

Lynn Hiden and Maeve Pessis, February 27, 2010.

Response 14-1

The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to the comments below.

Response 14-2

The comment expresses support of the comments provided on the Draft EIR provided by the Circulation Commission on 2/2/2010. The Circulation Commission did not submit a letter dated February 10, 2010. Letters submitted by the Circulation Commission are included in this Final EIR as Comment Letters #4 (submitted March 2, 2010) and #7 (March 16, 2010). The comment expresses the commentor's opinion and does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 14-3

The comment is a duplicate of Comment 9-11. Please see response to Comment 9-11, above.

Response 14-4

The comment is a duplicate of Comment 9-12. Please see response to Comment 9-12, above.

Response 14-5

The comment is a duplicate of Comment 9-13. Please see response to Comment 9-13, above.

Response 14-6

The comment asks that the air quality and noise analysis be expanded to address the impacts of air quality and noise on transportation and circulation. It is unclear what air quality and noise impacts the commentor is referring to.

Impacts related to air quality and noise were identified in the Draft EIR in Chapters 4.2 and 4.9, respectively. Therefore, no response is necessary.

Response 14-7

The comment is a duplicate of Comment 9-18. Please see response to Comment 9-18, above.

Response 14-8

The comment is a duplicate of Comment 9-25. Please see response to Comment 9-25, above.

Response 14-9

This comment is nearly identical to Comment 9-27. Please see response to Comment 9-27, above.

Response 14-10

The comment is a duplicate of Comment 9-30. Please see response to Comment 9-30, above.

Response 14-11

The comment is a duplicate of Comment 9-41. Please see response to Comment 9-41, above.

Response 14-12

The comment is a duplicate of Comment 9-45. Please see response to Comment 9-45, above.

Response 14-13

The comment requests mitigation for new development, building density, and thousands of new people and traffic upon pre-existing structures. The commentor asks whether impact fees would be sufficient to retrofit structures. Due to the potential variation in retrofit needs, the needs for pre-existing structures cannot be determined at the EIR level. No revision to the Draft EIR is necessary.

Response 14-14

The comment is a duplicate of Comment 9-48. Please see response to Comment 9-48, above.

Response 14-15

The comment is a duplicate of Comment 9-134. Please see response to Comment 9-134, above.

Response 14-16

The comment is a duplicate of Comment 9-135. Please see response to Comment 9-135, above.

Response 14-17

The comment is a duplicate of Comment 9-136. Please see response to Comment 9-136, above.

Response 14-18

The comment is nearly identical to Comment 9-137. Please see response to Comment 9-137, above.

Response 14-19

The comment is nearly identical to Comment 9-138. Please see response to Comment 9-138, above.

Response 14-20

The comment is a duplicate of Comment 9-139. Please see response to Comment 9-139, above.

Response 14-21

The comment is a duplicate of the preceding comment. Please see response to Comment 14-20, above.

Response 14-22

The comment asks for clarification regarding the bulleted list on page 4.13-22 of the Draft EIR. The second bullet point, describing the “Cumulative with Specific Plan Project” scenario, refers to inclusion of development that is projected to occur under the proposed Plan.

Response 14-23

The comment is a duplicate of Comment 9-144. Please see response to Comment 9-144, above.

Response 14-24

The comment is a duplicate of Comment 9-145. Please see response to Comment 9-145, above.

Response 14-25

The comment is a duplicate of Comment 9-146. Please see response to Comment 9-146, above.

Response 14-26

The comment is nearly identical to Comment 9-150. Please see response to Comment 9-150, above.

Response 14-27

The comment is a duplicate of Comment 9-151. Please see response to Comment 9-151, above.

Response 14-28

The comment is nearly identical to Comment 9-152. Please see response to Comment 9-152, above.

Response 14-29

The comment is nearly identical to Comment 9-153. Please see response to Comment 9-153, above.

Response 14-30

The comment is nearly identical to Comment 9-157. Please see response to Comment 9-157, above.

Response 14-31

The comment is nearly identical to Comment 9-158. Please see response to Comment 9-158, above.

Response 14-32

The comment is nearly identical to Comment 9-159. Please see response to Comment 9-159, above.

Response 14-33

The comment is nearly identical to Comment 9-160. Please see response to Comment 9-160, above.

Response 14-34

The comment is nearly identical to Comment 9-161. Please see response to Comment 9-161, above.

Response 14-35

The comment is nearly identical to Comment 9-162. Please see response to Comment 9-162, above.

Response 14-36

The comment is identical to Comment 9-163. Please see response to Comment 9-163, above.

Response 14-37

The comment is nearly identical to Comment 9-164. Please see response to Comment 9-164, above.

Response 14-38

The comment is identical to Comment 9-165. Please see response to Comment 9-165, above.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Chad Follmer [mailto:chad_follmer@yahoo.com]

Sent: Wednesday, March 03, 2010 2:31 PM

To: Srivatsa, Niroop; Planning Commission; Tatzin, Don; brandtand@aol.com; Feds, Carol; Anderson, Mike; Anduri, Carl

Subject: Downtown Plan

Dear City Council and Planning Commission Members:

I am concerned by the Downtown Plan. While, clearly, I support thoughtful re-development of the closed or vacant areas within our downtown corridor, the plan proposed and its driving forces are totally contrary to why my family and every Lafayette family I know "Loves Lafayette."

15-1

The schools and the lack of prior development are Lafayette's primary attraction points. Given Lafayette's location and access, clearly Lafayette's residents could have chosen higher housing densities and increased retail development had we wanted to. However our residents and forefathers have worked very purposely to not pursue these things and it has proven to be a sound strategy. One only needs to look at the value of our homes relative to home values in surrounding areas that have chosen retail / higher density strategies to understand what "the market" values in terms of sustainable quality of life. The plan proposed appears to support a 180 degree turn on the city's stated mission and guiding principals that have served us so well to date.

15-2

My thoughts mirror those expressed by Eliot's Contra Costa Times "Reader Opinion" (below) exactly. As the Godbe report reveals;

"Lafayette set a "new all-time high" for communities....with a stunning 97 percent of respondents indicating satisfaction with the overall quality of life."

http://www.contracostatimes.com/orinda-lafayette-moraga/ci_14427844?nclick_check=1

When we are so clearly happy with our town, why are we spending our limited, precious funds studying how to change it? What prompted the study in the first place? I challenge you to find non-conflicted (no financial gain tied to increased development) Lafayette residents that desire increased housing density and retail development let alone anyone willing to spend their money to study the best ways to achieve the same. This plan and its driving forces are ill conceived. Lets work on further improving the things that we value, not ignoring them or worse still, changing them.

15-3

Sincerely,

Chad Follmer

LETTER 15

Chad Follmer, March 3, 2010.

Response 15-1

The comment expresses concern about the Plan. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. No response is necessary.

Response 15-2

The comment expresses an opinion about schools and prior development in Lafayette. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. No response is necessary.

Response 15-3

The comment expresses an opinion about the quality of life of Lafayette residents. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. No response is necessary.

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

From: Lynn Hiden [mailto:dandlhidden@comcast.net]
Sent: Wednesday, March 03, 2010 12:53 PM
To: Mike Anderson; Mike Anderson; Tatzin, Don; Feds, Carol; Anduri, Carl; Brandt Andersson; TOM GRIMES; SUSAN CALLISTER; MARIE BLITS; Lynn Hiden; JOE GARRITY; JIM FITZSIMMONS; JAN MCHALE; Ivor Samson; GUY ATWOOD; GEORGE BURTT; CAROL SINGER; BYRNE MATHISEN; Mary-Jane Wood; Maeve Pessis; AVON M WILSON; Lovitt, Will; Chastain, Tom; Humann, Rick; Curtin, Patricia; Srivatsa, Niroop; Mike Grant; Mitch, Mark; Marie Parti; Karen Maggio; johannagladieux@comcast.net; Joan Bruzzone; Jim Todhunter; Jim Peacock; Ateljevich, Jeanne; 'Jay Lifson'; George W Wasson; Eliot Hudson; Eliot Hudson; Don Lively; CLIFF TONG; Burlingame Todd; Budd MacKenzie; Bruce Whitten; Brooks Pedder; Bill Bucher; BilBrownIT@aol.com; Betty & Todd La Porte
Cc: Greenblat, Leah
Subject: Fw: DEIR DSP reduction of traffic count estimates

Dear All,

Please see below? The draft EIR on the Revised Draft Downtown Strategic Plan to which these quotes refer can be found on the City's website---as can the Revised Draft DSP. In the past, I have read quite a few EIRs but I have not seen a Draft Environmental Report that before assessing other impacts, takes a 20% reduction straight off the top because someone is assuming that not all of the plan can be built within 20 years' time. One would have assumed that the EIR would have been done on the entire project and the alternatives rather than on 80% of them. One wonders what was done in the calculations for the Lafayette General Plan comparison.

16-1

Leah, would you please distribute this email and these deductions/reductions to the Ciruclation Commission and the BPAC?

Take care,
Lynn

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

From: Maeve Pessis
To: George Burtt
Cc: Lynn Hiden ; Susan Callister ; Guy Atwood ; Marie Blits
Sent: Wednesday, March 03, 2010 11:17 AM
Subject: Re: DEIR DSP reduction of traffic count estimates

Thanks, George. I'm going to ask you to explain this briefly at our meeting, if you would. Maybe we don't need to reference that issue at all in our cover letter.

16-2

Maeve

On Wed, Mar 3, 2010 at 10:55 AM, George Burtt <grant_burtt@earthlink.net> wrote:

Hi all

Lynn, please distribute

16-2
cont.

The following is prepared as a follow up to our e-mail discussion regarding reduction of traffic count estimates

There are multiple reductions in the document

- (1.) Reduction of 20% because they assume "full build out" will not occur, see page page 3-20
- (2.) BART area reduction another 15- 3% reduction, pages 4.13-19 & 20
- (3.) Mixed use reduction 4 - 10%, pages 4.13-20 & 21
- (4.) Retail Pass-By trip reduction 25% reduction, pages 4.13-21. See document excerpts below.

16-3

C I T Y O F L A F A Y E T T E
D O W N T O W N L A F A Y E T T E S P E C I F I C P L A N E I R
P R O J E C T D E S C R I P T I O N
3-20

Buildout of the Plan was calculated under the assumption that only a portion of the Plan Area would be redeveloped. The areas assumed for development were those included in the traffic analysis completed for the Draft Downtown

Lafayette Strategy and Specific Plan and presented in the memorandum Transportation Evaluation of Lafayette Downtown Strategy Alternatives (Fehr

& Peers, June 3, 2008). Based on consultation with Seifel Consulting, the economic consultant for this EIR, it was assumed that only 80 percent of full

buildout would be attained to reflect a more realistic buildout potential, and that non-residential uses would be evenly split between office and retail uses.

Buildout calculations were developed using the proposed setbacks, heights, and residential densities contained in the Plan. For parcels with no standard

setback or open space requirement, 10 percent of the parcel area was subtracted

to allow for on-site circulation. It was assumed that parking would be provided on the ground floor as podium parking. Forty percent of leasable groundfloor area was subtracted to account for miscellaneous spaces such as

corridors and store rooms. For analytical purposes and to reflect the intent of

the Plan, it was assumed that buildings would contain ground-floor nonresidential

uses with residential uses on upper stories. It was assumed that sites would be built to the highest allowable residential density. Larger setbacks

were applied to larger parcels and parcels utilizing higher conditional building heights to account for the provision of on-site public amenities that

would be required through the design review process.

Buildout under the General Plan was calculated using 2008 citywide General Plan buildout numbers presented in Appendix Table 1 of the Walkways Impact

16-4

Fee Report (Seifel Consulting, March 2009). These 2008 figures were based on the buildout numbers contained in the City's 2002 Housing Element and were adjusted to account for recent units built (based on building permit data provided by City staff). To scale these citywide numbers down to the Plan Area only, 2000 Census block group data was used to compare downtown to citywide housing unit data to understand the ratio of downtown to citywide housing development. For non-residential General Plan buildout, it was assumed that all non-residential development would occur in the Plan Area. Buildout projections for the Specific Plan are substantially higher than

16-4
cont.

C I T Y O F L A F A Y E T T E
D O W N T O W N L A F A Y E T T E S P E C I F I C P L A N E I R
T R A F F I C A N D T R A N S P O R T A T I O N
4.13-20

TABLE 4.13-6 TRANSIT REDUCTION FACTORS
AM and PM

Commuter Peak Hours				
Mid-Day				
Peak Hour and Daily				
BART Proximity* Residential Office Residential Office				
Less than 1/4-mile	15%	10%	10%	10%
1/4- to 1/2-mile	10%	10%	5%	10%
1/2- to 3/4-mile	5%	5%	5%	5%
Over 3/4-mile	0%	0%	0%	0%

* Approximate distance from BART station south side pedestrian entrance.
Source: TJKM, 2009. Based on U.S. Census Bureau data, research on development near transit, and City of Lafayette staff.

TABLE 4.13-7 MIXED-USE REDUCTION FACTORS
Time Period Reduction Factor

AM Peak Hour	4%
Mid-Day Peak Hour	6%
PM Peak Hour	8%
Daily	10%

Source: TJKM, 2009. Based on ITE mixed-use adjustment methodology.

16-5

4.13-19
the significance thresholds, followed by a statement of conclusion regarding the level of significance.
a. Project Trip Generation and Distribution
The section describes the assumptions that were employed in the analysis of trip generation and distribution for the project scenarios listed above.
i. Trip Generation Adjustments
The Institute of Transportation Engineer's (ITE) Trip Generation, 8th Edition, was used to obtain daily and peak-hour trip generation rates and

16-6

inbound/outbound

percentages, which were then used to estimate the number of daily and peak hour trips that can be attributed to the proposed development. These rates are widely accepted by traffic engineering professionals and public

agencies as the best source of trip generation information.

However, ITE rates are based on surveys of isolated suburban land uses with

negligible transit and little trip linkage between surrounding land uses.

The

study area has different characteristics than those used as the basis for the

standard ITE rates, requiring an adjustment to more closely reflect the mixed-use,

transit-oriented development that is envisioned by the Plan.

This traffic analysis adjusts the trip generation rates were lowered in the

analysis to reflect local conditions within the study area, including higher

densities and the mix of uses, as well as the availability of transit. The adjustments

are summarized in Tables 4.13-6 and 4.13-7, and are described as follows:

◆ Transit Reduction. The portions of the study area near the BART station are served by public transit, including BART and County Connection bus service and private taxi-cab service, thus providing many downtown residents, employees, and visitors the choice to not drive for some of their trips. Secure bicycle parking is also provided at the station (approximately

122 spaces). Therefore, as summarized in Table 4.13-6, a reduction for public transportation was applied to the residential and office employment uses that would be developed in the vicinity of the BART

16-6
cont.

4.13-20

station under the Plan. These transit reductions are based on U.S. Census Bureau data for Lafayette and research on actual vehicle trip rates at higher density, mixed-use areas near transit stations (and have been reviewed

by City of Lafayette staff). The reductions vary according to distance from the BART station and land use type. These transit adjust

16-7

4.13-21

ment factors were applied consistently to the residential and office uses that would be developed in the Plan Area under the No Project and Project scenarios in this traffic study.

◆ Mixed-Use Reduction. Mixed-use reductions are estimates of the pedestrian

and bicycle trips that would remain internal among the mix of complementary uses close to each other in the Plan Area. Reductions for

16-8

mixed-use, which are summarized in Table 4.13-7, reflect the characteristics

of the denser downtown area, where people can walk rather than drive between land uses. Reductions are taken for the interactions among residential and commercial uses and local shopping and restaurants. The reductions vary depending on time period, based on the variations in interactions

between the complementary land uses during the day. These mixed-use adjustment factors were applied consistently to the uses that would be developed in the Plan Area under the No Project and Project scenarios in this traffic study.

◆ Retail Pass-By Trip Reduction. Some trips to and from a retail site pass by the site as part of trips between other origins and destinations (e.g., work and home). These trips, which do not result in additional new trips, are called pass-by trips. Based on data presented in the ITE Trip Generation Handbook, 2nd Edition, pass-by trip reductions of 25 percent for the PM peak hour and five percent for daily trips were applied to the retail uses that would be developed under the Plan. No pass-by reduction factors were applied to AM peak trips, because many retail uses are assumed

not to be open at that time. For the mid-day peak, when retail trips are less likely to be part of another trip already on the roadway network, no pass-by reduction factors were applied. Pass-by reductions are not applied to residential and office uses. The PM and daily pass-by factors were applied consistently to the retail uses that would be developed

in the Plan Area under the No Project and Project scenarios in this traffic study.

ii. Trip Distribution and Traffic Assignments

Trip distribution and assignment associated with the Plan were estimated based on forecasts from the Contra Costa Countywide Travel Demand

16-8
cont.

LETTER 16

Lynn Hiden, March 3, 2010.

Response 16-1

The comment asks whether the No Project Alternative buildout was calculated using the assumption that only 80 percent of maximum density would be achieved. The No Project Alternative was not calculated using the same methodology as the Plan. Please see response to Comment 7-7.

Response 16-2

This comment states that Comment 16-1 would be explained at a meeting. No response is necessary.

Response 16-3

The comment refers to reductions in the Draft EIR. The first reduction referenced is the 20 percent reduction from full buildout. Please see response to Comment 9-7. The comment also refers to trip generation reductions. Please see responses to Comments 9-140, 9-141, and 9-142.

Response 16-4

This comment is an excerpt of the Draft EIR explaining how the buildout of the Plan was calculated. No response is necessary.

Response 16-5

This comment is an excerpt of the Draft EIR explaining trip reduction factors. No response is necessary.

Response 16-6

This comment is an excerpt of the Draft EIR. No response is necessary.

Response 16-7

This comment is an excerpt of the Draft EIR. No response is necessary.

Response 16-8

This comment is an excerpt of the Draft EIR. No response is necessary.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Rob Lavoie [mailto:rjlpvt@pacbell.net]
Sent: Friday, March 05, 2010 12:57 AM
To: Robbins, Joanne
Cc: SaveLafayetteSchools@yahoo.com; FBrill@LAFSD.K12.CA.US;
superintendent@acalanes.k12.ca.us; rjlpvt@pacbell.net
Subject: Draft DIR - Opposition

Dear Niroop:

I would like to add my voice to the growing opposition to the proposed DSP and Draft EIR. There are many reasons that I am opposed to this plan, but I will emphasize just a couple :

1. the increased density that is proposed in all but the "NO Project Alternative" are not in keeping with the rural character of the city, and that which is supported by our general plan.
2. It is my understanding that the increase in density would have a significant negative impact on our schools by increasing the student count substantially, but not increasing the funding from the parcel tax proportionately. In the already stressed school budget (as I witnessed at a recent school budget meeting), I don't see that this is acceptable at all.
3. Traffic would undoubtedly be impacted in the downtown area, and in my opinion this would make it much worse for the current retail merchants. We can't even get the whole foods market open in an existing building, and yet are contemplating expanding the core downtown population significantly. Even if some of these people walk to Bart, they still need to go shopping, take kids to school, go to and from Lafayette... I don't see any way that the traffic will not increase substantially and proportionately with the added population in the high density core.
4. The idea of 3 story buildings being allowed throughout the downtown on Mt Diablo and Moraga Road, is not appealing to me. I have no problem with pockets of these buildings around the Bart station but not throughout the downtown. If people like that, they can move to Walnut Creek.

17-1

17-2

17-3

17-4

17-5

Thanks for your consideration.

Robert J. Lavoie CPA
Principal
872 Moraga Road
Lafayette, CA 94549

Tel: 925.284.1469
Fax: 925.283.2958
Cell: 510.816.0026
Email: rjlpvt@pacbell.net

LETTER 17

Rob Lavoie, March 5, 2010.

Response 17-1

The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to the comments below.

Response 17-2

The comment expresses concern regarding the densities of the Plan, the Lower Intensity Alternative, and the Higher Intensity Alternative. The comment states that such densities are not in keeping with the rural character of the city. This issue is addressed in Chapters 4.1, Aesthetics, and 4.8, Land Use and Planning, of the Draft EIR. The comment expresses the commentor's opinion on the Plan and does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 17-3

The comment states that increased density would have a significant negative impact on our schools because while student count would increase substantially, revenue from parcel taxes would not increase proportionally. Please see response to Comment 9-128, which addresses the same specific concern.

Response 17-4

Comment expresses the commentor's opinion on the Plan's traffic impacts. The comment does not address the adequacy of the Draft EIR. Therefore, no response required.

Response 17-5

The comment expresses an opinion about 3-story buildings throughout downtown. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. No response is necessary.

From: Marc Brenner [mailto:marcbrenner7@gmail.com]
Sent: Saturday, March 06, 2010 3:35 PM
To: Robbins, Joanne
Cc: SaveLafayetteSchools@yahoo.com; FBrill@LAFSD.K12.CA.US;
superintendent@acalanes.k12.ca.us
Subject: Attn: Niroop Srivatsa Re: Draft EIR & DSP Planning Commission

Please forward this letter on my behalf to the Planning Commissioners.

We are completely against the Proposed Plan due to its serious, damaging impact on the quality of life in Lafayette.

We support the comments and issues outlined in Mark Zemelman's letter (see attachment).

18-1

Sincerely,
Marc Brenner
Johanna Gladieux
835 Topper Lane
Lafayette, CA

Dear Friends:

This email is sent on behalf of parents of students in our Lafayette schools and other Lafayette homeowners, including Guy Atwood (Lafayette Homeowners Council), George Burt (Lafayette Homeowners Council), Chad Follmer, Wendy and Adam Gilberd, Lynn Hiden, Eliot Hudson (Board, Secluded Valley Homeowners Association (SVHOA)), Linda Murphy, Susan Pak, Marie Parti, Lauren Ranz, Gary Ranz (Board, SVHOA), Mark Schwartz, David Van Etten, Will and Janice Workman, Karen Zemelman, and Mark Zemelman (Board, SVHOA).

18-2

Summary

The Lafayette Planning Commission is considering recommending approval of a Draft Environmental Impact Report (*Draft EIR*) that addresses a radical new plan (the *Proposed Plan*) for the entire downtown area of Lafayette. The *Proposed Plan* will completely change the character of our town, encouraging developers to construct hundreds of new, high-density multi-family apartments, condominiums and other buildings in Lafayette. The *Draft EIR* identifies serious impacts, including traffic and air quality concerns that cannot be adequately mitigated. Worse, the *Draft EIR* either ignores or understates the negative impact that the *Proposed Plan* will have on our schools, our police and fire protection, our property values, our views and aesthetics, and Lafayette's small town character.

18-3

18-4

Comments should be sent to the Planning Commission by March 9, and no later than March 16. **If you are as concerned as we are, please forward this email to other concerned Lafayette residents and send an email to the City stating the *Draft EIR* is inadequate and making one or all of the points listed below.** Comments should be sent to cityhall@lovelafayette.org (attn: Niroop Srivatsa) and should be cc'd to SaveLafayetteSchools@yahoo.com, FBrill@LAFSD.K12.CA.US, and superintendent@acalanes.k12.ca.us

18-5

Detail

The Lafayette Planning Commission is considering recommending the approval of a *Draft EIR* that addresses a radical new plan for the entire downtown area of Lafayette. The *Draft EIR* addresses three Plan alternatives: the "Higher Density Alternative", the "Proposed Plan Alternative" (which also has significant adverse impacts), and a "No Project Alternative". The "No Project Alternative" is our 2002-adopted *Lafayette General Plan*.

18-6

Other than the No Project Alternative, all plans considered by the *Draft EIR* set forth a new, high-density land use for most of the downtown area, and give developers, as a matter of right, the ability to construct many hundreds of new apartments and condominiums in Lafayette. These plans are based on objectives and densities that are entirely contrary to the documented objectives of the people of Lafayette.

18-7

The *Draft EIR* identifies serious impacts for all of these plans, including traffic and air quality concerns that cannot be adequately mitigated. However, the *Draft EIR* either ignores or understates the negative impact that the *Proposed Plan* and the alternatives will have on our schools, our police and fire protection, our property values, our views and aesthetics, and Lafayette's small town character.

18-8

The *Draft EIR* and the *Draft Revised Lafayette Downtown Specific Plan* can be viewed by entering the following search term into Google: *Lafayette Downtown Specific Plan*.

18-9

Among the major deficiencies in the *Draft EIR* are the following:

1. The *Draft EIR* states that the *Proposed Plan* will result in a population growth of at least 19.1% within Lafayette (compared to no growth since 1980) and 72% in the downtown area.¹ In evaluating the impact of this growth on our schools, the *Draft EIR* evaluates **only** the impact on the need for additional facilities, **completely ignoring the impact of growth on the operational and maintenance costs of the schools.**

18-10

The State provides less than 75% of the money actually needed to pay for each child; and Lafayette (like other top school districts in the State) makes up for that gap in part through self-imposed parcel taxes on its homeowners. However, apartments generate a fraction of the amount of revenue per family than do single family homes.² By dramatically increasing the percentage of multi-family units, the *Proposed Plan* threatens to create an increased funding gap for our schools. The *Proposed Plan* and the *Draft EIR* are deficient because they ignore, and make no provision for, this impact on our schools.

18-11

2. The *Proposed Plan* and the *Draft EIR* ignore the fact that property values in the Lafayette are driven in significant part by the high quality of our schools. By threatening our schools' budgets, the *Proposed Plan* also threatens our property values.

18-12

3. Traffic is already a problem in the downtown area, including at intersections along Moraga Road and Mt. Diablo Boulevard. (Further, traffic already diverts through adjacent neighborhoods, and, under the *Proposed Plan*, this will worsen.) The *Draft EIR* shows that the problems will be intensified in at least six parts of downtown, even if "mitigations" (that could themselves be unacceptable to the community) were implemented. We do not want more traffic congestion in our downtown causing more gridlock, poor air quality, safety issues, delay, and kids late to school. The *Proposed Plan* will make getting from one place to another in our city substantially more difficult and time-consuming.

18-13

¹ The *Draft EIR*'s impacts were reduced by 20% due to the unproven assumption that full build-out of the *Proposed Plan* will not occur by 2030. Complete impacts of the *Plan* would therefore be 20% higher.

² Apartments are not directly subject to parcel taxes. Rather, the owner of the parcel on which the apartments are located pays a single parcel tax that is the same amount as the parcel tax paid by a single-family homeowner.

4. Lafayette currently has the lowest police officer per resident ratio in all Contra Costa County (0.7 officers per 1000 residents), and it is currently below the fire-response time required under the current *General Plan*. The *Proposed Plan* will add thousands of people downtown, yet no provision is made for additional police or fire control resources, thus making our town less safe.³ The *Draft EIR* does not adequately address the safety costs of the *Proposed Plan* to the City and our taxpayers/residents.

18-14

5. The *Proposed Plan* appears to permit (guidelines have not been drawn up, as yet) three-story buildings with no or minimal setbacks along almost the entire lengths of Mt. Diablo Boulevard and Moraga Road in the downtown, with residential apartments and condominiums permitted at the top of these buildings. It grants developers the right to build 35 multi-family units per acre, and up to 47 units of "affordable" multi-family residential housing (i.e., apartments and condominiums) per acre in the downtown "as a matter of right." The *Proposed Plan* also will adversely affect the views within downtown. In essence, the *Proposed Plan* (and the alternative new plans) will change the character of our downtown from that of a small town, to that of an urban-style suburb. We do not want Lafayette's unique charm to be destroyed in this fashion.

18-15

6. The most recent survey of Lafayette residents (the Godbe Research Report) indicated that 81% were very satisfied with the quality of life in Lafayette, and that their highest priorities were preserving open space, improving the quality of public schools, and repairing roads. However, the *Proposed Plan* claims that Lafayette residents' highest value is a concept of "sustainability" that is based on a high-density urban center, emphasizing apartments and condominiums. This proposition has never been supported by any community survey. The theory expressed in the *Proposed Plan* is that high-density multi-family housing will lower the "carbon footprint" of our residents. In actuality, the *Draft EIR* states that the current *Lafayette General Plan*, adopted in 2002, is the "environmentally preferred alternative".

18-16

Moreover, **the *Draft EIR* and the *Proposed Plan* fail to list the quality of our schools as a value or objective of the people of Lafayette**, even though surveys and local elections demonstrate that this is one of the highest values with the Lafayette community. We believe, and surveys of Lafayette residents show, that the most important values to the people of Lafayette are preservation of our high-quality schools and our small town character --- including view protection and open space. The City should encourage the lowering of Lafayette's carbon footprint by increasing energy efficiency of its homes and downtown buildings and reducing congestion in our downtown and in our neighborhoods, not by urbanizing downtown Lafayette. **While true "sustainability" is worthwhile, there is nothing "sustainable" about a plan that threatens the funding of our schools, creates gridlocked and dangerous streets, and destroys the small town character of Lafayette.**

18-17

18-18

³ The Draft EIR finds that the potentially significant impacts on police and fire services are mitigated simply by the fact that the City has the power to assess impact fees. The Draft EIR does not estimate the potential costs, nor does it evaluate whether impact fees have been shown to be adequate to cover operational as well as facilities and equipment costs.

7. The *Draft EIR* confirms that even the current *General Plan* will have significant adverse impacts on our community. The Lafayette Planning Commission chose not to consider a request by the Lafayette Homeowners Council for EIR evaluation of an already-submitted alternative that would have offered lower impacts than each of the three plans evaluated. We believe that a plan with lower impacts than the current *Lafayette 2002 General Plan* should be considered.

18-19

Again, please send your thoughts to the City by or before March 16. Your help is needed! Thank you for helping to save Lafayette.

18-20

LETTER 18

Marc Brenner and Johanna Gladieux, March 6, 2010.

Response 18-1

The comment expresses an opinion against the Plan. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. Therefore no response is necessary.

Response 18-2

The comment serves as an introduction to the comments that follow, stating that the letter is sent on behalf of parents of students in the Lafayette schools. No response is necessary apart from the responses to the comments below.

Response 18-3

The comment states that the Plan will change the character of Lafayette and encourage developers to construct hundreds of new, high-density, multi-family apartments, condominiums, and other buildings. The comment expresses the commentor's opinion on the Plan and does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 18-4

The comment states that the Draft EIR ignores or understates impacts associated with schools, law enforcement services, fire protection services, property values, views, aesthetics, and Lafayette's small town character. The Draft EIR does contain a detailed evaluation of each of these issues. The comment is not specific in indicating which aspects of the Draft EIR do not, in the opinion of the commentor, adequately meet the requirements of CEQA. Therefore, it is not possible to respond, and no revision to the Draft EIR is necessary.

Response 18-5

The comment serves as a closing remark to the preceding comments and requests that interested residents submit comment letters to the City. No response is necessary.

Response 18-6

The comment lists the alternatives that are evaluated in the Draft EIR. No response is necessary.

Response 18-7

The comment states that the Plan, the Lower Intensity Alternative, and the Higher Intensity Alternative would all give developers the ability to construct new apartments and condominiums in Lafayette as a matter of right. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. Therefore, no response is necessary.

Response 18-8

The comment is nearly identical to Comments 18-3 and 18-4. Please see responses to Comments 18-3 and 18-4, above.

Response 18-9

This comment states that the Draft EIR can be found online. The comment does not address the adequacy of the Draft EIR and therefore no response is necessary.

Response 18-10

The comment states that the Draft EIR is deficient because it evaluates only the impact on the need for additional facilities and ignores the impact of growth on the cost of operating and maintaining schools. Under CEQA, a significant impact would result if the Plan would require the provision of new or physically altered facilities, the construction of which would cause significant environmental impacts. Therefore, in focusing on the physical changes that would occur as a result of the proposed project, the Draft EIR has adequately evaluated impacts as required under CEQA.

With respect to school operating costs, Mitigation Measure PS-2 of the Draft EIR was revised, as shown in Chapter 3 of this Final EIR, to be consistent with SB 50, and to assess fees on new residential development in the Plan Area to sufficiently allow for construction or expansion of school facilities as

required to accommodate increased enrollment resulting from buildout of the Plan. Per CEQA, the collection of school fees is deemed to adequately address growth impacts to school operating costs. Additionally, please see Comment Letter 54 from the Superintendent of the Lafayette School District, which explains that regardless of parcel tax contribution, increased student enrollment means additional revenue for the school district. Mitigation Measure PS-2 is consistent with General Plan goals LU-19 and LU-20, and associated policies.

Response 18-11

The comment states that apartments generate a fraction of the amount of parcel tax revenue that single-family homes do, and that as a result, the increase in the percentage of multi-family homes proposed in the Plan threatens to create an increased funding gap for local schools. Please see response to comment 22-2, which addresses a similar comment. No further response is necessary.

Response 18-12

The comment states that property values in Lafayette are driven by the quality of education offered by local schools, and that as a result, by threatening school budgets, the Plan also threatens property values. CEQA requires that the focus of the analysis of environmental impacts be on the physical changes that would occur as a result of the proposed project. Intermediate economic or social changes that in turn cause physical changes need not be analyzed in any detail greater than to trace the chain of cause and effect. A detailed discussion of potential impacts to local property values is therefore beyond the purview of the EIR. Additionally, please refer to response to Comment 22-2, which explains why the statement that the Contra Costa County Measure G parcel tax does not apply equally to apartments and condominiums is inaccurate. No further response is necessary.

Response 18-13

The comment summarizes selected results from Draft EIR traffic analysis, and expresses the commentor's perspective on the Plan's traffic impacts. The

comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 18-14

The comment states that Lafayette currently has the lowest ratio of police officers to residents in Contra Costa County and that local fire service providers are not meeting the targeted emergency response time established in the General Plan. The comment further states that the Draft EIR makes no provision for additional police or fire protection services and that the Draft EIR does not adequately address the safety costs of the Plan.

Under CEQA, a significant impact would result if the Plan would require the provision of new or physically altered facilities, the construction of which would cause significant environmental impacts. The potential need for new or physically altered police facilities is analyzed on pages 4.11-8 and 4.11-9, while the potential need for new or physically altered fire protection facilities is analyzed on pages 4.11-4 through 4.11-6. The Contra Costa Consolidated Fire District Fire and Lafayette Police Department were consulted in the preparation of the Draft EIR and their input on current service ratios and response times is included in the discussion. Additionally, the Draft EIR explains that General Plan Policy S-7.1 provides a framework for evaluating the potential impact of development on the delivery of law enforcement services and assessing impact fees as warranted. The Draft EIR also includes Mitigation Measure PS-1, which establishes an impact fee on new commercial and residential development in the Plan Area so as to accommodate new development without compromising the delivery of fire services in the Plan Area. Therefore, the Draft EIR has duly analyzed the potential impacts of the Plan to police and fire protection services as required under CEQA.

Please also see response to Comment 13-4, which addresses a similar comment.

Response 18-15

The comment states that Lafayette's downtown character will be changed due to the Plan. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. Therefore, no response is necessary.

Response 18-16

The comment states that Lafayette's character will be changed due to the Plan's concept of sustainability. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. Therefore, no response is necessary.

Response 18-17

The comment states that the Draft EIR fails to list the quality of local schools as a value or objective of the people of Lafayette. The comment is noted. The comment expresses the opinion of the commentor and is not pertinent to CEQA. Therefore, no revision to the Draft EIR is necessary.

Response 18-18

The comment states that Lafayette's character will be changed due to the Plan's concept of sustainability. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. Therefore, no response is necessary.

Response 18-19

The comment expresses support for a plan that would have lower impacts than the current General Plan. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 18-20

The comment serves as a closing remark to the preceding comments. No response is necessary apart from the responses to the comments above.

From: glennbreslin@comcast.net [mailto:glennbreslin@comcast.net]
Sent: Saturday, March 06, 2010 12:12 PM
To: Robbins, Joanne; SaveLafayetteSchools@yahoo.com; FBrill@LAFSD.K12.CA.US; superintendent@acalanes.k12.ca.us
Subject: Fwd: SOS: NEED LTTRS QUICKLY -re D EIR on Downtown Plan

(attn: Niroop Srivatsa)

I agree with intent of attached letter. Why will Lafayette City Hall allow apartments to be built ? What about our schools, what about our property values ?
Thanks

19-1

Glenn Breslin
----- Forwarded Message -----
From: "Lynn Hiden" <dandlhiden@comcast.net>
To: Undisclosed-Recipient:;
Sent: Saturday, March 6, 2010 11:35:36 AM GMT -08:00 US/Canada Pacific
Subject: SOS: NEED LTTRS QUICKLY -re D EIR on Downtown Plan

Dear All,

Attached is a letter urgently requesting fast action on letter writing, due March 9, 5 p.m. to Niroop Srivatsa for the Planning Commission packets for March 15th. The letter was drafted by Lafayette resident Mark Zemelman and includes comments by several other concerned Lafayette residents. It is a letter attempting to provide accurate information regarding the findings of the Draft Environmental Impact Report that compares the Proposed Downtown Plan and the originally WRT- consultant-driven plan, and the Lafayette General Plan 2002. The first two of these do not rate well and their traffic congestion and safety mpacts would be horrendous (which you know, if you have read the Draft EIR. Be aware that we have only now found out that these first two plans have only been assessed for 80% of their buildout impacts, for whatever reason one can only guess....!) Please read the letter and if you agree, send comments by March 9. The addresses are included in Mark's letter. IF YOU AGREE, PLEASE FORWARD THIS LETTER TO EVERYONE YOU KNOW AND ASK THEM IF THEY WOULD SEND QUICK LETTERS, AS WELL. MARCH 9, THE DEADLINE AT 5 P.M., IS THIS TUESDAY.

19-2
19-3
19-4

Take care,

Lynn Hiden

Dear Friends:

This email is sent on behalf of parents of students in our Lafayette schools and other Lafayette homeowners, including Guy Atwood (Lafayette Homeowners Council), George Burt (Lafayette Homeowners Council), Chad Follmer, Wendy and Adam Gilberd, Lynn Hiden, Eliot Hudson (Board, Secluded Valley Homeowners Association (SVHOA)), Linda Murphy, Susan Pak, Marie Parti, Lauren Ranz, Gary Ranz (Board, SVHOA), Mark Schwartz, David Van Etten, Will and Janice Workman, Karen Zemelman, and Mark Zemelman (Board, SVHOA).

Summary

The Lafayette Planning Commission is considering recommending approval of a Draft Environmental Impact Report (*Draft EIR*) that addresses a radical new plan (the *Proposed Plan*) for the entire downtown area of Lafayette. The *Proposed Plan* will completely change the character of our town, encouraging developers to construct hundreds of new, high-density multi-family apartments, condominiums and other buildings in Lafayette. The *Draft EIR* identifies serious impacts, including traffic and air quality concerns that cannot be adequately mitigated. Worse, the *Draft EIR* either ignores or understates the negative impact that the *Proposed Plan* will have on our schools, our police and fire protection, our property values, our views and aesthetics, and Lafayette's small town character.

Comments should be sent to the Planning Commission by March 9, and no later than March 16. **If you are as concerned as we are, please forward this email to other concerned Lafayette residents and send an email to the City stating the *Draft EIR* is inadequate and making one or all of the points listed below.** Comments should be sent to cityhall@lovelafayette.org (attn: Niroop Srivatsa) and should be cc'd to SaveLafayetteSchools@yahoo.com, FBrill@LAFSD.K12.CA.US, and superintendent@acalanes.k12.ca.us

Detail

The Lafayette Planning Commission is considering recommending the approval of a *Draft EIR* that addresses a radical new plan for the entire downtown area of Lafayette. The *Draft EIR* addresses three Plan alternatives: the "Higher Density Alternative", the "Proposed Plan Alternative" (which also has significant adverse impacts), and a "No Project Alternative". The "No Project Alternative" is our 2002-adopted *Lafayette General Plan*.

Other than the No Project Alternative, all plans considered by the *Draft EIR* set forth a new, high-density land use for most of the downtown area, and give developers, as a matter of right, the ability to construct many hundreds of new apartments and condominiums in Lafayette. These plans are based on objectives and densities that are entirely contrary to the documented objectives of the people of Lafayette.

The *Draft EIR* identifies serious impacts for all of these plans, including traffic and air quality concerns that cannot be adequately mitigated. However, the *Draft EIR* either ignores or understates the negative impact that the *Proposed Plan* and the alternatives will have on our schools, our police and fire protection, our property values, our views and aesthetics, and Lafayette's small town character.

The *Draft EIR* and the *Draft Revised Lafayette Downtown Specific Plan* can be viewed by entering the following search term into Google: *Lafayette Downtown Specific Plan*.

Among the major deficiencies in the *Draft EIR* are the following:

1. The *Draft EIR* states that the *Proposed Plan* will result in a population growth of at least 19.1% within Lafayette (compared to no growth since 1980) and 72% in the downtown area.¹ In evaluating the impact of this growth on our schools, the *Draft EIR* evaluates **only** the impact on the need for additional facilities, **completely ignoring the impact of growth on the operational and maintenance costs of the schools.**

The State provides less than 75% of the money actually needed to pay for each child; and Lafayette (like other top school districts in the State) makes up for that gap in part through self-imposed parcel taxes on its homeowners. However, apartments generate a fraction of the amount of revenue per family than do single family homes.² By dramatically increasing the percentage of multi-family units, the *Proposed Plan* threatens to create an increased funding gap for our schools. The *Proposed Plan* and the *Draft EIR* are deficient because they ignore, and make no provision for, this impact on our schools.

2. The *Proposed Plan* and the *Draft EIR* ignore the fact that property values in the Lafayette are driven in significant part by the high quality of our schools. By threatening our schools' budgets, the *Proposed Plan* also threatens our property values.

3. Traffic is already a problem in the downtown area, including at intersections along Moraga Road and Mt. Diablo Boulevard. (Further, traffic already diverts through adjacent neighborhoods, and, under the *Proposed Plan*, this will worsen.) The *Draft EIR* shows that the problems will be intensified in at least six parts of downtown, even if "mitigations" (that could themselves be unacceptable to the community) were implemented. We do not want more traffic congestion in our downtown causing more gridlock, poor air quality, safety issues, delay, and kids late to school. The *Proposed Plan* will make getting from one place to another in our city substantially more difficult and time-consuming.

¹ The *Draft EIR*'s impacts were reduced by 20% due to the unproven assumption that full build-out of the *Proposed Plan* will not occur by 2030. Complete impacts of the *Plan* would therefore be 20% higher.

² Apartments are not directly subject to parcel taxes. Rather, the owner of the parcel on which the apartments are located pays a single parcel tax that is the same amount as the parcel tax paid by a single-family homeowner.

4. Lafayette currently has the lowest police officer per resident ratio in all Contra Costa County (0.7 officers per 1000 residents), and it is currently below the fire-response time required under the current *General Plan*. The *Proposed Plan* will add thousands of people downtown, yet no provision is made for additional police or fire control resources, thus making our town less safe.³ The *Draft EIR* does not adequately address the safety costs of the *Proposed Plan* to the City and our taxpayers/residents.

5. The *Proposed Plan* appears to permit (guidelines have not been drawn up, as yet) three-story buildings with no or minimal setbacks along almost the entire lengths of Mt. Diablo Boulevard and Moraga Road in the downtown, with residential apartments and condominiums permitted at the top of these buildings. It grants developers the right to build 35 multi-family units per acre, and up to 47 units of "affordable" multi-family residential housing (i.e., apartments and condominiums) per acre in the downtown "as a matter of right." The *Proposed Plan* also will adversely affect the views within downtown. In essence, the *Proposed Plan* (and the alternative new plans) will change the character of our downtown from that of a small town, to that of an urban-style suburb. We do not want Lafayette's unique charm to be destroyed in this fashion.

6. The most recent survey of Lafayette residents (the Godbe Research Report) indicated that 81% were very satisfied with the quality of life in Lafayette, and that their highest priorities were preserving open space, improving the quality of public schools, and repairing roads. However, the *Proposed Plan* claims that Lafayette residents' highest value is a concept of "sustainability" that is based on a high-density urban center, emphasizing apartments and condominiums. This proposition has never been supported by any community survey. The theory expressed in the *Proposed Plan* is that high-density multi-family housing will lower the "carbon footprint" of our residents. In actuality, the *Draft EIR* states that the current *Lafayette General Plan*, adopted in 2002, is the "environmentally preferred alternative".

Moreover, **the *Draft EIR* and the *Proposed Plan* fail to list the quality of our schools as a value or objective of the people of Lafayette**, even though surveys and local elections demonstrate that this is one of the highest values with the Lafayette community. We believe, and surveys of Lafayette residents show, that the most important values to the people of Lafayette are preservation of our high-quality schools and our small town character --- including view protection and open space. The City should encourage the lowering of Lafayette's carbon footprint by increasing energy efficiency of its homes and downtown buildings and reducing congestion in our downtown and in our neighborhoods, not by urbanizing downtown Lafayette. **While true "sustainability" is worthwhile, there is nothing "sustainable" about a plan that threatens the funding of our schools, creates gridlocked and dangerous streets, and destroys the small town character of Lafayette.**

³ The *Draft EIR* finds that the potentially significant impacts on police and fire services are mitigated simply by the fact that the City has the power to assess impact fees. The *Draft EIR* does not estimate the potential costs, nor does it evaluate whether impact fees have been shown to be adequate to cover operational as well as facilities and equipment costs.

7. The *Draft EIR* confirms that even the current *General Plan* will have significant adverse impacts on our community. The Lafayette Planning Commission chose not to consider a request by the Lafayette Homeowners Council for EIR evaluation of an already-submitted alternative that would have offered lower impacts than each of the three plans evaluated. We believe that a plan with lower impacts than the current *Lafayette 2002 General Plan* should be considered.

Again, please send your thoughts to the City by or before March 16. Your help is needed! Thank you for helping to save Lafayette.

19-5
cont.

LETTER 19

Glenn Breslin, March 6, 2010.

Response 19-1

The comment supports the intent of an attached email and questions why the City of Lafayette would allow the construction of apartments. The comment also asks questions about Lafayette's schools and property values. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 19-2

The comment is an introduction to an attached letter. The commentor expresses support for the content of the attached letter, and summarizes the Draft EIR's findings regarding the No Project Alternative and the Higher Intensity Alternative. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 19-3

The comment questions the assumption used in the buildout calculations that only 80 percent of maximum density would be achieved. Please see response to Comment 7-7.

Response 19-4

This comment states that comment letters should be submitted before the public review comment deadline. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 19-5

The comment is a duplicate of Comment Letter #18. Please see responses to Comments 18-1 through 18-20, above.

From: Meg Murray <ddupont11@comcast.net>
Date: March 6, 2010 7:01:02 PM PST
To: NSrivatsa@lovelafayette.org, cityhall@lovelafayette.org
Cc: SaveLafayetteSchools@yahoo.com, FBrill@LAFSD.K12.CA.US,
jstockton@acalanes.k12.ca.us
Subject: Downtown plan

Dear Niroop,

We have just read Mark Zemelman's letter outlining his concerns with the Draft EIR for the downtown plans, and we would like to express our concerns as well. As two Lafayette residents who are involved with public education in Lafayette, and whose two children attended the excellent local schools, both my wife Meg Murray and I are concerned with the impact this could have on the quality of education as it now exists in Lafayette. It is bad enough that programs in the local schools are slated to be cut due to the current economic crisis at the state level; this proposal with the inclusion of so many rental and condominium units, will severely stress the schools' resources without the added contributions to the only method we have to locally fund our schools, the parcel tax. This will, in the long run, adversely affect property values in Lafayette. We believe that this issue needs to be addressed and mitigated before such a plan is allowed to go through. We are also concerned about losing the small town quality that drew us to Lafayette nearly 30 years ago, the ensuing traffic issues (do these plans consider the cumulative impact on downtown Lafayette traffic of the Palos Colorados development and the proposed additional housing units on Rheem Blvd in Moraga?), and most of all, the lack of height restrictions to two stories and the resulting lack of ridge-line views that seems to be incorporated in this plan (Meg voiced these concerns to Steve Falk in August of 2009). The Lafayette Mercantile, with its height, proximity to the street, and the obstruction of views, is just the kind of structure that we find appalling that seem to be allowed in these plans.

In short, there are too many issues that will have a negative impact on the quality of life in Lafayette that do not seem to be addressed in the EIR as it now exists. It would appear that it could not have been better written by the developers themselves. We urge the Planning Commission to adequately address these concerns before approving any EIR regarding downtown plans.

Respectfully,
Don Dupont and Meg Murray

20-1

20-2

LETTER 20

Meg Murray and Dan Dupont, March 6, 2010.

Response 20-1

The comment expresses concerns about how the Plan would affect Lafayette's small town character, schools, and property values. The comment does not address the adequacy of the Draft EIR and therefore no response is necessary.

Response 20-2

The comment states that too many issues associated with the Plan would have a negative impact on the quality of life in Lafayette, and that these issues do not seem to be addressed in the Draft EIR. The commentor does not provide any specific instances in which the Draft EIR does not, in the opinion of the commentor, meet the requirements of CEQA. Therefore, it is not possible to respond, and no revision to the Draft EIR is necessary.

From: "Gordon Mills" <gordon.nancy@comcast.net>
Date: March 7, 2010 7:22:01 PM PST
To: "niroop" <NSrivatsa@ci.lafayette.ca.us>, "Steve Falk" <sfalk@ci.lafayette.ca.us>
Subject: **Lttr from Mark Zemelman to residents re D EIR & DSP dated Mar 6, 2010.doc**
Reply-To: "Gordon Mills" <gordon.nancy@comcast.net>

Wow! I don't know about you, but I think this is just not right for Lafayette
AT ALL!

I 21-1

Nancy Mills

Dear Friends:

This email is sent on behalf of parents of students in our Lafayette schools and other Lafayette homeowners, including Guy Atwood (Lafayette Homeowners Council), George Burt (Lafayette Homeowners Council), Chad Follmer, Wendy and Adam Gilbert, Lynn Hiden, Eliot Hudson (Board, Secluded Valley Homeowners Association (SVHOA)), Linda Murphy, Susan Pak, Marie Parti, Lauren Ranz, Gary Ranz (Board, SVHOA), Mark Schwartz, David Van Etten, Will and Janice Workman, Karen Zemelman, and Mark Zemelman (Board, SVHOA).

Summary

The Lafayette Planning Commission is considering recommending approval of a Draft Environmental Impact Report (*Draft EIR*) that addresses a radical new plan (the *Proposed Plan*) for the entire downtown area of Lafayette. The *Proposed Plan* will completely change the character of our town, encouraging developers to construct hundreds of new, high-density multi-family apartments, condominiums and other buildings in Lafayette. The *Draft EIR* identifies serious impacts, including traffic and air quality concerns that cannot be adequately mitigated. Worse, the *Draft EIR* either ignores or understates the negative impact that the *Proposed Plan* will have on our schools, our police and fire protection, our property values, our views and aesthetics, and Lafayette's small town character.

Comments should be sent to the Planning Commission by March 9, and no later than March 16. **If you are as concerned as we are, please forward this email to other concerned Lafayette residents and send an email to the City stating the *Draft EIR* is inadequate and making one or all of the points listed below.** Comments should be sent to cityhall@lovelafayette.org (attn: Niroop Srivatsa) and should be cc'd to SaveLafayetteSchools@yahoo.com, FBrill@LAFSD.K12.CA.US, and superintendent@acalanes.k12.ca.us

Detail

The Lafayette Planning Commission is considering recommending the approval of a *Draft EIR* that addresses a radical new plan for the entire downtown area of Lafayette. The *Draft EIR* addresses three Plan alternatives: the "Higher Density Alternative", the "Proposed Plan Alternative" (which also has significant adverse impacts), and a "No Project Alternative". The "No Project Alternative" is our 2002-adopted *Lafayette General Plan*.

Other than the No Project Alternative, all plans considered by the *Draft EIR* set forth a new, high-density land use for most of the downtown area, and give developers, as a matter of right, the ability to construct many hundreds of new apartments and condominiums in Lafayette. These plans are based on objectives and densities that are entirely contrary to the documented objectives of the people of Lafayette.

The *Draft EIR* identifies serious impacts for all of these plans, including traffic and air quality concerns that cannot be adequately mitigated. However, the *Draft EIR* either ignores or understates the negative impact that the *Proposed Plan* and the alternatives will have on our schools, our police and fire protection, our property values, our views and aesthetics, and Lafayette's small town character.

The *Draft EIR* and the *Draft Revised Lafayette Downtown Specific Plan* can be viewed by entering the following search term into Google: *Lafayette Downtown Specific Plan*.

Among the major deficiencies in the *Draft EIR* are the following:

1. The *Draft EIR* states that the *Proposed Plan* will result in a population growth of at least 19.1% within Lafayette (compared to no growth since 1980) and 72% in the downtown area.¹ In evaluating the impact of this growth on our schools, the *Draft EIR* evaluates **only** the impact on the need for additional facilities, **completely ignoring the impact of growth on the operational and maintenance costs of the schools.**

The State provides less than 75% of the money actually needed to pay for each child; and Lafayette (like other top school districts in the State) makes up for that gap in part through self-imposed parcel taxes on its homeowners. However, apartments generate a fraction of the amount of revenue per family than do single family homes.² By dramatically increasing the percentage of multi-family units, the *Proposed Plan* threatens to create an increased funding gap for our schools. The *Proposed Plan* and the *Draft EIR* are deficient because they ignore, and make no provision for, this impact on our schools.

2. The *Proposed Plan* and the *Draft EIR* ignore the fact that property values in the Lafayette are driven in significant part by the high quality of our schools. By threatening our schools' budgets, the *Proposed Plan* also threatens our property values.

3. Traffic is already a problem in the downtown area, including at intersections along Moraga Road and Mt. Diablo Boulevard. (Further, traffic already diverts through adjacent neighborhoods, and, under the *Proposed Plan*, this will worsen.) The *Draft EIR* shows that the problems will be intensified in at least six parts of downtown, even if "mitigations" (that could themselves be unacceptable to the community) were implemented. We do not want more traffic congestion in our downtown causing more gridlock, poor air quality, safety issues, delay, and kids late to school. The *Proposed Plan* will make getting from one place to another in our city substantially more difficult and time-consuming.

¹ The *Draft EIR*'s impacts were reduced by 20% due to the unproven assumption that full build-out of the *Proposed Plan* will not occur by 2030. Complete impacts of the *Plan* would therefore be 20% higher.

² Apartments are not directly subject to parcel taxes. Rather, the owner of the parcel on which the apartments are located pays a single parcel tax that is the same amount as the parcel tax paid by a single-family homeowner.

4. Lafayette currently has the lowest police officer per resident ratio in all Contra Costa County (0.7 officers per 1000 residents), and it is currently below the fire-response time required under the current *General Plan*. The *Proposed Plan* will add thousands of people downtown, yet no provision is made for additional police or fire control resources, thus making our town less safe.³ The *Draft EIR* does not adequately address the safety costs of the *Proposed Plan* to the City and our taxpayers/residents.

5. The *Proposed Plan* appears to permit (guidelines have not been drawn up, as yet) three-story buildings with no or minimal setbacks along almost the entire lengths of Mt. Diablo Boulevard and Moraga Road in the downtown, with residential apartments and condominiums permitted at the top of these buildings. It grants developers the right to build 35 multi-family units per acre, and up to 47 units of "affordable" multi-family residential housing (i.e., apartments and condominiums) per acre in the downtown "as a matter of right." The *Proposed Plan* also will adversely affect the views within downtown. In essence, the *Proposed Plan* (and the alternative new plans) will change the character of our downtown from that of a small town, to that of an urban-style suburb. We do not want Lafayette's unique charm to be destroyed in this fashion.

6. The most recent survey of Lafayette residents (the Godbe Research Report) indicated that 81% were very satisfied with the quality of life in Lafayette, and that their highest priorities were preserving open space, improving the quality of public schools, and repairing roads. However, the *Proposed Plan* claims that Lafayette residents' highest value is a concept of "sustainability" that is based on a high-density urban center, emphasizing apartments and condominiums. This proposition has never been supported by any community survey. The theory expressed in the *Proposed Plan* is that high-density multi-family housing will lower the "carbon footprint" of our residents. In actuality, the *Draft EIR* states that the current *Lafayette General Plan*, adopted in 2002, is the "environmentally preferred alternative".

Moreover, **the *Draft EIR* and the *Proposed Plan* fail to list the quality of our schools as a value or objective of the people of Lafayette**, even though surveys and local elections demonstrate that this is one of the highest values with the Lafayette community. We believe, and surveys of Lafayette residents show, that the most important values to the people of Lafayette are preservation of our high-quality schools and our small town character --- including view protection and open space. The City should encourage the lowering of Lafayette's carbon footprint by increasing energy efficiency of its homes and downtown buildings and reducing congestion in our downtown and in our neighborhoods, not by urbanizing downtown Lafayette. **While true "sustainability" is worthwhile, there is nothing "sustainable" about a plan that threatens the funding of our schools, creates gridlocked and dangerous streets, and destroys the small town character of Lafayette.**

³ The Draft EIR finds that the potentially significant impacts on police and fire services are mitigated simply by the fact that the City has the power to assess impact fees. The Draft EIR does not estimate the potential costs, nor does it evaluate whether impact fees have been shown to be adequate to cover operational as well as facilities and equipment costs.

7. The *Draft EIR* confirms that even the current *General Plan* will have significant adverse impacts on our community. The Lafayette Planning Commission chose not to consider a request by the Lafayette Homeowners Council for EIR evaluation of an already-submitted alternative that would have offered lower impacts than each of the three plans evaluated. We believe that a plan with lower impacts than the current *Lafayette 2002 General Plan* should be considered.

Again, please send your thoughts to the City by or before March 16. Your help is needed!
Thank you for helping to save Lafayette.

21-2
cont.

LETTER 21

Nancy and Gordon Mills, March 7, 2010.

Response 21-1

The comment expresses an opinion against the Plan. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. Therefore, no response is necessary.

Response 21-2

The comment is a duplicate of Comment Letter #18. Please see responses to Comments 18-1 through 18-20, above.

From: Brian Aiello [mailto:baiello@thepinn.com]
Sent: Monday, March 08, 2010 2:21 PM
To: Robbins, Joanne
Cc: SaveLafayetteSchools@yahoo.com; fbrill@lafsd.k12.ca.us; superintendent@acalanes.k12.ca.us
Subject: Against the Lafayette's Draft EIR

Dear City of Lafayette,

I want to convey my strongest feelings against the Draft EIR that is currently being considered for endorsement by you. I grew up in this lovely town and have taken great lengths to purchase a home and raise my family here. This is because of the superb schools, beautiful surroundings, and small-town feel. The higher-density alternative or lower-density alternative both result in a negative impact of those criteria.

22-1

Keeping the schools funded will be a severe issue if the number of apartments and/or condominiums grows, since the parcel taxes that we pay are generated from each parcel; not each apartment. Adding more children without adding additional funds will further harm the level of education we currently maintain.

22-2

Downtown traffic congestion is difficult enough right now. And you are thinking of adding additional dwellings downtown? A possibility is that many will walk, but in reality, most will not. That means additional vehicles to add the already congested situation. Wider streets will only invite more and eventually the traffic will swell to the point that it is at right now.

22-3

The Draft EIR does not address police protection – this also being a point of deficiency in Lafayette. Where will we find the funds for more security?

22-4

Lafayette has a charm all its own. I do not want to see it diminished by adding multi-story living structures downtown. I like seeing hills; I like seeing trees – I can't see them when walking among 30' apartment or mixed-use buildings.

22-5

The current plan may not be perfect, and I feel that a plan with lower impacts than the current Lafayette 2002 General Plan should be considered. I love this town. I will spend the rest of my life in this town. When the report says that "Higher intensity build-out alternatives result in greater employment generation and fiscal revenue than General Plan alternative" it makes me think that what you want for Lafayette is a high-density downtown population, vehicle count, and business center. Let our neighbor Walnut Creek have that. I do not want my town turned into a mini-metropolis.

22-6

Please feel free to contact me at any time.

Sincerely,

Brian

Brian Aiello
Pinnacle Apparel & Promotions

1310 El Curtola Blvd.
Lafayette CA 94549
(925) 946-1657 Office
(925) 946-1618 Fax
(866) 391-1500 Toll Free
(925) 788-2790 Cellular
baiello@thepinn.com
www.ThePinn.com

LETTER 22

Brian Aiello, March 8, 2010.

Response 22-1

The comment expresses an opinion against the Higher Intensity Alternative and the Lower Intensity Alternative. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on project alternatives. Therefore, no response is necessary.

Response 22-2

The comment states that maintaining sufficient funding would be more difficult if the number of apartments or condominiums grows, since parcel taxes are assessed by lot and not by unit. Please see Comment Letter 54 from the Superintendent of the Lafayette School District, which explains that regardless of parcel tax contribution, increased student enrollment means additional revenue for the school district. Additionally, all new project applications are referred to the school districts for their input. If the schools determine that a project or projects would result in the need for additional facilities, then the school districts will determine the need for a school impact fee. For example, the application for the Lafayette Terrace condo project at the end of Mount Diablo Court was referred to Lafayette School District for input in this manner.

Also, please note that a parcel of taxable real property is any unit of real property in the District that receives a separate tax bill for property taxes from the Contra Costa County Treasurer-Tax Collector's Office. The statement that the parcel tax established by Contra Costa County Measure G in November 2009 does not apply equally to apartments and condominiums is therefore inaccurate.

Response 22-3

The comment states the commentor's perspective on the Plan's traffic impact. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 22-4

The comment states that the Draft EIR does not address police protection and asks where funds for security will be found. The Draft EIR includes a discussion of law enforcement services and associated impacts on pages 4.11-6 through 4.11-10. The Draft EIR also explains that General Plan Policy S-7.1 provides a framework for evaluating the potential impact of development on the delivery of law enforcement services and assessing impact fees as warranted. General Plan Goals LU-19 and LU-20 and their associated policies and programs also address infrastructure and public services. No further response is necessary.

Response 22-5

The comment expresses an opinion against the addition of multi-story living structures downtown. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. Therefore, no response is necessary.

Response 22-6

The comment expresses an opinion against the Higher Intensity Alternative. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on a project alternative. Therefore, no response is necessary.

From: Sheila Alfaro [mailto:ssalfaro@yahoo.com]
Sent: Monday, March 08, 2010 7:48 PM
To: Robbins, Joanne
Cc: SaveLafayetteSchools@yahoo.com; fbrill@lafsd.k12.ca.us;
superintendent@acalanes.k12.ca.us
Subject: Save Lafayette!

Last year when I was in Tahoe, a complete stranger and I started talking due to our children happened to be in the same ski class. The woman asked where I lived and I told her "in the Bay Area," "Where in the Bay Area?" she asked. So I answered, "Oh, in this small town called Lafayette." She was in complete admiration, "Ooh I'm so jealous! I wanted to live in Lafayette! But we couldn't afford it so now we live in Walnut Creek, but someday, I will." The Director in my company wanted to live here too, but he got outbid many times so now he lives in Arlington, but he and his wife hope to live here someday. And, we have a friend who lives in Orinda, who for the last 5 years would always exclaim every time she visits, "We should have bought a house in Lafayette!" These three little examples are just three of many positive encounters I've had regarding our city, and every time I hear these types of comments, I can't help but feel really proud and very lucky. Living in Lafayette is truly an amazing experience ... a privilege not many can attain.

Five years ago we moved from a city that allowed the type of growth you are considering in Lafayette. Allowing apartments, condos, restaurants such as Applebees, Chilli's, Mimi's Café, etc, and the likes of Walmart, Target and other chain stores. That town is now ridden with crime, the high school has had 5 shootings since we've moved, all the new developments have graffiti, the traffic is heinous, the value of the homes have declined more than any neighborhood(s) in the Bay Area, all for the sake of "more cash flow."

When our daughter turned a year old, we knew that our life in that city we lived in was not where we wanted our daughter to grow up. Funny how our outlook in life changes once we have children. The world becomes ugly and more dangerous. We drove into several communities, cities and towns, and the one we instinctively knew was the city for us was Lafayette. Never mind that we will live in house half the size we owned at the time. We knew that once we live in Lafayette, we would have arrived. I have no regrets choosing this city. And I guarantee you if you ask most of everyone here ...97% will agree that they too have no regrets for they too have arrived.

I beg you to keep Lafayette the way it is. If it's revenue you're looking for, then have quality establishments here, not condos or apartments, which will just over saturate our schools and perhaps increase what little crime we have here.

Some may argue that more students would mean more help from the government, but if you look at the big picture, where will we put these children? Will we have the funds to build more schools? If yes, where?

Again, PLEASE keep Lafayette as is; where people who live here LOVE LAFAYETTE, and where people who do not live here long to someday. Let's not dilute or bastardize what is close to PARADISE.

23-1
cont.

Sincerely,
Sheila Alfaro

LETTER 23

Sheila Alfaro, March 8, 2010.

Response 23-1

The comment expresses an opinion against the growth recommended in the Plan. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. Aesthetic and public services issues were addressed in the Draft EIR. Therefore, no response is necessary.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Kristen Altbaum [mailto:kaltbaum@comcast.net]
Sent: Monday, March 08, 2010 1:15 PM
To: Robbins, Joanne
Cc: savelafayetteschools@yahoo.com; Fbrill@lafsd.k12.ca.us
Subject: no high density housing in Lafayette

Please DO NOT allow high density housing in Lafayette. This is not consistent with our small, quaint downtown personality and will negatively impact school funding.

24-1

- Kristen Altbaum (Lafayette homeowner)

LETTER 24

Kristen Altbaum, March 8, 2010.

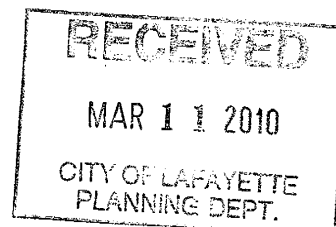
Response 24-1

The comment expresses an opinion that high density living is not consistent with Lafayette's small downtown character and would impact school funding. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. Aesthetics and public services issues were analyzed in the Draft EIR. Therefore, no response is necessary.

MRS. WM. L. HOISINGTON
 959 HAWTHORN DRIVE
 LAFAYETTE, CALIFORNIA 94549

March 8, 2010

Nirup Srivatsa
 Planning Commission
 3675 Mt. Diablo Blvd., # 210
 Lafayette, CA 94549



Dear Nirup and Planning Commissioners:

The recent Goodbe Research Report indicates 81% of residents surveyed were very satisfied with the quality of life in Lafayette. Their highest priorities were preserving open space, improving quality of public schools, and repairing roads.

Please abandon this new Proposed Plan and keep in force the current Lafayette General Plan adopted in 2002.

Thank you all for your time and effort.

Very truly yours,
 Nancy Ann Hoisington

LETTER 25

Mary Ann Hoisington, March 8, 2010.

Response 25-1

The comment expresses an opinion against the Plan. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. Therefore, no response is necessary.

Eliot R. Hudson
 109 Bacon Ct.
 Lafayette, CA 94549
 925-280-8820

March 8, 2010

Tom Chastain, Chair
 Planning Commission
 City of Lafayette
 P.O. Box 1968 (via email)
 Lafayette, CA. 94549

Re: *Draft Environmental Impact Report – Downtown Specific Plan*

Dear Chairman Chastain and Members of the Planning Commission:

Please consider the following comments concerning the *Draft Environmental Impact Report* ("*Draft EIR*") for the *Downtown Specific Plan* ("*DSP*"). They note major shortcomings which distort an accurate understanding of the impacts of the various plans, including the *General Plan*, addressed in the *Draft EIR*. They should be corrected in the final *EIR*, and one should be addressed even before the *Draft EIR* is returned for revision.

26-1

These comments are largely limited to specific references to the Aesthetics and Transportation and Circulation portions of the document. However, some of them have application to other topics.

- One topic needs to be addressed at the outset, and before the *Draft EIR* is returned for revision into the Final *EIR*. Until this topic is addressed, neither the public nor the commissions, especially the Planning Commission, can fully comprehend the impacts that the Final *EIR* needs to address. I would recommend that a second draft or a revised draft be created and circulated, and that the period of public review be extended. Specifically, there needs to be a very clear and direct statement of:

(1) Each and every adjustment (reduction or increase) that has occurred with respect to any impact addressed in the *Draft EIR*, as compared to an assumption of full 100% build-out of the plan alternatives needs to be revealed in a clear and separate statement for each (and their tables) and the mitigations adjusted accordingly. Statements need to be included describing the corresponding treatment of the *General Plan*, so that the *Draft EIR* compares apples to apples, as opposed to apples to roofing shingles. It is insufficient for the document to bury such reductions or increases in the detail of the report.

26-2

(2) The reason that each adjustment has occurred, together with a full production of all communications with the *Draft EIR* consultant that preceded that adjustment.

These questions have been posed to Ann Meredith. They remain unanswered. Her position that these problems will be explained in the *Final EIR* is not adequate, for there may well be insufficient opportunity to analyze or address them at that time. The *EIR* process should be halted until the City Staff and/or the consultants provide full and complete responses.

26-3

- The *Draft EIR* should be corrected to state the full impacts at 100% development. If the consultant wants to then state a projected lower build-out, it can do that, but the full potential impact should first be plainly, openly, and honestly stated. Unless that occurs, the *Draft EIR* is not forthrightly performing its intended function—and is confusing the public.

26-4

- The *Draft EIR* should be expanded to include consideration of impacts in important areas that are not now considered. As just one example, the traffic congestion in the Downtown will foreseeably force more traffic onto Deer Hill Road, Reliez Station Road, and the eastern and western westbound freeway westbound entrances to Hwy 24. The impacts on Deer Hill Road at the intersections with Brown Avenue and Pleasant Hill Road and the diverted impacts to Reliez Station Road, as well as the westbound Hwy 24 interchange entrances should be studied.

26-5

- The Aesthetics chapter of the *Draft EIR* is especially deficient. While that chapter concludes that there will be no “significant” impacts, that conclusion is reached only because the scope of impacts studied is inadequate and the conclusion unacceptably “assumes away” the true problem; and because of “doublespeak” in the conclusion.

26-6

- The “doublespeak” illusion - Impacts are deemed "significant" under the CEQA “standard of significance” only if they "substantially" adversely impact views. Accordingly, there is double-speak in the conclusion that there is "less than significant" impact, because that is really saying that there is "less than substantial" adverse impact. The inconsistency between the standard of significance and the language used to express it in the conclusion of the *Draft EIR* is inherently misleading.

As a matter of common English language, the conclusion that there is “no significant impact” is also objectively untrue. Figures 4.1 – 8 and 4.1 – 14 show that there are, in fact, very substantial adverse impacts when looking at views from a number of common vantage points.¹ Consideration of additional vantage points would undoubtedly reveal similar substantial view impacts throughout broad areas of the Downtown.

26-7

The *Draft EIR* acknowledges that a local entity can adopt a “standard of significance” at variance with CEQA. The *Draft EIR* should utilize a standard of significance that eliminates the inherent distortion created by the CEQA standard. “Significant impacts” should not be limited to “substantial impacts.”

- From the outset, various homeowners have protested that the views evaluated in the *Draft EIR* were inadequate because they were not fairly representative of the overall impression of the Downtown. The resulting *Draft EIR* confirms that fear. Two of its views appear to show virtually no change in views, but that is only because they have been prepared looking straight down the middle of Mt. Diablo Boulevard! Of course, unless one were to start building the Tower Bridge over

26-8

¹ I submit that even by the CEQA “standard” of substantial adverse impacts, the *Draft EIR* conclusion is unjustified. As noted below, the *Draft EIR* reaches that conclusion making unwarranted assumptions. Moreover, it reflects an aesthetic judgment that is contrary to mine, contrary to the expressed wishes of the majority of Lafayette residents who have spoken on the subject, and contrary to common sense.

Mt. Diablo Boulevard, the middle of the street is not going to be obstructed. What needs to be shown are the views that our drivers and pedestrians will see to either side of the road— which are now largely wonderful open vistas. Looking across the roads directly or diagonally, as in Figures 4.1 - 8 and 4.1 - 14, provides a more fair representation. As only one example, page 4.1 - 22 acknowledges that the new Library and Learning Center has obstructed important views.² Yet, that is what would be allowed by the two plans in question –and possibly three--throughout the downtown. Figures 4.1 - 8 and 4.1 - 14 depict what the Plan would allow Lafayette to become. Welcome to a "glimpse" of the hills. The recent Godbe Report (survey) tells us that this is not a result that Lafayette residents want for their city.

26-8
cont.

- Some of the figures are not accurate depictions of the allowed development, and appear to have been manipulated to avoid that accuracy. An example is figure 4.1 - 12. Why are the simulated buildings set deeply back across the Safeway parking lot everywhere in the middle of the figure, rather than being set at the sidewalk? Does not the new Plan allow building to the sidewalk across the whole block? The only part of the simulation that includes buildings at the sidewalk is on the extreme right hand side of the picture, where the heights and impacts are minimized by distance, angle and, literally, marginalization. That view needs to be replicated with zero-setback, sidewalk-fronting buildings extended the entire length of the block as will actually be allowed.³

26-9

- Aesthetics are impacted by more than just blockage of views. It is also impacted by closing off a feeling of expansive openness. Figure 4.1 - 10 irrefutably proves that concern to be valid. The Draft EIR is deficient because it unrealistically restricts its analysis of aesthetics to an assessment of views.

26-10

- The Draft EIR's assessment of aesthetics in its Aesthetics chapter is restricted to views. It does not even attempt to address such real-life aspects of aesthetics as the impacts of stifling air quality, traffic impaction, noise, and other features that will be admitted and serious detractors. These other factors and their impacts evaluations and mitigations need to be reflected in the Aesthetics chapter. Here as elsewhere, at a very minimum, footnotes to guide the reader to these other, closely related subjects should be included.

26-11

- The Draft EIR is deficient because a major premise of its assessment of aesthetics is that design review standards "would ensure the existing visual character of Lafayette and the scenic views on the surrounding area are adequately preserved." (p. 4.1 - 36). That statement is not an adequate statement in an EIR, when the EIR does not articulate what those design standards would be. An EIR is required to assess worst case impacts, rather than speculation that the ideal would become the norm. *Astonishingly, this Draft EIR addresses that problem by simply assuming it away!!* Members of the Planning Commission are aware of this inadequacy, for members voiced similar concerns at their meeting

26-12

² I love a town that values its Library. However, many have stated that the fact that the Community meeting room was built so close to the Mt. Diablo Boulevard and First Street intersection, and with its existing height, is a deeply regrettable error that should never be replicated.

³ Figure 4.1 - 16 may suffer from the same defects.

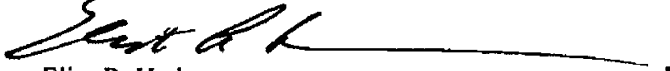
on March 1, 2010. The nature of this statement, as compared to the actual reasonably foreseeable worst case as proven by the simulations noted above, is indefensible.

The *Draft EIR* correctly notes that "Lafayette [currently] has the visual character of a small town and surrounding viewsheds include views of hillsides and ridges" While acknowledging in words and graphic figures that many of them will be obliterated, the *Draft EIR* concludes that the impacts will not be significant. This is an astonishing conclusion, given the acknowledgement.

- It is obvious that even the *General Plan* (although less so than the proposed alternative analyzed in the *Draft EIR*) will ultimately partly destroy, upon buildout, the beloved character of the Lafayette Downtown. That blunt reality means that the *Draft EIR* should be revised to do something that has been requested of the City and its *Draft EIR* consultants by the Lafayette Homeowner's Council, the Secluded Valley Homeowners Association and a number of other Lafayette residents: It should assess the impacts of building standards that set lower heights and densities than allowed in the current *Lafayette General Plan 2002*. Only then can Lafayette truly understand and make the choices that are right for it.

Thank you for your consideration.

Very truly yours,



Eliot R. Hudson

Cc: Lafayette City Council
Secluded Place Homeowners Association

26-12
cont.

26-13

LETTER 26

Eliot Hudson, March 8, 2010.

Response 26-1

The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to the comments below.

Response 26-2

The comment requests that the impacts in the Draft EIR be revised to reflect full buildout. The CEQA Statute and Guidelines do not provide specific guidance regarding how buildout projections should be calculated for the purposes on an EIR. However, CEQA does provide guidance regarding the scope of the environmental review process and the lens through which Lead Agencies shall examine proposed projects for the purposes of an EIR. Under Section 15064(d) of the CEQA Guidelines, “In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.” For this program-level evaluation, the City determined that applying an 80 percent buildout assumption is considered reasonable. The comment requests that the No Project Alternative buildout be revised to use the same methodology as used for the Plan and the other alternatives. Please see response to Comment 7-7. The comment also requests that the Draft EIR be revised to explain each adjustment made in the buildout methodology. The buildout calculations are described in the first paragraph on page 3-20 of the Draft EIR. This paragraph has been expanded, as shown in Chapter 3 of this Final EIR.

Response 26-3

The comment expresses concern with the City’s responsiveness to some comments received on the Draft EIR. The comment does not address specific sections of the Draft EIR. No further response is necessary.

Response 26-4

The comment requests that the Draft EIR be revised to analyze full buildout. Please see response to Comment 9-56.

Response 26-5

The comment states that the Draft EIR should be expanded to include additional areas, such as Deer Hill Road, Reliez Station Road, and the eastern and western westbound freeway entrances to State Route 24. The comment states that the Plan would have impacts on Deer Hill Road at the intersections with Brown Avenue and Pleasant Hill Road, and that there would be diverted impacts to Reliez Station Road as well as westbound State Route 24 on-ramps. Regarding the intersection of Deer Hill Road and Pleasant Hill Road, please see response to Comment 7-8. The intersection of Deer Hill Road and Brown Avenue is a minor intersection controlled by two-way stop signs on the Brown Avenue approaches. Based on observations of existing peak hour traffic demand as not being congested at this intersection, City staff does not anticipate future LOS problems or impacts. If the intersection LOS unexpectedly deteriorates to unacceptable conditions in the future, installation of a traffic signal would provide an effective and relatively straightforward solution.

Response 26-6

The comment states that Chapter 4.1, Aesthetics, of the Draft EIR is inadequate. The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to Comments 26-7 to 26-12, below.

Response 26-7

The comments expresses concern with the use of the phrase “less than *significant*” for the threshold of significance associated with “*substantial* adverse effect on a scenic vista.” The commentor is correct that the threshold for determining a *significant* impact is whether the project would result in *substantial* adverse effects. The Draft EIR uses standard CEQA terminology for

thresholds of significance and impact findings. No revision to the Draft EIR is necessary.

The comment questions the finding in the Draft EIR that impacts associated with views would be less than significant. The comment states that the visual simulations contained in the Draft EIR show substantial adverse impacts. The Draft EIR does acknowledge the potential for adverse effects to views. For instance, on page 4.1-28 the Draft EIR states, “The simulations display a range of visual obstruction of a Scenic View Corridor by new development, from very minor to fairly substantial.” However, this fact alone is not the sole determinant as to whether the Plan would result in a significant impact. As further stated on page 4.1-28, the City’s General Plan acknowledges that it is not possible to prevent all blockages of scenic views from downtown. The General Plan calls for the preservation of intermittent views to be preserved, and the visual simulations in the Draft EIR illustrate that this would be possible under the Plan. In addition, the Draft EIR describes how the General Plan requires that the City’s permitting process require that development projects be evaluated for their potential impacts on view corridors. These existing City policies and procedures, along with the Plan’s own measures to reduce impacts to scenic views, are considered adequate to avoid a significant impact. In finding a less-than-significant impact, the Draft EIR does not ignore the potential for blockages of views but rather states that mechanisms are already in place to avoid substantial blockages and ensure that intermittent scenic views are preserved.

The comment also requests that mitigation be adopted regardless of the finding that substantial adverse effects would not occur. The comment is noted but does not require a revision to the Draft EIR. As described above, no mitigation is required under CEQA.

Response 26-8

The comment states that the viewpoints used for the visual simulations in Chapter 4.1 are inadequate. Please see response to Comment 9-61, above.

Response 26-9

The question asks why the buildings in Figures 4.1-12 and 4.1-16 are simulated as being set back from Mount Diablo Boulevard. Please see response to Comment 10-8, above.

Response 26-10

The comment states that the Draft EIR inadequately analyzes aesthetic impacts because it only evaluates impacts to views and does not include an evaluation of the feeling of expansive openness. The overall effect of new development is evaluated under Standard of Significance #3, Substantial Degradation of the Existing Visual Character or Quality of the Downtown Area and its Surroundings. Please see response to Comment 9-60, above. In finding a less-than-significant impact, the Draft EIR does not ignore the potential for new development to provide a more urban aesthetic where feelings of expansive openness currently exist. Rather, the Draft EIR states that through policy implementation and design review, new development would not be expected to substantially degrade the visual quality of the Plan Area.

Response 26-11

The comment states that the Draft EIR inadequately analyzes aesthetic impacts because it only evaluates impacts to views and does not include an evaluation of the impacts of stifling air quality, traffic impaction, noise, and other features that would be detractors. The commentor states that these issues should be reflected in Chapter 4.1, Aesthetics, or that the chapter should include a cross-reference to other areas of the Draft EIR where these topics are evaluated. The impacts listed in the comment do not pertain to aesthetics, but to land use and density. Each of these topics is adequately addressed in the respective EIR sections. Therefore, no revision to the Draft EIR is required.

Response 26-12

The comment states that the Draft EIR does not provide a detailed explanation of the standards that would be required through the design review process. The City's design review process is described on pages 4.1-1 to 4.1-4 of the

Draft EIR. This section has been revised, as shown in Chapter 3 of this Final EIR, to include more specific details regarding the findings required through the City's existing design review process.

The comment also states that the Draft EIR inadequately uses the design review process as a means for determining that aesthetic impacts would be less than significant. Please see response to Comment 9-66.

Response 26-13

The comment serves as a closing statement to the preceding comments and states that the Draft EIR should evaluate the impacts of standards contained in the current General Plan. Impacts associated with development under the General Plan are analyzed in the Draft EIR as the No Project Alternative. The alternatives to the project were determined by the Planning Commission and confirmed by the City Council.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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Linda Murphy
1025 Buchan Drive, Lafayette, CA 94549

March 8, 2010

Re: Downtown Specific Plan, Draft EIR

Dear Planning Commissioners:

I write to convey my key concerns about the DSP and DEIR.

First, **I am troubled about the idea of granting developers *as a matter of right* the ability to construct residential units in our core downtown area.** There is no reason to tie our hands with such a change. Rather, it is far more prudent for the city to allow any residential construction on a permit-basis. Our nation, state, and Bay Area are experiencing such drastic changes. We cannot predict what is in store 10 or 20 years down the line. Once developers are granted the right to develop property as multi-family housing, the city will be unable to undo that action. **We as a city need flexibility** in case the many assumptions upon which the DSP plans do not turn out as expected. **There is no reason to bestow such a windfall to the developers that may back Lafayette into a corner that we later regret.** Any housing not currently zoned should be on a permit-basis.

27-1

Second, **any downtown plan which contemplates multi-family housing needs to be equitable.** Currently, homeowners of single family dwellings pay parcel taxes and property taxes that help meet the financial needs of Lafayette. **Any development plan should require both developers and new residents to pay their fair share of the services provided in Lafayette – not just one-time fees, but contributing to ongoing revenue needs.** If Lafayette is going to alter its percentage of multi-family vs. single-family homes, then **parcel taxes need to be adjusted so that they are based on each dwelling rather than each parcel.** Otherwise, it is an unfair and uneven burden on those living in single family homes. **11% of Lafayette School District funding comes from parcel taxes.** Adding a significant number of new families who pay only a fraction of the parcel taxes currently paid by other residents means the proposed plan will not maintain our current level of funding for our schools. Also, the DEIR does not address **the additional cost involved in providing police and fire protection for these new residents.** We already have a skeleton police operation in Lafayette. It would negatively affect public

27-2

27-3

27-4

safety to increase our population by 19% without providing funding to increase our police and fire services by an appropriate amount.

27-4
cont.

Third, there needs to be a more thorough evaluation of the traffic impact of the proposed plans. The DEIR mentions that there will be additional traffic problems in key intersections of Lafayette. This is unacceptable and will decrease the quality of life in Lafayette. The proposal to grow the downtown population by more than 50% will put additional strain on these intersections.

27-5

Fourth, I understand from a member of the DSP Advisory Committee that most seniors who currently own homes in Lafayette would be income-ineligible for any senior housing contemplated by the DSP. Most of us who favor “senior housing” expect that it would allow current Lafayette seniors to move into smaller residences while remaining in Lafayette – this would benefit all of us. **But if the senior housing contemplated by the DSP in fact would largely serve seniors from outside our community, then we have failed our own seniors. We need to address this.**

27-6

Fifth, the notions of “smart growth” and reducing carbon footprints assume that those living in the downtown will walk more rather than drive. Although perhaps one or two car trips a day per family may be eliminated because of the convenience of services downtown, many of residents’ necessary daily trips will continue to require cars. There will be some residents whose place of business and hours of work are such that living near a BART station or Contra Costa Connection bus line may mean they can walk to BART or the bus stop and use public transit to get to work. But for the majority of residents whose do not work near a BART station or bus stop, they will continue to need their cars. Also, many of us parents who do in fact take public transit still need to drive because we have to drop kids off at school on our way to work. Similarly, because of busy schedules, many people will need their cars even to run errands downtown. **So as a practical matter, even living near the BART station or stores won’t be enough to get many out of their cars.** The DEIR needs a better assessment of actual traffic based on more accurate assumptions.

27-7

Sixth, with the concentrated growth of multi-family housing in the downtown area, with many expected to be occupied by families with children, because Lafayette Elementary School is impacted, most of the new elementary-age children will need to attend either Happy Valley or

27-8

Springhill. This means that at the busiest times of the day, there will be many more cars traveling through key intersections that serve not just the schools but also the commuters at the busiest times of the day. An alternative of running school buses through downtown to pick up and drop off children would present other traffic problems, as traffic would have to stop each time the bus stopped to pick up a child. And this would be occurring during the morning rush hour.

27-8
cont.

Seventh, the plan needs to consider not just height limits, but height restrictions based on setback and location within the downtown. **The current General Plan, adopted in 2002, seems to be the wisest document.** Any particular project can be presented to the Planning Commission and Design Review Commission to ensure it is acceptable. This is a far better alternative than the somewhat huge departure from Lafayette as we know it. **The General Plan will allow Lafayette the flexibility to respond to various development requests without tying its hands.**

27-9

Eighth, **given that Lafayette is ABAG compliant in its housing stock, there is no reason to go so far above what is mandated for our city.** Our downtown core is an important revenue source for the city. The focus of the downtown should be on retail, business, and revenue-generating enterprises. Although when new housing is constructed, there will be a lucrative inflow of developer fees that the city would enjoy using to pay for operating expenses and salaries, once those developer fees have been paid, there is no ongoing revenue other than the fraction of property taxes the city receives. Our focus should be on a consumer-friendly downtown, not one gridlocked by traffic and parking problems and dominated by multi-story housing. That will provide the city with the ongoing revenue provided by sales taxes to help meet its financial needs.

27-10

Finally, we love Lafayette because it is a safe, semi-rural community with high quality schools and has a great small-town feel. **The higher density option of the DSP appears to radically disrupt what makes people "Love Lafayette." I endorse the 2002 General Plan.**

27-11

Thank you for considering my comments.

Sincerely,
Linda Murphy

LETTER 27

Linda Murphy, March 8, 2010.

Response 27-1

The comment expresses an opinion against granting developers as a matter of right the ability to construct residential units in the downtown. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. Therefore no response is necessary.

Response 27-2

The comment expresses an opinion about parcel taxes. The comment does not address the adequacy of the Draft EIR. Therefore no response is necessary.

Response 27-3

The comment states that because residents of apartments and condominiums pay less parcel tax than other residents, an increase in the number of multi-family dwellings in the Plan Area would mean it would not be possible to maintain the current level of funding for Lafayette schools. Please see response to comment 22-2, which addresses a similar comment. No further response is necessary.

Response 27-4

The comment states that the Draft EIR does not address the cost of providing additional police and fire protection services required to accommodate growth under the Plan.

The Draft EIR includes a discussion of law enforcement services and associated impacts on pages 4.11-6 through 4.11-10. The Draft EIR also explains that General Plan Policy S-7.1 provides a framework for evaluating the potential impact of development on the delivery of law enforcement services and assessing impact fees as warranted. Additionally, the Draft EIR includes a discussion of fire protection and emergency medical response services and

associated impacts on pages 4.11-1 through 4.11-6. The Draft EIR also includes Mitigation Measure PS-1, which establishes an impact fee on new commercial and residential development in the Plan Area so as to accommodate new development without compromising the delivery of fire services in the Plan Area. No further response is necessary.

Response 27-5

The comment states that the Draft EIR should contain a more thorough evaluation of traffic impacts due to growth anticipated under the Plan. The traffic analysis presented in the Draft EIR provides an adequate evaluation of the Plan's impacts according to CEQA Guidelines. The comment does not specifically address the methodologies or results of the traffic analysis in the Draft EIR. The comment is not specific in indicating which aspects of the Draft EIR do not, in the opinion of the commentator, adequately meet the requirements of CEQA. Therefore, it is not possible to respond, and no revision to the Draft EIR is necessary.

Response 27-6

The comment states that many senior homeowners in Lafayette would become income-ineligible for the senior housing under the Plan. The Plan does not propose any income limitations for senior housing. The Plan encourages the development of new senior housing in the downtown, and proposes a new senior housing overlay district to guide the design of senior housing in downtown Lafayette. Additionally, any senior housing project would have to comply with the affordability requirements of the City and the Redevelopment Agency which stipulate that at least 15 percent of the units have to be affordable.

Response 27-7

The comment states that many Lafayette residents will continue to rely on their cars rather than public transit. Using the trip generation assumptions for future new development in the Plan Area described in the Draft EIR traffic analysis, approximately 90 percent of the overall travel demand generated by future Plan Area development during the peak hours was calculated as

vehicle trips. The remaining percentage was calculated as walking or bicycle trips between the complementary land uses (e.g. residential and retail, office and retail, etc.) to be located in convenient proximity within the Plan Area, or transit trips for future development within one-half mile of the BART station south pedestrian entrance. Please also see responses to Comments 9-140, 9-141, and 9-142.

Response 27-8

The comment states that growth under the Plan would require new students to attend either Happy Valley or Springhill Elementary School, and that the Draft EIR should consider an alternative of running school buses through the downtown. The demographic profile of future residents of new development in the Plan Area is not known at this time, and an assumption that a large portion of new residents would be families with school-age children is considered to be speculative. School district data indicates a current downward trend for enrollment in Lafayette, and assumptions regarding the future capacity available at Lafayette Elementary School and a diversion to other schools are considered to be speculative. The Draft EIR provides appropriate mitigation for potential impacts to schools. The traffic analysis presented in the Draft EIR adequately accounts for the traffic that would be generated by future new residential development in the Plan Area, including school-related trips.

Response 27-9

The comment expresses an opinion in support of the General Plan adopted in 2002. The comment does not address the adequacy of the Draft EIR. Therefore no response is necessary.

Response 27-10

The comment expresses an opinion against traffic and parking problems and against multi-story housing. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. Therefore no response is necessary.

Response 27-11

The comment expresses an opinion against the Higher Intensity Alternative. The comment does not address the adequacy of the Draft EIR. Therefore no response is necessary.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Pak, Susan N. [mailto:SNPak@ClearBridgeAdvisors.com]
Sent: Monday, March 08, 2010 10:35 AM
To: Robbins, Joanne
Cc: SaveLafayetteSchools@yahoo.com; fbrill@lafsd.k12.ca.us; superintendent@acalanes.k12.ca.us
Subject: Against Draft EIR

Planning Commission:

I urge you **not** to recommend approving the Draft EIR. There are many shortfalls in this proposal, but what is most troubling to my family is this proposal completely disregards the community's desire to preserve small town character and outstanding public schools.

28-1

The Draft EIR neglects to address the substantial impact to our schools, not to mention the significant impact to fire and police services, roads, traffic, environment, etc.

28-2

*The State of California only provides partial funds needed to educate our children. Parcel taxes and school fundraising makes up the difference. Increasing the number of multi-family units will only increase the shortfall. We are in perilous times and the outlook does not start to turn for at least five years--how will the financial impact of these new students be shouldered? What are the City's plans to close this gap??

28-3

*Lafayette currently has the lowest police officer to resident ratio and fire response time is below the required stated in the current General Plan. How will the impact of all the new residents in the proposed multi-family units downtown be addressed?

28-4

It seems highly irresponsible to endorse or approve such a plan without addressing these issues. Furthermore, it seems this would be the polar opposite of what Lafayette residents want. The Godbe report findings I saw at a recent City Council meeting stated what I already knew, but with quantifiable statistics. If 97% of Lafayette residents are satisfied with the way things are, how could you consider recommending such a drastic proposal? **This will ruin Lafayette as we know (and love) it!**

28-5

Regards,
Suzy Pak

IMPORTANT: E-mail sent through the Internet is not secure. Legg Mason therefore recommends that you do not send any confidential or sensitive information to us via electronic mail, including social security numbers, account numbers, or personal identification numbers. Delivery, and or timely delivery of Internet mail is not guaranteed. Legg Mason therefore recommends that you do not send time sensitive or action-oriented messages to us via electronic mail. This message is intended for the addressee only and may contain privileged or confidential information. Unless you are the intended recipient, you may not use, copy or disclose to anyone any information contained in this message. If you have received this message in error, please notify the author by replying to this message and then kindly delete the message. Thank you.

LETTER 28

Susan Pak, March 8, 2010.

Response 28-1

The comment serves as an introduction to the comments that follow. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. No response is necessary.

Response 28-2

The comment states that the Draft EIR does not address impacts to schools, fire protection services, law enforcement services, roads, traffic, and the environment. The Draft EIR does contain a detailed evaluation of each of these issues. The comment is not specific in indicating which aspects of the Draft EIR do not, in the opinion of the commentor, adequately meet the requirements of CEQA and therefore it is not possible to respond and no revision to the Draft EIR is necessary. The commentor does provide specific comments regarding schools and law enforcement. These comments are addressed in the responses to Comments 28-3 and 28-4, below.

Response 28-3

The comment states that there is a shortfall in funding for schools provided by the State of California which is bridged through a parcel tax and school fundraising. The comment further states that increasing the number of multi-family homes in Lafayette will exacerbate the shortfall. Please see response to comment 22-2, which addresses a similar comment. No further response is necessary.

Response 28-4

The comment states that Lafayette currently has the lowest ratio of police officers to residents in Contra Costa County and asks how the impact of new residents and multi-family dwelling units proposed under the Plan would be addressed. Please see response to comment 18-14, which addresses a similar comment. No further response is necessary.

Response 28-5

The comment serves as a closing remark and expresses the commentor's opinion against the adoption of the Plan. No response is necessary.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Traci Reilly [mailto:tracireilly@comcast.net]
Sent: Monday, March 08, 2010 2:30 PM
To: Srivatsa, Niroop; Merideth, Ann
Cc: Lynn Hiden; Guy Atwood; Avon Wilson; elhudbox@bcglobal.net; tracireilly@comcast.net
Subject: DSP EIR. Areas of concern

Dear Ms. Srivasta and Ms. Meredith,

I wanted to address some areas of concern with regards to the Downtown Specific Plan (EIR). My three main concerns with the proposed plan are as follows: population growth, traffic, and public safety. They are quality of life issues that will effect many of our current residents. I would like the opportunity to address my following concerns.

29-1

1. Population growth: DSP suggests a 19% increase in new residents or 4589 in the next 20 years. (page 4.10-9 of the report). Lafayette's population growth in the past decade (2000 - 2009) was less than 1% (page 4.10-3). The DSP's growth plan is 10.9% more than ABAG's recommendation . (page 4.10-9). In addition, it is my understanding that only 80% of buildout was used when determining population growth in the EIR. If this is true, I think that we should know the 100% buildout number of population. The 20% difference is significant.

29-2

2. Traffic is already is problem in the downtown area, including Moraga Rd. and Mt. Diablo. By the plans own admission, 6 out of 14 problem areas will not be fixable by mitigations. After possible mitigations, they still have a "SU" rating, which is "significant unavoidable impact." (pages 2-13 - 2-20). Since all the growth is planned in the downtown area, this plan will only take a bad traffic situation and make it worse.

29-3

Also, there was a possible error in the DSP's EIR, where the Consultant stated that there are only 1200 students at the two schools in the downtown area. **Actually, Lafayette Elementary currently has 473 students. Stanley Middle School currently has 1114 students.** This combined number of 1587 is much higher than the Consultant stated, and was not accurately factored into with regards to traffic. Plus it is my understanding, that the Consultant only factored in 80% of the proposed increase in population. These two facts seriously underestimate the traffic that will occur on Moraga Rd, Mt. Diablo Blvd, School St., and the other feeder streets to these schools.

29-4

3. Public safety currently has the lowest police officer per resident ratio in all of Contra Costa County. The current ratio is .7 officers per 1000 residents. The plans states that it will not results in any significant impacts to law enforcement, and that no mitigations are planned. (page 4.11-10) I respectfully disagree. The

29-5

addition of almost 5000 new residents to the downtown area will only create more calls for service. Our police force is already spread thin. This plan will only lower the officer to resident ratio, potentially to a level that is unsafe.

29-5
cont.

I hope that you consider the concerns and needs of the residents that currently reside in Lafayette and pay taxes. Many of us moved here from urban settings, for the semi-rural life that this city offered. These concerns are about quality of life issues, and issues of public safety. I hope that you considered these concerns, and vote against the DSP.

29-6

Best regards,
Traci Reilly

LETTER 29

Traci Reilly, March 8, 2010.

Response 29-1

This comment expresses the commentor's main concerns about the Plan. It serves as an introduction to the comments that follow, thus no response is necessary apart from the responses to the comments below.

Response 29-2

The comment states that an 80 percent buildout was analyzed in the Draft EIR. The comment is referring to the assumption that development sites would be built to 80 percent of the maximum density. Please see response to Comment 9-7.

Response 29-3

The comment summarizes selected results from Draft EIR traffic analysis, and expresses the commentor's perspective on the Plan's traffic impacts. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 29-4

The comment states that there are currently 473 students at Lafayette Elementary School and 1,114 students at Stanley Middle School, for a combined total of 1,587 students at schools in the downtown area. As a result, the comment states that the Draft EIR has underestimated the volume of traffic on roads in the vicinity of the schools. Table 4.11-1 shows that there were 420 students at Lafayette Elementary School in the 2006-2007 school year and 1,188 students at Stanley Middle School in the same year, for a combined total of 1,608 at the two schools. Therefore, there has been a drop in the student population at the two schools in the Plan Area since the 2006-2007 school year, which is consistent with information received from the Lafayette School District (please see Comment Letter 54). Analysis in the Draft EIR was based on total student numbers higher than current enrollment levels and therefore,

the Draft EIR has provided a conservative analysis of impacts. As such, analysis in the Draft EIR is adequate, and no revision to the Draft EIR is necessary.

Response 29-5

The comment contests the determination of no significant impact to law enforcement services, stating that an increase in population would lead to more calls for police response and a corresponding drop in the community's service standard.

The Draft EIR was prepared in consultation with the Lafayette Police Department. The Department confirmed that the targeted response times of three minutes for priority calls and seven minutes for non-priority calls are currently being met. CEQA requires that the focus of the analysis of environmental impacts be on the physical changes that would occur as a result of the proposed project. Consideration of service ratios, response times, and other performance objectives is required insofar as it would result in the construction or expansion of facilities, which could cause environmental impacts.

The Draft EIR acknowledges that buildout of the Plan would result in more calls for law enforcement services in the Plan Area, that additional personnel and vehicles may be required to maintain targeted police response times, and consequently that construction or expansion of facilities may be required to house additional personnel and vehicles. As described in the Draft EIR, General Plan Program LU-19.2.4 requires new developments to pay their "fair share" of capital improvements and the cost of public services to maintain adequate levels of service, and Program LU-20.5.2 calls for the review of all development proposals for their impacts on ability to achieve standards for police service specified in the General Plan and require fair share payments and/or mitigation measures to ensure that these standards or their equivalent are maintained. Policy S-7.1 of the City of Lafayette General Plan provides a framework for mitigating potential impacts to law enforcement services. Under this Policy, the City must review development proposals for their demand on police services and require mitigating measures to maintain the

community's service standard. General Plan Policy S-7.1 also allows the City to levy police impact fees for capital facilities and equipment, if warranted. Buildout of the Plan would occur incrementally over a period of approximately 20 years, during which the City will assess law enforcement services in accordance with Policy S-7.1 and react accordingly. As such, no additional mitigation is required.

Response 29-6

The comment expresses an opinion about taxes, quality of life, and public safety issues. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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March 9, 2010

Members of the city of Lafayette Planning Commission and
Members of the Lafayette City Council

Dear honorable volunteers,

I want to say first that I am grateful to you for your service to the City and for your laboring over often very difficult decisions. I am also grateful when you listen to our residents who have real and legitimate concerns regarding the decisions you are faced with. My only hope is that you will make serious considerations of the desires of our residents, for Lafayette belongs to all of us.

30-1

I am writing this letter to express my disappointment with the conclusions regarding the proposed Downtown Specific Plan. In recent years the city has done a number of very good things to make the downtown corridor and the Pleasant Hill Road corridor more attractive. The removal of overhead lines and the landscaping has made a huge difference. The city deserves our thanks to you for these improvements.

30-2

Unfortunately, these remarkable improvements haven't improved our deplorable traffic situation. That will only get worse with increased population in Lafayette and Moraga. Even the EIR states that we are stuck with our present situation. There are no feasible mitigation measures. And if that is not bad enough, we will all be breathing the exhaust fumes from every car and truck passing through our city. It seems there are as many service vehicles as there are cars. Gag!

30-3

Of major concern is the increase in height and density of our proposed new buildings. I am in favor of building affordable housing, both senior and otherwise. However, I think the downtown core is the wrong place. Driving along the east end, I can see some room could be made for a few apartments and condominiums. That would be the best place for these additions going forward. There might also be some room left in the Risa Road area once the Hillside complex is built. I would hope that all of these structures would be built with scale in mind so as not to dwarf the neighboring buildings, that is, not too high and not too bulky. We want to see the hillsides when we pass by. In total I would not want to add more than 1000 to our current population.

30-4

Regarding the downtown core, you have some difficult choices with regard to what you save and what to destroy. Whatever you decide, when you rebuild, please do not increase the building heights. Please do not build massive structures, setbacks or not. These are not in keeping with small town (which is what we are after all) atmosphere. I believe we can have an attractive and profitable downtown core without becoming Walnut Creek. What has been recently built, while refreshing in their newness, serve as an example of what not to build. The mass and heights of the Mercantile and the new library have obliterated views of our hillsides and even Mt. Diablo itself, for which our main street was named!

30-5

Another very real concern is what the increase in population will bring is the issue of schools. Unless you manage to build only senior residential units, Lafayette could have a substantial increase in school age population. I think our schools are pretty strapped at the present (all that seems to be cyclical), but the school most affected will be Lafayette School. Do we really want to put more students on Moraga Road? The draft EIR notes the possibility of the need for an additional school. I am not aware of any surplus school property, so just where would that school be built? Even if there were a suitable location, some students in the Lafayette School attendance area would have to travel a greater distance to get to school, which is bad enough, but this would put more cars on the roads at the already unbearable rush hour. And an increase in auto emissions would result. Just can't get away from that one.

30-6

What we are about to lose in adopting the Downtown Specific Plan is our quality of life. Simply that. I don't want to see that happen.

30-7

Sincerely,

Sherry Hoover
3212 Sharon Ct.
Lafayette

LETTER 30

Sherry Hoover, March 9, 2010.

Response 30-1

The comment expresses appreciation for the Planning Commission and City Council's work and asks that the desires of residents be taken into consideration. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary. Please see responses to Comment Letter #12, above, for responses to a letter written by Brandt Andersson, Mayor of Lafayette, in response to this comment letter.

Response 30-2

The comment thanks the City for recent improvements in downtown Lafayette but expresses concern regarding the Plan. The commentor does not provide any specific instances in which the Draft EIR does not, in the opinion of the commentor, meet the requirements of CEQA. Therefore, no revision to the Draft EIR is necessary.

Response 30-3

The comment summarizes the results from the Draft EIR traffic analysis, and states the commentor's perspective on the Plan's traffic impacts. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 30-4

The comment expresses concern regarding proposed building heights and densities. The commentor suggests that the west and east ends of the downtown could offer suitable locations for new housing. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the Plan. Please also see response to Comment 12-1, above.

Response 30-5

The comment expresses an opinion against increasing building heights. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the Plan. Therefore, no response is necessary.

Response 30-6

The comment expresses concerns regarding potential increases in the school age population. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the Plan. Therefore, no response is necessary.

Response 30-7

The comment serves as a closing remark to the preceding comments. The comment expresses the commentor's opinion on the Plan and does not address the adequacy of the Draft EIR. No response is necessary.

From: Kerry Inserra [mailto:kerryinserra@mac.com]
Sent: Tuesday, March 09, 2010 4:57 PM
To: Merideth, Ann; planningcommission@lovelafayette.com
Subject: EIR High Density Downtown Lafayette Project

Dear Ann and Lafayette City Planning Commission,

Ann, thank you for your time on the phone yesterday. I appreciate you taking the time to answer my questions and those questions you could not answer, you tried to direct me to the correct source. I did have an opportunity to speak with Tracy Robinson today in an attempt to gain a greater understanding of how much revenue from commercial and housing development projects in Lafayette actually goes back to our school districts. I was unable to get any type of estimate as this appears to be a complex issue with no straightforward answer. Perhaps you (or the Planning Commission) could provide the tax paying residents of Lafayette, an estimated figure as to how much tax dollars are generated from the Lafayette Town Center Apartments built in 2001, behind the old Hollywood Video? From the tax dollars generated from this particular development, how much of those monies actually goes towards the Lafayette School District and how much goes to Acalanes High School, if any? I'm trying to establish if there is any upside whatsoever to the Planning Commission's High Density Downtown Lafayette proposal. So far I see no upside.

31-1

I'm in complete opposition to any proposed development in the Downtown Lafayette Area per the EIR Report for the exact issues raised under EIR Report area 2. **Report Summary, Item B**, potential areas of controversy. Per the EIR Report the following would be severely impacted:

Population and Housing. Buildout of the Plan could result in up to 1,765 new housing units in the Plan Area, which would increase the city's population by up to 4,589 residents.

Aesthetics. Downtown Lafayette contains views of surrounding hillsides and ridges, is in close proximity to State Route 24, a State-designated scenic highway, and is currently characterized by a small town main street character. New development could impact views and the character of downtown Lafayette.

31-2

Transportation and Traffic. The Plan would result in new vehicle trips within the Plan Area and in surrounding areas, which has the potential to impact operations at intersections and along roadway segments. Traffic impacts associated with schools within the Plan Area could also be of particular concern.

Furthermore, the following statement was highlighted in the EIR Report:

"The Plan envisions a mix of land uses throughout the Plan Area, including retail, office, residential, and civic uses in buildings of varying scales. The

Plan contains goals, policies, and programs relating to sustainability, downtown character, land use, circulation, natural resources, and public services and facilities, as well as specific capital improvements to improve public safety and enhance the character of the downtown."

31-2

I am puzzled as to why the Lafayette City Planning Commission seems to feel we need more retail and office space in downtown Lafayette? I see many businesses currently in downtown Lafayette struggling to keep their doors open. Our sister city Moraga is facing a similar situation, as is Orinda. Why do you feel our city is any different and can and will sustain more retail business, particularly at a time when we are facing a deep recession? I see "apartment for rent" signs all over Lafayette. Perhaps this may change in five years, perhaps not. I currently bypass the downtown area from Oakwood due to the tremendous congestion and difficulty traveling from one end of town to the next. The lights are poorly timed and it's simply more expeditious to take the freeway. This will only get worst with further development. One only need look to areas like Montclair in Oakland, to get a full picture of the choke hold further development will create for our city.

31-3

In conclusion, this EIR Report only validates my concerns and I've yet to see the Lafayette Planning Commission articulate for the residents here, the benefits of further retail, office and residential development. If some huge windfall would bestow our public schools as a result of all this development, that would be one thing. Sadly, that is not the case. I urge the Lafayette Planning Commission to reconsider any further development at this time and No Project Alternative. Stop with all the development proposals including the Xmas Tree lot across from Acalanes.

31-4

Thank you for your consideration.

Kerry and Michael Inserra
Lafayette Residents

LETTER 31

Kerry and Michael Inserra, March 9, 2010.

Response 31-1

The comment serves as an introduction to the comments that follow. The comment expresses the commentor's opinion against high density. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the project. No response is necessary.

Response 31-2

The comment expresses the commentor's opinion against proposed development and then cites a passage from Chapter 2, Report Summary, of the Draft EIR. The comment does not address the adequacy of the Draft EIR. No response is necessary.

Response 31-3

The comment expresses the commentor's opinion against proposed retail and office space and also voices concern about congestion. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion on the Plan. No response is necessary.

Response 31-4

The comment serves as a closing remark to the preceding comments. It expresses the commentor's opinion against increased retail, office, and residential development. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion of the project. No response is necessary.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Levy, Meri [mailto:meri.levy@cpuc.ca.gov]
Sent: Tuesday, March 09, 2010 10:44 AM
To: Robbins, Joanne
Subject: Proposed Downtown Plan

As a 14 year resident of Lafayette and a parent with two children in Lafayette public schools, I support increased urbanization and density in downtown Lafayette. It may change the character of Lafayette somewhat, but by providing for affordable housing near public transit, excellent schools, and shopping, rather than in the outlying suburbs, it is in the best interest of the entire Bay Area and the State. In addition, increased residential and commercial building downtown will increase the property tax base of our town and increase the availability of services for all of our residents. Having affordable housing downtown will also increase the diversity of children in our public schools, creating additional opportunities for our children to learn about the world.

32-1

I recommend that adequate on-site parking be a requirement for any commercial or residential development in Lafayette, to avoid displacing parking space that is necessary for the economic health of our downtown businesses.

32-2

I also recommend that Lafayette implement a subsidized school bus program to mitigate the downtown traffic impacts of kids being driven to and picked up from school. It is a disgrace that hundreds of cars gridlock the downtown neighborhoods at school drop-off times when school buses could get kids to school safely and with less pollution and traffic.

32-3

Meri Levy
1020 Willow Drive
Lafayette, CA 94549
925-283-3024

LETTER 32

Meri Levy, March 9, 2010.

Response 32-1

This comment serves as an introduction to the letter and states the commentor's support of higher density in Lafayette in proximity to transit and services. The comment does not address the adequacy of the Draft EIR and only supports the merits of the Plan. Therefore, no response is necessary.

Response 32-2

The comment recommends that adequate on-site parking be a requirement for new commercial and residential development. As discussed on page 4.13-73 of the Draft EIR, the Plan's Policy C-5.3 would retain the City's current parking standards until additional off-street parking, such as the potential public parking facilities to be developed through Program C-5.1.1 of the Plan, is provided. As stated later on the same page: "Under the City's current parking standards, new development would provide at least enough parking supply to accommodate the peak demands it would generate. With this policy, along with those to develop additional parking supply and encourage reduced demand, the Plan would not be expected to create demand for parking above the supply which can feasibly be provided."

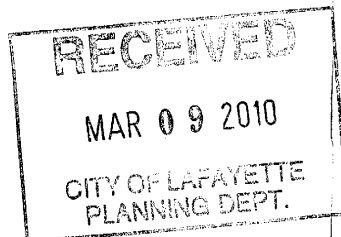
Response 32-3

The comment recommends that Lafayette implement a subsidized school bus program. Please see response to Comment 9-135.

Robert L. Nolan, M.D., J.D.
P.O. Box 1137
Lafayette, CA 94549-1137

March 9, 2010

Lafayette Planning Commission
Attn: Niroop Srivatsa
3675 Mt. Diablo Blvd., #210
Lafayette, CA 94549



Re: Opposition to Proposed Plan for Downtown Lafayette

Dear Planning Commissioners:

I am writing as a long term Lafayette resident to express opposition to the Proposed Plan for Downtown Lafayette and request that you do not approve the Draft Environmental Impact Report in any form.

| 33-1

The Draft EIR plans would enable substantial population increase in Lafayette via authorization of potentially hundreds of new a multi-family housing units in the downtown area covered by the plan. Such additional housing units would have adverse affects upon traffic, police, fire and school services. Those adverse impacts do not appear to be adequately addressed by either the specific proposed plan or the Draft EIR.

| 33-2

I do not wish to see the nature of our community altered with increased housing, population and congestion, destroying the fundamental nature of Lafayette and the quality of life in this community.

| 33-3

Please do not recommend approval of the Downtown Specific Plan and/or the Draft EIR as presently before you.

| 33-4

Sincerely,

Robert L. Nolan, M.D.

LETTER 33

Robert Nolan, March 9, 2010.

Response 33-1

This comment serves as an introduction to the comments that follow and expresses the commentor's opposition to the Plan. The comment does not address the adequacy of the Draft EIR and states the commentor's opinion on the Plan. Therefore, no response is necessary.

Response 33-2

The comment states that the Draft EIR would enable a substantial population increase in Lafayette and new multi-family housing units in the downtown. The comment states that new housing would have adverse effects on traffic, law enforcement services, fire protection services, and schools. The comment states that these impacts are not adequately addressed in the Plan or the Draft EIR. The commentor does not provide any specific instances in which the Draft EIR does not, in the opinion of the commentor, meet the requirements of CEQA. Therefore, it is not possible to provide a response, and no revision to the Draft EIR is necessary.

Response 33-3

This comment expresses the commentor's opinion against increased housing, population, and traffic congestion. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 33-4

This comment serves as a conclusion to the letter and states the commentor's opinion against the Plan and Draft EIR. However, this comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

To: Lafayette Planning Commission
From: Ruth Perkins, Lafayette resident since 1968
Re: Draft Environmental Impact Report
Date: March 9, 2010

I reviewed information about the Draft Environmental Impact Report (*Draft EIR*) which addresses the downtown Lafayette *Proposed Plan* for which the Lafayette Planning Commission is considering granting their approval. This plan, which enables developers to construct hundreds of multi-family housing components and multi-story buildings in the downtown area, will obviously negatively impact the character of Lafayette.

34-1

As noted, I am a long-time resident of Lafayette and have served the community in multiple school volunteer capacities. When I first moved to Lafayette, one common theme during the initial planning stages was the importance of *maintaining the rural atmosphere*. I can see that this value is disappearing, which is not based on wishes of Lafayette residents. I am deeply concerned over the proposed changes for the downtown area for various reasons:

34-2

Impact on Schools: As my children grew up, I served in these capacities:

- Lafayette School Board, Member and President
- Lafayette PTA President
- Stanley School Parents Club Board
- Acalanes High School Parents Club Board

During that time, my peers and I successfully fought efforts to close Lafayette School and Acalanes High School to make space available for shopping centers and business enterprises, which silenced background discussion of closing Stanley Middle School. These closures would have severely impacted the educational environment and housing values in Lafayette.

34-3

I envision the negative impact on schools resulting from expansion of multi-family housing downtown. My concerns:

- Inability to get kids to their schools (Lafayette Elementary; Stanley Middle School; Acalanes High School) safely or without delays. I currently see students walking from downtown to Stanley School and the Lafayette Library as well as cars lined up while students are being dropped off at Lafayette and Stanley schools. Downtown traffic is already congested so adding hundreds/thousands of downtown residents will only add to this condition.
- Funding for additional students will be a problem since apartments generate only a small amount of revenue per family to be utilized for school funding.
- Based on my past experience, temporary residents tend to have limited interest in their communities and school systems. This imposes additional burdens on "homeowner" residents in terms of volunteering for the schools and donating/raising funds for school programs and supplies, most especially in today's economy.

34-4

34-5

34-6

Property Values – Families move to Lafayette because of the high-quality schools and rural atmosphere. While housing values in Lafayette have not changed significantly in the current economical environment, they will drop if the city commits to heavy downtown development and resulting traffic, such as that experienced in Walnut Creek. "Strolling and shopping" are already not feasible in Lafayette because of the nature of the downtown design, lack of parking and development, plus existing traffic on Mt. Diablo. Adding hundreds of housing

34-7

facilities downtown will further negate the possibility of parking once and strolling to complete downtown errands.

34-7
cont.

Lafayette's rural atmosphere will disappear which is not what city residents desire. As in Walnut Creek, excessive downtown development will continue to expand to residential areas and attractive neighborhoods will be taken over for business purposes. More shops will be needed to accommodate the population increase. Currently, Lafayette does not have sufficient police enforcement, which will only worsen as the population downtown increases, with many temporary residents uncommitted to the community and insufficient funding for added police staff.

34-8

34-9

Families move to Lafayette because of unique neighborhood charm, proximity to schools, playing fields, safety. Who will actually benefit from high-density housing and construction downtown? Not the existing residents—only a few who have financial interests.

34-10

Traffic – High density housing near rapid transit will not eliminate vehicle usage. I have used BART for commute purposes to San Francisco but still had to drive downtown for parking. BART will not take everyone where they need or want to go, so downtown residents will still require motor vehicles to transport them to their desired work or recreational destinations.

34-11

ABAG – I have a concern that this proposal to add hundreds of apartments, condominiums, etc. for downtown housing will ultimately be an accommodation of ABAG's effort to consolidate bay area housing near rapid transit to eliminate further construction and reduce usage of vehicles. At city meetings, I've heard consultants comment on what categories of residents do not need to reside in individual housing.

34-12

I request members of the Lafayette Planning Commission not to approve this *Draft EIR* and leave Lafayette as it is—a beautiful, highly desirable city in which to live and educate children. Thank you for your service to Lafayette.

34-13

Sincerely,
Ruth Perkins

LETTER 34

Ruth Perkins, March 9, 2010.

Response 34-1

This comment serves as an introduction to the comments that follow. The comment also includes the commentor's opinion that the Plan would negatively impact the character of Lafayette. This comment expresses the commentor's opinion about the Plan and does not address the adequacy of the Draft EIR. Therefore, no response is required.

Response 34-2

This comment expresses the commentor's opinion against proposed changes for the downtown. This comment does not address the adequacy of the Draft EIR. Therefore, no response is needed.

Response 34-3

The comment serves as an introduction to the comments that follow and states the commentor's former affiliations. No response is necessary apart from the responses to the comments below.

Response 34-4

The comment expresses the commentor's concerns regarding access to schools. The traffic analysis presented in the Draft EIR adequately describes existing traffic conditions, and accounts for the traffic that would be generated by future new residential development in the Plan Area, including school-related trips. Therefore, no revision to the Draft EIR is necessary.

Response 34-5

The comment states that funding for additional students will be problematic because apartments generate only a small amount of revenue per family for local schools. Please see response to comment 22-2, which addresses a similar comment. No further response is necessary.

Response 34-6

This comment expresses the commentor's opinion that temporary residents have limited interest in their communities and school systems. This comment does not address the adequacy of the Draft EIR. Therefore, no response is required.

Response 34-7

The comment states that new development in the downtown will further reduce the ability of residents to park once and stroll around the downtown. The comment expresses the opinion of the commentor, and no information is provided in support of the comment.

The Plan includes programs and policies to:

- ◆ Improve pedestrian facilities, including crossings on Mount Diablo Boulevard, to provide a safe, attractive, and convenient environment for pedestrians in the Plan Area.
- ◆ Develop public parking facilities in the downtown core area to provide parking for downtown customers and employees.

Additionally, the Plan proposes a mix of retail, office, and residential land uses that would increase opportunities for "strolling and shopping." The Plan's parking policies would retain the City's current parking standards until additional off-street parking is provided. Under the City's current parking standards, new development would provide at least enough parking supply to accommodate the peak demands it would generate. These policies should improve the potential for customers to park once for their downtown activities.

Response 34-8

The comment states that Lafayette's rural atmosphere would disappear under the Plan, and that this is against the desire of Lafayette's residents. The comment states that downtown development would expand to residential areas and that attractive neighborhoods would be taken over for business purposes.

The comment expresses the commentor's opinion on the Plan and does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 34-9

The comment states that the City of Lafayette does not currently have sufficient police enforcement and that the growth in population under the Plan would exacerbate the situation. Please see responses to Comments 13-4, 18-14 and 22-4, which address similar comments. No further response is necessary.

Response 34-10

This comment expresses the commentor's opinion that only a few people would benefit from high-density housing and construction downtown. The comment does not address adequacy of the Draft EIR. Therefore, no response is necessary.

Response 34-11

The comment states that high density housing near transit will not eliminate vehicle usage. Please see responses to Comments 9-140 and 27-7.

Response 34-12

The comment expresses concern that new housing would be an accommodation of the Association of Bay Area Government's effort to consolidate housing near transit. The commentor expresses concern about the future residents of such housing. The comment expresses the commentor's opinion of the project and does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 34-13

The comment requests that the Planning Commission not approve the Draft EIR. The comment is noted. The comment states the opinion of the commentor and does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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

From: Ray Peters [mailto:redgap@att.net]
Sent: Tuesday, March 09, 2010 10:04 AM
To: Robbins, Joanne
Cc: SaveLafayetteSchools@yahoo.com; FBrill@LAFSD.K12.CA.US;
superintendent@acalanes.k12.ca.us
Subject: Draft EIR

It's hard to believe that the proposed plan has advanced to this point of discussion.

There is no mention that the central location of the very site itself is Elam Brown's home farm.

Don't forget that we're talking about the environment here.

My Webster defines "environment" as "the aggregate of social and cultural conditions that influence the life of an individual or community."

Please take especial note of "social and cultural." Try not to forget that part.

Lafayette has always referred to our community as "semi-rural." I've never completely understood the full meaning of semi-rural, but I'll bet it's more like Elam's farm than the proposed amalgam of apartments and condominiums.

I do hope he doesn't look down.

Ray Peters

I 35-1

I 35-2

I 35-3

LETTER 35

Ray Peters, March 9, 2010.

Response 35-1

This comment serves as an introduction to the responses that follow and expresses the commentor's disbelief that the Plan has advanced to this point. The comment does not address the adequacy of the Draft EIR. Therefore, no response is needed.

Response 35-2

The comment states that the Draft EIR does not mention that the site of Elam Brown's home farm is at the center of the Plan Area. This site is acknowledged as a historic resource in Chapter 4.4, Cultural Resources, of the Draft EIR. No revision to the Draft EIR is necessary.

Response 35-3

This comment defines the word "environment" and expresses the opinion that Lafayette should be more "semi-rural" than the proposed apartments and condominiums. This comment does not address the adequacy of the Draft EIR. Therefore, no response is needed.

From: C R [mailto:scul2002@hotmail.com]
Sent: Tuesday, March 09, 2010 2:19 PM
To: Robbins, Joanne
Subject: Attn: Niroop Srivatsa. Request to preserve Lafayette's character.

Dear Lafayette City Council:

I am writing in response to learning of the EIR and interested in development of Lafayette and would like to communicate to my desire to keep our Lafayette community 'as is' and to not pursue a 'high density' community development program. Our family moved to Lafayette recently because of its current character-- not because we anticipated or envisioned a different community after development programs.

Let me remind you of Lafayette's Mission Statement, as posted on the city webpage: Lafayette was incorporated for the preservation and enhancement of the semi-rural character of the community. Lafayette shall endeavor to maintain the nature of the community by using a volunteer system of commissions and committees and a small staff whose number is consistent with the services provided. Limited services and a conservative fiscal policy are Lafayette's practice.

36-1

Wouldn't it be nice for people to enjoy, appreciate, and know Lafayette for its natural beauty and semi-rural character and not for its developed downtown area w/ high density housing units?

Please consider my request, as well as other resident requests, to preserve Lafayette's semi-rural character and quality of life before implementing a development plan.

Regards,

Charles Regan
Lafayette resident

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. [Sign up now.](#)

LETTER 36

Charles Regan, March 9, 2010.

Response 36-1

The comment expresses the commentor's opinion that Lafayette should stay as it is instead of pursuing a high density community development program. The comment also quotes Lafayette's Mission Statement. The comment concludes by advocating for the preservation of Lafayette's semi-rural character. This comment does not address the adequacy of the Draft EIR. Therefore, no response is needed.

From: sfbayshore@comcast.net [mailto:sfbayshore@comcast.net]
Sent: Tuesday, March 09, 2010 10:10 PM
To: Robbins, Joanne; Srivatsa, Niroop
Subject: Comments on EIR for Downtown Lafayette Specific Plan

Mark and Karen Zemelman
115 Bacon Court
Lafayette, CA 94549
March 9, 2010

TO: Lafayette Planning Commission
Re: Downtown Lafayette Specific Plan EIR

Dear Commissioners:

This email provides comment on the Draft EIR for the Downtown Lafayette Specific Plan. The comment pertains to subsection C of Section 4.11 of the Draft EIR, which addresses the impact of the Plan on Lafayette's public schools. As explained below, the Draft EIR is fundamentally inadequate because its analysis of the impact on the schools omits the evaluation of significant impacts, and its evaluation of mitigations is equally deficient. There are numerous other deficiencies in the Draft EIR, but, as parents of two school-age children who moved to Lafayette for the excellent public schools, this is our most immediate concern.

37-1

The Draft EIR states that the Plan will result in a population growth of 19.1% within Lafayette. 72% of this growth will be in the downtown area in multi-family dwellings, resulting in "as many as 4,589 new residents" in downtown Lafayette. While the Plan does not calculate the precise number of new children that will be added to the school roles, it observes correctly that "an influx of young families would likely lead to increased enrollment at local schools."

The Draft EIR correctly observes that such increased enrollment is a "potentially significant impact", but it incorrectly bases that evaluation solely on the fact that the increased enrollment "would require the construction of new facilities or the expansion of existing ones." It then summarily dismisses this impact by stating that "the City will calculate and assess an impact fee [which] will be sufficient to allow for construction or expansion of school facilities as required...." The Plan completely fails to take into account the impact of the increased enrollment on the **operating** costs of the schools, and further fails to take into account the inadequacy of impact fees with respect to such increased operating costs.

37-2

The fact is that the State of California does not provide sufficient funding for public schools to provide a decent education. The State has cut more than \$17 billion from California public schools and colleges in the past two years, with K-12 schools suffering 60% of this cut. More than 20,000 teachers and education support professionals have lost their jobs in this time. California now ranks 47th in the nation in per-student funding.

37-3

This deficit is seriously impacting the Lafayette schools. The Lafayette School District is currently running a structural deficit of \$2.96 million for 2010-2011, and it is planning to increase class sizes, in addition to reductions in teachers, computer support, science specialists, psychologists, counselors and other professionals.

Because of the serious deficit in State funds, high performing school districts are increasingly dependent on parcel taxes and bond debt that district residents impose on themselves. In Lafayette, we have a parcel tax of \$322/yr, and a bond debt of \$33/100,000 of assessed home value. The bottom line is that the State provides only about 80% of the costs of instructing a child, and the residents of Lafayette must make up that difference in order to maintain a high quality education. Given their deficits, both the Acalanes and Lafayette school districts are planning ballot measures for new parcel taxes. As State funding continues to be reduced (which is likely), we will be more and more dependent on parcel taxes.

37-3
cont.

The EIR should evaluate the impact of the Plan on Lafayette's ability to fund the **operation** of its schools and maintain its small class sizes and high quality education. This is particularly true in view of the fact that the Plan would appear to permit developers to construct hundreds of new apartments as a matter of right, yet apartments are not directly assessed parcel taxes (rather, the parcel on which they are located pays a single parcel tax, thus greatly reducing the effective amount of tax per household.) Developer impact fees are one-time fees that are not intended to cover operational expenses. Thus, the Draft EIR's statement that impact fees will be sufficient mitigation for the increased population is false. The Draft EIR fails not only to identify all significant impacts on the schools, but also fails to identify appropriate mitigations.

37-4

(It should be noted that the Lafayette School District enrollment is currently down approximately 350 seats. In view of the funding cuts to neighboring city school systems, the growth needed to make up this number may occur due to increased desire of parents to move to Lafayette if our schools remain higher quality. Such growth would in any case occur under the current General Plan. As shown by the Draft EIR, the growth that will result from the Plan is likely to greatly exceed this number.)

37-5

We also note that the Plan is inadequate in that the objectives set forth by the Plan fail to take into account the most important objective of the people of Lafayette: The quality of the schools. It is conventional wisdom that the schools are what draw people to Lafayette, and why people will pay a premium to live here. It is proven through surveys and elections that the schools are one of the highest values of the people of Lafayette. Yet, the Plan fails to even mention the high quality of the schools as an objective. Having failed to include this critical objective, it is no wonder that the Plan and the Draft EIR fail to adequately address the schools.

37-6

We ask that the Draft EIR be amended to address the impact and mitigation of the Plan on the schools' operational costs. We also ask that the Plan be revised to recognize that one of the highest objectives of the people of Lafayette is the maintenance and enhancement of the high quality of the public schools, and that the Plan be revised to address how this objective can be achieved. Growth, if it is to happen, must be done intelligently, taking into account the need to maintain the high level of public school instruction that brings people to Lafayette.

37-7

Sincerely,
Mark and Karen Zemelman

LETTER 37

Mark and Karen Zemelman, March 9, 2010.

Response 37-1

The comment states that the Draft EIR is inadequate because it omits significant impacts to schools and provides inadequate mitigation measures. This comment serves as an introduction to the comments that follow in the letter. It requires no response other than the responses to Comments 37-2 through 37-7, below.

Response 37-2

The comment states that the Draft EIR is inadequate because it considers only the need for construction of new or expanded facilities and because it fails to take into account impacts on the operating cost of schools or the adequacy of impact fees to accommodate increased operating costs. Please see response to Comment 18-10, which addresses the same specific concerns regarding impacts to schools.

Response 37-3

The comment states that as State funding for schools decreases, schools will become more and more dependent on parcel taxes to bridge funding shortfalls. The comment is noted. However, as it does not address the adequacy of the Draft EIR, no further response is necessary.

Response 37-4

The comment states that the Draft EIR should consider impacts to the operation of local schools, and contests the finding that impact fees would be sufficient to mitigate for the effects of population increase under the Plan. Please see response to Comment 18-10, which addresses the same specific concerns regarding impacts to schools from the Plan.

Response 37-5

The comment repeats the statement made earlier in Comment Letter 37 that the Draft EIR is inadequate because it omits significant impacts to schools and provides inadequate mitigation measures. The comment also states that buildout of the Plan would result in an increase in enrollment that exceeds the approximately 350 seats currently available in Lafayette School District schools to accommodate growth in population. Impact PS-2 identified in the Draft EIR acknowledges potential impacts to schools due to increased enrollment from future residents of new development under the Plan. No revision to the Draft EIR is necessary.

Response 37-6

The comment states that the Plan is inadequate because its objectives fail to take into account the quality of schools, which is the most important objective of the people of Lafayette. The comment is noted. However, as it does not address the adequacy of the Draft EIR, no further response is necessary.

Response 37-7

The comment asks that the Draft EIR be amended to address the impacts to the operating costs of schools from the Plan and to reflect the value that residents of Lafayette place on the quality of education in their public schools. Please see response to Comment 18-10, which addresses the same specific concerns regarding impacts to schools from the Plan. Please also see response to Comment 18-17, which proposes a revision to the Draft EIR to reflect the value of schools to the residents of Lafayette. Additionally, please see Comment Letter 54 from the Superintendent of the Lafayette School District, which points out that even if growth under the Plan resulted in enrollment above the number of seats currently available in Lafayette School District schools, because growth would come incrementally over the course of 20 years, increased enrollment could be accommodated. Increased enrollment could be accommodated through the installation of portable classrooms or, if necessary, by reclaiming district-owned school facilities now being leased to a private school.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Larry Pines [mailto:larry_pines@yahoo.com]
Sent: Wednesday, March 10, 2010 9:03 AM
To: Planning Commission
Cc: Srivatsa, Niroop
Subject: EIR - Lafayette's DSP: Hugely Destructive & Unpopular

Dear Planning Commission:

My wife & I are 16-year Lafayette residents. My wife, 4 kids and I have seen very significant changes to Lafayette, not all positive, over that time. We have much to be thankful for in our town, but most of those things are the one's that were here long before we, you, or other living people arrived. Some highlights include Lafayette's quiet natural beauty, its many scenic trails and ridges, its low density neighborhoods where people can live in relative harmony and intimacy with "stepping all over each other" and good schools.

38-1

We have also seen some good decisions by some of our City leaders; building and improving walking/biking paths and sidewalks around and into our town, come to mind. I worked hard for years (to leave the final success to others) to get the path from Silver Springs to School St. improved. It gets people out of their cars some, and provides more options for kids -- a great thing.

Building characterless mall-type retail along Mt. Diablo Blvd., and adding many new signalized intersections and other "traffic calming" measures, and thereby creating gridlock (as well as spending tens of millions toward grand new over-the-top public buildings and putting us in debt) do not, in our view, represent our greatest successes.

38-2

What used to take three or four minutes to traverse Mt. Diablo Blvd by auto, now takes three or four times that depending on time of day, due to the gridlock that has been created already. Getting down Moraga Road during commute hours has become so congested and painful, that it no longer is viable to travel at those times without time, fuel, and emotional energy wasted.

38-3

Yet, I read that Lafayette's resident population has remained rather static over recent decades. We must be doing something very wrong.

38-4

You are now considering recommending approval of a bought-and-paid for biased ABAG-propagandized Draft Environmental Impact Report (*Draft EIR*) that addresses a radical new plan (the *Proposed DSP Plan*) for our Downtown. This *Plan* will irreversibly damage if not destroy the character of our town, encouraging developers to construct hundreds of new, high-density multi-family apartments, condominiums and other buildings Lafayette downtown core.

38-5

The *Draft EIR* identifies but understates serious negative impacts, including traffic and air quality concerns that cannot be adequately mitigated. Worse, the *Draft EIR* either ignores or understates the negative impact that the *Proposed Plan* will have on our schools, our police and fire protection, our property values, our views and aesthetics, and Lafayette's small town character -- **indeed the very fabric of life here in 94549.**

38-6

Our City held town-hall type meetings last summer to gather community input on the DSP (or variants thereof). Our leaders and staff got days of "earfuls" of objections and protests about replacing our 2002-adopted *Lafayette General Plan* with this new vastly unpopular DSP. We urge you to listen to us, and not to the radical environmentalists, social engineers, and PC-types. Such people do not represent the vast majority of Lafayette's and clearly don't "know better." Their vision is not our vision for our town.

38-7

Other than the No Project Alternative, all plans considered by the *Draft EIR* set forth a new, high-density land use for most of the downtown area, and give developers, as a matter of right, the ability to construct many hundreds of new apartments and condominiums in Lafayette. These plans are based on objectives and densities that are entirely contrary to the documented objectives of the people of Lafayette.

38-8

The *Draft EIR* identifies serious impacts for all of these plans, including traffic and air quality concerns that cannot be adequately mitigated. However, the *Draft EIR* either ignores or understates the negative impact that the *Proposed Plan* and the alternatives will have on our schools, our police and fire protection, our property values, our views and aesthetics, and Lafayette's small town character.

38-9

Among the major deficiencies in the *Draft EIR* are the following:

1. The *Draft EIR* states that the *Proposed Plan* will result in a population growth of at least 19.1% within Lafayette (compared to no growth since 1980) and 72% in the downtown area. In evaluating the impact of this growth on our schools, the *Draft EIR* evaluates **only** the impact on the need for additional facilities, **completely ignoring the impact of growth on the operational and maintenance costs of the schools.**

38-10

The State provides less than 75% of the money actually needed to pay for each child; and Lafayette (like other top school districts in the State) makes up for that gap in part through self-imposed parcel taxes on its homeowners. However, apartments generate a fraction of the amount of revenue per family than do single family homes. By dramatically increasing the percentage of multi-family units, the *Proposed Plan* threatens to create an increased funding gap for our schools. The *Proposed Plan* and the *Draft EIR* are deficient because they ignore, and make no provision for, this impact on our schools.

38-11

2. The *Proposed Plan* and the *Draft EIR* ignore the fact that property values in the Lafayette are driven in significant part by the high quality of our schools. By threatening our schools' budgets, the *Proposed Plan* also threatens our property values.

38-12

3. Traffic is already a problem in the downtown area, including at intersections along Moraga Road and Mt. Diablo Boulevard. (Further, traffic already diverts through adjacent neighborhoods, and, under the *Proposed Plan*, this will worsen.) The *Draft EIR* shows that the problems will be intensified in at least six parts of downtown, even if "mitigations" (that could themselves be unacceptable to the community) were implemented. **We do not want more traffic congestion in our downtown causing more gridlock, poor air quality, safety issues, delay, and kids and adults late to school and work. The Proposed Plan will make getting from one place to another in our city substantially more difficult and time-consuming. It's gotten bad enough already. Please don't make it worse.**

38-13

4. Lafayette currently has the lowest police officer per resident ratio in all Contra Costa County (0.7 officers per 1000 residents), and it is currently below the fire-response time required under the current *General Plan*. The *Proposed Plan* will add thousands of people downtown, yet no provision is made for additional police or fire control resources, thus making our town less safe. The *Draft EIR* does not adequately address the safety costs of the *Proposed Plan* to the City and our taxpayers/residents. **90% of Police Services are already allocated and committed to the DT corridor. Yet a great deal of crime occurs in our vastly larger residential areas. Adding significantly more density to DT will only add to the imbalance and create a safety vacuum for the citizens that you supposedly represent.**

38-14

5. The *Proposed Plan* appears to permit (guidelines have not been drawn up, as yet) three-story buildings with no or minimal setbacks along almost the entire lengths of Mt. Diablo Boulevard and Moraga Road in the downtown, with residential apartments and condominiums permitted at the top of these buildings. It grants developers the right to build 35 multi-family units per acre, and up to 47 units of "affordable" multi-family residential housing (i.e., apartments and condominiums) per acre in the downtown "as a matter of right." The *Proposed Plan* also will adversely affect the views within downtown. In essence, **the Proposed Plan (and the alternative new plans) will change the character of our downtown from that of a small town, to that of an urban-style suburb. We do not want Lafayette's unique charm to be destroyed in this fashion.**

38-15

6. **Proven Landslide Unpopularity of the DSP.** The most recent survey of Lafayette residents (the Godbe Research Report) indicated that 81% were very satisfied with the quality of life in Lafayette, and that their highest priorities were preserving open space, improving the quality of public schools, and repairing roads. However, the *Proposed Plan* claims that Lafayette residents' highest value is a concept of "sustainability" that is based on a high-density urban center, emphasizing apartments and condominiums. **This proposition has never been supported by any community survey.** The theory expressed in the *Proposed Plan* is that high-density multi-family housing will

38-16

lower the “carbon footprint” of our residents. In actuality, the *Draft EIR* states that the current *Lafayette General Plan*, adopted in 2002, is the “environmentally preferred alternative”.

38-16
cont.

How is sitting in traffic and spewing exhaust emissions into the air going to lower anyone's "carbon footprint" -- even if the extremely controversial non-peer reviewed IPCC report (and foundation for AGW theory) were not recently exposed as partially fabricated and based on junk-science?

38-17

Moreover, the *Draft EIR* and the *Proposed Plan* fail to list the quality of our schools as a value or objective of the people of Lafayette, even though surveys and local elections demonstrate that this is one of the highest values with the Lafayette community. We believe, and surveys of Lafayette residents show, that the most important values to the people of Lafayette are preservation of our high-quality schools and our small town character --- including view protection and open space. **There is nothing “sustainable” about a plan that threatens the funding of our schools, creates gridlocked and dangerous streets, and destroys the small town character and social fabric of Lafayette.**

38-18

We urge you to reject the EIR and this vastly unpopular planning travesty known as the DSP (or variants).

38-19

Thank you for your time and the excellent service you render to our community.

Lawrence M. Pines, Esq.
762 Grondine Dr.
Lafayette, CA 94549
Tel: 925.283.7750

LETTER 38

Larry Pines, March 10, 2010.

Response 38-1

The comment states the commentor's history of residence in Lafayette and serves as an introduction to the comments that follow. No response is necessary apart from the responses to the comments below.

Response 38-2

This comment expresses the commentor's opinion that building mall-type retail along Mount Diablo Boulevard and adding traffic calming measures would create gridlock. The Draft EIR includes a detailed evaluation of the effects of new retail development on traffic conditions. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 38-3

The comment expresses the commentor's perspective on existing traffic conditions. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 38-4

The comment states that Lafayette's resident population has been static over recent decades. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 38-5

This comment states that the Plan will irreversibly damage if not destroy the character of Lafayette. Please see response to Comment 9-60, above.

Response 38-6

The comment states that the Draft EIR does not adequately evaluate traffic and air quality impacts that cannot be adequately mitigated. The comment

also states that the Draft EIR ignores or understates the negative impact that the Plan would have on schools, law enforcement services, fire protection services, property values, views, aesthetics, and Lafayette's small town character. The comment is not specific in indicating which aspects of the Draft EIR do not, in the opinion of the commentor, adequately meet the requirements of CEQA. The Draft EIR analyzed impacts on public services and aesthetics. Therefore, it is not possible to respond, and no revision to the Draft EIR is necessary.

Response 38-7

This comment expresses the opinion that City leaders and staff should listen to Lafayette residents and not environmentalists and others whose vision does not represent the majority of Lafayette residents' visions. This comment does not address the adequacy of the Draft EIR. Therefore, no response is needed.

Response 38-8

The comment states that the Plan, Lower Intensity Alternative, and Higher Intensity Alternative would allow a new high-density land use for most of the downtown. The comment states that the Plan and these alternatives would allow for hundreds of new apartments and condominiums as of right. It should be noted that the No Project Alternative would also allow for new apartment and condominium development in the downtown at a height of up to 35 feet and a density of 35 units per acre subject to the City's review processes. The comment states that the Plan, Lower Intensity Alternative, and Higher Intensity Alternative are contrary to the documented objectives of the people of Lafayette. The comment is noted. The comment expresses the commentor's opinion on the project and does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 38-9

The comment states that the Draft EIR identifies serious impacts for the Plan, Lower Intensity Alternative, and Higher Intensity Alternative that cannot be adequately mitigated. The comment also states that the Draft EIR ignores or understates the negative impact that the Plan and these alternatives would

have on schools, law enforcement services, fire protection services, property values, views, aesthetics, and Lafayette's small town character. The comment is not specific in indicating which aspects of the Draft EIR do not, in the opinion of the commentor, adequately meet the requirements of CEQA. The Draft EIR analyzed impacts to public services and aesthetics, and the methodology for that analysis was fully explained in the Draft EIR. Therefore, it is not possible to respond, and no revision to the Draft EIR is necessary.

Response 38-10

The comment states that the Draft EIR is deficient because it evaluates only the impact on the need for additional facilities and ignores the impact of growth on the cost of operating and maintaining schools. Please see response to comment 18-10, which addresses a similar comment. No further response is necessary.

Response 38-11

The comment states that apartments generate a fraction of the amount of parcel tax revenue that single-family homes do, and that as a result, the increase in the percentage of multi-family homes proposed in the Plan threatens to create an increased funding gap for local schools. Please see response to comment 22-2, which addresses a similar comment. No further response is necessary.

Response 38-12

The comment states that property values in Lafayette are driven by the quality of education offered by local schools, and that as a result, by threatening school budgets, the Plan also threatens property values. Please see response to comment 18-12, which addresses a similar comment. No further response is necessary.

Response 38-13

The comment summarizes selected results from Draft EIR traffic analysis, and states the commentor's perspective on the Plan's traffic impacts. The com-

ment does not address the adequacy of the Draft EIR. Therefore, no response required.

Response 38-14

The comment states that Lafayette currently has the lowest ratio of police officers to residents in Contra Costa County and that local fire service providers are not meeting the targeted emergency response time established in the General Plan. The comment further states that the Draft EIR makes no provision for additional police or fire protection services and that the Draft EIR does not adequately address the safety costs of the Plan. Please see response to comment 18-14, which addresses a similar comment. No further response is necessary.

Response 38-15

The comment states that the Plan would change the character of the downtown from that of a small town to that of an urban suburb. The comment expresses the commentor's opinion against such a change. Please see response to Comment 9-60, above.

Response 38-16

This comment states that recent surveys of Lafayette residents indicate that most are very satisfied with the quality of life and that they value preserving open space, improving the quality of public schools and repairing roads over the Plan's claim that Lafayette residents value sustainability. This comment also states that, while the Plan claims that it will lower the carbon footprint of residents, the Draft EIR claims that the current Lafayette General Plan is the environmentally preferred alternative. This comment does not address the adequacy of the Draft EIR. Therefore, no response is needed.

Response 38-17

This comment asks how traffic will lower the carbon footprint and questions the analysis of the Intergovernmental Panel on Climate Change (IPCC) report. Since this comment does not address the adequacy of the Draft EIR, no response is required.

Response 38-18

The comment states that the Draft EIR fails to list the quality of local schools as a value or objective of the people of Lafayette. Please see response to comment 18-17, which addresses a similar comment. No further response is necessary.

Response 38-19

This comment serves as a closing remark for the preceding comments and states that the EIR should be rejected. The comment is not specific in indicating which aspects of the Draft EIR do not, in the opinion of the commentor, adequately meet the requirements of CEQA. Therefore, it is not possible to respond, and no revision to the Draft EIR is necessary.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Bill Whiteman [mailto:bill_whiteman@yahoo.com]

Sent: Wednesday, March 10, 2010 2:08 PM

To: Planning Commission

Subject: Lafayette DSP

Commissioners:

I have recently become aware of the DSP and want to express my concern to you about that Plan. My family has resided in Lafayette for 12 years. Like many others I have not actively been involved in city politics or government, having focused on getting my 3 three kids through school, assuming that our lovely town will more or less take care of itself. However, what I have heard about the DSP leaves me with great concerns that our elected representatives are not paying attention to the people who live here. Without going into great detail it is my understanding that recent meeting related to the Plan have been well attended and that most in attendance have objected to the Plan. Further, it is my understanding that the Draft EIR may have serious deficiencies.

Could someone please explain to me why the Plan must be be hurriedly adopted (as I am told is being done), ignoring obvious problems with congestion, etc, and why the voices of the majority of residents are apparently being ignored. I understand that the basis for the Plan comes from certain ABAG requirements. If that is the case, what are other similarly situated towns (Orinda, for example) doing to comply with the ABAG requirements. Why isn't Lafayette, which demographically and geographically is very close to Orinda, taking a view of and applying the ABAG requirements similarly, rather than heading off towards radically changing the character of the town without adequate input from, and without listening to, those of us most affected.

Thank you for a reply.

Bill Whiteman

39-1

LETTER 39

Bill Whiteman, March 10, 2010.

Response 39-1

This comment expresses the commentor's concerns about the Plan. The commentor asks why the Plan must be adopted so hurriedly. The planning process has been underway since December 2006 when it was initiated at a community meeting. The reasons for undertaking the planning process included: implementation of adopted General Plan goals, policies, and programs; deciding how to spend redevelopment dollars for public improvements and housing in the downtown; developing policies for the downtown to be proactive to new development proposals; and to build on the opportunities provided by the new Lafayette Library and Learning Center redevelopment project. Since 2006, there have been over 70 public meetings about the downtown and how it should develop over the next 20 years.

The commentor also wonders how other similar towns, like Orinda, are responding to ABAG requirements. All Cities and Counties in California are required by State law to address the needs of housing in their communities through their General Plans. The Plan is implementing many of the Lafayette General Plan's housing goals, policies, and programs.

The comment does not address the adequacy of the Draft EIR. Therefore, no further response is necessary.

From: George Burt <grant_burt@earthlink.net>
Date: March 12, 2010 8:45:34 PM PST
To: "Falk, Steven" <SFalk@ci.lafayette.ca.us>
Cc: Maeve Pessis <Maevepessis@gmail.com>, Mary-Jane Wood <wood56@netzero.net>, Tom Grimes <tagrimes@yahoo.com>, Jan McHale <janznet@comcast.net>, Lynn Hiden <dandlhiden@comcast.net>, Byrne Mathisen <Byrnemath@comcast.net>, Jim Fitzsimmons <fitzkris@pacbell.net>, Guy Atwood <guyatw@prometium.com>, Susan Callister <susan@spcallister.com>, Carol Singer <Bc2singers@aol.com>, Avon Wilson <avonmwilson@yahoo.com>, Joe Garrity <johngarrity@comcast.net>, Marie Blits <marieblits@comcast.net>
Subject: Re: City Manager's Friday Summary

Hi Steve

We recognize that the Downtown Strategic Plan and its EIR are controversial to some and thus generate a wide variety of opinions. The CEQA system, however, was designed very deliberately to create a single forum where all points of view can be heard, and to allow the development of one, clear response to these concerns

Unfortunately the document has been artfully reduced by your staff (20% plus), we don't consider this to be a "single forum where all points of view can be heard, and to allow the development of one, clear response to these concerns", the public has been misled. The books have "been cooked".

It is unfair to the public that you set the tenor that "all is all right", when it is not.

George Burt

On Mar 12, 2010, at 6:19 PM, Falk, Steven wrote:

City of Lafayette
City Manager's Friday Summary
Friday, March 12, 2010

What's doing in Lafayette?

Downtown Doings

Wachovia Bank (formerly World Savings) located at the corner of Mt. Diablo Blvd. and Moraga Road will soon become **Wells Fargo Bank**.

The Design Review Commission, last Monday, approved the signage for Wells Fargo Bank at this location. Which, of course, raises the question that even the *Friday Summary* does not know the answer to: will Wells Fargo follow Starbucks and keep two branches open in little downtown Lafayette? And, if so, will they re-label their various loan sizes as short, tall, grande, and vente?

A building permit was issued this week for **La Boulange**, the new bakery that will occupy the space across from Yankee Pier at Lafayette Mercantile. It should be a really great addition to the downtown. MMMMmmmmm almond croissants. For more information check out their website here: <http://laboulangebakery.com/>.

Planning and Engineering staff has an appointment to meet with **Whole Foods** next week to receive their re-submittal. Regular *Summary* readers may recall that, last November, Whole Foods submitted an application to open its doors at the former Albertson's location. Staff requested some additional information for the proposed a satellite employee parking lot (at First Street and Deer Hill Road), and made minor suggestions on the plans to spruce up the existing building. Whole Foods has now responded to staff's comments, gathered the requested information, and is prepared to resubmit. After next week's meeting, Planning will be gearing up to take the land use permit to public hearings, perhaps in April or May.

Update on the Downtown Specific Plan

The Planning Commission will hold the second of two public hearings on the Draft EIR for the Downtown Specific Plan on Monday at 7 pm. The purpose of these hearings is to provide one more venue where the public can make comments on and express concerns about the document, and to provide commissioners with an opportunity to ask questions and themselves make comments. All – and we mean ALL – comments and questions submitted during the 49-day public review period, either in writing or at the public hearing, will be included and

addressed in the Final EIR. The close of the public review period is Tuesday, March 16, at 5:00 pm.

We recognize that the Downtown Strategic Plan and its EIR are controversial to some and thus generate a wide variety of opinions. The CEQA system, however, was designed very deliberately to create a single forum where all points of view can be heard, and to allow the development of one, clear response to these concerns. This is exactly how CEQA is supposed to work – the Draft EIR presents information, and agencies, commissioners, and the public follow up by asking questions and making comments about the information in the Draft EIR. The Final EIR is then prepared with responses to all comments and questions. There is, at that point, then another public comment period where people can, again, weigh in. Indeed, the City has scheduled two public hearings scheduled for the Planning Commission and another two for the Council to consider the adequacy of the Final EIR. By the time we're through, the public will have had many, many, many opportunities to make their opinions known about the DSP and EIR to both the Planning Commission and the City Council.

One more DSP note: Readers may recall that the Seifel consultants are working away on a project to analyze what impact various height, density, building form, and other restrictions would have on developers' ability to still make money by doing a project. That project is taking a little longer than expected, and so Seifel's presentation of the financial feasibility analysis has been rescheduled from the March 22 City Council meeting to the April 12 meeting.

<image003.jpg>

Acalanes Ridge Open Space

Everybody who we've spoken with is happy with the City Council's action, at their meeting last Monday night, to enter into the joint purchase of the 22 acre parcel near Acalanes High School, so when we saw this photo by Bob Brittain on the internet we couldn't help but publish it here and, once again, give thanks to the many people who made this happen, including the Secluded Valley Homeowners Association, which has worked for this parcel for many, many years. Good job, everybody!

40-1
cont.

Milestones

Congratulations to Recreation Supervisor John Warshaw who celebrates five years with the City this month. Good job John!

Thought for the Week

Whenever you have an efficient government you have a dictatorship.

Harry S Truman

This weekly summary is prepared by City Manager Steve Falk for the Lafayette City Council and staff. Do you have a contribution for next week's message? Forward it to me now!

40-1
cont.

LETTER 40

George Burtt, March 12, 2010.

Response 40-1

The comment expresses concern regarding the buildout analysis of the Draft EIR and refers to a 20 percent plus reduction. Please see response to Comment 9-7, above. The buildout projections used in the Draft EIR represent what City staff and the EIR consultant team believe to be a realistic estimate of the amount and type of development that is likely to occur under the Plan by 2030, assuming a high rate of redevelopment, to ensure that the Draft EIR does not understate environmental impacts. The comment states that the EIR has not been a single forum for views to be heard and has not allowed for the development of one, clear response to concerns. The EIR is being prepared in full compliance with the CEQA requirements for public review and comments. No additional response is necessary.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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Eliot Hudson
109 Bacon Ct.
Lafayette, CA 94549
925-280-8820

March 12, 2010

The Honorable Brandt Andersson and
Honorable Members of the City Council
City of Lafayette
P.O. Box 1968 (via email)
Lafayette, CA 94549

Mr. Tom Chastain, Chair and
Members of the Planning Commission
P.O. Box 1968 (via email)
Lafayette, CA 94549

Re: The Draft EIR – Reductions in Project

Dear Mayor Andersson, Lafayette City Council Members, Chair Chastain and Members of the Lafayette Planning Commission:

I am writing because serious concerns have arisen about the propriety, and possibly the legality, of the analysis in the *Draft Environmental Impact Report* ("Draft EIR"). After further analysis, this letter expands on comments raised in my letter of March 9, 2010 to the Planning Commission.

41-1

These concerns arise from the fact that the *Draft EIR* evaluates at least some impacts (the extent of which are not fully known) of the *Draft Revised Downtown Specific Plan* and alternatives at less than 100% of the development allowed by the "Project."¹ As only one example, a 20% reduction (to 80%) has been included on the assumption "that only a portion of the Plan Area would be redeveloped." Other reductions are also taken. This letter does not purport to list all of them, but its comments are equally applicable to all reductions.²

¹ CEQA refers to proposals studied by an EIR as the "Project." In the *Draft EIR* they are referred to as the "Plan." The terms are interchangeable in this letter.

² There are numerous other reductions that are either questionable or simply unjustified. For example, the *Draft EIR* assumes that "for parcels with no standard setback or open-space requirement, 10 percent of the parcel area was allowed subtracted to allow for on-site circulation," and that "forty percent of leasable groundfloor area was subtracted to account for miscellaneous spaces." It also states that "[l]arger setbacks were applied to larger parcels and parcels utilizing higher conditional building heights to account for the provision of on-site public amenities that would be required through the design review process." (*Draft EIR* 3-20).

41-2

The Honorable Mayor Brandt Andersson
 Tom Chastain, Chair
 March 12, 2010
 Page 2

I do not claim to be an expert on CEQA law. I have, however, spoken with two of my law partners who are. Given the complexity of legal issues, neither they nor I undertake to state unequivocally at this point that the analysis underlying the *Draft EIR* is illegal. However, there are serious issues that it might be. We believe that the EIR process may be open to potential legal challenge.

The statutory requirement under CEQA is to fully analyze the "Project." That means the Project *as proposed*. If the *Draft EIR* is only evaluating at 80% (or any other reduction) of the Project, then that appears to constitute "segmenting" the Project. Segmenting the project is ordinarily illegal. It amounts to "not analyzing the Project as proposed."

41-2
 cont.

Moreover, there is NO issue that these reductions, which are irregular, raise even greater issues of propriety. This *Draft EIR* has no higher purpose than being a good faith and entirely candid analytic tool for the people of Lafayette. With any reductions below the full Project buildout, it does not serve that function. The fact that such an extraordinary practice was employed in the first place is extremely disturbing.

This situation is exacerbated by virtue of the manner in which it is being handled by Staff. Community Development Director Ann Merideth has been asked to have these reductions fully revealed, explained and corrected at the *Draft EIR* level so that it provides analysis at the 100% buildout of the full Project for all topics. She has not clarified questions posed to her about the reductions by members of the public, and she has taken the position that they will be addressed only in the Final EIR. She has offered no assurance that the required explanation or correction will be provided.

41-3

That position is both disturbing and inadequate. It means that the City, as the applicant, appears to have been playing "hide the ball" concerning the full potential impacts, and sanctioning that approach as the monitoring agency. Public trust throughout the DSP process has been low, and this is yet another justification for that view. Moreover, this refusal to explain and correct means that the *Draft EIR* cannot fully serve its proper

(fn. Cont'd) *Every reduction based on requirements that are not part of the Project is unjustified.* If the Project does not have a current setback requirement, then assuming one is unjustified. If the current standards for on-site public amenities are not now developed, assuming larger setbacks is equally unjustified.

I recognize that some technical reductions, such as in vehicle trips, might be justified if they are based on specific and generally accepted planning studies, and I do not undertake to comment on whether those reductions in this *Draft EIR* have such acceptance. (A difficulty with the *Draft EIR* is that it is not always possible to tell if both of those conditions are met.) However, that justification is not true of assumed reductions such as concerning the full buildout, or building standards not included in the Plan. Nor does it appear justified for reductions that are attributed to Staff's untested subjective evaluations, such as appears to have occurred at least concerning Transit Reduction Factors applied with respect to proximity to BART (see Table 4.13-6).

41-2
 cont.

The Honorable Mayor Brandt Andersson
 Tom Chastain, Chair
 March 12, 2010
 Page 3

purpose. If what is finally revealed in the *Final EIR* raises additional questions, how will they then be addressed? Through what time frame and further process can those issues be explored?

The community is owed a very direct, clear and comprehensive answer NOW. Why is it proper for this to have occurred in the first place? It is NOT standard EIR practice. Why was the decision made to do it here? Exactly what impacts do the reductions affect, directly or indirectly, and what is the effect? Without reductions, how will the impacts be changed?

California Public Resources Code section 21003.1(b) provides in relevant part that it is that policy of the State that (emphasis added):

Information relevant to the significant effects of a project ... shall be made available *as soon as possible* by lead agencies, other public agencies, and interested persons and organizations.

Section 21005 (a) provides in relevant part:

The Legislature finds and declares that it is the policy of the state that ... noncompliance with substantive requirements of this division, may constitute a *prejudicial abuse of discretion* within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.

Both as a matter of trust and procedure, all of those questions should be addressed at the *Draft EIR* stage, so that no further questions arise or remain to be addressed at the Final EIR stage. The only satisfactory solution is to have the *Draft EIR* revised to state the impacts to 100% of buildout and without the reductions. If the *Draft EIR* then wants to discuss how reductions might occur, it can do so. But the undiluted impact of all studied alternative should be forthrightly stated. That will also allow a more accurate comparison with the current *General Plan*.

These issues go to the heart of the EIR analysis itself. Nothing is more fundamental. The *Draft EIR* should be corrected and resubmitted, and the *Draft EIR* process should be suspended until that occurs.

Respectfully submitted,



Eliot Hudson

cc: via e-mail
 Niroop Srivatsa

41-3
 cont.

41-4

LETTER 41

Eliot Hudson, March 12, 2010.

Response 41-1

The comment serves as an introduction to the comments that follow, thus no response is necessary apart from the responses to the comments below.

Response 41-2

The comment states that the Draft EIR analyzed an 80 percent buildout due to the assumption that only a portion of the Plan Area would be developed. This is not correct. As described above in response to Comment 6-3, the development sites assumed to develop under the buildout projections comprise approximately 29 percent of the Plan Area. The comment is referring to the assumption that each development site would be built out to approximately 80 percent of its maximum density. This assumption is explained in detail in response to Comment 9-7.

Footnote #2 in the comment questions other calculations used in the buildout methodology. These calculations are explained in detail in response to Comment 9-7.

The comment requests that the Draft EIR be revised to analyze full buildout. Please see response to Comment 9-56. The buildout projections used in the Draft EIR represents what City staff and the EIR consultant team believe to be a realistic estimate of the amount and type of development that is likely to occur under the Plan by 2030, assuming a high rate of redevelopment, to ensure that the Draft EIR does not understate environmental impacts.

The comment states that the transit reduction factors used in the Draft EIR are untested and subjective. Please see response to Comment 9-140.

Response 41-3

The comment expresses concern with the City's responsiveness to some comments received on the Draft EIR. Please see response to Comment 26-3, above.

Response 41-4

The comment states that Draft EIR should be revised to analyze full buildout of the Plan. Please see response to Comment 9-56.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Char Casella [mailto:char.casella@comcast.net]
Sent: Saturday, March 13, 2010 6:46 AM
To: Robbins, Joanne; Planning Commission; Merideth, Ann
Subject: Changing our town...

Dear Sirs/Maams,

I wanted to submit my opinion regarding the changes being considered in our downtown. Particularly, the high density and high-rise housing. This would not only change the character of our lovely semi-rural town (ala Concord??) but, would further add to the existing traffic problem. Anytime you pack more people in a small space, tempers flare and crime will increase (ala Concord??). More law enforcement is not the answer.

My family and I moved here from Berkeley because we loved the open spaces and low profile buildings. I have lived all over the country including rural and urban settings. I truly do LOVE Lafayette because it is neither and both. A very rare combination. I do not want to see it change.

I read the City Manager's Friday report last night and this statement struck me:

"Readers may recall that the Seifel consultants are working away on a project to analyze what impact various height, density, building form, and other restrictions would have on developers' ability to still make money by doing a project."

Sounds like the driver in the "high density downtown" plan may be the developers. Could it be they are holding our City over a barrel and withholding their involvement because they won't make as much of a profit? Not a good way to run things. The developers don't have to live here.

Let the decision be made by residents alone. Anyone who doesn't live here already or have to live with the outcome can't possibly understand how special Lafayette really is.

Sincerely,

Char Casella
3468 S. Silver Springs Rd.

42-1

LETTER 42

Char Casella, March 13, 2010.

Response 42-1

This comment expresses the opinion that high-density and high-rise housing would change the semi-rural character of downtown and would further add to the traffic problem. The comment also expresses the opinion that decisions should not be made by developers but by residents. The Draft EIR analyzed impacts related to public services and aesthetics. Since this comment expresses the commentor's opinions about the Plan and does not address the adequacy of the Draft EIR, no response is required.

DAVID R. BRUZZONE
PO BOX 97 • MORAGA, CA • 94556
PHONE: 925-376-1921 • FAX: 925-376-3027

March 15, 2010

SENT VIA EMAIL

City of Lafayette
Planning Commission
3675 Mt. Diablo Blvd., #210
Lafayette, CA 94549
Niroop Srivatsa
planningcommission@lovelafayette.org

Re: Comment period of Downtown Lafayette SP should be extended because DEIR is missing item #15 of EIR scope of work: Economic and Fiscal Analysis of Plan Implementation

Chair and Commissioners:

The City decided to make "Section 15131 - Economic and Social Effects" part of the CEQA analysis. The analysis was included in EIR Scope of work and was awarded to Seifel Consultants, as part of the DC&E contract. Part of Seifel's work was presented to the Lafayette City Council on February 8th, 2010. Recently the City informed us that, "project is taking a little longer than expected, and so Seifel's presentation of the financial feasibility analysis has been rescheduled from the March 22 City Council meeting to the April 12 meeting."

It isn't clear whether this Economic part of the DEIR was received on February 8, or if it should be considered complete as of the April 12th meeting. What is clear is that this economic information is of critical importance to understanding the effects of the SP, and its' relationship with the environmental factors with the different plan alternatives.

State law dictates how much time is allowed for review and comment for the DEIR, but I believe it also allows Lafayette with some latitude for time adjustment for comments. Extra time is needed!

Contrary to the reason for the Redevelopment Area and its' intent to alleviate blight, the SP (Ch. 10) includes new development standards that lowers heights from 35 feet to 25 feet, as a matter of right. Chapter 10 lowering of developments standards, adds significant uncertainty whether a project is physically possible or even if it is economically viable (please see attached letter, which was submitted November 1, 2009 CEQA impacts on lowering heights).

The City's ability to build affordable housing, improve infrastructure, alleviate blight, etc., is all predicated on the improvement in the downtown and its ability to capture the tax increment. All of these benefits will be compromised by impeding and or delaying a

43-1

43-2

43-3

March 15, 2010

property owner's desire to improve his property. What is the extra cost associated Chapter 10's "exaction scheme"?


43-3
cont.

A proper and complete ECONOMIC analysis, reviewed with all the other DEIR's information will allow us to correctly evaluate the best course of action for Lafayette. We need more time, either from the February 8th or April 12th.

43-4

Please let me know.

Sincerely,



David Bruzzone

Attachment: CEQA issues to consider

CEQA Issues to Consider for
Proposed Lafayette Downtown Specific Plan
Building Height Restrictions

- | | |
|---|--|
| <p>1. The City of Lafayette in considering the adoption of new policies and regulations as part of a proposed specific plan for its Downtown Area. As a part of the specific plan process, the City is preparing a draft environmental document to address the possible significant effects of the new policies and regulations in accordance with the requirements of CEQA. The following effects should be considered as part of this process.</p> | <div style="border-left: 1px solid black; border-right: 1px solid black; height: 20px; width: 10px; margin: 0 auto;"></div> <p style="margin: 0;">43-5</p> |
| <p>2. The draft specific plan proposes substantial changes to the current building height standards applicable to properties in the downtown area. In particular, the current building height allowance applicable to all properties in the Retail Business District extending along Mount Diablo Boulevard would be reduced by one-third. The current 35-foot height allowance would be reduced to 25 feet, and could only be adjusted if a proposed project were able to meet a set of "exceptional standards and criteria promoting sustainability, community benefits, and more rigorous building site design requirements."</p> | <div style="border-left: 1px solid black; border-right: 1px solid black; height: 20px; width: 10px; margin: 0 auto;"></div> <p style="margin: 0;">43-6</p> |
| <p>3. The lowering of building height standards within the "Downtown Retail" area along Mount Diablo Boulevard would severely alter the design parameters for acceptable new construction in this area, and concurrently reduce the potential floor area of retail, office and multi-family housing uses in this important central core area.</p> | <div style="border-left: 1px solid black; border-right: 1px solid black; height: 20px; width: 10px; margin: 0 auto;"></div> <p style="margin: 0;">43-7</p> |
| <p>4. Because the new standards would prescriptively apply to all properties in the Downtown Retail area, they represent a substantial new governmental constraint to the feasible design and construction of retail and office uses, as well as the delivery of higher density housing at affordable or even competitive market prices. This effect may adversely influence the City's ability to accommodate its share of regional housing needs.</p> | <div style="border-left: 1px solid black; border-right: 1px solid black; height: 20px; width: 10px; margin: 0 auto;"></div> <p style="margin: 0;">43-8</p> |
| <p>5. The development potential on many individual properties in the existing Retail Business District (Downtown Retail area) is currently limited by unique physical constraints which require high-volume two story and/or three-story construction in order to accommodate feasible project designs. These constraints take the form of existing buildings, roadway configurations, existing parking and circulation needs, etc. The arbitrary reduction in available building height from 35 to 25 feet will preclude such high-volume 2-story and 3-story buildings, and is likely to drastically reduce the size of future new construction and redevelopment of existing facilities, when combined with these existing physical conditions. In order to more fully understand the extent of impacts resulting from these more restrictive regulations, it is recommended that the City retain the services of independent urban design professionals to test their application on the feasibility of prospective retail and mixed use projects using site-specific examples.</p> | <div style="border-left: 1px solid black; border-right: 1px solid black; height: 20px; width: 10px; margin: 0 auto;"></div> <p style="margin: 0;">43-9</p> |
| <p>6. The draft regulations would be applied in the context of a 150-year old retail environment which must compete with other retail venues in Lafayette, as well as the less-constrained nearby retail areas of Walnut Creek and Pleasant Hill. The imposition of significant restrictions to the efficient design of new and upgraded retail and office facilities in downtown Lafayette may seriously damage the continued viability of our local downtown in an increasingly competitive sub-regional marketplace. Based on the quantitative physical effects identified through the process outlined in paragraph #5 above, it is also recommended that the City retain the services of an independent urban economist, with experience in redevelopment, to explore the potential loss in business revenue and diminution in property values associated with imposition of these more restrictive regulations.</p> | <div style="border-left: 1px solid black; border-right: 1px solid black; height: 20px; width: 10px; margin: 0 auto;"></div> <p style="margin: 0;">43-10</p> |
| <p>7. The building height reduction, as proposed and administered under the specific plan, may preclude the economically feasible upgrading and expansion of existing buildings and uses in the downtown area, necessary to meet the changing needs of businesses in this competitive market place. This new restriction on building expansion to meet tenant needs may ultimately</p> | <div style="border-left: 1px solid black; border-right: 1px solid black; height: 20px; width: 10px; margin: 0 auto;"></div> <p style="margin: 0;">43-11</p> |

lead to business closures and the inability to find new tenants in a disadvantaged local market. These changes may concurrently conflict with the purposes of the General Plan and Redevelopment Plan by inhibiting the community's ability to promote and sustain economically viable retail uses in the downtown area.

43-11
cont.

8. Sustained business closures will deprive Lafayette of important sales and property tax revenues, while having a devastating effect on property and business owners. The external effect of such closures over time may also lead to physical deterioration of facilities for which no new revenue stream is available, as a result of the artificially depressed market opportunities. This cycle of sustained vacancies and decay can cause physical blight within the downtown area.

43-12

LETTER 43

David Bruzzone, March 15, 2010.

Response 43-1

The comment refers to the economic and fiscal analysis conducted by Seifel Consulting and states that the findings of this analysis are critical to understanding the effects of the Plan. The commentor requests additional time to review the EIR in light of the findings of the economic analysis. The comment is noted. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 43-2

The comment states that reductions in allowable building heights reduce the economic viability of development projects. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 43-3

The comment states that the City's ability to meet its goals for the downtown, including affordable housing, improved infrastructure, and alleviation of blight, are predicated on the ability to capture the tax increment. The comment asks what the cost of reducing the economic viability of development projects is. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 43-4

The comment states that a complete economic analysis, along with the information in the Draft EIR, will allow the City to evaluate the best course of action for Lafayette. The commentor requests additional time to review these materials. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 43-5

The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to the comments below.

Response 43-6

This comment correctly states that the Plan proposes changes to the current building height standards. The comment does not address the adequacy of the Draft EIR. Therefore, no response is needed.

Response 43-7

This comment states that lowering building height standards would severely alter the design parameters for acceptable new construction along Mount Diablo Boulevard. The comment is noted. This comment expresses an opinion about the Plan, and does not address the adequacy of the Draft EIR. Therefore, no response is required.

Response 43-8

This comment states that the new building height standards would act as a governmental restraint to feasible design and construction of retail and office uses and affordable and market higher density housing, and that this may adversely influence the City's ability to accommodate its fair share of regional housing needs. The comment is noted. Buildout of the Plan would result in more units than the City's current RHNA. The comment does not address the adequacy of the Draft EIR. Therefore, no response is required.

Response 43-9

This comment states the opinion that the physical constraints and the reductions in building heights may preclude high-volume buildings and may reduce the size of future new construction. The commentor suggests that an independent urban design professional study the impacts of these regulations. The comment is noted. The comment does not address the adequacy of the Draft EIR. Therefore, no response is required.

Response 43-10

The comment states that development standards would restrict the efficient design of new and upgraded retail and office space and reduce the economic viability of the downtown in the sub-regional marketplace. The comment requests that the City retain the services of an urban economist to explore these issues. The City has engaged Seifel Consulting to prepare a financial feasibility analysis of the Plan. The comment does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 43-11

The comment states that reductions in building heights would preclude the economic feasibility of upgrading and expanding existing businesses. The comment states that such effects would conflict with the purposes of the General Plan and Redevelopment Plan. The Plan's relationship with the General Plan and Redevelopment Plan are addressed in Chapter 2, Specific Plan Context, in the Plan. It is outside of the purview of the Draft EIR to determine whether development standards would result in economically feasible development projects.

Response 43-12

The comment states that business closures would deprive Lafayette of important sales and tax revenues, and states that the effect of such closures would lead to the physical deterioration of facilities, depressed market conditions, and physical blight in the Plan Area. The comment expresses an opinion, and is not pertinent to the EIR analysis. There are no factual bases to the assertion that the Plan would result in urban blight. No additional response is necessary.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Lynn Hiden [mailto:dandlhidden@comcast.net]
Sent: Monday, March 15, 2010 9:31 PM
To: Srivatsa, Niroop; Merideth, Ann
Subject: Additonal comments on the Draft Revised DSP's Draft EIR - to consultant

Ann, would you kindly submit these added comments to the Draft EIR consultant for me?

Niroop, would you please forward these comments to the Planning Commission members for me?

Many thanks,

Lynn Hiden

44-1

Lynn's Comments (REVISED) re D EIR on R D DSP
March 15, 2010

PROBLEM #1 The *Revised Draft Downtown Lafayette Specific Plan* (p. 1, para. 2) “articulates a vision to preserve and enhance the small-town character while guiding change that will occur in the downtown over the next 20 years.” Implied is the assumption that the contents of the *R D DSP can be built* within the next 20 years.

44-2

In developing the Libby Seifel Economic Report, the consultant estimated to staff that the entire *Revised Draft Downtown Lafayette Specific Plan* could *not be built* within the next 20 years (DEIR 3-19)---and stated that it would more than likely be built in the next 30 years.

The *Draft Environmental Impact Report (DEIR)* on the *DR DSP* was to be done on *The Plan*. Since only 80% of *The Plan* could be built in 20 years, staff decided to have the *D EIR* conducted on the part of *The Plan* that could be built within those 20 years and not conduct the *D EIR* on the whole 100% buildout of *The Plan* ---an 100% buildout *DEIR* such as is customary and as was done for the *Lafayette General Plan 2002*---even if that *Plan* were to take a little longer to build.

44-3

In sum, “*The Plan*” and “*buildout*”, which were assumed by the public (and probably by staff, the DAC, the PC and the City Council, as well as the Circulation Commission, earlier) to be one and the same--- to staff, and therefore, to the EIR consultants, became two different things. City staff, therefore, chose to cut off assessment of impacts of *The Plan* at the impacts on the amount of development that Seifel expected could be built within 20 years (80%), rather than on the amount of development that is contained in *The Plan* (100%). In the public’s mind, and rightly enough, this choice causes an underestimation of the impacts of *The Plan*, since The Plan = 100% (or buildout).

The result is considerable public concern and fear that significant and unmitigatable impacts are being underestimated or obscured by the *D EIR*, as written. This consternation is particularly apparent in discussions pertaining to projected traffic and circulation impacts, LOS tables, and in discussions pertaining to heights, massing, and loss of views---since the task of *The Plan* is to enhance the well-being in the community for 20 years ---in other words, until it is *built*.

44-4

SOLUTION: The *DEIR* needs to match the assessment to the contents of *The Plan*, rather than to the portion of *The Plan* that can be built within 20 years. What can be built in twenty years is not *The Plan*. The full contents of *The Plan* is *The Plan*. The *DEIR* needs to assess the full impacts of the full plan (meaning to 100% buildout), as the public understands and expects this *D EIR* to do. Therefore, to avoid massive confusion and misunderstanding of impacts, this current circulation *Draft EIR* needs to be revised accordingly and re-circulated for comment. *Alternately*, the 80% of buildout cutoff of the impacts and discussions of the DSP on this D EIR needs to be clearly added to the cover, and to all tables and charts and impacts listings. If the General Plan 2002 impacts were

44-5

2.

where the impacts of the General Plan 2002 are mentioned.

44-5
cont.

PROBLEM #2: Several key intersections appear to have been omitted from *DEIR* analysis. These include the three mentioned in a recent meeting by Leah – Oak Hill at hwy 24, First St. at hwy 24, and Pleasant Hill Road at Mt. Diablo Boulevard. Others include some of the Deer Hill intersections and what we can expect to become the diversion- impacted intersections along the Reliez Station Road, St. Mary’s/Glenside corridor through south Lafayette; and the intersection of Acalanes Road at State Route 24 westbound ramps and Pleasant Hill Road at State Route 24 westbound ramps, as requested by the Department of Transportation, memo dated 2/26/10.

44-6

SOLUTION: Analyze and revise *D EIR* to reflect. Identify mitigation measures and state when *Plan* implementation is expected to have a significant LOS impact. Mitigations should include financing, scheduling, implementation responsibilities, and lead agency, etc. (Please see Dept. of Transportation memo to Ann Meredith dated February 26, 2010, received in the City offices on Feb. 26, 2010.)

44-7

PROBLEM #3: The Dept. of Transp memo of 2/26/10 points to the *D EIR*- proposed elimination of the existing Class 2 bicycle lane on Deer Hill Road at the intersection of Deer Hill Road and State route 24’s westbound ramps. It requests study of these impacts to bikes and peds in the *D EIR*.

44-8

SOLUTION: Thus far, no one, nor the *D EIR* has mentioned that this Deer Hill Road bike lane is part of regional system established in the 1970’s and has existed on EBRPD regional bike system maps for decades. It is also a key route in the Adopted *Lafayette Bike Plan* and the Adopted *Countywide Bike Plan for CCC*. These should be addressed in the *D DSP/s Draft EIR*. Revise to reflect.

PROBLEM #4: In the geological hazards portions of the *D EIR* and in the impacts sections, earthquake hazards has been rated “insignificant impact”. This ranking may be due to the fact that the fault maps/earthquake hazard map in the GP 2002 is not the city’s most up to date earthquake hazard map. The GPAC submittal to the Planning Commission done prior to GP 2002 adoption was a far more up to date map than what is included in the GP 2002. Similarly, the streets for easy orientation are not included in the GP 2002 soils map. The *DEIR* was in large part based upon the 2002 GP maps and writings. (4.5.14, S-2.2) This “less-than-significant” ranking has occurred, irregardless of the fact that Lafayette is watershed land, Orinda soils formation soils (poor, unstable soils), cut by faults, and riven by 3 sheer zones crossing Mt. Diablo Boulevard, the BART line, and the EBMUD aqueduct, which parallels our business district and lies above it. In event of even moderate movement, our downtown, which lies recessed in comparison to the remainder of the Mt. Diablo Blvd. corridor, could/would be devastated, including our main city emergency ingress/egress roads corridors--- if not by shaking, then by flooding. And then there is the problem of the dam and the EBMUD reservoir.....

44-9

3.

SOLUTION: State whether the 2009 ABAG five year update required by FEMA and the CA Emergency Management Agency (p 4.5.5) is complete, yet. Add up to date fault and shear zone maps in D EIR and as mitigation require their inclusion in any DSP adopted by the City. Revise to reflect these problems as stated above, discuss them, and any findings of the FEMA required 5 yr plan, and show the impacts in all portions of the document where geological impacts are discussed, as a potentially significant, unmitigatable, impact.

44-10

END

LETTER 44

Lynn Hiden, March 15, 2010.

Response 44-1

The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to the comments below.

Response 44-2

The comment states that, because the Draft EIR uses a 20-year buildout horizon, the Draft EIR implies that the Plan can be built within 20 years. As described above in response to Comment 7-7, the Draft EIR analyzes an amount of development that is reasonably foreseeable within a 20-year time period. Although Seifel Consulting provided input on the buildout methodology used for the Draft EIR, the Draft EIR buildout projections were not developed as a result of a fiscal or feasibility analysis. The City has commissioned such an analysis from Seifel Consulting, and will use Seifel Consulting's findings as a separate informational document along with the Draft EIR. The buildout projections for the Draft EIR have been developed to represent what could be expected to result from implementation of the Plan, rather than what is likely to result given market conditions.

Response 44-3

The comment states that Seifel Consulting has found that the Plan would not build out within 20 years. As described above in response to Comment 44-2, the fiscal analysis prepared is an informational document separate from the Draft EIR, and the EIR has been prepared to represent buildout regardless of market conditions as a way to ensure an environmentally conservative analysis.

Response 44-4

The comment states that the Draft EIR underestimates or obscures the impacts associated with the proposed Plan. The comment states that such concerns are particularly apparent in the discussions of traffic and circulation

impacts, LOS tables, and discussions pertaining to heights, massing, and loss of views. The comment is not specific in indicating which aspects of the Draft EIR do not, in the opinion of the commentor, adequately meet the requirements of CEQA and therefore it is not possible to respond and no revision to the Draft EIR is necessary.

Response 44-5

The comment suggests that the Draft EIR should be revised to analyze full buildout of the Plan. Please see response to Comment 9-56. The comment also suggests that the Draft EIR be revised to state throughout that the EIR only analyzed 80 percent of the Plan. This is not correct. As described above in response to Comment 6-3, the development sites assumed to develop under the buildout projections comprise approximately 29 percent of the Plan Area. The comment is referring to the assumption that each development site would be built out to approximately 80 percent of its maximum density. This assumption is explained in detail in response to Comment 9-7. The buildout projections used in the Draft EIR represents what City staff and the EIR consultant team believe to be a realistic estimate of the amount and type of development that is likely to occur under the Plan by 2030, assuming a high rate of redevelopment, to ensure that the Draft EIR does not understate environmental impacts.

Response 44-6

The comment states that the Draft EIR does not include three intersections: Oak Hill Road at State Route 24, First Street at State Route 24, and Pleasant Hill Road at Mount Diablo Boulevard. The comment also states that the Draft EIR does not evaluate additional Deer Hill Road intersections and diversion along Reliez Station Road, St. Mary's Road, Glenside Drive, Acalanes Road at State Route 24 westbound on-ramps, and Pleasant Hill Road at State Route 24 westbound on-ramps.

The first three intersections mentioned in the comment are specifically included in the traffic analysis in the Draft EIR, in which they are numbered as follows:

- ◆ Intersection #14: Mount Diablo Boulevard/Pleasant Hill Road/State Route 24 Eastbound On-Ramp
- ◆ Intersection #20: Oak Hill Road/State Route 24 Eastbound Off-ramp
- ◆ Intersection #25: First Street/State Route 24 Eastbound On-Ramp

Regarding Deer Hill Road intersections, please see responses to Comments 7-8 and 26-5. Regarding potential traffic diversion to the Reliez Station Road/Glenside Drive corridor, please see response to Comment 4-17. Regarding the State Route 24 westbound on-ramp intersections, please see response to Comment 1-3.

Response 44-7

The comment requests that the Draft EIR be revised to reflect the intersections referenced in Comment 44-6, and that the Draft EIR identify LOS impacts, mitigation measures, funding, scheduling, implementation responsibilities, and applicable Lead Agencies. The traffic analysis presented in the Draft EIR provides adequate evaluation of the Plan's impacts and identification of mitigations according to CEQA Guidelines. The Draft EIR identifies the significant LOS impacts that would result with the projected development in the Plan Area over the 20-year Plan horizon. Regarding identification of an expected date, stage or portion of future development under the Plan at which the applicable LOS thresholds for significant impacts would be met, please see response to Comment 4-36.

For those mitigation measures proposed in the Draft EIR that are considered feasible, information regarding financing, scheduling, implementation responsibility, and lead agency monitoring will be provided in the mitigation monitoring and reporting program that will be developed and adopted by the City through the EIR certification process, as required under Section 15097 of the CEQA Guidelines.

Response 44-8

The comment refers to the elimination of the existing Class 2 bicycle lane on Deer Hill Road. Please see response to Comment 1-2.

Response 44-9

The comment states that since the adoption of the 2002 General Plan, more up to date earthquake hazard maps have been made available. The comment states that Lafayette is watershed land, has unstable soils, and is cut by faults, and that 3 shear zones cross Mount Diablo, the BART line, and EBMUD aqueduct. The comment seems to be referring to the potential for liquefaction in the Plan Area. As described on page 4.5-11 of the Draft EIR, liquefaction is a phenomenon where soils experience loss of shear strength due to earthquake ground shaking. The Plan Area contains areas in which liquefiable soils are possibly present. However, the Draft EIR finds that impacts would be less than significant because existing City procedures require development projects to be reviewed to ensure that development is not located on unstable soils, or that if located on unstable soils, that they comply with CBC requirements. A new map has been added to the Draft EIR as Figure 4.5-3, as shown in Chapter 3 of this Final EIR. The commentor expresses concern about the potential for flooding due to EBMUD facilities in the event of an earthquake. Please see Comment 50-1, which explains that the Lafayette Aqueduct and Lafayette Reservoir and dam have undergone seismic evaluation and risks are considered to be minimal.

Response 44-10

The comment asks whether the Local Hazard Mitigation Plan (LHMP) 5-year update required by FEMA and the California Emergency Agency has been completed. At the time that this Final EIR is being prepared, the City Council approved Lafayette's updated Hazard Mitigation Strategies, and these were submitted to the Association of Bay Area Governments (ABAG) for inclusion in the Multi-Jurisdictional Local Hazard Mitigation Plan (MJ-LHMP) for the Bay Area. Subsequently, ABAG submitted the updated MJ-LHMP to Cal EMA and FEMA for review. This review has not yet been completed. The comment requests that the Draft EIR be revised to reflect the findings of the LHMP update. Maps produced as part of the Draft LHMP (available online at: http://quake.abag.ca.gov/mitigation/Map_Plates.pdf) confirm the findings in the Draft EIR that the Plan Area could experience considerable ground shaking in the event of a strong seismic event. At the time that this

Final EIR is being prepared, one strategy in the Draft LHMP does apply to Lafayette's downtown planning efforts. Strategy ECON-a-2 is: "Create incentives for private owners of historic or architecturally significant commercial and industrial buildings to undertake mitigation to levels that will minimize the likelihood that these buildings will need to be demolished after a disaster, particularly if those alterations conform to the federal Secretary of the Interior's *Guidelines for Rehabilitation*."

The comment requests that new fault and shear zone maps be added to the Draft EIR and that the Draft EIR include a mitigation measure that these maps be included in any Downtown Specific Plan adopted by the City. Please see response to Comment 7-9. Geologic maps submitted in response to the Draft EIR have been incorporated into the Draft EIR. The comment's request for a new mitigation measure requiring these maps to be incorporated into the Plan is noted but no revision to the Draft EIR mitigation measure has been made. Incorporation of these maps into the Plan itself would not mitigate any significant impacts. Therefore, inclusion of the maps in the Draft EIR for informational purposes is considered adequate.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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To: Ann Merideth
From: Linda Murphy, 1025 Buchan Dr., Lafayette
Re: DSP DEIR

Date: March 15, 2010

Thank you for the opportunity to comment on the DSP DEIR. I offer a few additional comments in addition to my letter dated March 8, 2010.

45-1

My concern is that **the three higher density plans for the DSP do not pencil out**. Lafayette is a semi-rural community that is comprised largely of single family dwellings. Its financial structure is based on this composition. While some additional multi-family housing is appropriate, the higher density plans will negatively impact Lafayette.

45-2

Lafayette for many years has looked to parcel taxes and property taxes as sources of revenue to provide the quality of services that people expect. Under the higher density plans, the single family homes that will make up a smaller percentage of the housing stock in Lafayette, while the population that Lafayette serves will grow. Because of this, the parcel taxes will become a less viable means of compensating for inadequate funding. Using the same level of funding received from parcel taxes will not be sufficient to maintain the current level of services because that funding will have to be spread to a larger population. Thus, parcel taxes as a revenue tool will become less effective. This means that either services will suffer or that parcel taxes will have to be increased. Historical polls show that voters will support only a certain \$\$ amount when voting to impose parcel taxes. If the parcel tax amount is too high, the parcel tax is defeated by the voters. If the parcel tax is maintained at the same level, it does not achieve the desired effect, which may in turn cause voters to defeat even a smaller \$\$ amount parcel tax.

45-3

The amount of high density housing will not bring in sufficient revenue to compensate for the impact on parcel taxes and the quality of services. The smaller amount of revenue (either property tax or revenue tax) associated with each new dwelling in a multi-family unit, as compared to single family homes, will not contribute as much as historically has been provided. The amount of sales tax (i.e., Lafayette's 1% share) generated by the additional population will not be sufficient to bring the coffers to where they need to be.

The three higher density proposals for the DSP represent a drastic change from the current plan for downtown that is embodied in the General Plan. There needs to be full and careful evaluation of the financial impact on the community. An evaluation that recognizes the impact not just on downtown, but on the entire Lafayette community. We need an EIR that thoroughly, objectively, and accurately examines the impact of the proposed higher densities on traffic, parking, schools, and local revenue. The higher density plans for downtown do not pencil out.

45-4

Thank you for considering my comments.

LETTER 45

Linda Murphy, March 15, 2010.

Response 45-1

The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to the comments below.

Response 45-2

This comment expresses the opinion that higher density plans would negatively impact Lafayette. This comment is an opinion about the Plan and does not address the adequacy of the Draft EIR. Therefore, no response is needed.

Response 45-3

The comment states that, with buildout of the Plan, the existing Measure G parcel tax will become a less viable method for funding schools because multi-family dwelling units generate a smaller amount of revenue than single-family homes. Please see response to Comment 22-2, which addresses a similar comment. No further response is necessary.

Response 45-4

The comment states that the Plan, the Lower Intensity Alternative, and the Higher Intensity Alternative represent a drastic change from the No Project Alternative. The comment states that a full evaluation of the financial impact on the community is needed. The City has commissioned economic impact and fiscal and feasibility analyses from Seifel Consulting, and will use Seifel Consulting's findings as separate informational documents along with the Draft EIR to consider when determining the merits of the Plan.

The comment states that the EIR must examine the impact of proposed higher densities on traffic, parking, schools, and local revenue. An analysis of local revenue is outside of the purview of this EIR. However, the Draft EIR does evaluate impacts associated with traffic, parking, and schools. The comment is not specific in indicating which aspects of the Draft EIR do not,

in the opinion of the commentor, adequately meet the requirements of CEQA. Therefore, it is not possible to respond, and no revision to the Draft EIR is necessary.

The comment states that the Plan, Lower Intensity Alternative, and Higher Intensity Alternative do not pencil out. The commentor is referred to the economic analyses prepared by Seifel Consulting for an evaluation of whether the economic feasibility of the Plan.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: Clifford Tong [mailto:tong.cliff@gmail.com]
Sent: Monday, March 15, 2010 11:31 PM
To: Merideth, Ann
Subject: Downtown Strategic Plan DEIR comments

Ann,

Please add this email to your list of public comments on the DEIR for the Downtown Strategic Plan (DSP).

46-1

The conclusion that the DSP would not result in significant aesthetic impacts is laughable. Any reasonable person looking at the photo simulations would have to recognize that they would change the atmosphere and small-town feel of the downtown forever.

46-2

This calls into question whether the environmental consultant possesses the qualities to objectively evaluate the evidence and reach logical conclusions. It seems intuitively obvious how, given we already have several intersections downtown that have reached unacceptable performance levels, adding significantly more traffic called for by the project would result in gridlock during parts of the day. The mitigations proposed by the consultant do not appear to consider the cumulative effect of these changes and in many of these instances do not seem adequate to result in an acceptable performance level. The cumulative effect of some of these mitigations could result in poorer performance at other intersections or undermine other DSP objectives. For example, widening and adding more lanes to Moraga Road, Mt. Diablo Blvd., Oak Hill Rd., etc. could improve traffic flow through the critical intersections but result in more difficult pedestrian crossings and make the downtown less walkable, which is one of the objectives of the DSP.

46-3

In any case, there are still some traffic impacts that are deemed un-mitigatable and lead one to conclude that the current General Plan is the environmentally superior alternative.

Regards,

Cliff Tong
9 Dianne Ct., Lafayette

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LETTER 46

Cliff Tong, March 15, 2010.

Response 46-1

The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to the comments below.

Response 46-2

The comment expresses concern regarding the adequacy of the Draft EIR's evaluation of aesthetic impacts. The comment states that the visual simulations in the Draft EIR illustrate that new development would change the atmosphere and small town feel of the downtown. Please see response to Comment 9-60, above.

Response 46-3

The comment questions the adequacy of some of the Draft EIR's impact findings and mitigation measures. The comment also summarizes selected results from Draft EIR traffic analysis, and states the commenter's perspective on the Plan's traffic impacts and mitigations.

Mitigation Measure TRAF-2 in the Draft EIR suggests possible widening of Moraga Road south of Mount Diablo Boulevard to add a second northbound right-turn lane. As described in section A.4.c.ii on page 4.13-40 of the Draft EIR, the widening would increase the crossing distances for pedestrians at that intersection, which along with other secondary impacts to the adjacent sidewalk and Plaza Park could prevent implementation because of inconsistencies with City policies. As a result, Mitigation Measure TRAF-2 is considered infeasible, as stated on page 4.13-49 of the Draft EIR.

Mitigation Measure TRAF-3 in the Draft EIR describes adding a center left-turn lane on Moraga Road between School Street and Moraga Boulevard, which could be implemented without widening the existing pavement. As described in section A.4.c.iv on page 4.13-41 of the Draft EIR, restriping the

roadway to add the center left-turn lane would eliminate existing striped shoulders and parking along the curbs that provide a buffer between pedestrians and vehicle traffic, which along with other secondary impacts to bicyclists, could prevent implementation because of inconsistencies with City policies. As a result, Mitigation Measure TRAF-3 would result in a significant and unavoidable impact, as stated on page 4.13-50 of the Draft EIR.

Mitigation Measure TRAF-1 proposes restriping Oak Hill Road north of Mount Diablo Boulevard to provide a fourth southbound lane, which can be implemented without widening the existing pavement. As described in section A.4.c.i on page 4.13-40 of the Draft EIR, restriping the roadway to add the fourth southbound lane by shifting the northbound lanes toward the east curb could eliminate up to six parking spaces on that portion of Oak Hill Road.

No widening or additional lanes are proposed on Mount Diablo Boulevard.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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THIS IS SUPERFICIAL GURONG. DEVELOPER FEES TYPICALLY ARE BASED ON SQUARE FOOT, WITH MULTIFAMILY HOMES WITH FAMILIES OFTEN THE FEES ARE NOT ENOUGH.

EIR PUBLIC COMMENT

I work for a medical care program. In the medical world, we are trying to increase quality by increasing evidence based medicine. Evidence based medicine means a detailed, scientific study of outcomes, in other words, impacts, of various treatments.

47-1

In the government sphere, the EIR is the equivalent of evidence based medicine. For an EIR to be competent, it needs to identify all of the significant impacts of a proposed plan.

Unfortunately, the Draft EIR for the Downtown Plan is woefully deficient. Let's take its evaluation of impacts on the schools, for example. The Draft EIR states that there will be an increase of 19.1 percent in the population of Lafayette, but then it evaluates only one impact on the school system - the need for more facilities. It then dismisses this impact in two sentences, saying that developer fees will take care of it. (That's it -- one impact. Maybe 1000 new children coming into our schools, and the EIR only evaluated one impact.

47-2

What does the Draft EIR overlook? For a starter, there is the impact on operating expense. The state has cut its per child funding far below the amount that it actually takes to educate a child. In Lafayette, we now receive only 80% of what it takes. So, as you add each new child, you are creating a larger and larger deficit in your operating expense.

47-3

Another impact is access to the schools. The Draft EIR observes that traffic will greatly increase downtown, but it fails to analyze that impact on children getting to Lafayette Elementary and Stanley Middle School. Nor does the EIR evaluate the possible safety concerns raised by the higher traffic, exhaust, etc.

47-4

Now, for purposes of today's meeting, I am not taking a position on the ultimate merits of growth in our community. The point for today is that, if we are going to have an honest discussion of whether growth is worthwhile, we need to have an EIR that evaluates all of the significant impacts. We need a real, evidence based EIR, not a whitewash.

47-5

One last point: The last time that I asked that EIR address the impact on of operational costs of the schools, Mr. Lovitt, you said that I had raised an important point, but the EIR doesn't address it. Since then, the state has further slashed funding, the Lafayette schools have had to enlarge class sizes, cut teachers, science specialists, counselors, aides and others. As evidenced by last Friday's headline in the Contra Costa Times, it is all over the newspapers that the schools systems are getting killed by the state cuts. This is real, it is a true impact, it cannot be ignored. The EIR has to address it.

47-6

MARK ZEMELMAN
COMMENTS 3/15/10

LETTER 47

Mark Zelman, March 15, 2010.

Response 47-1

The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to the comments below.

Response 47-2

The comment states that the Draft EIR is deficient because it because it evaluates only the impact on the need for additional facilities and does not consider other impacts on local schools. Please see response to comment 18-10, which addresses a similar comment. No further response is necessary.

Response 47-3

The comment states that the Draft EIR is deficient because it overlooked the impact of increased population on the operating expenses of local schools. Please see response to comment 18-10, which addresses a similar comment. No further response is necessary.

Response 47-4

The comment states that the Draft EIR fails to analyze the impact that increased traffic, and associated safety and exhaust concerns, would have on children getting to Lafayette Elementary and Stanley Middle Schools. The traffic analysis presented in the Draft EIR on page 4.13-18 provides adequate evaluation of the Plan's impacts, including increased traffic delay at Moraga Road intersections in the vicinity of Lafayette Elementary and Stanley Middle Schools. Existing school pedestrian access and safety measures, which include the pedestrian-only traffic signal phase and crossing guard at the Moraga Road/School Street/Brook Street intersection system, clearly-designated yellow school crosswalks on School Street, and the pedestrian/bicycle paths on First Street and the Lafayette/Moraga Trail, should continue to provide safe pedestrian access for these schools. Increases in traffic volumes do not typically correlate with increases in traffic accident rates, unless an underlying

hazardous condition or design feature is present at a specific location, which can usually be identified by its past accident history. No such hazardous locations are apparent in the area of the schools.

Response 47-5

The comment states that Draft EIR does not honestly discuss and evaluate all of the Plan's significant impacts. The comment is not specific in indicating which aspects of the Draft EIR do not, in the opinion of the commentor, adequately meet the requirements of CEQA. Therefore, it is not possible to respond and no revision to the Draft EIR is necessary.

Response 47-6

The comment reiterates concern for the impact of increased population on the operating expenses of local schools and states that the Draft EIR must address this issue. Please see response to comment 18-10, which addresses a similar comment. No further response is necessary.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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From: sfbayshore@comcast.net [mailto:sfbayshore@comcast.net]
Sent: Monday, March 15, 2010 11:07 PM
To: Srivatsa, Niroop
Subject: Downtown Specific Plan EIR - additional comments

Dear Niroop:

Please add these comments to the package for the EIR consultant.

| 48-1

At the Planning Commission this evening, one of the Commissioners asked that the EIR address the impact of the Revised Downtown Specific Plan (DSP) on the operating costs of the Lafayette public schools, specifically asking that it both address the issue of the declining student population and the issue of parcel taxes. This comment elaborates on these issues in order to clarify the analysis that should be performed.

| 48-2

1. Due to cuts in State funding, the Lafayette School District currently has a structural deficit of \$1.8 million for the 2010-2011 school year. As a result, the School District has decided to increase class sizes (20 to 24 in grades K - 3, 25 to 29 in grades 4 - 5, and 8th grade English will increase from 20 to 26), eliminate the jobs of 5 elementary teachers and three middle school teachers, reduce music and classroom aide availability, and make other cuts. (Source: Lamorinda Weekly, March 3, 2010; www.lafsd.k12.ca.us)

2. A portion (less than 40%) of the reduction in positions is due to the fact that the student population is 348 less than the prior year. Most of the reduction in positions, as well as the increase in class size, results from the fact that the State has reduced funding to approximately 80% of what it costs the School District to educate a child. That percentage is expected to decrease in upcoming years. (Source: Conversation with Lafayette School District Superintendent Fred Brill, March 8, 2010).

| 48-3

3. With existing facilities, the School District could handle 348 additional students. Such growth would occur under the current General Plan. However, this might mean increased class size because of the inadequate State reimbursement.

4. Neighboring cities (Orinda and Moraga) have similar demographics as Lafayette, but smaller student populations. The school districts in Orinda and Moraga are both rated higher than the Lafayette School District. Thus, it is apparent that, in this area, one can have a very high quality school system with a smaller number of students than is currently in the Lafayette School District. However, there is no evidence indicating that increasing the student population in

Lafayette is likely to result in maintaining or increasing its rankings. Notably, the school rankings correspond to the amount of parcel taxes that the residents of these cities have imposed on themselves. (See parcel tax statistics below).

48-3
cont.

5. It is common knowledge that people move to Lafayette for the schools. Since the DSP encourages multi-family dwellings, which generally can be anticipated to be less expensive than single family homes, one can expect a high percentage of the units to be filled by families. Based on the projections in the current Draft EIR, the DSP could result in the addition of 1000 students, and a Draft EIR that correctly sets forth the population under 100% buildout would likely show a larger growth of the student population.

48-4

In view of these facts, the EIR should provide the following evaluations:

1. An estimate of the operating deficit to the School District if the projected number of students are added without an increase in class sizes (assuming that such deficits are not compensated by increasing parcel taxes or private contributions, which should be considered mitigations.)

48-5

2. The ability of the School District to mitigate such deficits through parcel taxes. In considering this question, the EIR should note the fact that smaller school districts (Orinda, Moraga, and the current Lafayette) are able to pass higher parcel taxes than the neighboring larger school district (Mt. Diablo). Specifically, Orinda's current parcel tax is \$509/yr, Moraga's is \$325/yr, and Lafayette's is \$322/yr. The Mt. Diablo School District placed a \$99/yr parcel tax on the ballot in 2009, which failed to get enough votes to pass. The EIR also should note the fact that parcel taxes in Lafayette, like most cities, apply on a per parcel basis, and that a parcel with multiple apartment units pays only one parcel tax, meaning that the construction of apartments under the DSP will result in less parcel taxes per unit.

48-6

3. The ability of the School District to mitigate costs of construction through development fees also should be considered in more detail. Specifically, the EIR should specifically consider the fact that development fees generally are assessed on a per square foot basis, and therefore development fees for multifamily housing may not be sufficient to cover the costs of facilities for children in those housing units.

48-7

4. Seventy two percent of the growth under the DSP is expected to be in downtown Lafayette, thus primarily impacting Lafayette Elementary and Stanley Middle School. The EIR should evaluate the impact on these two schools, including the availability of space for construction, the reductions in currently used space on these campuses due to the construction, and the impacts of increased traffic downtown on access to the schools and safety. To the extent that children need to be moved to other schools that are further away due to

48-8

overcrowding at these downtown schools, the inconvenience and increase in auto transportation and adverse environmental impacts should be noted.

↓ **48-8**
cont.

Mark Zemelman
115 Bacon Court
Lafayette

LETTER 48

Mark Zemelman, March 15, 2010.

Response 48-1

The comment serves as an introduction to the comments that follow. No response is necessary apart from the responses to the comments below.

Response 48-2

The comment serves as an introduction to comments that follow. It requires no response other than the responses to the individual comments below.

Response 48-3

The comment provides information on the Lafayette School District structural deficit for the 2010-2011 school year and measures to address it. The comment also expresses concern for the quality of education in Lafayette if class sizes increase. The comment is noted. However, it does not address the adequacy of the Draft EIR, and no further response is necessary.

Response 48-4

The comment states that the Plan encourages multi-family dwellings, a high percentage of which could be expected to be filled with families, and that the Plan would result in 1,000 additional students at schools in Lafayette. The comment is noted. However, it does not address the adequacy of the Draft EIR, and no further response is necessary.

Response 48-5

The comment is a request that the EIR include an estimate of the operating deficit that would result for the Lafayette School District (LAFSD) if enrollment were to increase without a corresponding increase in class size as proposed by the School District.

CEQA requires that the focus of the analysis of environmental impacts be on the physical changes that would occur as a result of the proposed project.

Intermediate economic or social changes that in turn cause physical changes need not be analyzed in any detail greater than to trace the chain of cause and effect. A detailed discussion of potential impacts to the LAFSD operating budget is therefore beyond the purview of the EIR. However, the EIR does acknowledge the potentially significant impact of increased enrollment on schools and includes a mitigation measure to address this impact. Please refer to pages 4.11-10 through 4.11-17 of the Draft EIR.

Response 48-6

The comment is a request that the EIR evaluate the adequacy of parcel taxes to mitigate school district operating deficit.

As noted in response to comment 48-5 above, CEQA requires that analysis of environmental impacts focus on the physical changes that would result from the proposed project and a detailed analysis of school district operating budgets is beyond the purview of the EIR. Nevertheless, the EIR does acknowledge the potentially significant impact of increased enrollment on schools and includes a mitigation measure to address this impact. Please refer to pages 4.11-10 through 4.11-17 of the Draft EIR.

Response 48-7

The comment suggests that development impact fees may not be sufficient to cover the costs of new or expanded school facilities required to accommodate increased enrollment resulting from buildout of the proposed Plan because such fees are generally assessed on a per square foot basis.

Pages 4.11-16 through 4.11-17 outline a mitigation measure which requires the City to work with the school districts to determine if impact fees are required and to develop a nexus study to calculate and assess the fee as appropriate.. The mitigation measure stipulates that the impact fee be sufficient to allow for the construction or expansion of school facilities as needed to accommodate increased enrollment resulting from buildout of the proposed Plan. The mitigation measure requires that the City develop an appropriate mechanism, without prescribing a specific method for calculating the fee or requiring as-

assessment on a square footage basis. The text of the Draft EIR has been revised to clarify the process by which Mitigation Measure PS-2 would be developed, as shown in Chapter 3 of this Final EIR. Please also see response to Comment 22-2, which addresses a similar comment.

Response 48-8

The comment requests that the impacts of population growth resulting from buildout of the Plan on Lafayette Elementary School and Stanley Middle School be evaluated, including the availability of space for construction, the reductions in currently used space at the schools due to future construction, the impacts of increased downtown traffic on safety and access to the schools, and the inconvenience and adverse environmental impacts associated with children transferred to schools farther away from home as a result of overcrowded classrooms.

The Draft EIR discusses potential impacts to schools from the Plan on pages 4.11-10 through 4.11-17. Please also see response to Comment 18-10, which addresses similar concerns regarding impacts to schools from the Plan.

DAVID R. BRUZZONE
PO BOX 97 • MORAGA, CA • 94556
PHONE: 925-376-1921 • FAX: 925-376-3027

March 16, 2010

SENT VIA EMAIL

City of Lafayette
3675 Mt. Diablo Blvd., #210
Lafayette, CA 94549
AMerideith@ci.lafayette.ca.us
Niroop.Srivatsa@lovelafayette.org

Re: Comments on DEIR Downtown Lafayette Specific Plan

Dear Ann:

I believe the DEIR has serious faults in the manner it identifies and then analyzes the environmental impacts of the project; how it proposes some mitigations measures; and finally, in some instances, how it dismisses such mitigation measures as impractical or “unacceptably inconsistent with City policies...” and then therefore states the impact is “significant and unavoidable”.

49-1

With respect to Traffic and Transportation, many intersections identified on Moraga Rd and Mt. Diablo Blvd have impacts declared to be significant and unavoidable. Local schools and associated traffic is the direct contributor to this problem. Adequate and feasible mitigation measures have not been advanced (just the usual programs that are continually dismissed). State law states that “An EIR shall describe feasible measures which could minimize significant adverse impacts.”

49-2

Additional information and mitigation measures needed.

- Traffic data and intersection LOS without school traffic, but still during a non holiday, work day.
- Updated TRAFFIX model and downtown intersection analysis with **inclusion of First Street (along its complete length) allowing 2 way traffic.** Data is available to properly run this simulation and analysis (I've included some information that was provided by Fehr & Peers for the Moraga Center SP).
- What is the most effective and safe manner to get students to and from school? What mandated cooperative planning between School District and City is proposed?
- 1765 new housing units (with 4589 new people) proposed in the downtown - with emphasis on “affordable housing” and housing for “young families” and seniors. Inadequate information provided, we need more information prospective **students and their family**, not only on school facilities but on how these new students will be

49-3

49-4

49-5

49-6

March 16, 2010

getting to school! Instead of dismissing this impact by stating, "While the demographic profile of the future residents is not known at this time..." a more in depth analysis of current student and family demographics that attend Lafayette Elementary School should have been provided. (How many kids per family? single parent, or two parent family? these are just some of the answers needed.). The DEIR states that the average house size is 2.6 people per unit, does this mean we can reasonably estimate at least 1059 ($0.6 \times 1765 \text{ units} = 1059$) new kids for our schools? How will they get to school and what impact on traffic will there be?

49-6
cont.

Lafayette's failure to study or propose ways to minimize the Project's significant effects doesn't absolve it from complying with State CEQA laws. Lafayette has to rectify its' failure by advancing reasonable mitigation measures and to properly analyze in proper detail other obvious concerns of this project.

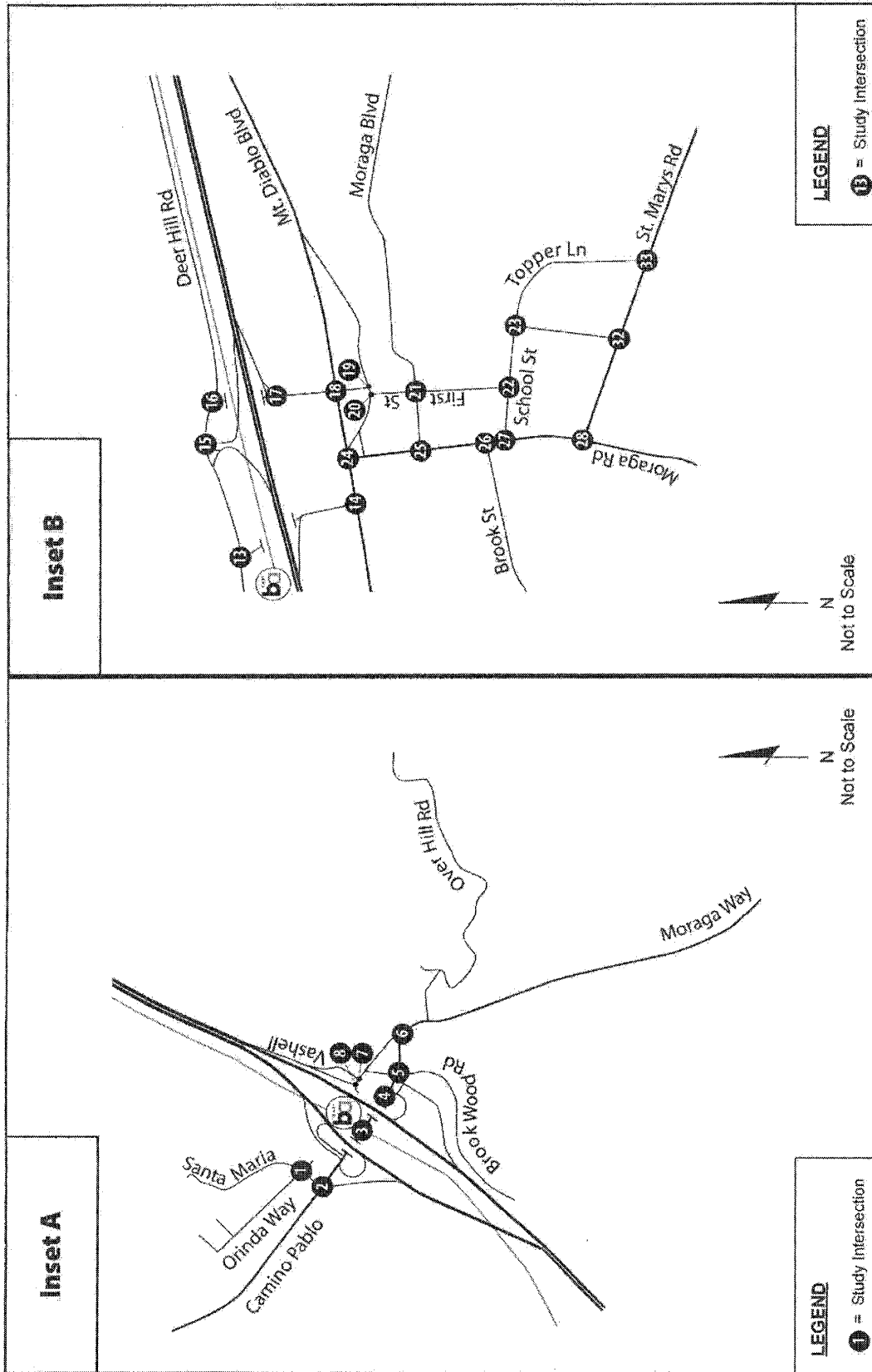
49-7

Sincerely,



David Bruzzone

Attachment: Fehr & Peers traffic information



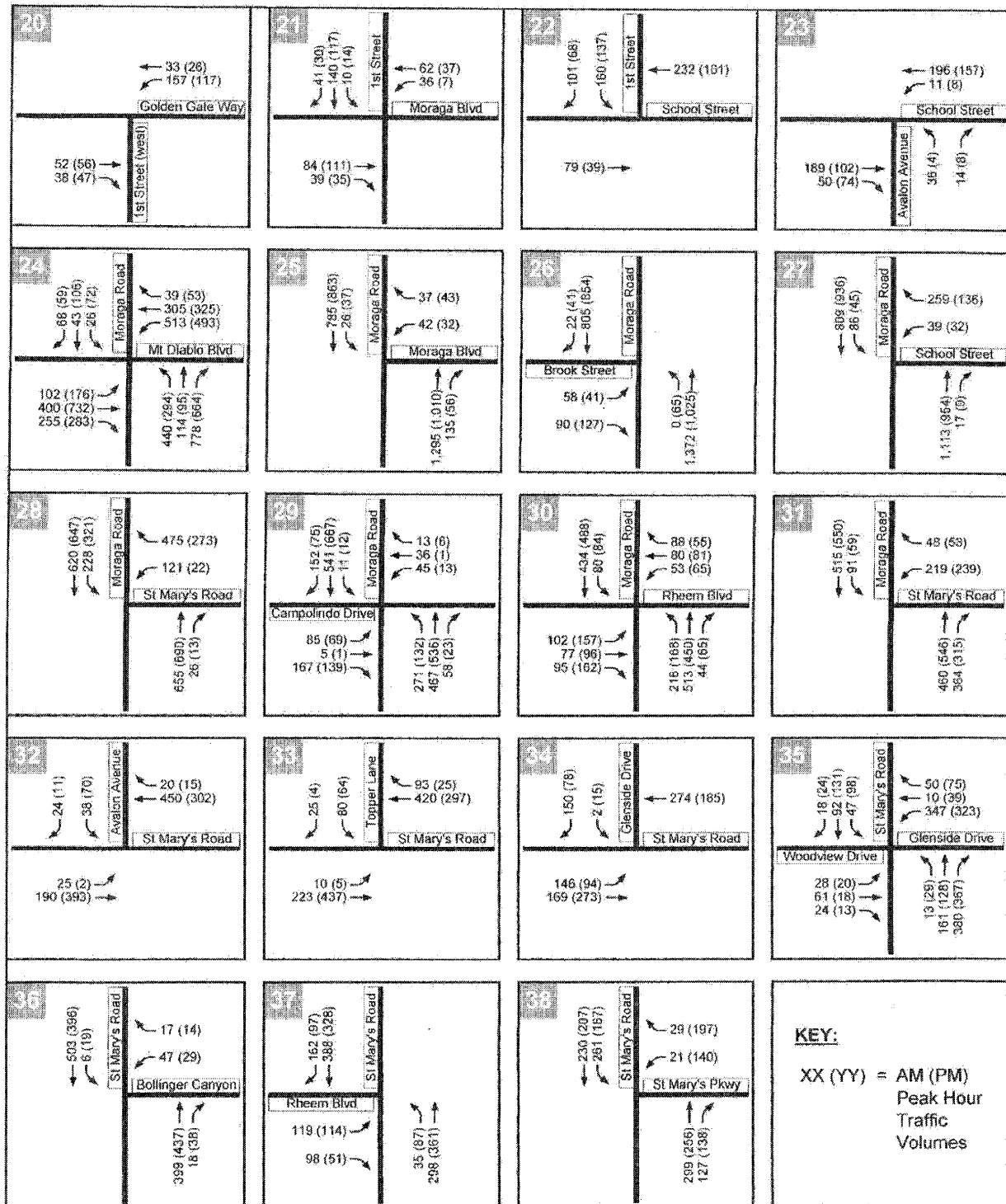
Moraga Center Specific Plan

STUDY AREA CONTEXT
APPENDIX D - FIGURE 1B



FEHR & PEERS
 TRANSPORTATION CONSULTANTS

June 2008
 MTC\Graphics\Report Figures\Appendix D\W006-2330_MTC_1B



49-9

Table 4.F-1

Baseline Intersection Level of Service (AM and PM Peak Hours)

Study Intersection	Control /1/ Designation	Peak Hour	Existing Baseline		Approved Baseline		Cumulative Baseline	
			Delay /2/ LOS	Delay /2/ LOS	Delay /2/ LOS	Delay /2/ LOS		
Lafayette Intersections								
13. Deer Hill Drive at Oak Hill Road	AWS Downtown	AM	38	E	39	E	39	E
		PM	41	E	47	E	60	F
14. Mt. Diablo Boulevard at Oak Hill Road	Signal Downtown	AM	27	C	28	C	31	C
		PM	31	C	33	C	42	D
15. Deer Hill Drive at SR 24 Westbound Ramps	Signal Downtown	AM	32	C	33	C	44	D
		PM	30	C	32	C	49	D
16. Deer Hill Drive at 1st Street	Signal Downtown	AM	13	B	12	B	14	B
		PM	15	B	17	B	21	C
17. SR 24 Eastbound On-Ramp at 1st Street	No Control Downtown	AM	n/a	n/a	n/a	n/a	n/a	n/a
		PM						
18. Mt. Diablo Boulevard at 1st Street	Signal Downtown	AM	30	C	31	C	33	C
		PM	28	C	29	C	32	C
19. First Street at Golden Gate Way (East)	SSS Outside Downtown	AM	6 (12)	A (B)	6 (12)	A (B)	6 (13)	A (B)
		PM	5 (10)	A (A)	5 (10)	A (A)	6 (11)	A (B)
20. First Street at Golden Gate Way (West)	SSS Outside Downtown	AM	5 (7)	A (A)	5 (7)	A (A)	5 (7)	A (A)
		PM	4 (6)	A (A)	4 (7)	A (A)	4 (7)	A (A)
21. First Street at Moraga Boulevard	AWS Outside Downtown	AM	9	A	9	A	10	A
		PM	9	A	9	A	9	A
22. First Street at School Street	SSS Outside Downtown	AM	6 (13)	A (B)	6 (13)	A (B)	6 (14)	A (B)
		PM	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (A)
23. Avalon Avenue at School Street	SSS Outside Downtown	AM	2 (13)	A (B)	2 (13)	A (B)	2 (14)	A (B)
		PM	1 (10)	A (A)	1 (10)	A (A)	1 (11)	A (B)
24. Mt. Diablo Boulevard at Moraga Road /3/	Signal Downtown	AM	51	D	--	F	--	F
		PM	53	D	--	F	--	F

Table 4.F-1

Baseline Intersection Level of Service (AM and PM Peak Hours)

Study Intersection	Control /1/ Designation	Peak Hour	Existing Baseline		Approved Baseline		Cumulative Baseline	
			Delay /2/ LOS	LOS	Delay /2/ LOS	LOS	Delay /2/ LOS	LOS
25. Moraga Road at Moraga Boulevard /3/	Signal	AM	--	E	--	F	--	F
	Downtown	PM	20	B	--	F	--	F
26. Moraga Road at Brook Street /3/	Signal	AM	--	E	--	F	--	F
	Downtown	PM	21	C	--	F	--	F
27. Moraga Road at School Street /3/	Signal	AM	42	D	--	F	--	F
	Downtown	PM	17	B	--	F	--	F
28. Moraga Road at St. Mary's Road (North) /3/	Signal	AM	34	C	--	F	--	F
	Downtown	PM	31	C	--	F	--	F
32. St. Mary's Road at Avalon Avenue	SSS	AM	2 (18)	A (C)	2 (19)	A (C)	2 (21)	A (C)
	Outside Downtown	PM	2 (19)	A (C)	2 (19)	A (C)	3 (24)	A (C)
33. St. Mary's Road at Topper Lane	SSS	AM	3 (25)	A (D)	3 (25)	A (D)	4 (32)	A (D)
	Outside Downtown	PM	2 (19)	A (C)	2 (19)	A (C)	2 (23)	A (C)
34. Glenside Drive at St. Mary's Road (North)	AWS	AM	12	B	12	B	13	B
	Outside Downtown	PM	10	A	10	A	11	B
35. Glenside Drive at St. Mary's Road (South)	AWS	AM	21	C	22	C	40	E
	Outside Downtown	PM	21	C	22	C	44	E
39. Glenside Drive at Reliez Station Road	AWS	AM	91	F	98	F	146	F
	Outside Downtown	PM	49	E	56	F	102	F
40. Glenside Drive at Burton Drive	AWS	AM	34	D	38	E	44	E
	Outside Downtown	PM	25	D	28	D	57	F
41. Pleasant Hill Rd at Mt. Diablo Blvd-SR 24 Eastbound On-Ramp	Signal	AM	14	B	14	B	18	B
	Outside Downtown	PM	18	B	18	B	26	C
42. Pleasant Hill Rd at Old Tunnel Rd-SR 24 Eastbound Off-Ramp	Signal	AM	10	A	10	A	10	A
	Outside Downtown	PM	11	B	11	B	13	B

LETTER 49

David Bruzzone, March 16, 2010.

Response 49-1

The comment serves as an introduction to the comments that follow. The comment does not address the adequacy of the Draft EIR and expresses the commentor's opinion about the Plan. No response is necessary apart from the responses to the comments below.

Response 49-2

The comment states that many intersections on Moraga Road and Mount Diablo Boulevard have significant and unavoidable impacts, and that local school traffic is a direct contributor to these impacts. The comment states that the Draft EIR does not include adequate and feasible mitigation measures.

Traffic associated with local schools contributes greatly to both the existing and the projected future unacceptable congestion and delay at the Moraga Road study intersections during the AM and mid-day peak hours that are described in the Draft EIR traffic analysis. However, these school-related traffic volumes are expected with or without adoption of the Plan.

The commentor is correct that CEQA requires that an EIR describe feasible mitigation measures which could minimize significant impacts. However, CEQA also acknowledges that not all significant impacts can be mitigated to less-than-significant levels, and requires an EIR to identify all impacts that cannot be reduced to a level of insignificance. Chapter 4.13, Transportation and Circulation, of the Draft EIR describes all potential mitigation measures that could reduce impacts to less-than-significant levels, and identifies which significant impacts would not be mitigated to a less-than-significant level. The traffic analysis presented in the Draft EIR provides adequate evaluation of the Plan's impacts and identification of mitigations according to CEQA Guidelines.

Response 49-3

The comment suggests that the EIR evaluate traffic data and intersection level of service conditions without school traffic. A traffic analysis excluding school traffic, as requested in the comment, would not represent the typical existing or projected conditions that must be analyzed according to CEQA Guidelines. To evaluate the Plan's impacts in the context of future Cumulative traffic conditions, only the total accumulation of other future traffic is relevant, not portions of traffic from individual sources. The purpose of the Draft EIR is to evaluate the Plan's impacts, not the relative impacts of other individual sources of traffic.

Response 49-4

The comment suggests that the EIR use an updated TRAFFIX model and downtown intersection analysis with the inclusion of First Street along its entire length allowing two-way traffic. The commentor does not state why using an updated TRAFFIX model and the requested analysis of First Street would be necessary. The Draft EIR provides a thorough analysis of potential traffic impacts, including First Street, and no revision to the Draft EIR is necessary.

Response 49-5

The comment asks what is the most effective and safe manner for students to travel to and from school, and asks what mandated cooperative planning between the Lafayette School District and City is proposed. The Plan includes the following policy and programs:

- ◆ Policy C-1.2. Encourage cooperative efforts with Lafayette Elementary School and Stanley Middle School to address downtown congestion associated with school drop-off and pick-up.
- Program C-1.2.1 Work with school administrators and parent to develop options for school commuting, including carpooling, walk and bike-pooling, employee parking, and satellite drop-off and pick-up locations.

- Program C-1.2.2. Investigate the interest and feasibility about reestablishing school bus service to Lafayette Elementary School and increasing service to Stanley Middle School.

This comment does not address the adequacy of the Draft EIR evaluation. Therefore, no response is necessary.

Response 49-6

The comment states that the Draft EIR should provide more information regarding prospective students and their families. The comment asks how students will get to school, and what the impact would be on traffic. Please see response to Comment 27-8, first paragraph. Additionally, significant portions of the Plan Area are within reasonable walking or bicycling distance of Lafayette Elementary School and Stanley Middle School.

Response 49-7

The comment is a concluding remark to the preceding comments. As described above, the traffic analysis presented in the Draft EIR provides adequate evaluation of the Plan's impacts and identification of mitigations according to CEQA Guidelines.

Response 49-8

The comment is a page from a past traffic report on the Moraga Center Specific Plan showing the location of intersections analyzed in that study, including First Street intersections. The past traffic report has been reviewed by the EIR consultant. Please see response to Comment 49-4.

Response 49-9

The comment is a page from a past traffic report on the Moraga Center Specific Plan showing "Existing Baseline" AM and PM peak hour volumes at intersections analyzed in that study, including First Street intersections. Please see response to Comment 49-4.

Response 49-10

The comment is a page from a past traffic report on the Moraga Center Specific Plan showing “Baseline Intersection Level of Service” results for the AM and PM peak hours at selected intersections analyzed in that study, including First Street intersections. Please see response to Comment 49-4.

Response 49-11

The comment is a page from a past traffic report on the Moraga Center Specific Plan showing “Baseline Intersection Level of Service” results for the AM and PM peak hours at selected intersections analyzed in that study, including several Moraga Road intersections. Please see response to Comment 49-4.

From: Lynn Hiden [mailto:dandlhidden@comcast.net]
Sent: Tuesday, March 16, 2010 3:49 PM
To: Mike Anderson; Mike Anderson; Tatzin, Don; Feds, Carol; Anduri, Carl; Brandt Andersson; Srivatsa, Niroop
Subject: FYIFw: FYI Laf EBMUD aqueduct & reserv prep

FYI

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

From: Lynn Hiden
To: TOM GRIMES ; SUSAN CALLISTER ; MARIE BLITS ; Lynn Hiden ; JOE GARRITY ; JIM FITZSIMMONS ; JAN MCHALE ; Ivor Samson ; GUY ATWOOD ; GEORGE BURTT ; CAROL SINGER ; BYRNE MATHISEN ; Mary-Jane Wood ; Maeve Pessis ; AVON M WILSON
Sent: Tuesday, March 16, 2010 1:59 PM
Subject: FYI Laf EBMUD aqueduct& reserv prep

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

From: Harlow, Nora
To: Lynn Hiden
Cc: John Coleman
Sent: Tuesday, March 16, 2010 12:10 PM

Lynn,

In answer to your questions about the aqueducts in the Lafayette area and the Lafayette Reservoir dam, the experts here at EBMUD have provided the following information:

EBMUD monitors the performance of the water treatment and distribution system using remote monitoring and control systems. The information is observed 24/7 at EBMUD's Operations Control Center and water treatment plants. If a major flow discrepancy were detected, District personnel would shut off the impacted area of the system. Depending on the severity of the damage, water would continue to be available to area residents from water treatment plants and local storage reservoirs.

Regarding the aqueducts in the Lafayette area, EBMUD completed a seismic evaluation of the Lafayette Aqueducts in 1996 and concluded that the system would remain functional.

Regarding the Lafayette Reservoir and dam, the District has a comprehensive dam safety program that is overseen by the California Division of Safety of Dams. As part of the dam safety program, the District has prepared inundation maps to show the potential impact of flooding in the very unlikely event that a dam failure would occur.

Although the inundation map for Lafayette Reservoir shows a potential to flood areas of downtown Lafayette, the risk of such an event is minimal. The most recent seismic study of the Lafayette dam, completed in 2008, indicated that the dam would remain intact and safe after the maximum credible earthquake in the area.

As far as emergency response and notification, EBMUD has a detailed Emergency Action Plan that outlines a plan for responding to emergencies and natural disasters such as earthquakes. In the event of an emergency, the District's Emergency Operations Team (EOT) would respond to the emergency and implement repairs. The District EOT would notify

local officials and law enforcement, who in turn would notify residents of any potential impacts, such as the unlikely event of an evacuation.

Nora

50-1
cont.

LETTER 50

Lynn Hiden, March 16, 2010.

Response 50-1

The comment provides information on monitoring of the EBMUD water treatment and distribution system; the seismic performance of Lafayette area aqueducts and the Lafayette Reservoir dam; the EBMUD dam safety program; and the EBMUD Emergency Action Plan. As shown in Chapter 3 of this Final EIR, pages 4.7-14 and 4.12-14 of the Draft EIR have been revised to reflect this additional information.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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