

LAFAYETTE HOMEOWNERS COUNCIL

649 Los Palos Drive
Lafayette, CA 94549

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March 8, 2010

Lafayette Planning Commission &
Ms. Ann Meredith, Community Development Director
City of Lafayette
3675 Mt. Diablo Blvd., Suite 210
Lafayette, CA 94549

Re: Initial Comments for Downtown Lafayette Specific Plan
Draft Environmental Impact Report
State Clearinghouse Number 2009062056

Dear Planning Commissioners and Ms. Meredith,

Enclosed please find comments from the Lafayette Homeowners Council (LHC) on the Draft Environmental Impact Report (DEIR) for the revised Downtown Specific Plan (DSP). Dr. George P. Wilson, internationally renowned engineer and Lafayette resident, and others have contributed their expertise to this effort.

Our detailed comments follow in chart form, but first, we have a few suggestions and comments of a general nature pertaining to the entire DEIR:

1. Reviews of applicable local, State and federal laws and regulations, for the fourteen (14) separate subject areas under review are for the most part well-written.
2. To avoid confusion and simplify the review, we suggest the "No Project Alternative" be revised to read "No Project Alternative/Revert to General Plan."
3. The environmental review and impacts discussion in Chapter 4 are generally good, but there is often a disconnect between the well-drafted discussion and the conclusion at the end of each section. There is also a disconnect between Chapter 4 and Chapter 2, Project Summary. Often, after citing "significant" or "significant unavoidable impacts," the conclusion skips to "less than significant" too quickly without a proper foundation or mitigation discussion. In short, certain of these discussions don't justify the conclusion reached.

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- 4. Please note there is an innate contradiction between the stated goals of the drafters of the DSP and the mitigation proposed in Chapter 4.2 (Air Quality), Chapter 4.3 (Greenhouse Gas Emissions), Chapter 4.13 (Traffic and Circulation). The air and noise pollution mitigation, which includes the Air Board (BAAQMD) instructions to children, the elderly, cyclists, asthmatics and those with lung and heart problems to stay indoors when within 500' to 1000' of Highway 24 directly contradicts the DSP goals of drawing people outdoors to walk, bike and participate in community life in the downtown core area, all in proximity to Highway 24.

9-5

- 5. The poll results conducted earlier this year by Brian Godbe of Godbe Research (refer to February 8, 2010 City Council meeting) point to a serious disconnect between the DSP and the desires of Lafayette's residents and voters. The Godbe poll, designed to research voter willingness to switch Lafayette from a general law to charter city status, revealed that the issues at the heart of the DSP--increasing housing options downtown and adding businesses--were the least important issues to Lafayette residents, while the resulting impacts--views obliteration, extreme traffic circulation congestion and air pollution--would be unacceptable to our community.

What mattered most to those interviewed were preserving open space, repairing our streets, and improving the quality of public education. Next in priority were reducing traffic congestion, reducing crime, preventing local tax increases and fostering a village like environment in the downtown. These were followed by preserving places like the Park Theatre, increasing parking downtown, providing more services to seniors, extending library hours and expanding local parks. Least important to the residents of Lafayette was what is at the heart of the DSP under review-- adding 4,589 new residents and more businesses in the downtown along with about 1,765 more housing units with, of course, more cars, traffic and pollution.

9-6

- 6. The impact analysis and projections used for build out are confusing and inaccurate. If impacts were calculated at only 80% (or less), conclusions reached in the DEIR regarding impacts and mitigation measures will be incorrect.

The DEIR does state that the projections are based on the 20-year duration of the Plan and this is repeated in the individual impact evaluations. However, the DEIR states without emphasis and without restatement in the impact evaluations that, based on the economic consultant's findings, the assumption is only 80% of Plan build out for the 20-year duration evaluated. There are also other partial build out assumptions presented in the introductory discussion, but not restated or emphasized in the impact evaluations.

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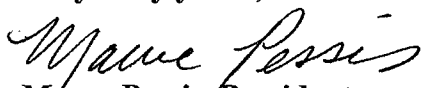
Please clarify and confirm the individual and cumulative impacts and significance of, at minimum, the five individual reductions in the Plan including the 80% for less than full build out, the 40% for leasable ground floor area (where 10-15% is normal), the 3% to 15% for BART, the 10% for mixed use reductions and the 15% for rail pass reduction. For example, are any of these reductions compounded or cumulative? Further, does the 40% reduction in leasable ground floor area, which was used to calculate usable building space and its impact on population and housing, affect traffic and air quality, as well? This analysis should also include any other reductions, individually and cumulatively, not mentioned above that may have been applied to different areas within the Plan, and may impact the analysis of the other fourteen environmental issue areas. And, were some reductions applied to certain areas, and not to other areas?

Without these multiple reductions (for example, regarding noise), it can be concluded that the effects on impacts are essentially negligible from project-related noise sources. However, if the 100% development would cause a significant impact, an 80% project would also cause a significant impact. Conversely, if the noise from an 80% project would result in insignificant impact, then the 100% project would also cause insignificant impact. However, for traffic, the result could be different. An increase in traffic at 80% might raise the traffic flow rate to a level D, but at 100% the traffic flow rate might be raised to level E, representing a higher impact.

In order to properly comment on the impacts, the public needs to know this information prior to any conclusions formulated or mitigations put forth. Therefore, in order to adequately address this information it is necessary that the assumptions used for each impact assessment be clearly defined and specific so that the review can go forward and be realistic in evaluating the DEIR conclusions.

We will continue to follow the review process, even though it appears at this time that the DEIR and the poll of our residents are both pointing to the "No Project Alternative/Revert to General Plan" as the proper way for the City to proceed.

Very truly yours,



Maeve Pessis, President
Lafayette Homeowners Council

Attachment- LHC Comments re: DEIR for Lafayette DSP

9-7
cont.

9-8

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph/ Table / Section | Subject | Comment |
|------------------------------------|--------------------------|--|--|--|
| Notice of Availability | | | | |
| 1. | | | Project Description | The term "commercial" should be added to the land uses described in this section. Please refer to General Plan, which uses this terminology for its land uses. Also, see page 3-5, existing land uses where commercial is included. |
| General Comments | | | | |
| 2. | | | Circulation Commission and Staff comments | LHC supports the comments provided 2010-03-02 by the Circulation Commission and Staff: "Circulation Commission Comments on the DEIR for the Revised, Draft Downtown Specific Plan." (See Endnotes, copy incorporated with this document as <u>Attachment A</u> .) |
| 3. | | | Methodology | Explain how TJKM methodology of calculations differs from that used by Fehr and Peers, which gave a different result. |
| 4. | | | 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. |
| 5. | | | Incompatible Goals | Discuss and resolve in the Traffic/Transportation/Circulation chapter (Chapter 4.13) and throughout, the contradiction between air/noise pollution mitigations, and the DSP goals for outdoor activities. The BAAQD instructions to children, the elderly, asthmatics, cyclists and those with lung and heart problems, are for them to stay indoors when within 500 - 1,000 ft. of Highway 24. This is contrary to the DSP goals of drawing people outdoors to walk, bike and participate in downtown community life, all in proximity to Highway 24. |
| 6. | | | Impact of Opposition to the Plan and Plan Alternatives | Based upon the City surveys, attendance and comments at various City Council, Commission and Committee meetings plus several general public information meetings, plus the written comments provided, it is clear that there is a significant amount of opposition to the Plan and Plan Alternatives, except the General Plan. This opposition is significant and is not subject to mitigation. Therefore it needs to be considered. |
| Title Page and Introduction | | | | |
| 7. | First page, and page 1-1 | n/a and 1 Introduction | DOT Grant and others for draft EIR preparation | Why is the Department of Transportation grant for the draft EIR preparation stated on the title page and the first paragraph of the Introduction indicates the document is funded, in part, through the Metropolitan Transportation Commission's Station Area Planning Program? Please explain and also provide listing of grants and all other sources of funding along with costs for this document preparation. |
| 8. | 1-1 | 2 nd and 3 bullets followed by last paragraph | Programmatic EIR | This approach needs further explanation including first bullet where it states "Whether planned characteristics of the project are substantially different from those defined in the ['this'] Programmatic EIR," and last paragraph regarding a project-specific Initial Study or EIR. Provide examples to explain. |

9-9 | 9-10 | 9-11 | 9-12 | 9-13 | 9-14 | 9-15 | 9-16

Downtown Specific Plan (DSP) Draft EIR -- LAFAYETTE HOMEOWNERS COUNCIL (LHC) COMMENTS - 2010-03-08

Volume 1 -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|------------------------------------|--------|---|-------------------------------|--|
| 9. | 1-2 | B. -- all 5 bullets | Report Organization | Summary comment: Bullet 2, Chapter 2- Report Summary, and Bullet 4, Chapter 4 Environmental Evaluation, are difficult to understand. The conclusions found in Chapter 2 do not match up to the well-written environmental evaluation in Chapter 4. Revise the conclusions in Chapter 2 to conform to the analysis in Chapter 4 regarding significance of impacts. |
| Chapter 2 -- Report Summary | | | | |
| 10. | 2-1 | 4 | Pedestrian- Auto Conflict | Explain how the City will avoid severe pedestrian-auto conflicts in the revised DSP Core. |
| 11. | 2-1 | A. paragraph 2 | Plan goals and policies | Please advise what 'goals, policies and programs' in the Plan relate to 'sustainability, downtown character and capital improvements to improve public safety and enhance the character of the downtown'. |
| 12. | 2-1 | Proposed Project- 2 nd paragraph | Commercial | Include the term "commercial" as a land use as above. Also, see page 3-5, existing land uses, where commercial is included. |
| 13. | 2-2 | Areas of Controversy | Height and density | Height and density should be added as areas of controversy. They were the most discussed areas during the entire DSP process. |
| 14. | 2-2 | Areas of Controversy | Schools | Impact on the operation and quality of schools should be added to this section, as this issue was raised numerous times during the DSP process. And, it is the second highest priority in the community from the most recent survey. |
| 15. | 2-2 | B. -- all bullets | Areas of Controversy | This section is lacking. Bullet 1 - Aesthetics, suggest insert "significantly" before "impact views" and "small town" before "character of downtown Lafayette." Bullet 2 - Population and Housing, based on the numbers presented, suggest insert "which would impact at a minimum schools, traffic, police and fire services" after "up to 4589 residents." |
| 16. | 2-3 | D. | Alternatives to the Plan | This paragraph is confusing. The 'three alternatives' are not listed below. Suggest list all three alternatives here for ease in review. |
| 17. | 2-4 | AQ-1 | Conflict with CAP Assumptions | Explain "No Project Alternative" means to revert to the General Plan. Page 2-22 information should be inserted here at page 2-3. Explain benefits to be derived from these unavoidable impacts. |

9-17

9-18

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9-21

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9-25

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph/ Table / Section | Subject | Comment |
|--------------------------------|-----------------|-------------------------------|---------------------------------|---|
| 18. Chapter 2 - Report Summary | Page 2-4 | Table 2-1, AQ-1 | Air Quality Mitigation | DEIR comments that Plan population and employment figures would increase at a greater rate than projected in the update to the Air Quality Plan thus leading to greater regional emissions than assumed. DEIR fails to mention that this circumstance would also lead to greater City emissions. There is no conclusion that this would also be a Significant Unavoidable Impact on the City. Revise to so state. |
| 19. Chapter 2 - Report Summary | 2-4, 2-5 | Table 2-1, AQ-2 | Air Quality Mitigation | Discuss and resolve in the Traffic/Transportation/Circulation chapter (Chapter 4.13) and throughout, the contradiction between air/noise pollution mitigations, and the DSP goals for outdoor activities. The BAAQD instructions to children, the elderly, asthmatics, cyclists and those with lung and heart problems, are for them to stay indoors when within 500 - 1,000 ft. of Highway 24. This is contrary to the DSP goals of drawing people outdoors to walk, bike and participate in downtown community life, all in proximity to Highway 24. [And see General Comments, at #5 (above) re: "Incompatible Goals.]" |
| 20. Chapter 2 - Report Summary | 2-4, 2-5 | Table 2-1, AQ-2 | Air Quality Mitigation | DEIR comments that the Plan might locate sensitive receptors within 250 feet of SR 24 which would expose sensitive receptors to unhealthy levels of TACs and PM2.5, and that it would result in a significant impact. It then suggests that this circumstance can be mitigated by a buffer at 250 ft. from the closest travel lane, a closed air filtration system, a new resident advisory, and perhaps an unproven mitigation of planting deodars and redwoods (planting trees to mitigate this impact is experimental). These so-called mitigations would create a "sick system," discriminate against those who would ordinarily qualify for low-income housing, and violate standards proposed by CARB of placing buffers at least 500 ft away from the nearest travel lanes. |
| 21. Chapter 2 - Report Summary | Page 2-6 | Table 2-1, AQ-3 | Air Quality Mitigation | Developers have indicated that restaurants located below residential housing create a noise and odor conflict. DEIR should specify that exhaust fan outlets should be located on the roof and vented away from the building. |
| 22. Chapter 2 - Report Summary | 2-6 | Table 2-1 | Greenhouse Gas Emissions | Revise in light of up to 4,859 new downtown residents cooking, heating living spaces, and driving cars, etc., in a confined area. |
| 23. Chapter 2 - Report Summary | Page 2-6 to 2-7 | Table 2-1 | Cultural and Historic Resources | <ul style="list-style-type: none"> The designation from Significant to Less Than Significant for buildings or structures that could be historical resources for purposes of CEQA is not valid unless written confirmation from City re: implementation of mitigation measures discussed in Chapter 4-4. Cultural Resources were omitted from Table 2-1 and should be included. Same comment applies to paleontology resources. Add The Forge as an historical resource structure. |

9-26

9-27

9-28

9-29

9-30

9-31

9-32

9-33

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|--------------------------------|-------------|---------------------------------|---|--|
| 24. Chapter 2 - Report Summary | 2-8 | Table 2-1 @ "Geology and Soils" | Draft EIR concludes: "The Plan would not result in any significant geology or soil impacts; therefore, no mitigation measures are necessary." | It is misleading in this context to conclude no significant impacts, when earthquake risks are well-known in this area, and risk of injury, damage, or death related to seismic activity is part of the required EIR evaluation. Seismic risks already exist that are not fully mitigated by current laws, regulations and plans, which include the City's General Plan Section VI "Safety" provisions, existing Building Codes, EBMUD high pressure water line upgrades, and Emergency Operation Plans, as referenced in Chapter 4.5 "Geology and Soils" of this Draft EIR. Since the Plan would add thousands of new residents in the downtown, those existing risks would be exacerbated by exposing those thousands more people to damage or injury. (And see Comments re DEIR Chapter 4.5 "Geology and Soils" pages 4.5-18 and 4.5-19.) |
| 25. Chapter 2 - Report Summary | 2-8 | Table 2-1 | Land Use and Planning, which stated no significant impacts | Reconcile with PH-1 Population and Housing - which states significant impacts from dwelling units, residents and jobs. Both Land Use & Planning result in Population and Housing. It would appear both have significant impacts. |
| 26. Chapter 2 - Report Summary | 2-8 to 2-9 | Table 2-1 | Summary of Impacts and Mitigation Measures | NOI-1: The impact description does not include potential for noise impacts due to Highway 24 traffic noise but does give an overall evaluation that noise is a <i>significant</i> impact. NOI-1a: The mitigation measures discussion gives general guidelines for appropriate mitigations but does not specifically indicate the 5 dBA lower interior noise levels required in senior housing and does not indicate that mitigation requirements determined from site specific noise studies should be incorporated in Project Conditions of Approval and that means of enforcement need to be provided. The interior noise impact <i>with</i> the mitigations should be <i>less than significant</i> except possibly for senior housing. NOI-1b: Mitigations outlined are appropriate and should result in <i>less than significant impact</i> for interior noise. NOI-1-c: Appropriate mitigations are outlined to achieve <i>less than significant</i> impact. |
| 27. Chapter 2 - Report Summary | 2-8 to 2-12 | Table 2-1 | Summary of Impacts and Mitigation Measures | The noise impact not included in the Summary is the fact that the existing traffic noise is already a <i>significant impact</i> in some residential areas and that after Plan Implementation those areas will remain subject to a <i>significant unavoidable impact</i> even though the increase in cumulative traffic will be less than 3 dBA. |

9-34

9-35

9-36

9-37

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph/ Table / Section | Subject | Comment |
|--------------------------------|------------------|--|---|---|
| 28. Chapter 2 - Report Summary | 2-9 to 2-12 | Table 2-1 | Summary of Impacts and Mitigation Measures | The impacts and mitigations outlined for NOI-2, NOI-3 and NOI-4 are appropriate in defining <i>significant</i> impacts of noise and vibration from new commercial developments and construction activities and the mitigations outlined are generally appropriate to reduce the noise and vibration impacts to <i>less than significant</i> . |
| 29. Chapter 2 - Report Summary | 2-8 through 2-20 | Land Use and Planning, Noise, Population and Housing, Public Services, Traffic and Circulation | Lack of funding is a significant impact, and funding is needed to accomplish many of the mitigations. | There is inadequate funding from the RDA during the twenty-year period of the DEIR to accomplish or meet a significant amount of the goals in the DSP, or the mitigations listed, particularly in regard to infrastructure and public services. |
| 30. Chapter 2 - Report Summary | 2-12 | PH-1 | Population and Housing | Explain how the City will mitigate, given lack of funding, certain uses allowed by right, current lack of infrastructure, traffic congestion, limited police services, limited circulation network, allowable heights and densities. Also, issuance of building permits and building, historically are not dependent upon long-term availability of infrastructure and public services. This significant impact cannot be mitigated. |
| 31. Chapter 2 - Report Summary | 2-12 | PH-1 | Population and Housing — New Infrastructure and 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. |
| 32. Chapter 2 - Report Summary | 2-12 | Population and Housing PH-1 | Mitigations | There is insufficient funding available to the community to provide infrastructure and public services, either currently or in the long term. Thus, building permits cannot be conditioned on such a requirement. Therefore, the increases in building cannot be mitigated. Such infrastructure and public services may not be subject to funding through fees. But even if some fees could be levied, it is highly unlikely the funds generated would be sufficient to resolve the impacts. |
| 33. Chapter 2 - Report Summary | 2-13 | Public Services PS-1 | Mitigations | The City already has calculated and assessed impact fees on new development in the Downtown. The City is limited in what they can do in this area, as there has to be a nexus between what they can charge and what the charge covers. Also, the City does not control fire services, therefore any fees collected, assuming legal to do so, cannot be controlled as to how they will be expended. Therefore, such a significant impact cannot be mitigated. |

9-38

9-39

9-40

9-41

9-42

9-43

Volume 1 -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|--------------------------------|--------------|-----------------------------|---|---|
| 34. Chapter 2 - Report Summary | 2-13 | Public Services PS-1 | Fire Services | Fire services are already less than required by the General Plan, even without the increase due to buildout. This should be noted. And, most likely, cannot be mitigated by any reasonable financial means. Further, given building heights allowed in the Project Plan and alternative plans, such heights cannot be serviced by the Fire Department when faced with multiple concurrent calls. This is a significant impact. |
| 35. 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, and road repair. Explain how these impact fees will compensate for slowed response time to emergencies. |
| 36. Chapter 2 - Report Summary | 2-18 | TRAF-12 | Signage as mitigation | Signage will have an insignificant impact on mitigating this significant impact. This impact cannot be sufficiently mitigated. |
| 37. Chapter 2 - Report Summary | 2-15 | TRAF-7 | Traffic signal as mitigation | There are already stop signs at this intersection. Given the number of stop signs and traffic signals along this Deer Hill Road corridor at every intersection, plus the BART turn-ins and turnouts, an additional traffic signal may provide little relief, and may add to the traffic congestion along the balance of Deer Hill Road. There are no other options, thus the significance at this intersection cannot be mitigated. |
| 38. Chapter 2 - Report Summary | 2-19, 2-20 | 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 light. |
| 39. Chapter 2 - Report Summary | 2-20 to 2-21 | Table 2-1 | Nesting birds | Agree with EIR analysis that proposed development associated with Plan implementation could result in direct loss or temporary construction disturbance to nesting raptors and other migratory birds, as a potentially significant impact. Agree with the EIR's proposed mitigation measures for the nesting birds. (And see Comments re Draft EIR Chapter 4.14 "Biological Resources" pages 4.14-38 to 4.14.39.) |
| 40. Chapter 2 - Report Summary | 2-22 | Paragraphs 1, 2 and 3 | Alternatives to the Plan | At item 1, add "the General Plan" to the end of the sentence about "No Project Alternative". Take DEIR page 2-22 after the revision suggested, and insert the information at the end of DEIR page 2-3 for better understanding, and for ease in review. |

9-44

9-45

9-46

9-47

9-48

9-49

9-50

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|---|--------------|-----------------------------|------------------------|---|
| Chapter 3 -- Project Description | | | | |
| 41. Chapter 3 - Project Description | 3-13 to 3-17 | All | All | Given the City's severe financial position, there are only two sources for funding these capital projects: the RDA and applicant fees. As stated elsewhere, applicant fees are already being assessed and are currently insufficient, and are limited by nexus to the project, thereby are severely constrained for such capital projects. The remaining RDA funds, which may not become available until 2027, are primarily allocated to fixing up existing businesses. Therefore, such funds are extremely constrained for such projects. There is not nearly enough funding for the capital projects listed, which has a significant impact on the Project Plan, and the funding problem cannot be mitigated. Please revise accordingly. |
| 42. Chapter 3 - Project Description | 3-17 | | Worst case scenarios? | Please reconcile the statement that "EIRs typically analyze what could be considered a worst-case scenario" with the reductions of 20% in the overall buildout, the 40% reduction in leasable floor space, and the myriad of other reductions throughout the DEIR. Clearly these are not worst-case scenarios. A worst-case scenario could most likely result in many more significant impacts. This should be noted. |
| 43. Chapter 3 - Project Description | 3-18 | 1 st Paragraph | Buildout projections | Reconcile statement that "unlikely buildout numbers would be realized" with the fact there are currently over 300 new multi-family units approved, or in process in the Downtown. Also, given certain uses allowed by right, together with a Transit Station, greater heights allowed will support and encourage growth. |
| 44. Chapter 3 - Project Description | 3-19 | Tables 3-1 and 3-2 | Population | Given the many constraints on infrastructure, such as traffic congestion, police protection, limited circulation network, how can a 72% downtown increase in population be mitigated? Revise to explain. |
| 45. Chapter 3 - Project Description | 3-20 | 2 nd paragraph | Units built since 2002 | The number of units approved, but not built should also be taken into consideration. There are over 130 housing units approved and waiting financing before proceeding. Also, there has been one office building approved and waiting financing. There are an additional 82 housing units in the BART Block, that members of the City Council and Planning Commission have given thumbs up in a public meeting. And two other housing projects totaling about 90 additional units are waiting financing and completion of the DSP before proceeding. In other words, the Downtown could soon face over 300 housing units and an office building being built very soon. These units will increase the base 2002 numbers dramatically, and have a significant impact on all the issues being considered under the DEIR. |

9-51

9-52

9-53

9-54

9-55

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page# | Paragraph/ Table / Section | Subject | Comment |
|-------------------------------------|-------|-------------------------------|--|---|
| 46. Chapter 3 - Project Description | 3-20 | One | Build out projections | Statement (a), first part of paragraph 1 states: "Build out of the Plan was calculated under the assumption that only a portion of the Plan Area would be redeveloped. The areas assumed for development ... as podium parking." This premise is assumed, but not proven for Lafayette. The DEIR analysis should be for full build out. The analysis could be supplemented with additional material or chapters as to "what if" the build out may not occur, but deduction without disclosure of the baseline amount prior to deduction is incorrect. This assumed unverified premise has significantly reduced the scope of the entire DEIR and rendered most parts of the document to be statistically unreliable under CEQA. Revise calculations for full build out. |
| 47. Chapter 3 - Project Description | 3-20 | One | Setbacks | Statement (b), continued from middle part of paragraph 1, states: "Build out calculations were developed using the proposed setbacks, heights, and residential densities contained in the Plan." This statement is not correct regarding setbacks. Setback amounts have not been determined at this time for the plan or for the high-density alternative being considered. Design guidelines for such set-backs are not yet in place. Revise calculations accordingly. |
| 48. Chapter 3 - Project Description | 3-20 | One | Subtraction of 40% leasable groundfloor area | Statement (c), continued from last part of paragraph 1, states: "...Forty percent of leasable groundfloor area was subtracted to account for miscellaneous spaces such as corridors and store rooms the design review process." (1.) <i>Forty percent</i> (40%) is an extreme amount. It should be in the range of 12-20%. The statement is inaccurate and should be omitted. (2.) The premise is assumed but not proven for Lafayette. As stated above, the analysis should be for full build out. The analysis could be supplemented with additional material or chapters as to "what if" the build out may not occur, but deduction without disclosure of the baseline amount prior to deduction is incorrect. This assumed unverified premise has significantly reduced the scope of the entire DEIR and as such has rendered most parts of the document to be statistically unreliable under CEQA. Revise calculations accordingly. |

9-56

9-57

9-58

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph/ Table / Section | Subject | Comment |
|----------------------------------|--------------------------|---------------------------------|---|---|
| Chapter 4.1 -- Aesthetics | | | | |
| 49. | Chapter 4.1 - Aesthetics | 4.1-15 & 4.1-20, Fig. 4.1-8 | Looking south from HV RD across Mt. Diablo Blvd. | Every person without exception shown this visual simulation has reacted negatively. The loss of the set backs at this intersection and the proposed increased height to 43 feet justified by a meager break classified as on-site open space would have a substantial adverse effect on a scenic vista of Mt. View ridge, something residents have come to expect. Additionally, the loss of the conveniently located and heavily patronized gas station is considered unacceptable. Revise to address this loss of key vistas. |
| 50. | Chapter 4.1 - Aesthetics | 4.1-20, Fig. 4.1-10 | Looking East along Mt. Diablo Blvd. from Moraga Rd. | This visual simulation looks a bit like Lego Land, which is not appropriate for Lafayette. Set-backs and height limitations are essential for the preservation of Lafayette's community identity and small town character, and are totally absent in the visual simulation. Revise to assess this important aesthetic impact. |
| 51. | Chapter 4.1 - Aesthetics | 4.1-22, Fig. 4.1-12 | Looking NE across Safeway Parking Lot from South Side of Mt. Diablo Blvd. | This visual simulation does not include the Oak Hill Road and First Street corners, or the entry from Moraga Road which currently enjoys a vista to the hills north of Highway 24. This whole area deserves careful consideration. The pedestrian interaction occurring in the pedestrian friendly NODE (once espoused as a desirable development concept for Lafayette and a proven success) is home to some of our most successful businesses. The available parking allows for the convenience of dropping off purchases in car trunks as one continues to shop, dine and conduct business. The low profile buildings and set-backs maintain the vista to the north of Highway 24. Revise to more carefully and specifically evaluate these aesthetic considerations and impacts. |
| 52. | Chapter 4.1 - Aesthetics | 4.1-22, Fig. 4.1-13 Fig. 4.1-14 | Looking Southwest from the North Side of Mt. Diablo Blvd. across First Street | The low lying one-story restaurant allows for views of Mountain View Ridge now impeded by the library. The visual simulation 4.1-14 is overpowering the intersection, and hardly contributes to a village like environment. Revise to reflect this impact. |
| 53. | Chapter 4.1 - Aesthetics | 4.1-22, Fig. 4.1-16 | Looking West along Mt. Diablo Blvd. from Carol Lane | A 3 story building on the SW corner will seal the demise of the successful car wash at this location; will Lafayette residents have to drive to Walnut Creek to get a full service car wash? Does this concept consider Sherman Swim and Dive School serving the community since 1961? Revise to allow these uses to continue where they are. |

9-59

9-60

9-61

9-62

9-63

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|------------------------------|-----------|--|--------------------------|---|
| 54. Chapter 4.1 - Aesthetics | 4.1-2 | Table 4.1-1 | General Plan Policies | Given that five General Plan Policies have been left out, and should not have been omitted, are there other goals, policies and programs that should be included in all the sections? Also, there is not discussion related to all these General Plan goals, policies and programs in the DEIR, and how they are met under the Project Plan and how they are mitigated. This needs to be done, as many are significantly impacted, and cannot be mitigated. |
| 55. Chapter 4.1 - Aesthetics | 4.1 and 5 | All Photographs | Visual Quality and Views | Virtually all the photographs in the DEIR where trees and landscaping are shown are done at the height of the growing season. However, for six months out of the year, the leaves and foliage are not on the trees. Plus, trees die, watering varies, and as trees become older, their leaves rise leaving large visible gaps of the surrounding buildings. Different trees and foliage provide a range of coverage, or lack thereof. Given these realities, all the photos should be re-done during the period when the trees and landscaping have lost their leaves and foliage to give a fairer understanding of the views and the significant impact higher buildings and densities will impose upon the community. Such impact will most likely result in a significant impact from such building heights and densities. |
| 56. Chapter 4.1 - Aesthetics | 4.1-34 | Visual Quality in the Surrounding Area | Design Review | The conclusion that design review will protect surrounding development in the Downtown is faulty and not verifiable based upon past City practices. Recently, the City approved a project that destroyed the views and privacy of many neighbors. This project also negatively impacted the existing scale, style and established character of the adjacent neighborhood. There are other such examples in the Downtown. Therefore, it should be concluded that design review does not provide this protection, and thus cannot mitigate significant impacts from such building. |

9-64

9-65

9-66

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph/ Table /Section | Subject | Comment |
|-----------------------------------|-----------------|------------------------------|--|--|
| Chapter 4.2 -- Air Quality | | | | |
| 57. Chapter 4.2 - Air Quality | 4.2-1 to 4.2-35 | All | Overall Air Quality impacts and proposed mitigations | <p>9-67</p> <p>Given the source material utilized, the consultant has done a competent analysis of air quality impacts associated with the potential infill represented by the DSP. However, the principal source, BAAQMD CEQA GUIDELINES, December 1999 has been superseded by a replacement document, dated December 2009 and which BAAQMD Board intends to adopt in June 2010. Given the imminent adoption, which will precede any potential adoption of part or all of the DSP, and given that it contains more relevant data regarding risk factors obtained through current studies, it is not apparent that the consultant utilized the new information and recommendations discussed in the <i>more current</i> study.</p> <p>9-68</p> <p>While the consultant provided current CARB and adopted BAAQMD thresholds of significance strategies for mitigation particularly as pertains to sensitive receptors, <i>AIR QUALITY AND LAND USE HANDBOOK: A COMMUNITY HEALTH PERSPECTIVE</i>, California Air Resources Board, April 2005, the consultant seems to back away from those in his own recommendations.</p> <p>9-69</p> <p>Of particular concern are the health hazards presented by the DSP's intensification of residential housing adjacent to Highway 24. Given that circumstance, the City should consider not just a <i>NO Project Alternative</i>, but a relook at the density proposed by the current adopted General Plan. In addition, the Draft EIR doesn't speak to the health hazards represented by the proposed trail on the EBMUD right of way or the air quality degradation represented by the inclusion of new roads, if the High Density Alternative were implemented.</p> <p>9-70</p> <p>In addition to listed receptors, should include sports outdoor recreational facilities, such as recreational bike/hike trails</p> <p>9-71</p> <p>Cites CARB setback recommendations of 500 ft between freeways and sensitive receptor, such as residences, but in EIR in later recommendations cuts the setback buffer to 250 ft. Revise to standard 500 ft.</p> <p>9-72</p> <p>Needs to be carried forward in Consultant's own recommended mitigations.</p> <p>9-73</p> <p>CARB regulations also took into consideration future diesel emission exposure Of particular concern is the info in Table 4.2.5 showing cancer and PM2.5 exposure Lafayette should conform to CARB guidelines. Revise accordingly.</p> |
| 58. Chapter 4.2 - Air Quality | 4.2-10 | Section b | Sensitive Receptors | |
| 59. Chapter 4.2 - Air Quality | 4.2-17-18 | Section 6 | Buffers | |
| 60. Chapter 4.2 - Air Quality | 4.2-19-20 | Section 3 | Exposure of New Residences to Toxic Air Contaminants | |
| 61. Chapter 4.2 - Air Quality | 4.2-27 | Paragraph 3 | CARB carcinogen emission regulations | |

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|--|--------|---|--|--|
| 62. Chapter 4.2 - Air Quality | 4.2-31 | Paragraph c | Significance of Exposure to TAC and PM2.5 Sources | Regardless what the Consultant believes the cited models imply, CARB and BAAQMD guidelines recommend a buffer of 500 to 1000 ft between receptor and freeway. |
| 63. Chapter 4.2 - Air Quality | 4.2-32 | Section 5 | Cumulative Impacts | As stated above |
| 64. Chapter 4.2 - Air Quality | 4.2-33 | Section F "Impacts and Mitigation Measures" | Mitigation Measure AQ-2: | As stated above |
| 65. Chapter 4.2 - Air Quality | 4.2-34 | Mitigation Measures | Mitigation Measures AQ-2 | Not realistic. Air Filtration system as described is unhealthy and costly. Will this closed or "Sick" building system be installed in all buildings, or for those that can afford them as part of homeowners association? Alternatively, unfair to expect homeowners - elderly or less affluent with children - to agree to an unhealthy atmosphere. |
| 66. Chapter 4.2 - Air Quality | All | All | Incompatible Goals | Discuss and resolve -- 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 ft. of Highway 24, as opposed to DSP goals of drawing people outdoors to walk, bike, participate in downtown community life ... all in proximity to Highway 24. |
| 67. Chapter 4.2 - Air Quality | All | All | Overall Air Quality impacts and proposed mitigations | See letter from T. H. Judson, Lafayette resident: "Of particular concern to me is the cancer risk along Rt. 24 (Table 4.2 - 5) and with the other associated health risks. I wonder if the "mitigation" described (pages 4.2 - 33, 34, 35) is realistic. It seems to propose that residents of plan dwellings will be indoors most of the time, protected by air filtration systems (consuming energy which will add to air emissions). This does not sound like an attractive healthy lifestyle!" (See Endnotes, copy incorporated with this document as Attachment B). ² |
| Chapter 4.3 -- Greenhouse Gas Emissions | | | | |
| 68. Chapter 4.3 - Greenhouse Gas Emissions | 4.3 | Paragraph 3 | Reduction of Greenhouse Gas | The Draft EIR speaks to the reduction of trips generated and, thereby, of Greenhouse gas, since the DSP will be developing mixed use infill adjacent to a "transit system" and will encourage through land use projects the development of alternative transportation modes. The EIR fails to balance this attested benefit with the location of the same project adjacent to a serious major air pollution source, SR 24. |

9-74

9-75

9-76

9-77

9-78

9-79

9-80

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|---|--------------|-------------------------------------|---------------------------------------|---|
| 69. Chapter 4.3 - Greenhouse Gas Emissions | | | Mitigation issue | See letter from T. H. Judson, Lafayette resident: "I wonder if the "mitigation" described (pages 4.2 - 33, 34, 35) is realistic. It seems to propose that residents of plan dwellings will be indoors most of the time, protected by air filtration systems (consuming energy which will add to air emissions). This does not sound like an attractive healthy lifestyle!" (See Endnotes, copy incorporated with this document as Attachment B). ³ |
| Chapter 4.4 -- Cultural and Historical Resources | | | | |
| 70. Chapter 4.4 - Cultural and Historical Resources | 4.4-14 | 3. Archeological Resources | Cultural Resources | Last sentence does not match facts. Mitigation measures are in place under existing laws and regulations. No one knows if there are unrecorded sites in the Plan area. |
| 71. Chapter 4.4 - Cultural and Historical Resources | 4.4-15 to 16 | D. | Impact Discussion | Agree with substance of discussion regarding significant environmental impact. |
| 72. Chapter 4.4 - Cultural and Historical Resources | 4.4-17 | First full paragraph | Reuse, Tax benefits | Explain quotation part in more detail: "exploring appropriate and viable reuse." Further explain how 'tax benefits' would apply. |
| 73. Chapter 4.4 - Cultural and Historical Resources | 4.4-17 | Second paragraph | "Windshield survey" | Explain meaning of "windshield survey" Agree implementation of the Plan would have significant impact on historical resources. |
| 74. Chapter 4.4 - Cultural and Historical Resources | 4.4-18 | First paragraph | Plan area 'urbanized' so less impacts | Plan area is not completely urbanized; excavation for underground garage for example could impact archaeological resources. |
| 75. Chapter 4.4 - Cultural and Historical Resources | 4.4-18 | Second paragraph | Records search | Lafayette has more creeks than streams. Under "Records search should be required within 200 ft. of a stream ..." add 'or a creek' after "stream" in 11 th /12 th line of paragraph 2. |
| 76. Chapter 4.4 - Cultural and Historical Resources | 4.4-20 | 2 nd paragraph of Part 4 | Native American participation | Are copies of letters to Native American groups part of this document? Were letters sent certified/return receipt? Assume consultation would be for future projects in the Plan area and not so much for a Program EIR. |
| 77. Chapter 4.4 - Cultural and Historical Resources | 4.4-21 | E. | Cumulative Impacts | The conclusion in the last sentence does not match the facts as presented in the rest of the paragraph. Revise the conclusion to conform to the facts. |
| 78. Chapter 4.4 - Cultural and Historical Resources | 4.4-22 to 23 | F. Impact CULT 1, Impact CULT 2 | Impacts and Mitigation Measures | The mitigation measures discussed in both sections need to be part of the permitting process in the Plan area. The impacts can only be mitigated on a project by project basis. The conclusions reached at the end of each section are not correct. Revise for accuracy. |

9-81

9-82

9-83

9-84

9-85

9-86

9-87

9-88

9-89

9-90

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|---|--------|--|---|--|
| <i>Chapter 4.5 -- Geology and Soils</i> | | | | |
| 79. | 4.5-5 | <p>Subsection c. "Multi-Jurisdictional Hazard Mitigation Plan"</p> <p>Subsection d. "Emergency Operations Program"</p> | <p>Earthquake risks:</p> <p>Mitigation limitations of Lafayette</p> <p>Emergency Operations Plan (EOP), and of ABAG / FEMA / CalEMA Plans</p> | <p>Earthquake risks are well-known in this area, and risk of injury, damage, or death related to seismic activity is part of the required EIR evaluation. In concluding no significant impacts in Chapter 4 "Geology and Soils," the Draft EIR places great weight on the protections of current laws, regulations and plans, which include the City's General Plan Section VI "Safety" provisions, existing Building Codes, EBMUD high pressure water line upgrades, and Emergency Operation Plans.</p> <p>Having the Lafayette Emergency Operations Plan (EOP) in place would not be a sufficient mitigation if the Lafayette population is expanded by adding several thousand more residents into the downtown area. Likewise, the ABAG/FEMA/CalEMA Multi-Jurisdictional Hazard Mitigation Plan would not be sufficient.</p> |
| | 4.5-14 | <p>Subsection b. "Strong Seismic Ground Shaking"</p> | <p>Mitigation limitations of General Plan, Building Codes, and EBMUD high pressure water line upgrades</p> | <p>In the event of earthquake disaster evacuations coming from the Town of Moraga and the hills of Lafayette, the City is already at risk of real traffic gridlock (see other Comments in this document re Traffic and Circulation), particularly if some roads/routes are blocked by earthquake damage. The current risk of injury or damage would be exacerbated by additional thousands of residents in the downtown. Trying to rewrite the EOP or the ABAG/FEMA/CalEMA Plan would not solve the risk if there are no additional roads or other evacuation routes to use.</p> <p>Existing earthquake mitigations through the General Plan "Safety" section and Building Code requirements, and upgrading EBMUD high pressure water lines that run through the Plan area, still leave current residents exposed to risks. Adding significant numbers of people to the downtown population, would expose even more people to these risks.</p> <p>It is misleading to state no significant impacts, when there is known earthquake risk that would be exacerbated by exposing thousands more people to damage or injury. Revise to indicate Significant Unavoidable Impacts.</p> |

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|-------------------------------------|----------------------|--|--|---|
| 80. Chapter 4.5 - Geology and Soils | 4.5-6, 4.5-7, 4.5-13 | at page 4.5-6 and 4.5-7, Subsection 1. "Regional Seismicity," at page 4.5-13 Subsection a. "Rupture of a Known Earthquake Fault" | Earthquake risks, with or without a rupture in the Plan area | <p>Draft EIR states no known active faults meet the definition of possible rupture risk in the Plan area; but acknowledges that: "due to the sheer (<i>misspelled as "shear"</i>) number of faults in the region, the possibility of a rupture in the future exists." The Draft EIR concludes no significant impact.</p> <p>However, it is well known that earthquakes can cause dramatic damage and injury even though the rupture is not directly underneath/adjacent to the area affected. Witness the devastation caused in San Francisco and Oakland/Cypress Freeway by the 1989 Loma Prieta earthquake, where the epicenter was miles away.</p> <p>Significant earthquakes are expected in this general area in the foreseeable future that will surely affect the Plan area.</p> <p>The Lafayette Emergency Operations Plan (EOP) anticipates damage and fatalities with major Hayward or San Andreas fault eruptions, and identifies five other faults of concern (Antioch, Calaveras, Concord, Greenville, and Diablo faults). (See EOP pages 33-38.)</p> <p>The Draft EIR recognizes anticipated earthquake activity in the area, for example:</p> <ul style="list-style-type: none"> ▪ San Andreas Fault: 62% chance of magnitude 6.7 or greater earthquake in San Francisco Bay Area between 2002 and 2032. ▪ Hayward Fault: 31% chance of magnitude 6.7 or greater earthquake within 30 years. <p>Also see maps and text included in the February 2006 report to BART, "Expected Fault Displacements along the BART Concord-Bay Point Line, Alameda and Contra Costa Counties." These maps include: Figure 1 - a map of fault crossings, that includes three lines in the Lafayette area and two more nearer Walnut Creek (as part of the Contra Costa Shear Zone), with a 'dotted' line connecting those five lines to the Calaveras Fault; Figure 2 -- showing a "Lafayette Fault" mapped in our area (described as a previously mapped strike-slip fault), and other faults within the Contra Costa Shear Zone; and Figure 12 - maps three lines in the Lafayette area, West Lafayette Fault, Reliez Valley Fault, and Lafayette Fault (part of a map of "faults and lineaments within the Contra Costa shear zone near the Bart C-line in Lafayette and Walnut Creek"). (See Endnotes, 2008-06-18 LHC letter to the City Council, the last three pages of enclosures are the referenced maps from this BART report, all incorporated as Attachment C to this document.)</p> <p>It is misleading to state no significant impacts, when there is known earthquake risk when the rupture is elsewhere in the area, and that risk would be exacerbated here by exposing thousands more people to damage or injury. Revise to reflect Significant Unavoidable Impacts.</p> |

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph/ Table / Section | Subject | Comment |
|-------------------------------------|-------------------|---|--|--|
| 81. Chapter 4.5 - Geology and Soils | 4.5-18, 4.5-19 | Subsection E. "Cumulative Impacts" Subsection F. "Impacts and Mitigation Measures" | Cumulative Impacts and Mitigation measures: No mitigations proposed | <p>Draft EIR states "Cumulative impacts would occur if development associated with the Plan together with other projects in Lafayette would expose people or structures to substantial risk of injury, damage, or death related to seismic activity, soil erosion, or unstable soils." Draft EIR concludes: "The Plan would not result in any significant geology or soil impacts; therefore, no mitigation measures are necessary."</p> <p>Some Draft EIR assumptions that form the basis for this conclusion need further critical examination.</p> <ul style="list-style-type: none"> ▪ Draft EIR says not next to a "major active fault line," as defined. But, Lafayette is certainly in an earthquake-prone region and affected by earthquakes. It ignores real seismic risk to say seismic risk of damage or injury only exists on active fault lines. ▪ Draft EIR says concentrate new development and population growth in areas with minimal risk of geological or soil related impacts (according to General Plan/Building Code). But, since the downtown Plan area is almost entirely built out already, any new development would be built in the same places as existing development, just built at a greater density. So, the seismic risk of damage or injury would be then be applied to thousands more people. <p>It is misleading, in this context, to state no significant impacts. Impacts of this proposed Plan that may be difficult to quantify in traditional terms, nonetheless exist, and should be fully recognized and understood. Revise to acknowledge significant impact, and provide mitigations.</p> <p>(And see Comments re Chapter 2 "Report Summary" page 2-8, Table 2-1 re "Geology and Soils.")</p> |

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|---|--------|---|---|---|
| <i>Chapter 4.6 -- Hazards and Hazardous Materials</i> | | | | |
| 82. Chapter 4.6 - Hazardous Materials | 4.6-3 | Second bullet | OEHHA definition | <p>OEHHA responsibilities should be more completely identified, similar to the following:</p> <ul style="list-style-type: none"> OEHHA is the lead State entity for the assessment of health risks posed by chemical contaminants in the environment. It is responsible for implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as Proposition 65. OEHHA compiles the Proposition 65 list of chemicals that cause cancer or reproductive harm. OEHHA develops public health goals for contaminants in drinking water and probes potential health risks created by pesticides including the risk of pesticide poisoning. OEHHA also conducts research on harmful substances that may be present in our air, studies ways to protect children from harmful exposures to air pollution, and determines when those substances threaten human health. Additionally, OEHHA guides schools in ensuring their grounds are free of toxic substances, helps set cleanup levels at toxic sites to protect the health of future residents, and assists local governments in adopting scientifically supported ways to protect the environment from chemicals found in stormwater runoff. Finally, OEHHA is responsible for the Scientific Guidance Panel of the California Environmental Contaminant Biomonitoring Program, and works with the Department of Toxic Substances Control to develop the Toxics Information Clearinghouse for California Green Chemistry Initiative. Revise to include this more complete definition. |
| 83. Chapter 4.6 - Hazardous Materials | 4.6-4 | Subsection 3. "County Regulations" | | <p>Hazardous uses located in Lafayette include natural gas and petroleum product pipeline that run through and near the City.</p> <p>Locations should be identified the same way that storage tanks, dry cleaners and the like have been identified in Table 4.6-2 on page 4.6-9. Everyone should know where these pipelines are located beneath our city. Revise to include.</p> |
| 84. Chapter 4.6 - Hazardous Materials | 4.6-9 | Table 4.6-2 "Hazardous Materials Storage Tank Sites in Plan Area" | Site No. 11 -- Hamlin Dry Cleaners, 3425 Golden Gate Way "Open - Site Assessment" | <p>3425 Golden Gate Way is currently occupied by Peacock Construction, not Hamlin Dry Cleaners (Jeanne's Hamlin Cleaners moved down the street years ago, to 3516 Golden Gate Way).</p> <p>Is it still an "Open - Site Assessment" site?</p> |
| 85. Chapter 4.6 - Hazardous Materials | 4.6-9 | Table 4.6-2 "Hazardous Materials Storage Tank Sites in Plan Area" | Site No. 21 -- Texaco, 3599 Mt. Diablo Blvd, "Open-Remediation" | <p>3599 Mt. Diablo Blvd. is now the Joseph A. Banks clothing store, part of new Mercantile building.</p> <p>Is it still really "Open - Remediation" at this site?</p> |

9-93

9-94

9-95

9-96

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|---|----------------|---|---|--|
| 86. Chapter 4.6 - Hazards and Hazardous Materials | 4.6-9 | Table 4.6-2 "Hazardous Materials Storage Tank Sites in Plan Area" | Not Listed -- Old "Le Gas" station site, which was at 3585 Mt. Diablo Blvd. | There is no listing for the old "Le Gas" station, which would have been at 3585 Mt. Diablo Blvd. It is now part of the new Mercantile building. Recollection is that it apparently did have some hazard issues at that site -- were those issues resolved? |
| Chapter 4.7 -- Hydrology and Water Quality | | | | |
| 87. Chapter 4.7 - Hydrology and Water Quality | 4.7-6 to 4.7-9 | Table 4.7-1 | General Plan Policies Relevant to Hydrology and Water Quality | This is an excellent and comprehensive list from the current General Plan which further supports the "No Project" alternative. |
| 88. Chapter 4.7 - Hydrology and Water Quality | 4.7-9 | B. -1 | Existing Conditions | The discussion is incomplete. Lafayette's downtown currently does not have an adequate drainage system to handle large rainfalls nor significant runoff from all the existing downtown impermeable surfaces. Please discuss existing infrastructure to handle all our water in more detail and available funding to improve same. Existing high water table makes construction of any proposed underground parking structure difficult. Several blocks in downtown have had difficulty due to high water table. Address this issue/impact. |
| 89. Chapter 4.7 - Hydrology and Water Quality | 4.7-10 | 3 rd paragraph | Groundwater | The paragraph states that the "City of Lafayette is not located over any significant groundwater 'basin.'" Explain the meaning of "basin" unless it is a typo and you mean "basin." |
| 90. Chapter 4.7 - Hydrology and Water Quality | 4.7-11 | 3 rd paragraph | Lafayette Dam location by faults | Suggest discussion needs to be tied to Chapter 4.5 Geology and Soils, as Lafayette Dam is classified as "high risk" due to location close to Hayward and Calaveras Faults. |
| 91. Chapter 4.7 - Hydrology and Water Quality | 4.7-14 | Mudslides | No steep slopes | This statement that the Plan Area is relatively flat is completely false. Almost all the area north of Mt. Diablo Boulevard has steep slopes. This statement needs to be corrected, and if there are any significant impacts from such steep slopes, they need to be identified. |
| 92. Chapter 4.7 - Hydrology and Water Quality | 4.7-17 | | 100 year flood area | Given the dam adjacent to the Plan Area, and the low elevations of the Downtown: what areas of Lafayette are in a 100 year flood hazard area, and are there any buildings thereon? |

9-97

9-98

9-99

9-100

9-101

9-102

9-103

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph/ Table / Section | Subject | Comment |
|---|--------|-------------------------------|-----------------------------------|--|
| <i>Chapter 4.8 -- Land Use and Planning</i> | | | | |
| 93. Chapter 4.8 - Land Use and Planning | 4.8-3 | Paragraphs 2 and 3 | FAR | While current FARs are noted, the DEIR fails to note that the proposed plan and high density alternative plan do not include use of FARs to control building massing. This is a Significant Impact and should be studied. |
| 94. Chapter 4.8 - Land Use and Planning | 4.8-2 | Figure 4.8-1 | General Plan Use Designations Map | Map is illegible for actual land use and planning purposes, in that underlying streets are not marked with names, boundaries between districts are not clearly defined or readily identifiable. Revise accordingly. |
| 95. Chapter 4.8 - Land Use and Planning | 4.8-5 | Figure 4.8-2 | Zoning Map | Map is illegible for actual land use and planning purposes, in that underlying streets are not marked with names, boundaries between districts are not clearly defined or readily identifiable. Revise accordingly. |
| 96. Chapter 4.8 - Land Use and Planning | 4.8-8 | Figure 4.8-3 | Plan Area Existing Land Use Map | Map is illegible for actual land use and planning purposes, in that underlying streets are not marked with names, boundaries between districts are not clearly defined or readily identifiable. Revise accordingly. |
| 97. Chapter 4.8 - Land Use and Planning | 4.8-14 | 3 rd paragraph | Consistency with the General Plan | First, the vision for the Downtown includes more than long term goals and zoning requirements. Second, there is no guarantee that these goals and policies can or will be accomplished. Third, the conclusion is circular in that because the General Plan establishes long term goals and zoning requirements, and the Plan does the same, they are therefore consistent? In fact, the Plan is not consistent with the vision for the Downtown and can never be consistent. Therefore, this statement and conclusion need revision and the significant impact delineated. |

9-104

9-105

9-106

9-107

9-108

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|-----------------------------|------------------|---|---|---|
| Chapter 4.9 -- Noise | | | | |
| 98. Chapter 4.9 - Noise | 4.9-1 to 4.9-36 | All | Noise Impact review and assessment | <p>This Chapter presents a generally excellent review and analysis of environmental noise fundamental concepts, state and local regulations and policies, evaluation of existing conditions, identification of potential impacts and mitigation measures.</p> <p>The Chapter conclusion is that with the mitigations incorporated all noise impacts of implementing the Draft Specific Plan will be <i>less-than-significant</i>. However, there are some inconsistencies and the effect of noise from Highway 24 traffic on new developments was underestimated. Also, the requirement for 5 dBA lower noise limits for new senior housing was not included in the mitigation details and the effects of added traffic noise due to Plan Implementation were not identified as <i>significant impacts</i> which cannot be mitigated. Revise accordingly.</p> <p>The Alternatives Chapter 5 indicates at page 5-64 that the No Project Alternative or the Lower Intensity Alternative are preferable with noise being the primary issue referenced.</p> <p>The conclusion of this review is also that the No Project Alternative or the Lower Intensity Alternative be preferred or adopted in order to avoid or minimize significant noise impacts that cannot be mitigated.</p> |
| 99. Chapter 4.9 - Noise | 4.9-1 to 4.9-5 | Paragraph 2 on page 4.9-5, and Table 4.9-2 | Freeway traffic noise | <p>At page 4.9-5 the discussion correctly indicates that levels of 75 to 80 dBA are normal noise levels at the first row of development outside a freeway right-of-way. However, Table 4.9-2, presenting examples of typical noise levels indicates about 60 dBA at 100 ft from a freeway, a very unrealistic value which is characteristic of other underestimates in the Draft EIR.</p> |
| 100. Chapter 4.9 - Noise | 4.9-8 to 4.9-11 | Table 4.9-4 | Residential facility noise limits and environmental review requirements | <p>At page 4.9-9 an excellent outline of the Lafayette noise limits and policies re new developments is presented in Table 4.9.4. In particular, Policy Program N-1.2.1 requires an environmental review of all development proposals with project design measures to reduce noise to allowable limits. Further, Policy N-1.4 requires that the noise limits be reduced by 5 dB for senior housing and residential care facilities.</p> <p>Neither of these two requirements is adequately addressed in the mitigation measures discussions, particularly the effect of the 5 db lower requirement for senior housing is not included in the mitigation discussions. Revise to include.</p> |
| 101. Chapter 4.9 - Noise | 4.9-15 to 4.9-24 | Paragraph 2 on page 4.9.22, and Figures 4.9-3 and 4.9-4 | Existing Conditions evaluation | <p>At pages 4.9-16 and 4.9-22 to 4.9-24 the locations selected for long-term and short-term environmental noise measurements are presented. Most of the locations are reasonable and produced results typical of Lafayette community locations near major traffic streets and separated from or distant from high traffic flow streets.</p> <p>However, the location for a long-term measurement near Highway 24 was not in a representative location. LT-3 was at the end of Second Street at the highway right-of-way and only 10 ft above grade. This location is below the highway pavement</p> |

9-109

9-110

9-111

9-112

9-113

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph/ Table / Section | Subject | Comment |
|---------|---|-------------------------------|----------------------------------|--|
| 102. | Chapter 4.9 - Noise 4.9-26 to 4.9-27 | Paragraph 4.9D.1. | Noise and Land Use Compatibility | level and is well shielded from the traffic noise due to the ground contours in the area. The result was noise levels of 58 to 60 dBA in the daytime (Fig 4.9-4) or about 10 dBA less than measured at LT-2 near Moraga Road, 68 to 70 dBA in the daytime (Fig 4.9-3). This measurement result greatly reduces the projected environmental noise impact of freeway traffic noise on new development areas included in the Specific Plan and compounds the effect of not including the requirement for 5 dBA lower noise limits for new Senior Housing projects. |
| 103. | Chapter 4.9 - Noise 4.9-29 | Paragraph 4.9D.3. | Increased Traffic Noise | This section generally indicates that the noise from existing traffic and added traffic due to Plan implementation are a <i>significant impact</i> at residential and noise sensitive commercial uses. However, the requirement for 5 dBA lower noise levels at new senior housing developments is not mentioned or noted as requirement, only the limits considered "normally" compatible with residential uses are indicated in determining impact. Also, on page 4.9-26 the level of noise from freeway traffic is understated and on page 4.9-27 the distance from State Route 24 for impact noise levels is understated. The discussion on increased traffic noise from added traffic due to Plan Implementation indicates that because the increased traffic on Lafayette streets will be only 1 to 2 dBA this is a <i>less-than-significant impact, i.e. less than 3 dBA</i> increase. This assessment does not take into account that the existing traffic noise is already a <i>significant impact</i> in many locations and any added noise is, therefore, a <i>significant impact</i> . |
| 104. | Chapter 4.9 - Noise 4.9-31 | Paragraph 4.9E. | Cumulative Impacts | As for the Increased Traffic Noise section this cumulative impact section does not take into account that the existing noise is a <i>significant impact</i> at many locations and, therefore, the cumulative level increases are a <i>significant impact</i> even though the change of levels is expected to be less than 3 dBA. |
| 105. | Chapter 4.9 - Noise 4.9-31 to 4.9-36 | Paragraph 4.9F. | Impacts and Mitigation Measures | This section provides an excellent summary of the expected noise impacts of Plan Implementation and the typical mitigation measures that should be applied to reduce the impact to be <i>less-than-significant</i> . However, it is extremely important that the site-specific noise surveys and the derived noise mitigation measures be specified to be required <i>Conditions of Approval</i> for any new developments and that there be established means for enforcing those <i>Conditions</i> . It is also important that the noise mitigations determined to be necessary for senior housing projects recognize the 5 dBA lower noise limits applicable compared to other residential projects. |

9-113
cont.

9-114

9-115

9-116

9-117

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|---|---------|---------------------------------------|---|---|
| Chapter 4.10 -- Population and Housing | | | | |
| 106. | 4.10-11 | Chapter 4.10 - Population and Housing | Population | Explain why it is necessary to double the housing requirements under ABAG and the General Plan, and increase the Downtown population from 30% in the General Plan to 72%. If not, then such increase cannot be justified. |
| 107. | 4.10-13 | Chapter 4.10 - Population and Housing | Cumulative Impacts | The DEIR concludes that the increases in dwelling units, residents, and jobs would have a significant impact, and we agree. However, for the many reasons stated herein, we do not believe they can be mitigated. Further, these same increases, which have a significant impact, also impact other areas of the Downtown including the cumulative impacts on housing, population, circulation, traffic congestion, police services, aesthetics, air quality, limited infrastructure, lack of adequate funding, and so forth, individually and when taken together on a cumulative basis. In other words, some items may not be considered significant by themselves, but when taken together with all the other significant impacts, creates a cumulative significant impact for such other items. That cumulative impact cannot be mitigated. |
| 108. | 4.10-14 | Chapter 4.10 - Population and Housing | Mitigation measure PH-1 Building permits as a mitigation measure | DEIR Mitigation Measure PH-1 states that 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." Unstated and undefined premise. Re "As development occurs under the Plan, issuance of building permits shall be conditioned" -- under what regulatory mechanism will this be accomplished? Explain. |
| 109. | 4.10-14 | Chapter 4.10 - Population and Housing | Impacts and Mitigation Measures | Since adoption of the 2002 General Plan, there have been seven applications for building projects in the City's Downtown. All seven have requested changes in the height and density allowed in the General Plan. And, all seven (100%) have been approved or given a thumbs-up by the City, by members the Council and/or the Planning Commission. Some of these variances in height and density have exceeded what is allowed under the City's General Plan by 50% and more. Therefore, given such a total disregard of the City's General Plan, and the process: (1) Has the DEIR taken into full account the impact of these current additional height and densities project variances on the numbers for housing and population? (2) Has the DEIR taken into full account the impact of future similar City planning decisions for new projects on population and density numbers? (3) Has the DEIR taken into full account the lack of City control over future building in the City and the impacts that occur as a result? (4) Has the DEIR taken into full account the impact of such project variances on other City impacts such as infrastructure, police services, and aesthetics and so forth in the Downtown? If not, and such a continued and egregious violation of its own General Plan cannot be mitigated, then the DEIR should so state. |

9-118

9-119

9-120

9-121

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph/ Table / Section | Subject | Comment |
|--|--------------------|--|--|---|
| <i>Chapter 4.11 -- Public Services</i> | | | | |
| 110. Chapter 4.11 - Public Services | 4.11-3 | Table 4.11-1, General Plan Safety Element Program S-4.2.2, Program S-4.3.1 | Fire Protection & Emergency Medical Response | It is essential to the continuous safety of the City that more Firefighters and EMT's are needed to cover the growth of the City, whether it be Residential or Business. |
| 111. Chapter 4.11 - Public Services | 4.11-3 | Table 4.11-1, General Plan Safety Element Program S-4.3.1 | Fees | Assessment fees from existing and new development for fire protection vital. |
| 112. Chapter 4.11 - Public Services | 4.11-5, 4.11-10 | | Cumulative Impact | Cumulative impact discussion on reduced operating impact significant, as the General Plan is not meeting the target response time due to reduced operating budget. |
| 113. Chapter 4.11 - Public Services | 4.11-7 | General Plan Safety Element Policy S-7.1, Policy S-7.2 | Law Enforcement | More Police are needed especially now with three-City cooperation. Response time will be longer; 26 personnel now is inadequate with the possibility of 4500+ more population, is not acceptable. |
| 114. Chapter 4.11 - Public Services | 4.11-7 | General Plan Safety Element Policy S-7.1 | Law Enforcement | The impact on services would be extremely significant. |
| 115. Chapter 4.11 - Public Services | 4.11-9 to 4.11-10 | Subsections 5 - 6: Cumulative Impacts, Mitigation | Law Enforcement | Cumulative Impacts - Plan impacts would be more significant. |
| 116. Chapter 4.11 - Public Services | 4.11-15 to 4.11-17 | Subsections 5 - 6: Cumulative Impacts, Mitigation | Schools | With the addition of 4500+ new residents, schools would be greatly affected. |
| 117. Chapter 4.11 - Public Services | 4.11-18, 4.11-19 | | Park & Rec, open space | The public supports expanding the amount of publicly owned open space, as recently verified in the Godbe Survey issued to the City in February 2010. |
| 118. Chapter 4.11 - Public Services | 4.11-5, 4.11-19 | Table 4.11-19, Goal/Policy OS-2.1.3 | Bonds, Safety Services, Traffic | Traffic is already a significant issue, and with the possible 4500+ new residents downtown, traffic will be much more of an issue. |
| 119. Chapter 4.11 - Public Services | 4.11-27 | Subsections 5 - 6: Cumulative Impacts, Mitigation | Impacts & Mitigation Measures | The Plan could result in impacts to the City. |

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph/ Table / Section | Subject | Comment |
|--|---------|-----------------------------------|---------------------------------------|--|
| <i>Chapter 4.12 -- Utilities and Service Systems</i> | | | | |
| 120. | 23-24 | | | Pages are duplicated. |
| <i>Chapter 4.13 -- Traffic and Transportation</i> | | | | |
| 121. | 4.13-6 | Figure 4.13-1 | Study Area Roadways and Intersections | The Intersection of Pleasant Hill Road with Deer Hill Road / Stanley Blvd. is Significantly Impacted by proposed plans, but is NOT included in Study Area |
| 122. | 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? |
| 123. | | | School Mitigations | What mitigations could be provided if schools and City worked together? |
| 124. | | | 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 Draft EIR LOS projections took into account likely diversions. |
| 125. | | | Moraga Trips | Calculate and include how many of the current and projected trips at the Moraga/School St. and at Mt. Diablo/Pleasant Hill Road intersections are trips to and from the Town of Moraga. What would the level of service be if the Lafayette trips were reduced to General Plan levels, only? |
| 126. | 4.13-20 | Table 4.13.6 & Table 4.13.7, etc. | Unsubstantiated Reduction Factors | While the CCTA technical procedures include them, the Contra Costa Transportation Authority does not agree to the use of "trip reduction factors." In light of this, justify the use of these reduction factors in this TJKM study. |
| 127. | 4.13-20 | Table 4.13.6, Table 4.13.7, etc. | Unsubstantiated Reduction Factors | Lafayette residents are busy and frequently in a hurry. Given the character of our active, high-achieving population, explain whether these trip reductions are therefore applicable to Lafayette. |

9-132

9-133

9-134

9-135

9-136

9-137

9-138

9-139

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|--|---------|-----------------------------|--------------------------------|---|
| 128. Chapter 4.13 - Traffic and Transportation | 4.13-20 | Table 4.13-6 | Transit Reduction Factors | The premise is assumed but not proven for Lafayette. Analysis should be for full build out. The analysis could be supplemented with additional material or chapters as to "what if," but deduction without disclosure of the baseline amount prior to deduction is incorrect. This assumed unverified premise has significantly reduced the scope of the entire DEIR, and as such has rendered most parts of the document to be statistically unreliable under CEQA. Revise calculations accordingly. |
| 129. Chapter 4.13 - Traffic and Transportation | 4.13-20 | Table 4.13-7 | Mixed-Use Reduction Factors | The premise is assumed but not proven for Lafayette. Analysis should be for full build out. The analysis could be supplemented with additional material or chapters as to "what if," but deduction without disclosure of the baseline amount prior to deduction is incorrect. This assumed unverified premise has significantly reduced the scope of the entire DEIR, and as such has rendered most parts of the document to be statistically unreliable under CEQA. Revise calculations accordingly. |
| 130. Chapter 4.13 - Traffic and Transportation | 4.13-21 | Two | Retail Pass-By Trip Reduction. | The premise is assumed but not proven for Lafayette. Analysis should be for full build out. As stated above, the analysis could be supplemented with additional material or chapters as to "what if," but deduction without disclosure of the baseline amount prior to deduction is incorrect. This assumed unverified premise has significantly reduced the scope of the entire DEIR, and as such has rendered most parts of the document to be statistically unreliable under CEQA. Revise calculations accordingly. |
| 131. Chapter 4.13 - Traffic and Transportation | 4.13-22 | | Trip reductions issue | Lafayette's residents are busy and frequently in a hurry. Given the character of our active, high-achieving population, explain whether these trip reductions are therefore applicable to Lafayette. |
| 132. Chapter 4.13 Traffic and Transportation | 4.13-26 | Paragraph 3 | Fees | Please recommend changes in this very outdated fee formula. |
| 133. Chapter 4.13 - Traffic and Transportation | 4.13-32 | Table 4.13.13 | Missing item on Table | Add Table Item indicating LOS on Pleasant Hill Road/Mt. Diablo Blvd. |
| 134. Chapter 4.13 - Traffic and Transportation | 4.13-73 | mid-page | Parking | Line 4, add "sufficient" to off-street parking reference. |
| 135. Chapter 4.13 - Traffic and Transportation | All | All | Incompatible Goals | Discuss and resolve the contradiction between air and noise pollution mitigation and the DSP goals for outdoor activities. The BAAQD instructions to children, the elderly, asthmatics, cyclists and those with lung and heart problems are to stay indoors when within 500-1,000 ft. of Highway 24 This is contrary to the DSP goals of drawing people outdoors to walk, bike, and participate in downtown |

9-140

9-141

9-142

9-143

9-144

9-145

9-146

9-147

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|---|---------------------|--|----------------------------------|--|
| Chapter 4.14 -- Biological Resources | | | | |
| 136. | 4.14-38, 4.14-39 | | Nesting birds | community life, all in proximity to Highway 24. (See Comments #5 and #8 above.) |
| | | | | Agree with EIR analysis that proposed development associated with Plan implementation could result in direct loss or temporary construction disturbance to nesting raptors and other migratory birds, as a potentially significant impact. Agree with the EIR's proposed mitigation measures for the nesting birds. (And see Comments re Draft EIR Chapter 2 "Report Summary" Table 2-1 at pages 2-20 and 2-21.) |
| 137. | 4.14-33 to 4.14-36 | | Creeks and riparian areas | Creeks and riparian areas along the creeks are already protected in the General Plan and DSP. |
| Chapter 5 -- Alternatives | | | | |
| 138. | 5-3 | Table 5-2 | Comparison Table | The No Project / General Plan Alternative receives ++ Air Quality Rating and ++ Rating in Transportation. Add this Alternatives Comparison Table to the Hazards Chapter in the Draft EIR. |
| 139. | 5-9 | Table 5-2 | Views | Compare preservation of views in the 3 Alternatives and reflect in Table 5-2. |
| 140. | Fig. 5-5, Fig. 5-12 | | Setback / Street plan Comparison | Explain why there are no setbacks shown from sidewalks for General Plan / No Project, when some setbacks and landscaping are shown on the WRT/high-density plan. |
| 141. | 5-19 | Paragraph 3 | Policies | Inaccurate statement. State that No Project / General Plan Alternative could address these same policies very well. Draft mitigations to provide these. |
| 142. | 5-20 | Subsection b. (Air Quality) | Air Quality | LHC agrees with No Project / General Plan Alternative. Would prefer revised DSP that reduces inflill density totals. |
| 143. | 5-20 | Subsection c. (Greenhouse Gas Emissions) | Greenhouse Gas | Using the rate of service employees is a manipulative way of minimizing the total impact of the Plan, thereby making the proposed Plan and the No Project / General Plan Alternative seem similar in terms of greenhouse gas emissions. |
| 144. | 5-20 to 5-21 | d. Paragraph 1 | Cultural and Historic Resources | The 'additional' policies stated could be adopted by the City to supplement current policies that are in compliance with local, State and Federal regulations and laws with respect to cultural and historic resources. The conclusion that the "No Project Alternative" [i.e. existing General Plan] would result in a slight deterioration compared to the Plan is not correct. |

9-147 cont.

9-148

9-149

9-150

9-151

9-152

9-153

9-154

9-155

9-156

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph/ Table / Section | Subject | Comment |
|-------------------------------|--------|--|------------------------|--|
| 145. Chapter 5 - Alternatives | 5-22 | Subsection f. (Hazards and Hazardous Materials) | Fire Risk | Correct inaccurate statements. Contra Costa County Fire District calls Lafayette a high-risk area and a continuous fuel chain. Lack of emergency roads in and out of Lamorinda complicates the problem. Change to Significant Unavoidable Impact. |
| 146. Chapter 5 - Alternatives | 5-29 | Subsection m. (Traffic and Transportation) | Trips | The No Project / General Plan Alternative produces only 44% per day of the trips produced by the other 2 alternatives. Explain the advantages in quality of life. |
| 147. Chapter 5 - Alternatives | 5-32 | Paragraph(s) 1, 3, 4 | Circulation | Explain that the No Project / General Plan Alternative can include these policies and programs, as well. |
| 148. Chapter 5 - Alternatives | 5-33 | Paragraph 3 | Natural Resources | Recommend adding to General Plan as mitigations. |
| 149. Chapter 5 - Alternatives | 5-38 | Subsection f. (Hazards and Hazardous Materials) | Natural Resources | Inaccurate. Change to reflect High Risk designation by Contra Costa County Fire District. |
| 150. Chapter 5 - Alternatives | 5-52 | | Fire Danger | Same as above. Related to emergency circulation. Few and narrow roads present a real and present emergency fire danger. |
| 151. Chapter 5 - Alternatives | 5-57 | Paragraph 3, (part of Subsection i., Impacts to Intersections) | Turns | Change "southbound" to "northbound." |
| 152. Chapter 5 - Alternatives | 5-57 | 4 | Level of Service (LOS) | Explain how close this would be to gridlock. |
| 153. Chapter 5 - Alternatives | 5-63 | Paragraph 3 | Parking | Explain and add to comparison chart under "Aesthetics and Services" T 5-2. |

Volume I -- Introduction, and Chapters 1 through 7

| Chapter | Page # | Paragraph / Table / Section | Subject | Comment |
|--|--------|-----------------------------|----------------------------------|---|
| Chapter 6 CEQA-Required Assessment Conclusion | | | | |
| 154. Chapter 6 - CEQA-Required Assessment Conclusion | 6-4 | Paragraph 3 | Significant Irreversible Changes | Inaccurate statement. The Plan can, indeed, be expected to result in land use changes that would commit future generations to uses that are not already prevalent in the Plan area. Explain the difference between the type of land use as a general category vs. the new densities and mass of those uses which would be very different from the types of land uses we find prevalent today in the Plan area. In many areas the Plan calls for three and four stories of stories considerable mass where there are now one and two stories of modest mass. Height and mass are land uses, too! |
| 155. Chapter 6 - CEQA-Required Assessment Conclusion | 6-5 | 2 | Environmental Accident | Inaccurate statement. The use of extensive multi-family dwellings in close proximity to Hwy 24 would indeed expose persons to the possibility of significant environment accident. Re-state to include this concept. |
| 156. Chapter 6 - CEQA-Required Assessment Conclusion | 6-5 | 3 | Non-renew resource | Inaccurate statement. Roads should be considered a non -renewable resource, considering the cost and L's terrain and soils. Every road has a given carrying capacity. This should not be exceeded. Correspondingly, relatively clean air is a non-renewable resource. When the Plan would be adding sufficient auto trips to create those LOSs and delay shown in the Cumulative Plus Project tables, the roads are exceeding their carrying capacities and considerably reducing Lafayette's air quality. The mitigations offered for this air pollution and the pollution resulting from proximity to hwy 24 are inadequately addressed. Please address these and the conflict that arises when a City begins to dramatically encourage pedestrian and bike travel in an atmosphere of considerable air pollution where the best mitigations are seen to be instructing inhabitants to stay indoors with their well-sealed doors and windows closed! This conflict goes unaddressed throughout and must be discussed. |

9-166

9-167

9-168

9-169

9-170

| Chapter | Page # | Paragraph / Table / Section | Subject | Comments |
|-----------------|--|-----------------------------|--------------------|---|
| 157. Appendix C | 128- 129, 162-163, 164-165, 179-180, 306-308 | All - includes photos | Historic Resources | <p>Various buildings in Lafayette are shown that may be of historic significance either to State and/or nation or our community including the Park Theatre, Peacock Alley business offices, the Hen House, Old Firehouse School and the Round Up Saloon. (And The Forge should be added.)</p> <p>Suggest these be compared to Volume I, visual simulation photos marked as Figures 5-3, 5-4, 5-5, 5-6 and 5-10, with a summary regarding 'small town character' in Volume I, Chapter 4.1 Aesthetics page 4.1-4 at B. "Existing Conditions" or C. "Visual Characteristics" of the Plan Area at page 4.1-6.</p> |

9-171

9-172

ENDNOTES:

- ¹ Attachment A to LHC Comments on DSP Draft EIR: 2010-03-02 "Circulation Commission Comments on the DEIR for the Revised, Draft Downtown Specific Plan."
- ² Attachment B to LHC Comments on DSP Draft EIR: 2010-02-18 T. H. Judson letter.
- ³ Attachment B to LHC Comments on DSP Draft EIR: 2010-02-18 T. H. Judson letter.
- ⁴ Attachment C to LHC Comments on DSP Draft EIR: 2008-06-18 Lafayette Homeowners Council letter to the Lafayette City Council regarding earthquake maps, the last three pages of enclosures are maps (Figure 1, Figure 2, and Figure 12) from the 2006-02-09 report to BART from William Lettis & Associates, Inc., "Expected Fault Displacements along the BART Concord-Bay Point Line, Alameda and Contra Costa Counties."

ATTACHMENT A
to LHC Comments on Draft DSP EIR

**2010-03-02 “Circulation Commission Comments on DEIR
for the Revised, Draft Downtown Specific Plan”**



CITY COUNCIL

Brandt Andersson, Mayor
Carl Anduri, Vice Mayor
Mike Anderson, Council Member
Carol Federighi, Council Member
Don Tatzin, Council Member

March 2, 2010

Ann Merideth, Community Development Director
City of Lafayette
3675 Mt. Diablo Blvd., Suite 210
Lafayette, CA 94549

Dear Ms. Merideth:

Thank you for the opportunity to provide comments on the January 26, 2010 Draft Environmental Impact Report for the Downtown Lafayette Specific Plan (DEIR). The Circulation Commission discussed and developed its comments over the course of two meetings on February 16 and March 1, 2010. The attached table contains all of the Commission's comments. Please feel free to contact me or Leah Greenblat, Transportation Planner, should you have any questions.

Sincerely,

Cindy Sevilla
Circulation Commission Chair

Enclosure

cc: Lafayette Planning Commission
Lafayette Circulation Commission

9-173
cont.

Circulation Commission Comments on the DEIR for the Revised, Draft Downtown Specific Plan

| Item | Page/Location | Issue | Recommendation |
|------|---|--|--|
| 1. | 4.13-1 | There are several ways of generating LOS results. It is unclear whether the DEIR used a stand alone LOS analysis or used a simulation approach that combines intersections. The simulation approach, while more involved to do, does provide a more realistic result in congested areas. Fehr and Peers analysis used the simulation approach. | Clarify whether stand alone or simulation LOS analysis was used. Consider using the simulation method to provide a more realistic analysis of the congested areas. |
| 2. | 4.13-3, Table 4.13.1 | The City's adopted LOS Good D and Poor D is not defined in the table. | Revise Table 4.13.1 by subdividing the LOS D row and include description and average control delay for Good D 35-45 seconds and Poor D 45-55 seconds. |
| 3. | 4.13-3, last bullet | Caltrans also controls the intersections at its on and off ramps and the operation traffic signals at those locations. | Revise last sentence, "(Caltrans) controls the design, operation and maintenance of freeways and State highways including intersections and traffic signals at on and off ramps in Lafayette. |
| 4. | 4.13-6, Fig. 4.13-1 | This figure should show the outline of the Study Area, the Plan Area and which intersections are considered inside and outside of the Downtown. | Modify figure. |
| 5. | 4.13-7, a. Plan Area Roadway Network and throughout | As used, the phrase "route of regional significance" could be misconstrued. | Revise second sentence to read, "State Route 24 and Pleasant Hill Road north of State Route 24 are designated by the Contra Costa Transportation Authority as Routes of Regional Significance considered to be routes of regional significance." |
| 6. | 4.13-7, 1 st bullet | In the second to last sentence: The year should be stated as to when SR24 carried 160,000 vehs./day. | Cite the date of the traffic count. |

| Item | Page/Location | Issue | Recommendation |
|------|--|--|--|
| | | This sentence also is misleading in stating that the SR24 carries "...vehicles per day through downtown Lafayette." | Revise sentence to delete "downtown." |
| 7. | 4.13-8, 1 st bullet | In addition to connecting the Town of Moraga with Mt. Diablo Blvd., Moraga Rd. also provides a connection for residents of southern Lafayette. | Revise first sentence, "...connecting Mount Diablo Boulevard on the north with <i>southern Lafayette and the Town of Moraga...</i> " |
| 8. | 4.13-8, 3 rd bullet | When First St. changes to a 1-way street, it only has 1 travel lane. | Revise last sentence, "...it becomes a <i>one-lane, one-way southbound roadway...</i> " |
| 9. | 4.13-8, 4 th bullet | The character of Oak Hill Road is significantly different north of Deer Hill Road. | Add a sentence to the end of the paragraph, "North of Deer Hill Road, Oak Hill Road is a two-lane road that provides local access." |
| 10. | 4.13-10, Table 4.13-4 | See discussion in staff report regarding designation of intersections as either Downtown or Outside | Evaluate Study Intersections # 13, 14, 20 and 25 as if they were designated Downtown Intersections. Consider revising General Plan's definition of Downtown Intersections. |
| 11. | 4.13-11, Fig. 4.13-2 and throughout | On the map, it is not clear which intersections are designated as Downtown and which Outside Downtown | On the map, graphically depict the two Downtown and Outside intersections. |
| 12. | 4.13-16, Table 4.13-5 and 4.13-36, Table 4.13-15 | The DEIR does not clearly differentiate the magnitude of the LOS F classification. The seconds of delay of an LOS F near LOS E is significantly different than an LOS F of 247 seconds of delay. | Explain in terms of real-life experience what the existing condition of LOS F at School St. and Moraga Road in 2010 feels like with a mid-day delay of 124.1 seconds vs. a Cumulative Plus Project delay of 247.2 seconds. Describe what this means in terms of backup and length of time to reach Mt. Diablo Blvd. from certain target distances, such as Silver Springs or Rheem. State whether the LOS for Plan build-out could best be |

| Item | Page/Location | Issue | Recommendation |
|------|---------------------------------|---|---|
| 13. | 4.13-17 | Transportation-related impacts are closely related to Air Quality impacts. The proposed plan encourages walking and biking, yet in Section 4.2 of the DEIR, a mitigation for air pollution generated from auto exhaust is to construct buildings with doors and windows that can seal out air pollution. If the air pollution is a concern in residential units, what impact does it have on pedestrian and bicyclist mobility in the Plan Area and at nearby schools such as Lafayette Elementary, Stanley Middle and Acalanes High? | described as FF. If not, why not? Include a reference to Air Quality Section 4.2 within the Traffic and Transportation Section 4-13 to acknowledge the close connection of these potential impacts. |
| 14. | 4.13-23, Table 4.13-8 | To more clearly depict the trip distribution, the distribution should also be shown on a map. | Add a map showing the trip distribution graphically. |
| 15. | 4.13-4, Table 4.13-9 & thru-out | It is unclear how many of the trips are trips generated from the Town of Moraga. Also it is unclear how much of the Moraga Road/School Street intersection congestion is caused by Lafayette vs. Moraga generated traffic. | Include the number of trips that each project is expected to generate. Where there are project impacts, the background traffic should be subdivided into Lafayette-generated and Moraga-generated traffic so that it is clearer to understand the true source of the resulting traffic congestion. |
| 16. | Thru-out | At or before the project's build-out, the levels of congestion on Moraga Road would likely result in some drivers deciding to re-route their trip to avoid Moraga Road and choose to use an alternative route such as Reliez Station Road or Moraga Road. | Clarify whether the DEIR LOS projections took into account these re-routed trips. How many trips will divert to Reliez Station Road, the St. Mary's corridor or Acalanes Rd., to avoid Moraga Road congestion? |
| 17. | 4.13-25, Table 4.13-10, | The land use assumptions presented in the DEIR are different than those in the WRT Downtown Specific | What was the background assumption for the No Project alternative and how does it differ from the |

| Item | Page/Location | Issue | Recommendation |
|------|--|---|--|
| | 5-2, Table 5-1 & thru-out | <p>Plan and analyzed by Fehr and Peers. The WRT Specific Plan did not propose changes that would substantially raise the development cap or envelope for the City as a whole relative to the City's existing General Plan. The WRT plan was premised on this matter. But in the DEIR, it looks like the Specific Plan (Project) allows substantially higher levels of use (residential and non-residential) than the General Plan. It is the Commission's understanding that the height limits in the Specific Plan (Project) were restricted further than the WRT Plan; so intuitively it does not make sense that the Specific Plan's (Project) would allow substantially higher levels of use.</p> <p>For example, the No Project non-residential use is less than the General Plan base from the WRT plan (See the Fehr and Peers, June 3, 2008 memo, page 2, Table 1).</p> | <p>WRT General Plan Alternative? Does the No Project Alternative encompass all the General Plan growth? How are the land uses adjusted from the No Project Alternative to the Specific Plan Alternative? Provide a better explanation than what is in the DEIR as to why the DEIR's Specific Plan land uses are so significantly higher than the No Project or General Plan land uses analyzed by WRT.</p> |
| 18. | 4.13-25, Table 4.13-10 and throughout | <p>The reader should not have to calculate the per unit trip generation rates for each land use type.</p> | <p>Add a column for the per unit trip generation rate, e.g. trips/DU/day.</p> |
| 19. | 4.13-3 and 4.13-29, Table 4.13-11 and thru-out | <p>The LOS criterion establishes 6 letter grades to denote traffic conditions. LOS F is considered the lowest rating. When using the HCM method of calculating LOS at a signalized intersection, when the average control delay is more than 80 seconds, then the intersection is designated as LOS F. Any delay from 81 seconds to infinity is considered an LOS F. The problem with the LOS F designation is that it does not differentiate the magnitude of an LOS F designation. For example, 81 seconds of delay is an F (and very</p> | <p>Establish an additional LOS F classification (e.g. LOS FF) to better convey the delay impacts when the magnitude of the delay is 2 or more times greater than the 81 seconds which triggers an LOS F classification.</p> <p>The DEIR should explain the relative significance of these extreme LOS F classifications and highlight these extreme LOS Fs within the DEIR.</p> |

| Item | Page/Location | Issue | Recommendation |
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| 20. | 4.13-30, last para. | <p>close to the border of LOS E), but a delay of 225 seconds is also considered an LOS F. The difference in experiencing these two LOS F conditions is significant, but not reflected in the letter grade designation and should be discussed within the text of the DEIR.</p> <p>For more context when discussing the Delay Index provide the travel time on SR24 during the uncongested, off-peak time.</p> | <p>Provide the travel time on SR24 during the uncongested, off-peak time.</p> |
| 21. | 4.13-39& 40 | <p>If an additional southbound, left-turn were added on Oak Hill, would the queue length for the SBLT back up and block the southbound thru-lane (similar to the northbound, left-turns at Moraga Rd. and Mt. Diablo Blvd.?</p> | <p>The DEIR should consider and respond to whether queuing associated with future traffic would impact the operation of a southbound through lane as proposed.</p> |
| 22. | 4.13-41, 1 st para | <p>Impacts associated with widening Moraga Road at Mt. Diablo Blvd.</p> | <p>The DEIR should consider and respond to revising the last sentence to state that the widening would result in unavoidable impacts.</p> |
| 23. | 4.13-41, section iii | <p>The DEIR should present options for improving conditions at the Moraga Road/School Street intersection. One option would be to evaluate the impact of changing the pedestrian signal phasing from a scramble setting. Although previously considered by the City to be undesirable in the past, circumstances may not warrant reconsideration.</p> | <p>The DEIR should consider and respond to the feasibility and impact of changing the pedestrian signal phasing from a scramble setting.</p> |
| 24. | 4.13-41, section iv | <p>It is unclear if the DEIR proposes a two-way, center-turn lane on Moraga Road between School Street and Moraga Blvd. or a southbound, left-turn lane.</p> <p>What impact would a southbound, center left-turn lane</p> | <p>Clarify which type of turn lane is proposed.</p> <p>The DEIR should consider and respond to whether if a southbound, left-turn lane is proposed; this may create impacts which should</p> |

| Item | Page/Location | Issue | Recommendation |
|------|---------------------|---|---|
| | | <p>on Moraga Road between School Street and Moraga Blvd.? Would the northbound, left-turns into the driveways on the west side of Moraga Rd. be impacted?</p> <p>The existing striped shoulders are planned Class 3 bike routes in the City's Bikeways Master Plan. This project is part of the Downtown Bike By-pass which is a central component in that plan to promote bicycle riding to, from and through the Downtown.</p> <p>The DEIR suggests eliminating parking along the west side of Moraga Rd.</p> | <p>be evaluated for the northbound, left-turns from the proposed addition of a southbound, center, left-turn lane.</p> <p>The DEIR should consider and respond to if a two-way, center-turn lane is proposed, whether this may create an operational and safety conflicts when demand for northbound and southbound left-turns overlap. The proposed mitigation may have secondary impacts that effect implementation.</p> <p>The DEIR should consider and respond to revising the DEIR to state that the elimination of the striped shoulder areas to install a southbound, left-turn lane would have an unavoidable impact on the implementation of the City's Bikeway Master Plan.</p> <p>The DEIR should consider and respond to whether the proposed mitigation may have significant secondary impacts associated with the removal of on-street parking. The DEIR should provide more details on the feasibility of this mitigation.</p> |
| 25. | 4.13-42, section v. | <p>The DEIR does not discuss the impacts on the existing Deer Hill Road bike lanes and the ability of a bicyclist to navigate the new intersection alignment. The Deer Hill Road bike lanes provide direct access to BART and</p> | <p>The DEIR should consider and respond to whether the proposed mitigation may have significant secondary impacts. The DEIR should consider and respond to whether the DEIR should</p> |

| Item | Page/Location | Issue | Recommendation |
|------|--|---|---|
| 26. | 4.13-43, top of page | Additional information and analysis is needed regarding the proposed second, eastbound, right-turn lane from Deer Hill to First St. | The DEIR should consider and respond to whether the proposed mitigation may have significant secondary impacts. The DEIR should consider and respond to the request to provide the length of the second eastbound to southbound right turn lane and evaluate whether there is an issue with two lanes merging into the southbound First St. How would this impact the operation of the First St. southbound, left-turn at the SR 24 Eastbound, on-ramp? How would the proposed mitigation impact the existing bike lane and bicycle travel? |
| 27. | 4.13-43, 2 nd para | It is unclear whether the further improvements could be undertaken as a stand alone project. The DEIR does not discuss how a second westbound left-turn lane would be accomplished, i.e. where the land comes from, and what would happen to the existing westbound bike lane. | The DEIR should consider and respond to whether a second, westbound left turn lane would be beneficial on its own. The DEIR should consider and respond to a request to provide further explanation of how a second turn-lane would be accomplished and whether it would impact the existing bike lane. |
| 28. | 4.13-43, 2 nd diamond, 3 rd bullet | In the PM peak hour, the intersection operation improves, but it is unclear by how much. | Provide the seconds of delay for the LOS E operation for the Cumulative No Project. |
| 29. | 4.13-44, 2 nd para And | The narrow sidewalk and the differential speed between pedestrians and vehicles would create a less than ideal walking environment. | The DEIR should consider and respond to a request to access the secondary impacts on pedestrians of the proposed mitigation. |

| Item | Page/Location | Issue | Recommendation |
|------|--------------------------|---|---|
| 30. | 4.13-44, last para. | <p>Two mitigations are discussed related to Deer Hill Rd. and SR 24 Westbound Ramps. The westbound left-turn lane impacts associated with non-motorized policies are similar to the impacts associated with the eastbound lane mitigations, so why doesn't the DEIR conclusion discuss this for the latter?</p> <p>It is unclear at what stage of development the Peak Hour Volume Warrant was met.</p> | <p>The DEIR should consider and respond to whether the proposed mitigation of eastbound lanes should be evaluated in terms of its impacts on existing non-motorized policies similar to the proposed mitigation for westbound turn lanes.</p> <p>The DEIR should consider and respond to the request for clarification at what stage of development was the warrant met.</p> |
| 31. | Throughout | <p>Traffic signals are one type of intersection control. It is unclear whether the DEIR has evaluated whether a roundabout would mitigate traffic as well as a traffic signal and whether it might be better suited in maintaining Lafayette's character.</p> | <p>The DEIR should consider and respond to how the DEIR should evaluate roundabouts as well as traffic signals as a means of mitigation.</p> |
| 32. | 4.13-44 & 45, section vi | <p>It is unclear whether the installation of a traffic signal at the off-ramp on Oak Hill would impact the operation of the Mt. Diablo Blvd./Oak Hill Rd. intersection.</p> | <p>The DEIR should consider and respond to how the proposed mitigation of installing a signal at the off-ramp may impact the operation of the Oak Hill/Deer Hill Roads intersection or visa versa.</p> <p>The DEIR should consider and respond to how the DEIR should assess the secondary impacts associated with the proposed mitigation relative to the operation of these nearby intersections.</p> |
| 33. | 4.13-45, section vii | <p>The first sentence may misrepresent the nature of the change in the traffic volume at this intersection.</p> <p>Installing a traffic signal could result in higher speeds on Happy Valley Rd. both from through movements and turning movements. As an intersection and street segment adjacent to BART and in an area with</p> | <p>The proposed mitigation may have significant secondary impacts. The DEIR should consider and respond to how it will address impacts on vehicle speeds related to proposed installation of a signal.</p> |

| Item | Page/Location | Issue | Recommendation |
|------|-----------------------|---|--|
| | | <p>significant pedestrian activity, this would be an undesirable impact. Due to on-street parking and pedestrian access routes, Happy Valley Road already experiences considerable jay-walking.</p> <p>If a signal were installed, how would the queues impact traffic operations on nearby streets such as N. Thompson and Lois Lane?</p> <p>Last paragraph, it is unclear at what phase the intersection would operate an unacceptable LOS D.</p> | <p>The DEIR should consider and respond to whether as an alternative solution would adding an additional southbound, left-turn lane at Happy Valley Road and Deer Hill be feasible?</p> <p>Revise sentence to read, "Buildout of the Plan would result in increases in traffic volumes <i>passing through the all-way stop control</i> such that the intersection..."</p> <p>The DEIR should consider and respond to the associated impacts related to the potential for increased vehicle travel speeds and pedestrian impacts associated with signalizing the Happy Valley/Deer Hill intersection.</p> <p>The DEIR should consider and respond to the associated impacts related to possible queuing on the operation of adjacent streets.</p> <p>Clarify last paragraph by specifying the phasing of the proposed mitigation.</p> |
| 34. | 4.13-46, section viii | <p>The existing type of traffic control should be noted.</p> <p>A traffic signal at Deer Hill and Oak Hill may result in increased travel speeds on Deer Hill Road. It is unclear how this would impact access from side streets and the BART driveways. The City has received complaints</p> | <p>Revise first sentence to read, "Buildout of the Plan would result in increases in traffic volumes such that the delay at the <i>all-way, stop controlled</i> intersection..."</p> <p>The DEIR should consider and respond to the</p> |

| Item | Page/Location | Issue | Recommendation |
|------|------------------------|--|--|
| 35. | 4.13-46, section ix | <p>from residents of N. Thompson citing difficulty turning out of the street.</p> <p>The combination of an additional eastbound, right turn lane from Deer Hill to First St. may create several operational issues. Would a vehicle in the outer lane have sufficient time to transition to the southbound, left-turn on to eastbound SR24?</p> <p>If a signal were added at the First St. on-ramp, during what signal phase would pedestrians on the east side cross the on-ramp?</p> <p>What would be the route of a bicyclist headed eastbound as well as southbound?</p> <p>What queuing impacts might be associated with the proposed installation of a traffic signal at this on-ramp?</p> | <p>associated impacts related to increased travel speeds from the proposed traffic signal including the impacts to side street and driveway access.</p> <p>The DEIR should consider and respond to the questions raised.</p> |
| 36. | 4.13-47, section x | <p>The recently adopted Lamorinda Action Plan contains a gateway policy regarding SR 24 in addition to Pleasant Hill Road.</p> | <p>Amend discussion of SR24 in context of the adopted gateway policy.</p> |
| 37. | 4.13-51, Impact TRAF-6 | <p>The existing traffic control method should be referenced.</p> | <p>Revise sentence to read, "Buildout of the Plan would result in increases in traffic volumes such that the <i>all-way stop controlled</i> intersection of Deer Hill Road..."</p> |
| 38. | 4.13-52 Impact TRAF-7 | <p>The Deer Hill and Oak Hill intersection experiences large volumes of pedestrians primarily due to the nearby BART station. If the intersection were signalized, what improvements would need to be made to accommodate the queuing of pedestrians waiting to</p> | <p>The DEIR should consider and respond to these issues.</p> |

| Item | Page/Location | Issue | Recommendation |
|------|----------------------------------|--|---|
| 39. | 4.13-52, Impact TRAF-8 | <p>If the First St. on-ramp were signalized, how would the signal operate? Would one or both of the northbound lanes need to stop in order to permit a southbound, left-turn?</p> <p>How would queuing impact nearby driveways, particularly the former Albertson's?</p> | <p>The DEIR should consider and respond to these issues.</p> |
| 40. | 4.13-54, 1. Regulatory Framework | <p>The Master Walkways Plan and the Bikeways Master Plan were both adopted as Specific Plans to the City's General Plan. Relevant goals and policies from these documents should be evaluated.</p> | <p>The DEIR should consider and respond to these issues.</p> |
| 41. | 4.13-52, last para. | <p>The small BART-owned parking lot on the south side of station accessed from Happy Valley Road should be included in the total number of parking spaces at the Lafayette station. At one time, the City rented and sub-leased, another small lot immediately south of BART's southern parking lot.</p> <p>In order to encourage bicycling to the station, long-term bicycle parking is needed for security. What quantity of the existing bicycle parking spaces are composed of bike lockers?</p> <p>The last sentence does not clearly explain why bicyclists are directed to the north side of the station.</p> | <p>Revise the paragraph for clarity.</p> <p>Provide a breakdown of the bicycle parking spaces between racks and lockers.</p> <p>Revise sentence to read, 'Bicyclists typically are directed to access the station's north side as there is no ramp on the south side of the station.'</p> |

| Item | Page/Location | Issue | Recommendation |
|------|-----------------------------------|---|---|
| 42. | 4.13-55, section ii | <p>Bus service is provided by the CCCTA, not CCTA.</p> <p>Acalanes High School is served by Route 625 which is not noted.</p> <p>A key component of the DSP is to encourage alternatives to driving. The DEIR does not evaluate whether improvements are needed at bus stops to improve access and better serve new development. For example is all weather paving needed at bus stops, are waiting areas ADA accessible?</p> | <p>Revise.</p> <p>The DEIR should consider and respond to these issues.</p> |
| 43. | 4.13-57, b. Pedestrian Facilities | <p>The evaluation of Pedestrian Facilities is insufficient.</p> <p>A key component of the DSP is increasing pedestrian activity and mobility. The DEIR should analyze how the City's long blocks, signal timing and ability to cross high speed and/or high volume streets impacts pedestrian mobility. Additionally the design of driveways and connections from the sidewalk to a building's entrance impact pedestrian mobility. The DEIR does not sufficiently evaluate these matters.</p> <p>The DEIR mischaracterizes sidewalks in the Downtown Retail District as nearly continuous: A more appropriate phrase would be "generally present" since sidewalks are not continuous on many side streets, e.g. Happy Valley Road, Mtn. View Dr., Dewing Ave., Lafayette Circle and Second St.</p> | <p>The DEIR should consider and respond to these issues.</p> |

| Item | Page/Location | Issue | Recommendation |
|------|---|--|---|
| 44. | 4.13-59, Figure 4.13-6 | Febr and Peers prepared a sidewalk inventory which should be referenced. This map and all maps should have a north arrow. | The DEIR should consider and respond to these issues. |
| 45. | 4.13-60, c. Bicycle Facilities | The Lafayette Bikeways Master Plan identifies many existing and proposed facilities within the Plan Area. Bicycle Boulevards are a key component of the Lafayette Bikeways Master Plan for improving bicycling in the Downtown. The DEIR should discuss their role as a bicycle facility. | Revise sentence to read, "According to the Lafayette Bicycle Master Plan, the Plan Area includes <i>existing and proposed</i> off-street bicycle..." The DEIR should consider and respond to these issues. |
| 46. | 4.13-62, 3. Standards of Significance, Item 4 | Safety for bicyclists and pedestrians should be included as a Standard of Significance. Several of the roadway mitigation projects would significantly reduce the safety and quality of the existing non-motorized network. | The DEIR should consider and respond to these issues. |
| 47. | 4.13-65, b) Route 25 | Route 25 is a new route that has not been accompanied by CCCTA's usual marketing campaigns for new routes due to significant cutbacks in the CCCTA's marketing budget at the time of the route's introduction. | The DEIR should include this context in its discussion of Route 25. |
| 48. | 4.13-68, 2 nd para | The proposed traffic mitigations remove existing separation between pedestrians and vehicles and would create a less comfortable walking environment and may raise safety concerns which would discourage walking. | The DEIR should consider and respond to these issues. |
| 49. | 4.13-68, Class III | The Lafayette Bikeways Master Plan designates Moraga Road as a Class III facility only between Mt. Diablo Blvd. and Old Jonas Hill. The Bikeway Master | The DEIR should incorporate these clarifications. |

| Item | Page/Location | Issue | Recommendation |
|------|--|---|--|
| 50. | 4.13-69, 1 st para | <p>Plan also designated Moraga Blvd. as a Class II between Moraga Road and the Lafayette-Moraga Trail via Hawthorn Drive.</p> <p>New development expected by the DSP has the potential to improve conditions for bicycling by incorporating bicycle support facilities such as parking, changing rooms and showers.</p> | <p>The DEIR should incorporate these clarifications.</p> |
| 51. | 4.13-69, Mitigation Measure TRAF-11 | <p>Practically, how would this measure be implemented. Would the Lamorinda Fee and Finance Authority need to be involved?</p> | <p>The DEIR should consider and respond to these issues.</p> |
| 52. | 4.13-70, 2. Existing Conditions | <p>The last sentence in the first paragraph refers to the "core downtown subarea along Mt. Diablo Blvd." If this is referring to the Downtown Retail District, then that wording should be used.</p> | <p>The DEIR should consider and respond to these issues.</p> |
| 53. | 4.13-71, Table 4.13-21 | <p>The General Plan contains several goals and policies promoting alternatives to the single occupancy vehicle and reducing demand for parking (Goal C-7 and C-8).</p> | <p>The DEIR should incorporate these clarifications.</p> |
| 54. | 4.13-71 & 72, 4. Impact Discussion And 4.13-74, 5. Impacts and Mitigation Measures | <p>Multiple, smaller parking facilities (instead of one, large facility) might have few significant traffic impacts and better serve the various needs along the length of Mt. Diablo Blvd. The DEIR should evaluate the potential for smaller parking facilities to mitigate impacts.</p> | <p>The DEIR should consider and respond to these issues.</p> |
| 55. | 4.13-72, 1 st full | <p>The DEIR says that "Parking activity at each potential</p> | <p>The DEIR should consider and respond to these</p> |

| Item | Page/Location | Issue | Recommendation |
|------|-------------------------------------|--|---|
| | para. | parking structure site has the potential for impacting the following intersections, as listed below," That sentence does not provide sufficient detail as to the potential impacts. | issues. |
| 56. | 4.13-77 | The mitigation should not solely limit design elements to warning pedestrians and bicyclists. Design elements should also warn drivers that they are crossing the pedestrian's right-of-way when crossing driveways. | The DEIR should consider and respond to these issues. |
| 57. | 5-2, Table 5-1 | Table 5-1 is referenced on the previous page. It would be clearer if the table immediately preceded Section A. | Relocate Table 5-1 so that it precedes Section A. |
| 58. | 5-5, Fig. 5-1 and thru-out | St. Mary's Road should be shown and Moraga Road could be read more easily by relocating the street name label further south. Old Tunnel Road should be labeled. | Add and adjust street label names. |
| 59. | 5-6, Fig. 5-2 | The legend shown on the map should have a title such as "Maximum Height Allowed" | Add title to legend. |
| 60. | 5-7 to 5-8, Figs. 5-3 & 4 | The perspective or view point does not appear to be the same on both figures. For example, the No Project seems further north due to the shadow on the street. | Confirm perspective and shadows on the street are accurately depicted. |
| 61. | 5-21, Section e and 5-51, Section e | Even if the Plan Area has no mapped faults, it is in area expected to be impacted should a major earthquake occur in the area. As currently written, this section implies that Lafayette is not subject to seismic activity. The Lafayette Reservoir is immediately adjacent to the Plan area. The point at which seismic activity would result in the failure of the Lafayette Reservoir and | Revise seismic discussion to provide better context of where Lafayette is located relative to potential impacts from seismic activity. Include information about the Lafayette Reservoir. Reconfirm that "the Plan Area has no slopes |

| Item | Page/Location | Issue | Recommendation |
|------|-----------------------------|---|---|
| | | <p>possible impacts to the Plan Area should be discussed.</p> <p>The Plan Area contains creek corridors and other steep terrain such as the west side of Happy Valley Road, just north of the Chevron Station at Mt. Diablo Blvd. and Mt. Diablo Blvd. northeast of the Veteran's Building and properties adjacent to portions of Brook Street that would appear to be greater than a 30 percent slope.</p> | <p>greater than 30 percent."</p> |
| 62. | 5-22, Section f | <p>It is inaccurate to describe the Plan Area as not containing high fire risk areas. The Contra Costa Fire District calls Lafayette a high-risk area and a continuous fuel change. Lack of emergency roads in and out of Lamorinda complicates the problem.</p> | <p>Revise the section to more accurately characterize the fire-risk conditions in the area.</p> |
| 63. | 5-25, Section j | <p>It is not clear that the Lafayette General Plan anticipated number of housing units and new residents are city-wide numbers whereas the housing and population numbers referred to relative to the Plan and Project Alternatives would occur within the project area.</p> | <p>Clarify which projections are citywide vs. planning area specific.</p> |
| 64. | 5-44, Fig. 5-14 | <p>The legend is not clear. Does the blue area really represent the area encompassed in the Higher Density Alternative?</p> | <p>Revise labels in legend.</p> |
| 65. | 5-53, 2 nd para. | <p>Clarify where the proposed connection is being considered.</p> | <p>Revise sentence to read, "The Higher Intensity Alternative proposes to explore the provision of a new roadway connection between the State Route 24 eastbound off-ramp on <i>Oak Hill Road</i> and the <i>First Street</i> on-ramp, just south of State Route 24."</p> |

| Item | Page/Location | Issue | Recommendation |
|------|---------------------------------|--|---|
| 66. | 5-57, 2 nd para. | <p>There is an error in the first sentence which should be revised.</p> <p>The proposed mitigation may create conflicts with existing eastbound to westbound u-turns on Mt. Diablo Blvd.</p> | <p>“Mitigation would require installation of right-turn arrow signals for the southbound right turns to from Mt. Diablo Blvd. <i>from east</i> Happy Valley Road and First Street.</p> <p>Evaluate how the proposed right-turn arrows would impact eastbound to westbound u-turns.</p> |
| 67. | 5-58, 1 st 4 bullets | <p>The DEIR identifies four downtown unsignalized intersections. Based on the definition of Downtown Intersections in the General Plan, Circulation Element, page II-5; the listed intersections would not be defined as Downtown Intersections. While future updates of the General Plan may wish to revise the definition of Downtown Intersections to include Oak Hill Road/SR 24 Eastbound Off-Ramp and First Street/SR 24 Eastbound On-Ramp, intersections with Deer Hill Road have not historically been considered within the Downtown.</p> | <p>Revise description of listed intersections.</p> |

ATTACHMENT B
to LHC Comments on Draft DSP EIR

2010-02-18 T.H. Judson letter

Thomas H. Judson
825 Reliez Station Rd.
Lafayette, CA 94549 USA
Phone 925-283-2387
E-mail: THJudson@aol.com

Mrs. Avon Wilson
14 Richelle Ct.
Lafayette, CA 94549

February 18, 2010

Re: Air Quality Section 4.2 of EIR for Downtown Lafayette Specific Plan dated Jan. 26, 2010

Dear Avon:

Following up our meeting I've taken a look at the above. As a home owner, my concerns are for the quality of life for the people in the Lafayette area which include family and friends.

From my viewpoint, the consultants preparing the air section of the EIR have "done their job". It is now up to the community to decide whether and if so, how to proceed.

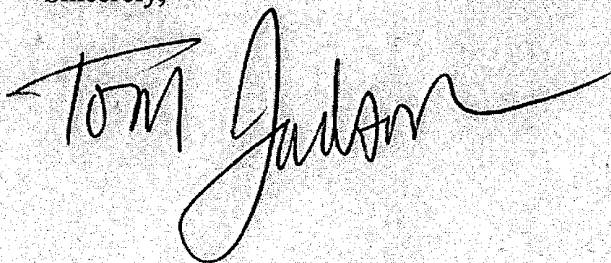
Of particular concern to me is the cancer risk along Rt. 24 (table 4.2 - 5) and with the other associated health risks.

I wonder if the "mitigation" described (pages 4.2 - 33, 34, 35) is realistic. It seems to propose that residents of plan dwellings will be indoors most of the time, protected by air filtration systems (consuming energy which will add to air emissions). This does not sound like an attractive healthy lifestyle!

Based on the current EIR, one must wonder what the City of Lafayette plans to protect present citizens against known health risks while protecting our city against liability.

Thanks for the opportunity to take a look at this report. Let me know if you would like me to correspond with others involved.

Sincerely,



9-174
cont.

ATTACHMENT C
to LHC Comments on Draft DSP EIR

**2008-06-18 Lafayette Homeowners Council letter to
Lafayette City Council regarding Earthquake Maps**

LAFAYETTE HOMEOWNERS COUNCIL
649 Los Palos Drive
Lafayette, CA 94549

BOARD OF DIRECTORS

Maeve Pessis
Valley View Estates

Joe Garrity
Crescent Moon

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At Large

Mary-Jane Wood
St. Mary's Estates

George Burt
Acalanes Valley

Jack Coulter
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Jim Fitzsimmons
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Happy Valley

Jan McHale
Lafayette Valley Estates

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Springhill Valley

Carol Singer
Silver Springs

Cliff Tong
Burtonvalley.com

Tom Grimes
Silver Dell

Susan Callister
Happy Valley

Marie Blits
Lucas Drive Neighbors

Ivor Samson
Honorary Board Member

DIRECTORS EMERITUS

Jack Fox

Jim Tedhunter

June 18, 2008

Mr. Michael Anderson, Mayor
Lafayette City Council
3675 Mt. Diablo Boulevard, Suite 210
Lafayette, CA 94549

Honorable Mayor Anderson and Members of the City Council:

Re: Earthquake hazard maps and landslide hazard maps as pertain to Lafayette and to the Downtown Strategic/Specific Plan (w/attachments)

It has come to our attention that of the two most recent and complete Earthquake Hazard maps, both dated 1998 and nearly identical, neither is included in the *Lafayette General Plan* approved in 2002. Of these most recent and complete maps, one was included in the Planning Commission/General Plan Advisory Committee (GPAC) 1998 *Draft 2015 Lafayette General Plan*, and the other was included in the *Draft Lafayette General Plan 2002* when it was recommended by the Planning Commission/GPAC for approval to the Lafayette City Council. Neither one was included in the final *Lafayette General Plan* when it was approved in 2002.

In the final *Lafayette General Plan* that was approved by the City Council in 2002, an earlier, out-of-date Earthquake Hazard Map from 1976 – and thirty years old- was, for some reason, used instead of the then more current 1998 map that had been sent to the City Council from the Planning Commission/GPAC.

Niroop Srivatsa has asked and we have provided her copies of these maps for her research. We respectfully request that the City's 1998 Planning Commission/GPAC Earthquake Hazard map—provided in the *Planning Commission/GPAC recommended Draft Lafayette General Plan 2002* and sent to the City Council for approval—be included in the *Approved Lafayette General Plan 2002* as requested by the Planning Commission and GPAC at the time.

We look forward to learning the result of Staff's research into the question of whether the *Environmental Impact Report* for the *Draft Lafayette General Plan 2002* was done before or after the inclusion of the 1976 Earthquake Hazard map, since it goes without saying that the City's 2002 *Lafayette General Plan* needs to have its EIR based on the most recent earthquake hazard information available to it in 2002.

We would appreciate, also, that the 1998 Earthquake Hazard Map be provided to both WRT and the Downtown Strategic/Specific Plan Citizens Advisory Committee, since we believe

9-175
cont.

Page 2 of 26

that the information derived from this map needs to be considered when they are formulating the Lafayette Specific/Strategic Plan.

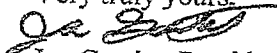
In addition, we note that the *Expected Fault Displacements along the BART Concord-Bay Point Line, Alameda and Contra Costa Counties, California*, submitted to Bay Area Rapid Transit District, Oakland, CA, by William Lettis & Associates, Inc., Walnut Creek, CA, February 2006, a 75 page study of the Contra Costa Shear Zones (CCSZ) with a 7 page bibliography, shows four "potentially active" faults crossing the BART line and highway 24 between Lafayette and Walnut Creek. Three of those – the West Lafayette Fault, the Lafayette Fault, and the Reliez Valley Fault, appear to us to be shown between eastern to central eastern Lafayette. These are accompanied by quite a few prominent fault-related lineaments, known or probable.

We ask that these BART maps and information, also, be included in the review and planning being done by WRT and the Downtown Specific/Strategic Plan (DSP) Citizens Advisory Committee. These should be helpful in conjunction with the use of the recently completed soils and seismic stability Blue and Green maps released to the public nearly two years ago by the US Geological Survey. You will recall that we requested that these be used in the preparation of our Downtown Specific/Strategic Plan at the time the City Council approved the Work Plan for the DSP. When we discussed the WRT's use of these important USGS maps with Jim Sticklely of WRT at the time of our spring 2008 Lafayette Homeowners Council Board Stakeholders' meeting, however, Mr. Sticklely said that he was not aware of the existence of such maps. In the interest of public safety we again urge that these soils and seismic stability maps be used in the formulation of the DSP. We continue to advocate City purchase of these USGS Blue and Green soils and seismic stability maps and urge that the firm WRT and the DSP Citizens Advisory Committee make use of these previously requested maps in their Downtown Specific/Strategic Plan development.

Please note—the *Approved 2002 Lafayette General Plan Landslide Hazard Map VI 2* is not as useful as it might be because the reader is unable to distinguish city streets in relation to the slide hazard areas. The Planning Commission/GPAC 1998 *Draft 2015 Lafayette General Plan* version of the *Draft Lafayette General Plan 2002 Landslide Hazard Map VI 3* is a more legible map, as it did show these streets, making it easier for the reader to orient oneself. We would appreciate the more detailed Landslide Hazard map (labeled VI 3 in this version) as shown in the *Draft 2015 Lafayette General Plan* being given to the Downtown Specific/Strategic Plan Citizens Advisory Committee and to WRT for better understanding of the constraints and challenges that present themselves to Lafayette planners and builders, and that this map [or a more recent, but streets included, map] be included in the next update of the *Lafayette General Plan*.

Thank you for your thoughtful attention to these matters.

Very truly yours,



Joe Garrity, President

Lafayette Homeowners Council

Attachments:

Lafayette General Plan, adopted October 28, 2002: Cover and Cover page
Lafayette General Plan, " " " : Map VI-3, Earthquake Hazard
Lafayette General Plan " " " : Map VI-2, Landslide Hazard

9-175
cont.

Page 3 of 26

- Draft Lafayette General Plan Update January 2002 Recommended by Planning Commission and General Plan Advisory Committee: Cover and Cover pages 2*
- Draft Lafayette General Plan " " " : Map VI - 3, Earthquake Hazard*
- Draft Lafayette General Plan " " " : Map VI - 2, Landslide Hazard*
- Draft 2015 Lafayette General Plan: Cover, and cover page dated 1998*
- Draft 2015 Lafayette General Plan: Map VI - 1, Earthquake Hazard*
- Draft 2015 Lafayette General Plan: Map VI - 3, Landslide Hazard*
- Expected Fault Displacements Along the BART Concord-Bay Point Line, Alameda and Contra Costa Counties, California, William Lettis & Associates, Inc., February 2006: Cover*
- Expected Fault Displacements Along the BART Concord-Bay Point Line, Alameda and Contra Costa Counties, California, William Lettis & Associates, Inc., February 2006: Figure 1, Regional map of The BART system and primary faults in the Bay Area*
- Expected Fault Displacements Along the BART Concord-Bay Point Line, Alameda and Contra Costa Counties, California, William Lettis & Associates, Inc., February 2006: Figure 2, Regional and Tectonic Map of the Northern East Bay Hills, showing BART C-line, traces of major faults.*
- Expected Fault Displacements along the BART Concord-Bay Point Line, Alameda and Contra Costa Counties, California, William Lettis & Associates, Inc., February 2006: Figure 12, Map of faults and Lineaments within The Contra Costa Sheer Zone near the BART C-Line in Lafayette and Walnut Creek (after Unruh & Kelson, 2002)*

9-175
cont.

CC APPROVED LETTER #9

LAFAYETTE GENERAL PLAN

9-175
cont.



LAFAYETTE GENERAL PLAN

Adopted by Resolution 2002-56 on October 28, 2002

CITY COUNCIL

Don Tatzin, Mayor
Carol Federighi, Vice Mayor
Brandt Andersson
Erling Horn
Ivor Samson

9-175
cont.

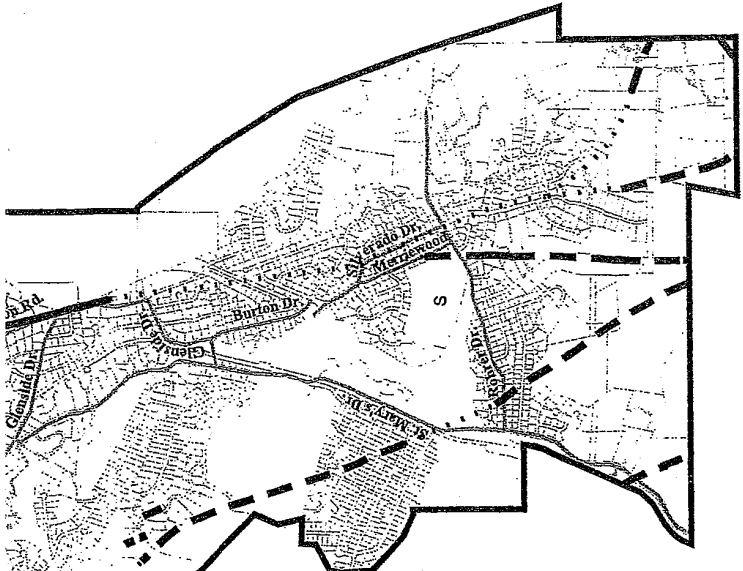
PLANNING COMMISSION

Carl Anduri, Chair
Karen Maggio, Vice Chair
Mike Anderson
Jeanne Ateljevich
Richard Holt
Rick Humann
Mark Mitchell

GENERAL PLAN ADVISORY COMMITTEE

Guy Atwood, Chair

| | |
|-------------------|-----------------|
| Michael Anderson | Don Jenkins |
| Jeanne Ateljevich | David Seaborg |
| Paul Bettelheim | Carol Singer |
| Judy Garvens | Annette Roberge |
| Lynn Hidén | Dorothy Walker |
| Martha Lee | Mary-Jane Wood |






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for schematic purposes only

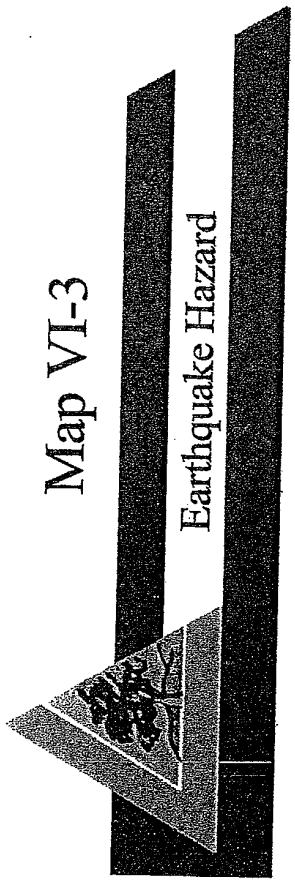
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Fault Locations:

-  Fault, certain
-  Fault, approximately located
-  Fault, concealed

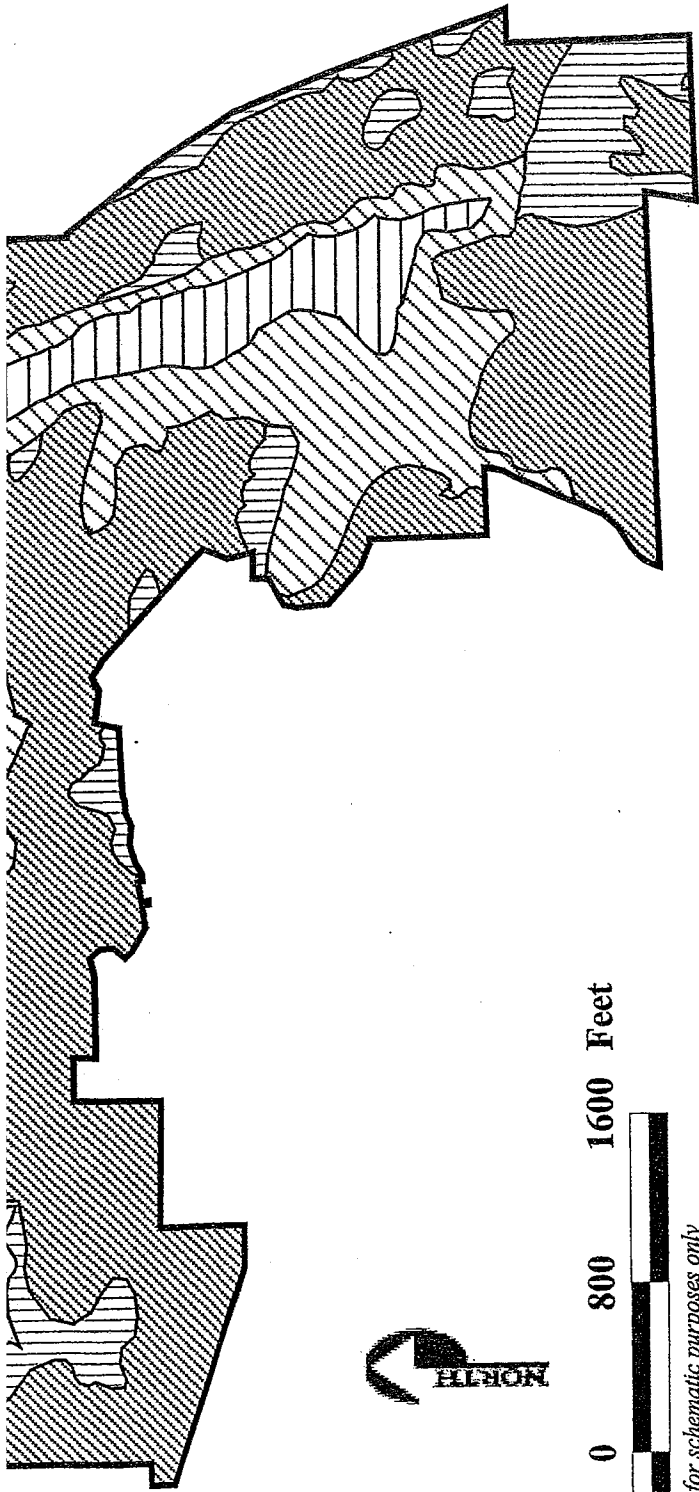
Sources: Lafayette General Plan Geologic and Seismic Safety Element (1976)
Landslide Hazard Identification Map No. 32 (Haydon, 1995)

Map VI-3



Earthquake Hazard

City of Lafayette General Plan



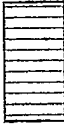





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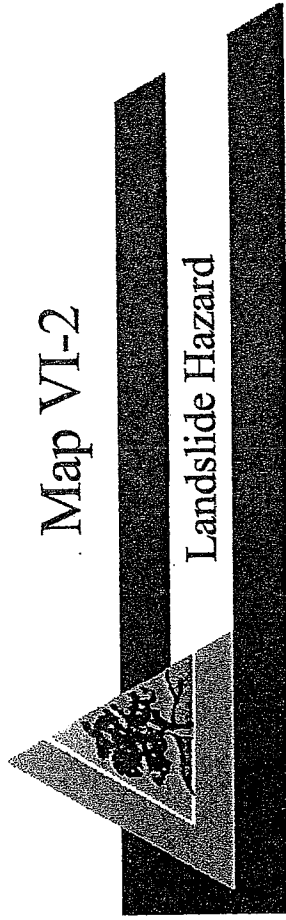


for schematic purposes only

Legend

-  Flat-lying areas not in the path of slides
-  Gently sloping areas least likely to develop slides
-  Areas of few or no slides and ground occasionally susceptible to sliding
-  Areas of known slides and ground highly susceptible to sliding
-  City Limits
-  Reservoir

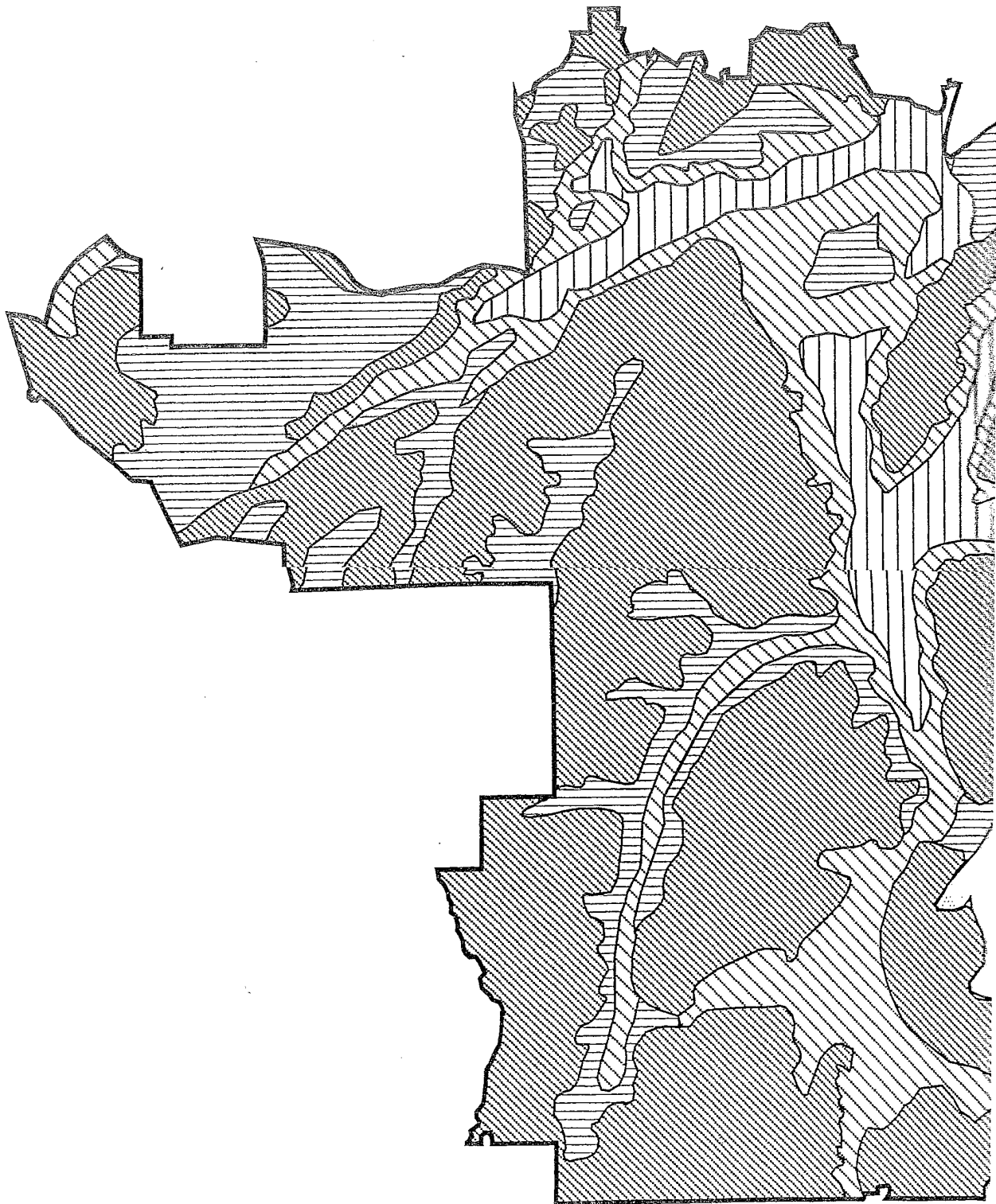
Map VI-2



Landslide Hazard

City of Lafayette General Plan

Source: Lafayette General Plan, Geologic and Seismic Safety Element (1976)



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cont.

RECOMMENDED
TO CC

LAFAYETTE GENERAL PLAN

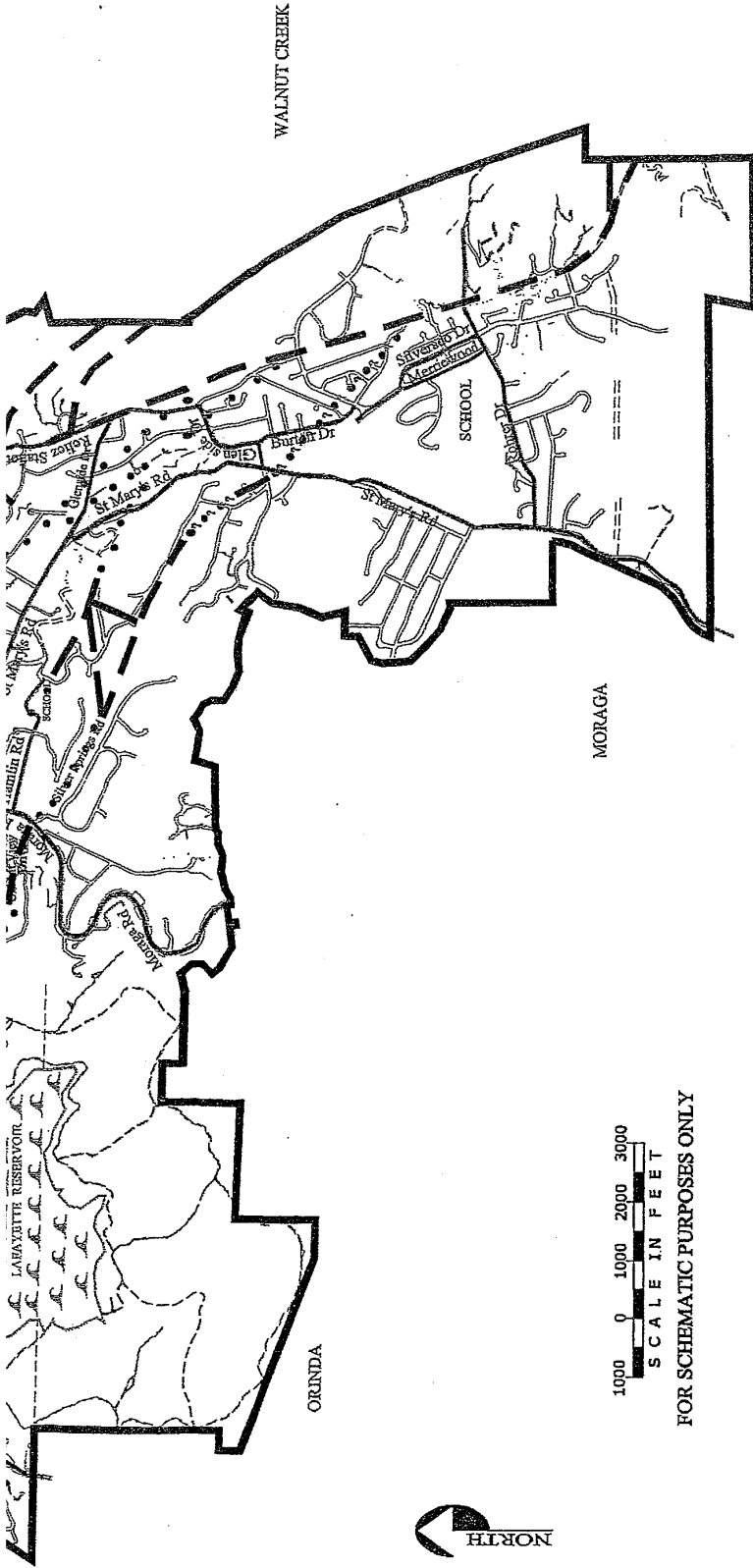
**DRAFT UPDATE
JANUARY 2002**

FOR CITY COUNCIL CONSIDERATION

9-175
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RECOMMENDED BY:

**PLANNING COMMISSION
GENERAL PLAN ADVISORY COMMITTEE**



Source: City of Lafayette 1998

Berkana Publications, Eugene, OR June 2001

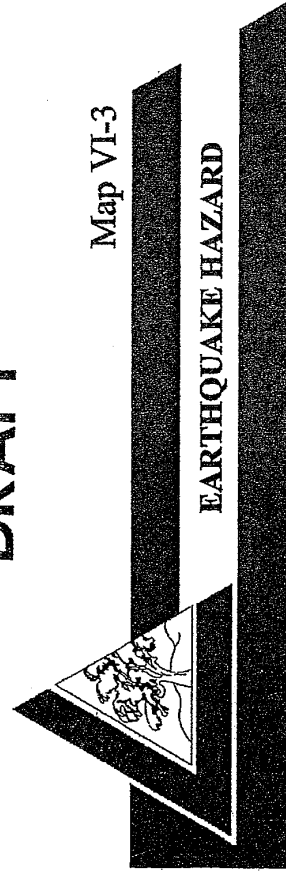
LEGEND

Fault Locations

- Approximately located
- Concealed
- ? — Approximately located, existence uncertain
- ? Concealed, existence uncertain

DRAFT

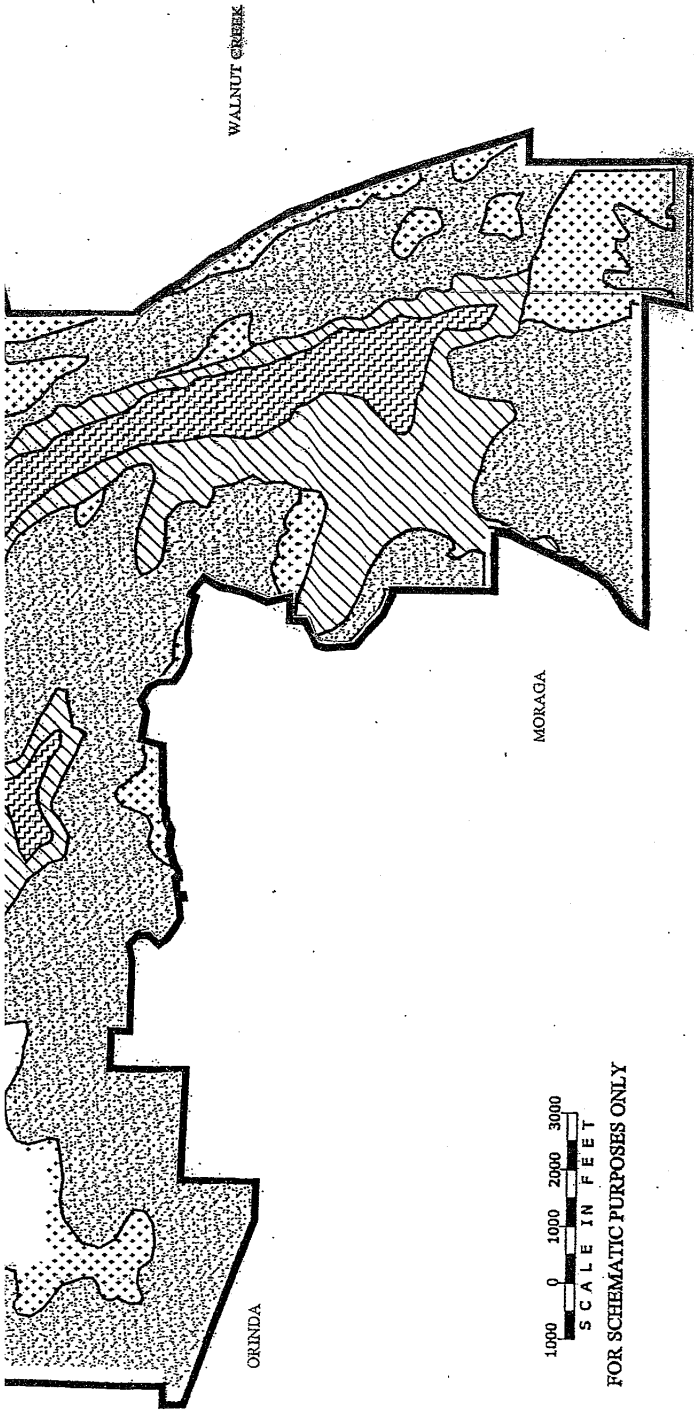
Map VI-3



City of Lafayette ▲ General Plan

9-175
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
CITY BOUNDARY



Source: Geologic and Seismic Safety Element, City of Lafayette General Plan 1976

Berkman Publications, Eugene, OR June 2001

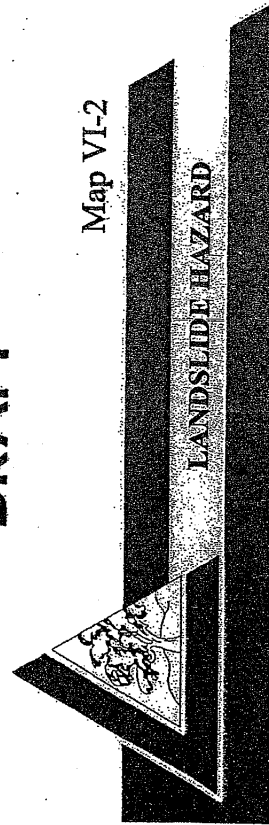
LEGEND

-  Flat-lying areas not in the path of slides
-  Gently sloping areas least likely to develop slides
-  Areas of few or no slides and ground occasionally susceptible to sliding
-  Areas of known slides and ground highly susceptible to sliding

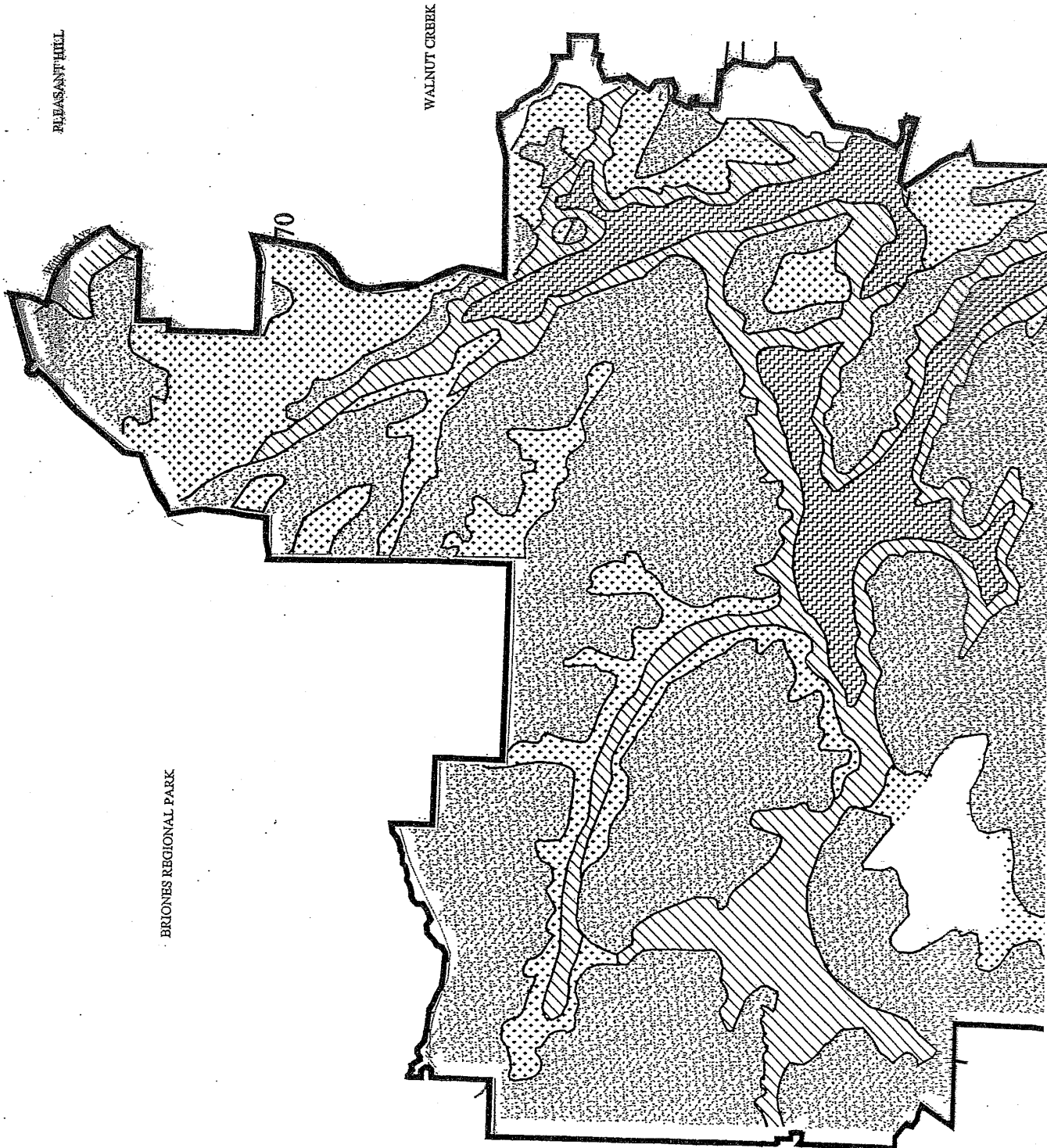
 CITY BOUNDARY

DRAFT

Map VI-2



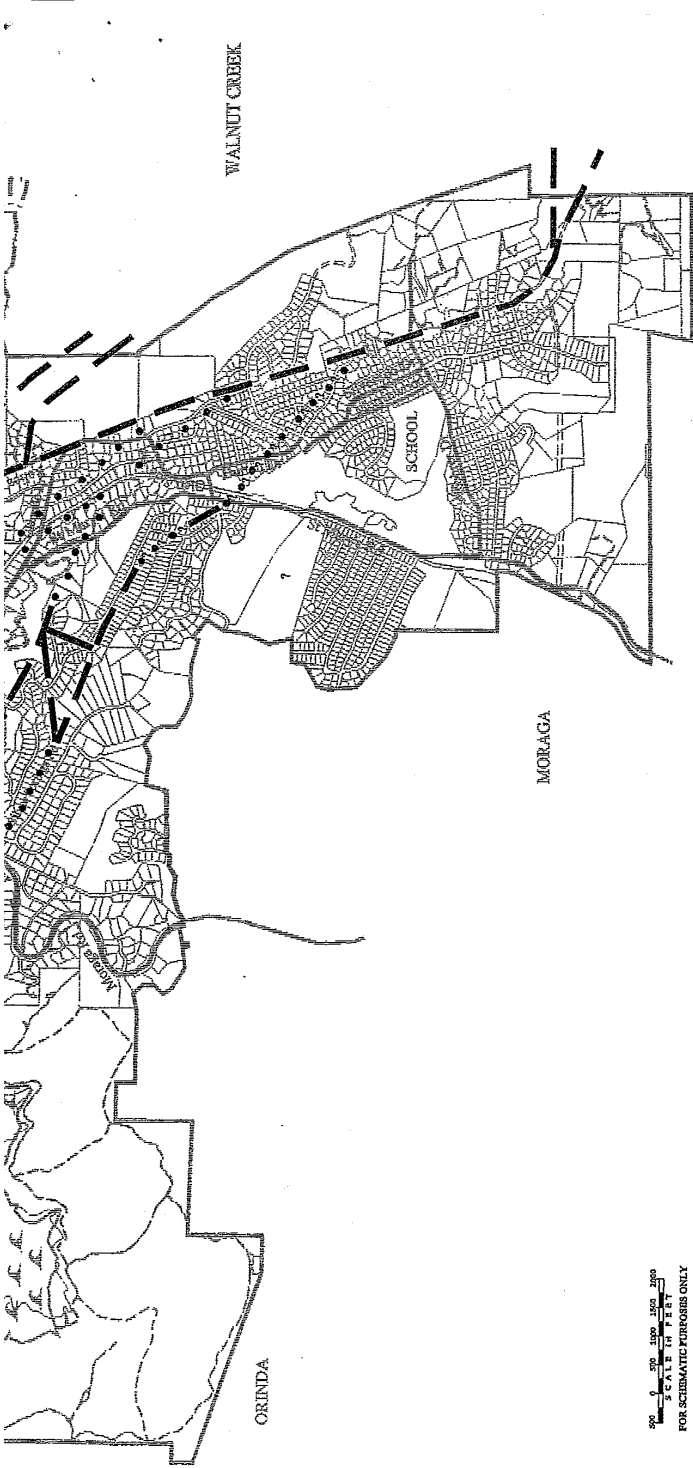
City of Lafayette  General Plan



9-175
cont.



9-175
cont.



SCALE IN FEET
FOR SCHEMATIC PURPOSES ONLY

Berkana Publications, Eugene, OR December 1998

LEGEND

Source: City of Lafayette 1998

Fault Locations

- Approximately located
- • • • • Concealed
- ? — ? Approximately located, existence uncertain
- ? • ? Concealed, existence uncertain

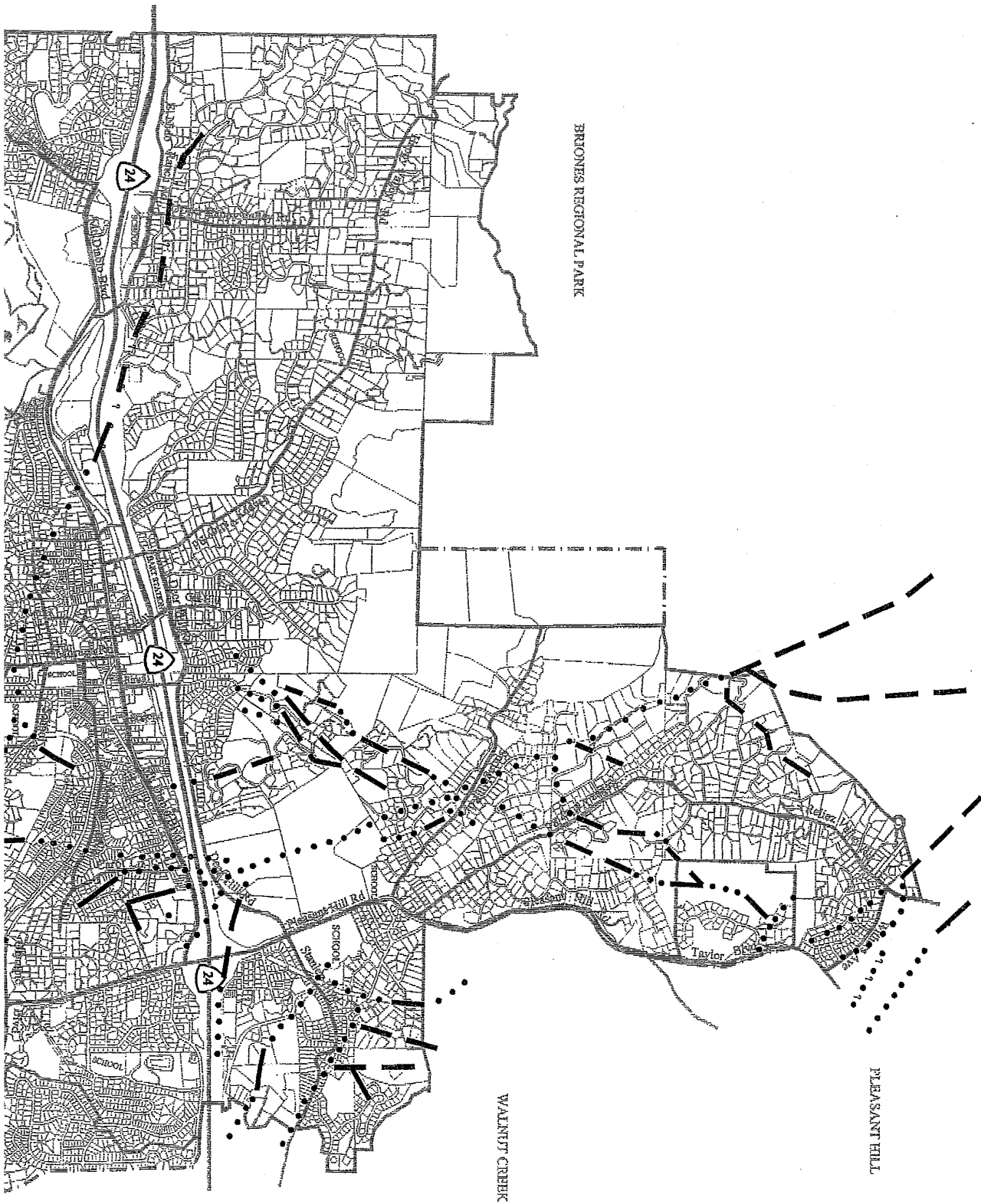


— CITY BOUNDARY
— SPHERE OF INFLUENCE BOUNDARY

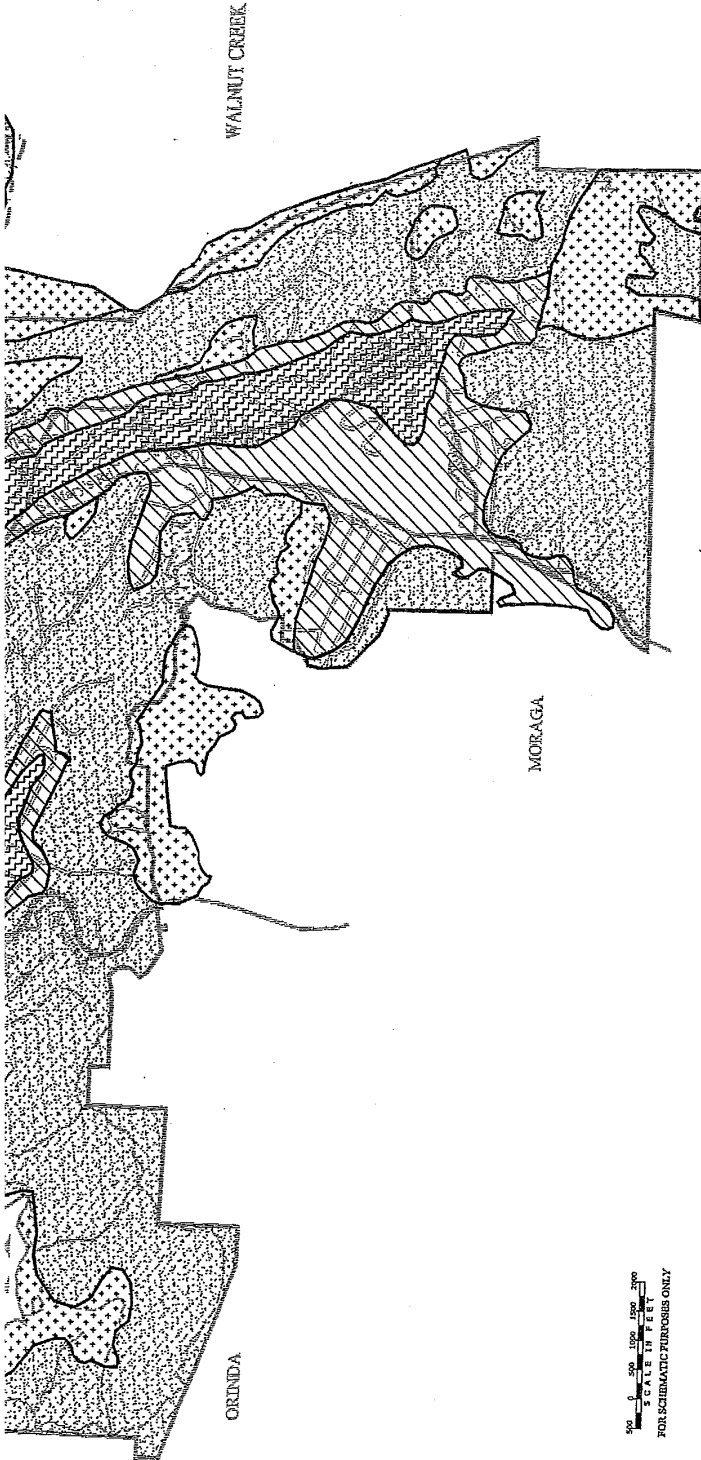
Map VI-1

EARTHQUAKE HAZARD

City of Lafayette ▲ General Plan 2015







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terkana Publications, Eugene, OR December 1998

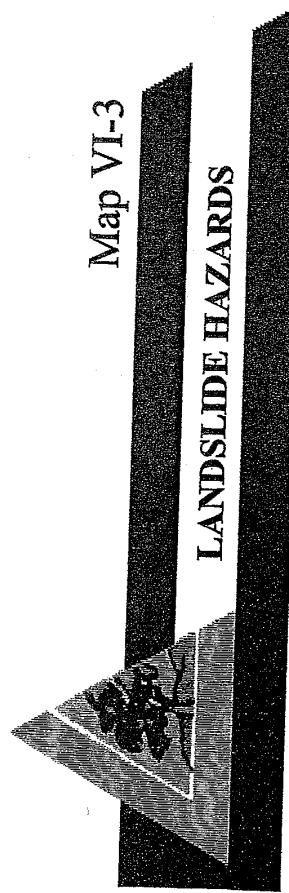
LEGEND

Source: Geologic and Seismic Safety Element
City of Lafayette General Plan 1976

-  Flat-lying areas not in the path of slides
-  Gently sloping areas least likely to develop slides
-  Areas of few or no slides and ground occasionally susceptible to sliding
-  Areas of known slides and ground highly susceptible to sliding

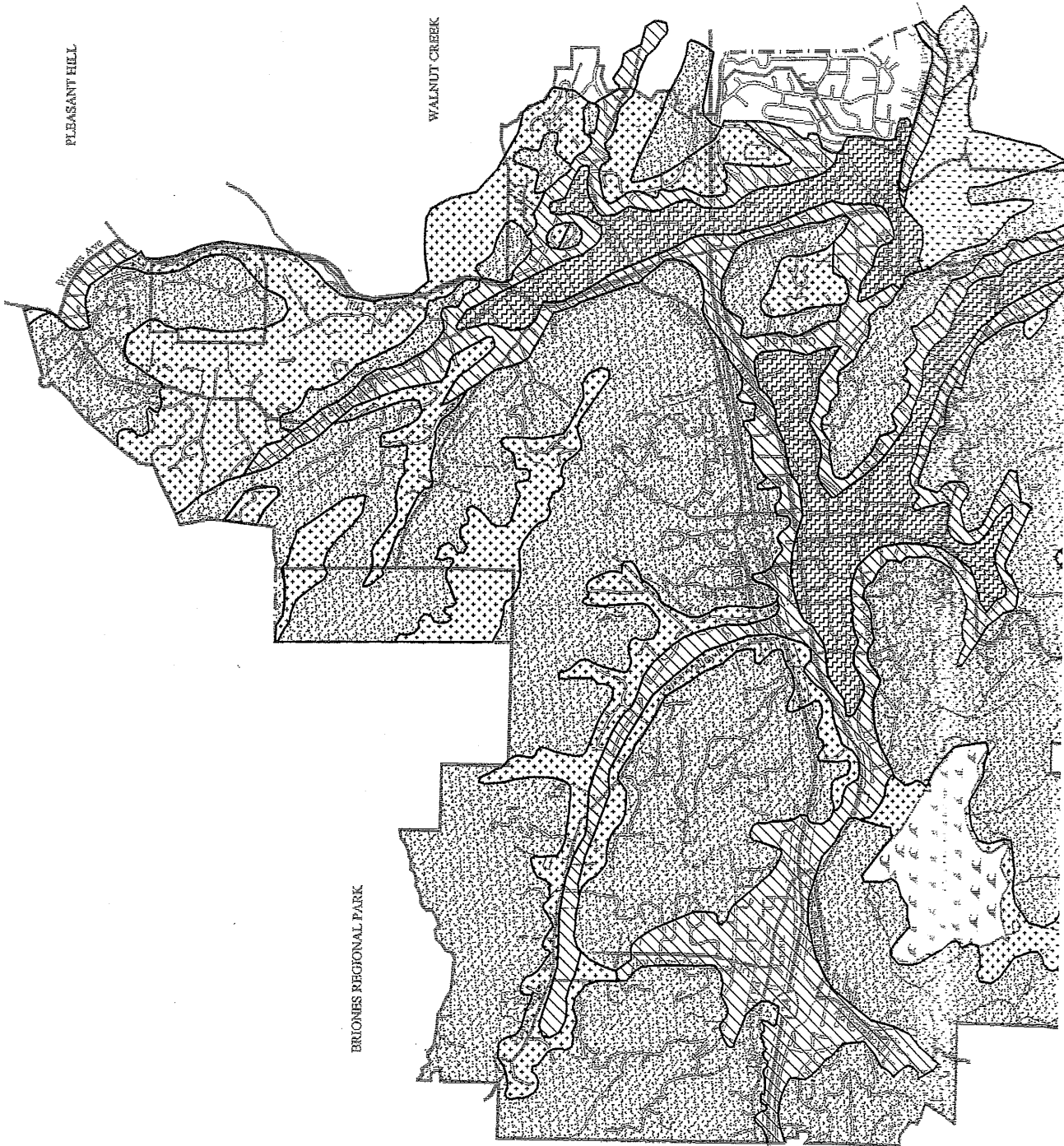
 CITY BOUNDARY

 SPHERE OF INFLUENCE BOUNDARY



City of Lafayette ▲ General Plan 2015





9-175
cont.

BART

WILLIAM LETTIS & ASSOCIATES, INC.

**Expected Fault Displacements along the BART
Concord-Bay Point Line, Alameda and Contra
Costa Counties, California**

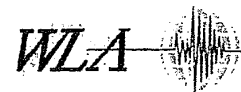


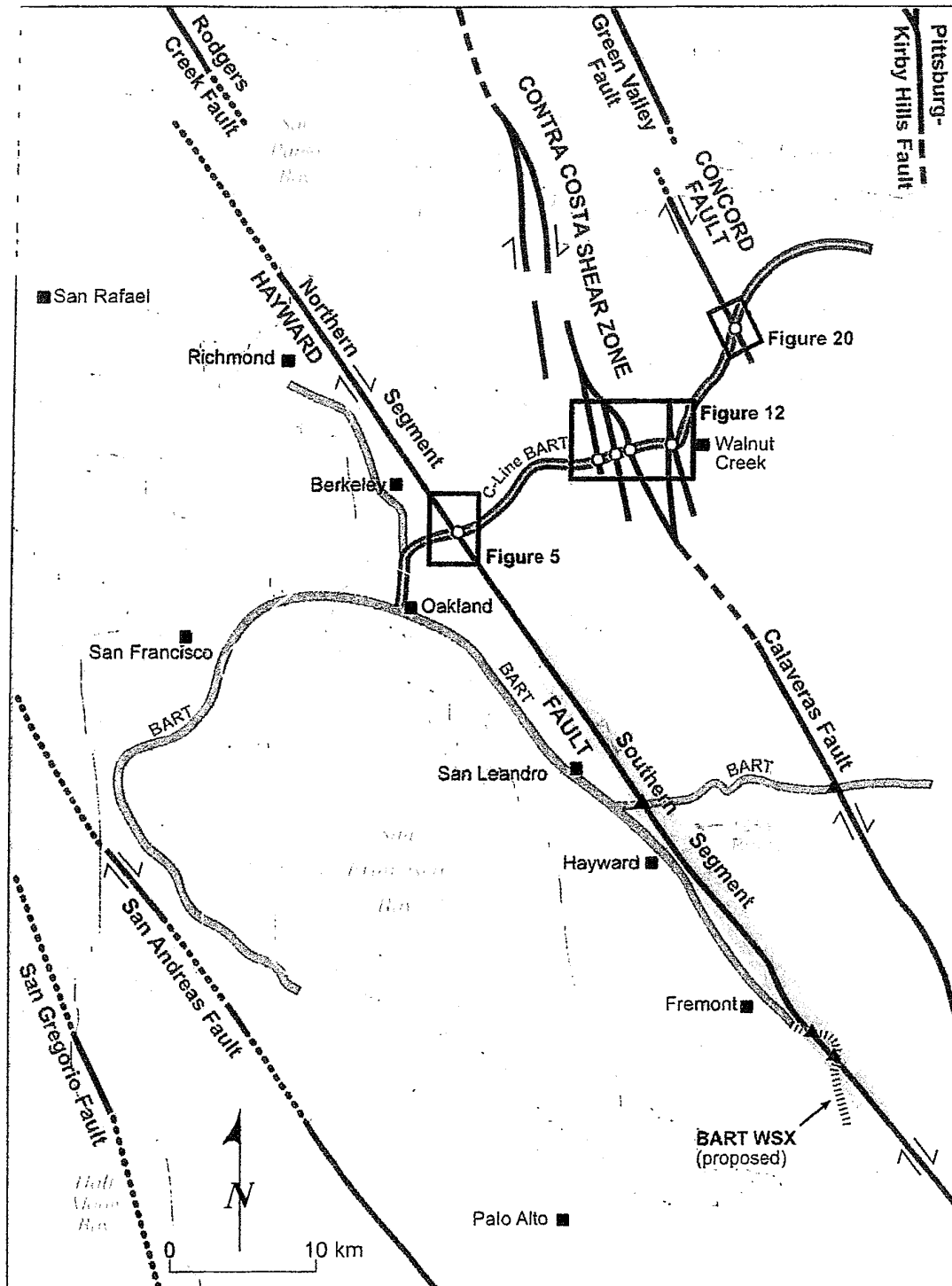
9-175
cont.

Submitted to:
Bay Area Rapid Transit District
300 Lakeside Drive, 17th Floor
Oakland, CA 94604

Submitted by:
William Lettis & Associates, Inc.
1777 Botelho Drive, Suite 262
Walnut Creek, CA 94596

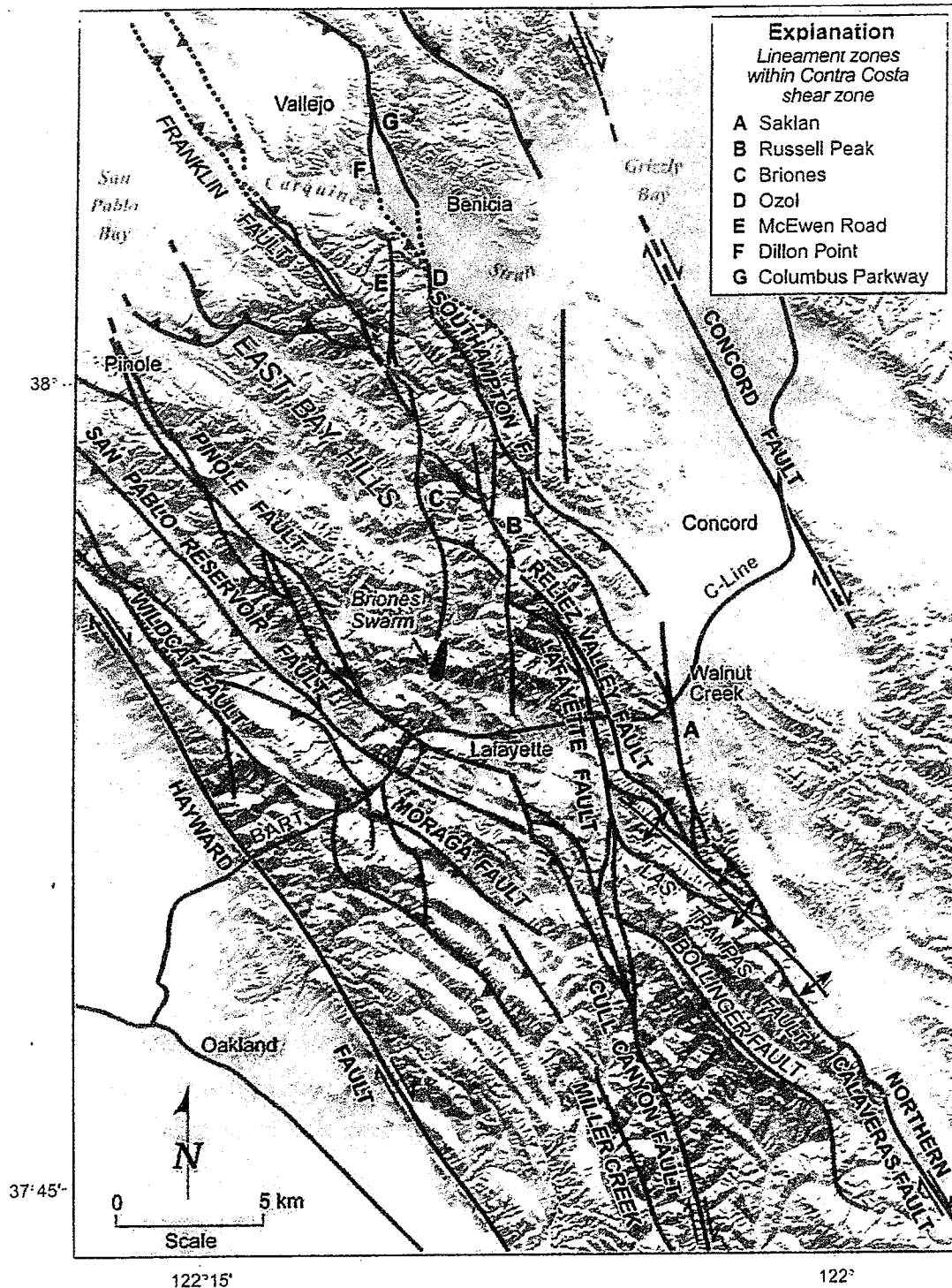
February 2006





9-175
cont.

Figure 1. Regional map of the BART system and primary faults in the Bay Area, showing fault crossings addressed in this report (red circles) and other fault crossings (black triangles). Approximate area of surface rupture from the 1868 Hayward earthquake is shaded in olive green.



9-175
cont.

Figure 2. Regional tectonic map of the northern East Bay Hills, showing BART C-line, traces of major faults and inferred fault sections. Gray lines show mapped faults with reverse or oblique movement, red lines show previously mapped strike-slip faults, and purple lines show inferred dextral faults along lineament zones (after Unruh and Kelson, 2002).

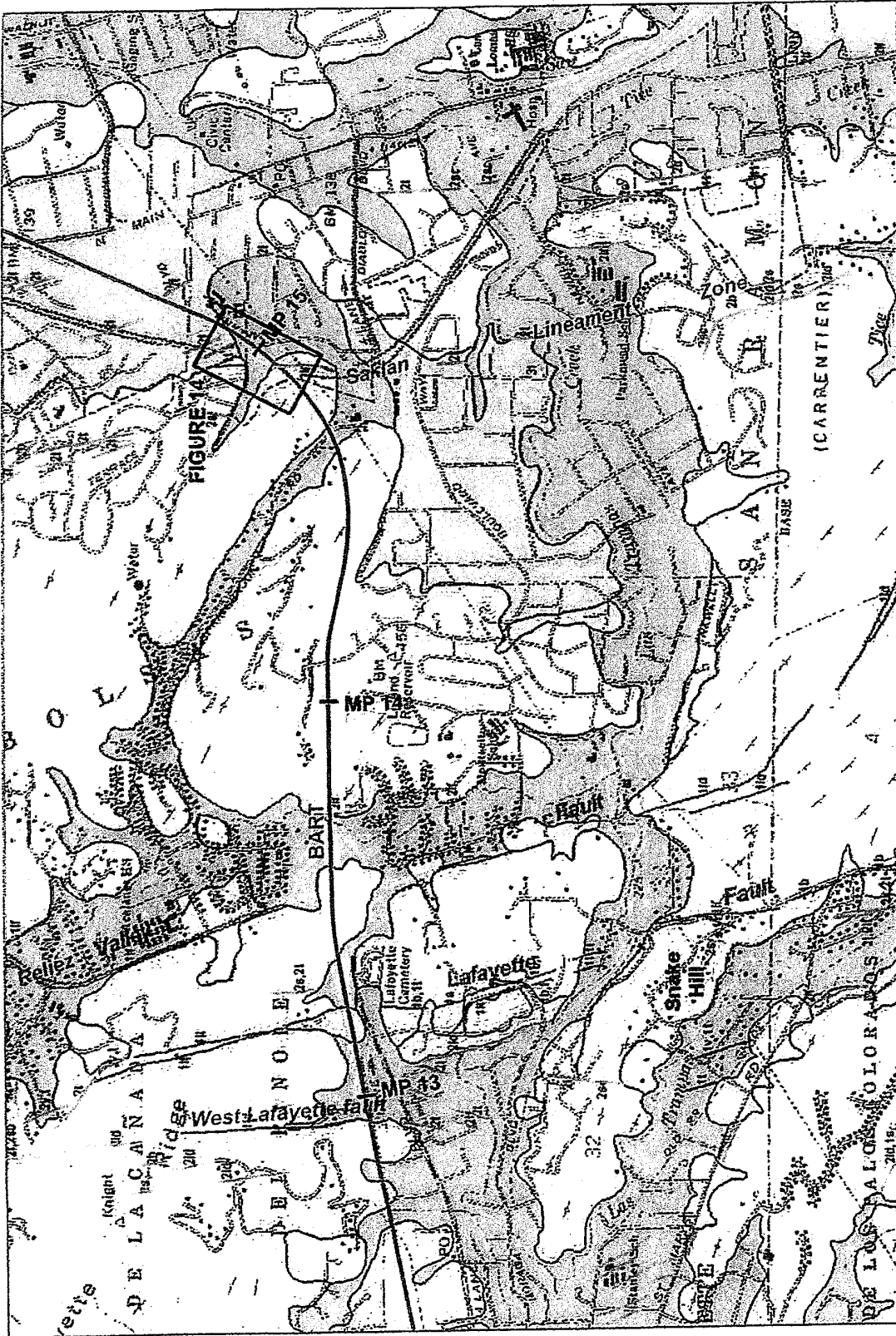


Figure 12. Map of faults and lineaments within the Contra Costa shear zone near the BART C- line in Lafayette and Walnut Creek (after Uhrub & Kelson, 2002). Red lines are known faults or prominent fault-related lineaments; orange lines are probable fault-related lineaments; purple symbols show general bedding strike. Colored map units show surficial deposits: brown = late Pleistocene alluvium; green = Holocene alluvium; yellow = Holocene alluvial fan deposits; pink = Holocene landslide deposits.

LETTER 9

Maeve Pessis, President. Lafayette Homeowners Council, March 8, 2010.

Response 9-1

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

Response 9-2

The comment states that the reviews of regulations are well written. The comment is noted.

Response 9-3

The comment suggests that the No Project Alternative be renamed as the No Project Alternative/Revert to General Plan. This suggestion has been considered but has not been incorporated into the Final EIR because the phrase “revert to General Plan” implies that the General Plan would not be applicable under the proposed project. The proposed project is a Specific Plan, which includes policy guidance and development regulations for the downtown, but which does not wholly replace the General Plan. In California, Specific Plans are required to be consistent with General Plans, and are meant to be implementation tools in support of the General Plan. Thus, to imply that the General Plan would not be applicable to the downtown under the proposed project would not be accurate.

Response 9-4

The comment states that there is often a disconnect in the Draft EIR between the impact discussion and the significance finding at the end of each discussion. The comment does not provide specific instances of such a disconnect and thus it is difficult to respond. However, the commentor does provide specific instances of such a disconnect throughout the comment letter; these individual comments are addressed in the comments below.

Response 9-5

The comment notes a contradiction between the goals of the Plan encouraging activity in the Plan Area and the mitigation contained in Chapters 4.2, 4.3, and 4.13 of the Draft EIR. Please see response to Comment 4-14 above for a detailed response. The Draft EIR adequately analyzes impacts that could be created by the Plan, and proposes mitigation to reduce those impacts as required under CEQA.

Response 9-6

The comment refers to a recently conducted poll that reveals issues of concern to Lafayette residents. The commentor states that the Plan conflicts with these interests. The comment is noted. 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 9-7

The comment states that the buildout projections presented in the Draft EIR use an assumption of "only 80% of Plan build out for the 20-year duration evaluated." This warrants clarification; 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 areas assumed for development in the buildout calculations were those included in the traffic analysis completed for the Draft Downtown Lafayette Strategy and Specific Plan and presented as Figure 3 as Traffic Analysis Zones based on census tracts in the memorandum *Transportation Evaluation of Lafayette Downtown Strategy Alternatives* (Fehr & Peers, June 3, 2008). As stated above in response to Comment 6-3, the opportunity sites comprise approximately 69 acres of land, or 29 percent of the Plan Area's 242 total acres.⁷ Given Lafayette's development history, this assumption of a nearly 30 percent redevelopment rate is likely a very high estimate. However, this high redevelopment

⁷ Plan Area acreage does not include streets. With streets, the Plan Area comprises 297 acres.

rate was considered to be appropriate in order to ensure a conservative level of environmental review where actual impacts would be lower than what was evaluated. The assumption presented on page 3-20 of the Draft EIR that “only 80 percent of the full buildout would be attained to reflect a more realistic buildout potential” takes into account an assumption that of the maximum building envelope calculated to develop on each opportunity site, only 80 percent would be built. This assumption does not mean that full buildout of the Plan was calculated and then reduced by 20 percent. The buildout projections in the Draft EIR are not synonymous with, nor are they intended to represent, full buildout of the Plan. The full buildout of the Plan would be the development of every parcel in the Plan Area with the maximum amount of development allowed under the Plan. The buildout projections in the Draft EIR, as described above, only assume that approximately 30 percent of the Plan Area would be redeveloped in the next 20 years. The Draft EIR has been revised to make this point more clearly, as shown in Chapter 3 of this Final EIR.

The comment requests clarification and confirmation regarding the buildout methodology. Specifically, the commentor requests clarification on the reductions made to calculate density and leasable ground floor area. Buildout projections are typically developed using the following basic approach: 1) identify upcoming projects that should be included in the projections; 2) identify parcels that are likely to be developed; 3) consider environmental factors that may reduce the development potential of the parcels identified in Step #2; 4) determine the likelihood that development will actually occur (typically 95 percent for vacant sites, 50 to 75 percent for neighborhoods in transition, and nearly zero percent for built out neighborhoods); and 5) determine whether development will be built to the maximum development (a general rule of thumb is that projects are built to only 80 percent of allowable density). Once these steps have been completed, the factors from each of these steps are multiplied to arrive at a total buildout projection. Due to the nature of the Plan, the standard methodology outlined above was not feasible. The Plan includes very specific development standards (such as setbacks, open space requirements, heights, densities) such that adjacent parcels in many

parts of the Plan Area are subject to substantially different regulations. Therefore, a site-by-site methodology was used to capture all of the development standards that would apply to each development site. The buildout methodology used for the Draft EIR involved the following steps:

1. Identify potential sites
2. Calculate the maximum development that could be attained on each site:
 - a. Estimate a realistic building footprint
 - b. Allocate land uses
 - c. Estimate the amount of leasable commercial space and residential space
3. Reflect typical development density

Step 1, to identify potential sites, is described above; the areas assumed for development were those presented as Figure 3 in the memorandum *Transportation Evaluation of Lafayette Downtown Strategy Alternatives*. Step 2 is to estimate a realistic building footprint, allocate land uses, and estimate the amount of leasable commercial and residential space.

For Step 2.a, calculations to estimate a realistic buildout footprint relied on the proposed setbacks, heights, and residential densities contained in the Plan. Because the Plan emphasizes the importance of conditional provisions and the City's design review process, larger setbacks were applied to larger parcels to account for the provision of on-site public amenities that would likely be required through the approval process and the proposed Plan's menu-of-standards system. Similarly, parcels that utilized the conditionally allowed higher building heights allowed under the Plan were given a larger setback to reflect a likely outcome of the design review and approval process. 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. Parking assumptions were based on existing zoning requirements.

In Step 2.b, based on consultation with Seifel Consulting, it was assumed that non-residential uses would be evenly split between office and retail uses. For analytical purposes and to reflect the intent of the proposed Plan, it was assumed that buildings would contain ground-floor, non-residential uses, with residential uses on upper stories.

Step 2.c uses buildout projections that implement Land Use Goal 5 of the Plan, and the associated Policy LU-5.1 and programs, which promote character-appropriate mixed-use development within the various districts of downtown Lafayette. As a result, the buildout projections assume that each site would be built as mixed-use, leasable groundfloor space needed to be adjusted to allow for access points for upper-floor residential uses, and groundfloor residential areas. Forty percent of leasable ground-floor area was subtracted to account for miscellaneous spaces such as corridors, stairways, closets, wall thickness, lobbies, store rooms, elevators, HVAC and mechanical systems, and access points to upper floors. The comment notes that a 10 to 15 percent reduction would be normal instead of the 40 percent reduction used for the EIR; it is true that a 40 percent reduction is higher than would typically be calculated. However, because the buildout calculations were based on an assumption that all buildings would be mixed-use, a higher than average reduction was needed. In mixed-use buildings, a significant amount of ground floor space is lost to allow for shared ground-floor spaces, infrastructure, and access points to higher floors. In all instances, it was assumed that buildings would be built to the tallest, or maximum, height allowed under the Plan. For example, if the Plan allows a height of 35 feet by right for a certain parcel and 43 feet with additional conditions, a height of 43 feet would be used. It was assumed that sites would be built to the maximum allowable residential density on the upper floors, with an average unit size of 1,000 square feet, which is considered to be a small unit size for Lafayette (and therefore translates to a higher housing unit projection).

Step 3, to reflect typical development density, was used to reflect the fact that development does not always build out to the maximum allowable density. For the Draft EIR, it was assumed that development projects would build out

to 80 percent of the maximum capacity. A variety of factors can influence how intensively a plan would be built out. Step 3, to reflect typical development density, was used to reflect the fact that development does not always build out to the maximum allowable density. For the Draft EIR, it was assumed that development projects would build out to 80 percent of the maximum capacity. A variety of factors can influence how intensively a plan would be built out. Based on consultation with Seifel Consulting, an average of 80 percent was used. This is supported by research that has found that the scale of built development in relationship to allowable density varies between 55 percent and 79 percent of planned capacity, and varies based on the size of a city (with smaller cities building out to lower densities), whether development is subject to a General Plan or Specific Plan (with development under General Plans being more scaled back), and whether projects are multi-family or single-family (with single-family projects being more scaled back), among other factors.⁸ The 80 percent assumption used in the building projections is at the high end of this typical 55 to 79 percent range. Because the Plan Area contains a unique mix of factors, such as a diversity of housing types, being in proximity to lower density residential neighborhoods, and being a downtown infill environment in a semi-rural community, the 80 percent assumption is considered to be an appropriate approach for the Plan.

The comment also requests clarification and confirmation on the trip reductions used in the traffic analysis of the Draft EIR, and asks whether reductions were compounded. Trip reductions are described in detail on pages 4.13-19 to 4.13-21 of the Draft EIR, and are summarized in Tables 4.13-6 and 4.13-7. Each trip reduction was applied to the original total number of vehicle trips; trip reductions were not compounded. As described in the Draft EIR, the Institute of Transportation Engineer's (ITE) Trip Generation, 8th Edition, was used to obtain daily and peak-hour trip generation rates and in-bound-outbound percentages for the Draft EIR, which were then used to es-

⁸ Reason Public Policy Institute and Solimar Research Group, 2001, *Smart Growth in Action: Housing Capacity and Development in Ventura County*, available at <http://reason.org/files/7896cdcef3f7e933eb4478ca29c834bd.pdf>, accessed on March 17, 2010.

estimate the number of daily and peak hour trips that could be attributed to the proposed development. ITE trip generation rates are widely accepted by traffic engineering professionals and public agencies as the best source of trip generation information, but ITE rates are based on surveys of isolated suburban land uses with negligible transit and little trip linkage between surrounding land uses. Downtown Lafayette 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. The trip reductions applied to the trip generation from future development in the Plan Area were based on survey data from a variety of suburban locations. It is standard protocol for an EIR's traffic analysis to incorporate adjustments to ITE trip generation rates in order to more accurately reflect the context needed for the EIR analysis. Furthermore, the EIR consultant team believes that to use lesser reductions would result in a less adequate environmental assessment. As described in greater detail in the subsequent responses to comments enumerated below, the following summarizes the individual reductions to ITE trip generation that were used in the Draft EIR transportation analysis:

- ◆ Transit Trip Reduction (see response to Comment 9-140): The transit reduction factors are based on research on development near transit stations. The frequency and quality of transit service at the Lafayette BART station correlates to locations observed to have relatively high transit use and vehicle-trip reductions. As shown in Table 4.13-6, the transit reductions for residential and office uses applied in the Draft EIR analysis vary depending on distance from the BART station's south pedestrian entrance, with higher reductions of 10 to 15 percent within one-eighth mile of the station (which includes the "BART block" and very little more area), and no transit reduction for portions of the Plan Area more than one-half mile away. The resulting transit trip reduction for future residential development in the overall Plan Area is less than 6 percent for the AM and PM peak hours, and less than 4 percent for mid-day peak hour and daily trip generation. For comparison, 2000 Census data for Lafayette residents citywide, most of whom live outside of the one-half mile radius of the BART station, indicated 12 percent use transit for

commuting. The transit trip reductions for future office development in the overall Plan Area are less than 5 percent, resulting in reductions of 12 or less total trips during each of the peak hours. No transit trip reductions were applied to retail uses.

- ◆ Mixed-Use Trip Reduction (see response to Comment 9-141): The mixed-use reduction factors were derived using the standard methodology described in the *Trip Generation Handbook, 2nd Edition* published by ITE, and survey data on the internal trip percentages between each pair of land use types observed at mixed-use locations. The proximity of land use types with complementary trip generation characteristics (e.g. residential and retail, office and retail, etc.) and the proportional mix and scale of those land uses within the Plan Area correlates to locations observed to have significant internalization of travel as walking trips between uses, and corresponding vehicle-trip reductions. As shown in Table 4.13-7, the mixed-use reductions applied in the Draft EIR analysis vary depending on time of day, from 4 percent for the AM peak hour to 8 percent for the PM peak hour and 10 percent of total daily trips, with the variation reflecting the strong effect of the varying level of retail activity during the day. These percentage reductions are considered conservative because they were calculated based on only the future growth in the Plan Area, and did not incorporate the large amount of mixed-use development already existing downtown. If existing land use quantities were included in the calculation, the resulting future mix and total quantities of land uses would provide more opportunities for interactions that do not require vehicle trips, and the internal trip percentages and resulting mixed-use reductions would be significantly higher than those used in the Draft EIR transportation analysis.
- ◆ Retail Pass-By Trip Reduction (see response to Comment 9-142): The retail pass-by trip reduction factors are based on research on retail development adjacent to arterial streets in suburban areas. The types of future retail development and the high traffic volumes on Mount Diablo Boulevard in the Plan Area correlate to locations observed to have relatively high retail pass-by trip reductions. Based on survey data presented in the ITE *Trip Generation Handbook, 2nd Edition*, pass-by trip reductions of 25

percent for the PM peak hour and 5 percent for daily trips are applied to the trip generation for future retail development in the Plan Area. No pass-by reduction was applied to AM peak trips because many of the possible retail types in the Plan Area may not be open to customers during the morning traffic peak. 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 was applied. Pass-by reductions were not applied to residential and office uses. The resulting trip reduction to the overall trip generation from future development in the Plan Area is approximately 7 percent for the PM peak hour.

The comment asks whether reductions used in the buildout calculations affect impacts on population and housing, traffic, and air quality. The buildout numbers presented in Chapter 3, Project Description, were used as the basis for the analyses throughout the Draft EIR.

The comment asks whether some reductions were applied to certain areas but not to others. The buildout calculations are described in detail in the paragraphs above. The only reduction used in the methodology that was applied to some parcels but not others was the reduction to account for setbacks and on-site open space. As described above, larger setbacks were applied to larger parcels to account for the provision of on-site public amenities that would likely be required through the approval process and the Plan's menu-of-standards system. Similarly, parcels that utilized the conditionally allowed higher building heights allowed under the Plan were given a larger setback to reflect a likely outcome of the design review and approval process. For parcels with no standard setback or open space requirement, 10 percent of the parcel area was subtracted to allow for on-site circulation.

The comment suggests that the reductions used in the buildout methodology results in an underrepresentation of environmental impacts. As stated above, the buildout projections used in the Draft EIR represents what City staff and the EIR consultant team believe to be a conservative estimate of the amount and type of development that is likely to occur under the Plan by 2030, as-

suming a high rate of redevelopment. That is, the buildout methodology assumed a high rate of development (approximately 30 percent of the Plan Area) and then calculated realistic on-site development amounts. This approach was used to ensure that the Draft EIR does not understate environmental impacts.

The comment requests that each impact assessment be revised to describe how the buildout projections relate to the impact finding. All of the environmental impact assessments contained in the Draft EIR were based on the same buildout projections. Any additional factors used for specific impacts assessments are described in the relevant chapter of the Draft EIR. Therefore, no revision to the Draft EIR is needed.

Response 9-8

The comments serves as a closing remark to the preceding comments, thus no response is necessary apart from the responses to the comments above.

Response 9-9

The comment requests that the term “commercial” be added to the list of land uses included in the Notice of Availability. It is not possible to revise the Notice of Availability. As noted by the commentor, the Project Description of the Draft EIR adequately describes land uses. Therefore, no revision to the Draft EIR is necessary.

Response 9-10

The comment expresses support of the comments provided on the Draft EIR provided by the Circulation Commission on March 2, 2010. The Circulation Commission’s comment letter is included in this Final EIR as Letter #4. The comment expresses the commentor’s opinion and does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 9-11

The comment asks how the methodology used by TJKM in the Draft EIR differs from the methodology used by Fehr & Peers in previous traffic studies. Please see response to Comment 4-2.

Response 9-12

The comment asks for an explanation of an assumption of 1 percent growth in trips per year, and states that a more typical growth rate would be 2 percent. The comment does not specify the location in the Draft EIR of a reference to “the use of Trips Projections based on a 1% per year growth rate,” and no such reference can be located in the Draft EIR. However, the peak hour traffic volume projections from the Cumulative No Project model used in the Draft EIR analysis generally indicate an average annual growth rate of approximately 1 percent per year. The Cumulative No Project model is based on traffic generated by the future development projects listed in Table 4.13-9 on page 4.13-24 of the Draft EIR and additional infill development on smaller parcels, rather than an overall growth factor.

Regarding the comment’s statement about “the more typical 2% per year that Lafayette has known in past studies,” the following information from the Lamorinda Action Plan Update (December 2009), which is based on ABAG Projections 2005 and the CCTA Travel Demand Model, is provided:

- ◆ The forecasts indicate growth by 800 new households each in Lafayette and Moraga in 2030, which is a growth rate of less than one-half percent per year in the number of households.
- ◆ Employment is forecast to grow by 12 percent in Lafayette and Lamorinda overall by 2030, which is a growth rate of approximately 0.6 percent per year.
- ◆ Additionally, City of Lafayette Planning and Building Services staff has stated that recent data indicates a 1 percent decline in Lafayette’s population from 2000 to 2009.

This data suggests that the Cumulative No Project traffic projections used in the Draft EIR analysis may provide relatively conservative results regarding future traffic conditions.

Response 9-13

The comment notes a contradiction between the goals of the Plan and the mitigation contained in Chapters 4.2, 4.3, and 4.13 of the Draft EIR. Please see response to Comment 4-14, above for a detailed response. The Draft EIR adequately analyzes impacts that could be created by the Plan, and proposes mitigation to reduce those impacts as required under CEQA.

Response 9-14

The commentor states that the Plan conflicts with the interests of members of the public. 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 9-15

The comment asks for clarification regarding the grants used for funding the preparation of this EIR. The comment refers to a statement on the cover of the Draft EIR that the EIR is funded in part by grants from the United States Department of Transportation (U.S. DOT), and a statement in Chapter 1, Introduction, that the EIR is funded in part by the Metropolitan Transportation Commission's Station Area Planning Program. Placing this statement on the cover and in Chapter 1 is a requirement of MTC's Station Area Planning grant to the City. The comment asks for a listing of all funding sources used for the preparation of the EIR. This EIR was funded by the City of Lafayette Redevelopment Agency and the MTC grant. This information is not pertinent to the adequacy of this EIR.

Response 9-16

The comment refers to a bulleted list on page 1-1 of the Draft EIR that describes the conditions under which project-level environmental review would be needed for specific projects proposed in the Plan Area. The comment

states that further explanation is needed in response to the first and third bullets. The comment requests examples as an explanation.

The first bullet point states that the City would need to determine “Whether the planned characteristics of the project are substantially different from those defined in the Programmatic EIR.” Future development projects would be evaluated for consistency with the type of development analyzed in this Draft EIR, which is based on the development standards contained in the Plan, including the maximum building heights and intensities shown in Figure 3-4. The Draft EIR also assumes that future development would include residential, civic, office, and retail uses. In reviewing development applications, the City would determine how a specific project conforms to these development standards and determine the appropriate level of environmental review.

The third bullet point states that the City would need to determine “Whether specific impacts were not evaluated in sufficient detail in the Program EIR.” The impacts and mitigation measures in the Draft EIR were prepared for a program-level EIR, which uses a different level of detail than a project-level EIR would. It is unknown exactly where future development would occur under the Plan, and therefore a highly detailed analysis of potential future projects is not possible and would therefore be speculative. A project-level environmental review will be required for future projects that meet the criteria laid out on page 1-1. In such a project-level review, a specific development project will be evaluated and site-specific impacts specific to that project will be identified and mitigated.

Response 9-17

The comment states that the bullet points on page 1-2 of the Draft EIR are unclear. The comment asks that the summary table in Chapter 2 be revised to conform more closely to the detailed analysis in Chapter 4. The summary in Chapter 2 is intended to provide the reader, including decision-makers, with a succinct summary of impacts and mitigation measures contained in Chapter 4. In order for this summary to remain clear and easy to use, it would not be desirable to add more detail such as that found in Chapter 4.

This is a standard format for EIRs. The text on page 1-2 of the Draft EIR has been revised to more clearly explain the purposes of Chapters 2 and 4, as shown in Chapter 3 of this Final EIR.

Response 9-18

The comment asks for an explanation of how the City will avoid severe pedestrian-vehicle conflicts. The Plan is expected to increase both pedestrian and traffic volumes in the downtown core area, and additional pedestrian-vehicle conflicts are unavoidable. The Plan includes policies and programs to improve pedestrian safety and convenience, including streetscape improvements and walkways, which are described in Chapter 3, Project Description, of the Draft EIR. Analyses of traffic and pedestrian impacts are presented in Chapter 4.13 of the Draft EIR, and significant impacts and proposed mitigations are summarized in Table 2-1.

Response 9-19

The comment asks which goals, policies, and programs in the Plan relate to sustainability, downtown character, and capital improvements to improve public safety and enhance the character of the downtown. This intent of the Plan is laid out in the Plan objectives, listed on page 3-7 of the Draft EIR, and are to be implemented through the Plan's specific goals, policies, and programs. The specific goals, policies, and programs in support of this intent are too numerous to list and are listed by element in Section 3.2 of the Plan (pages 21 to 36) and repeated throughout Chapters 4 through 11 of the Plan. Chapter 4, Sustainability, of the Plan contains a goal, two policies, and two programs related to sustainability. Chapter 5, Downtown Character, contains multiple goals, policies, and programs to improve the character of the downtown. Capital improvements related to public safety and downtown character are described in several chapters of the Plan.

Response 9-20

The comment requests that the term "commercial" be included in the second paragraph on page 2-1 of the Draft EIR. Commercial uses are included in this paragraph with the terms "office" and "retail." This is consistent with the

definition of “commercial” in both the General Plan’s and the Plan’s Glossaries.

Response 9-21

The comment requests that height and density be added to the list of areas of controversy that appears on page 2-2 of the Draft EIR. This text has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 9-22

The comment requests that concerns related to schools be added to the list of areas of controversy that appears on page 2-2 of the Draft EIR. This text has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 9-23

The comment requests that the description of aesthetic areas of controversy be revised. The text on page 2-2 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 9-24

The comment requests that the description of population and housing areas of controversy be revised. The requested text insertion has been incorporated into the bullet point about public services, as shown in Chapter 3 of this Final EIR.

Response 9-25

The comment asks what benefits would be derived from Impact AQ-1, which is a significant and unavoidable impact. It is unclear why the commentor believes that there are benefits associated with this impact, but it is assumed that the commentor is referring to the findings of overriding consideration that would be required should the City Council certify this EIR. Benefits of adopting the Plan will be outlined in these forthcoming findings and have not yet been developed by the City. Pages 4.2-22 through 4.2-24 describe the ways in which the Plan supports regional growth strategies, despite the fact

that the growth rate of the Plan exceeds the growth assumed in the most recent Air Quality Plan.

Response 9-26

The comment states that the Draft EIR states that the Plan would lead to greater regional emissions than assumed, but fails to mention that this would also lead to greater City emissions. The comment suggests that this would constitute a significant and unavoidable impact. Regional emissions refer to emissions from the Plan that affect regional air quality, i.e., ozone and particulate matter concentrations. BAAQMD CEQA Guidelines have identified impacts on air quality on a regional basis as the threshold against which to evaluate the Plan. Local air quality impacts are evaluated by predicting carbon monoxide concentrations from local traffic and identifying any health risk impacts from sources of toxic air contaminants.

Objectionable odors would be another potential local air quality issue for the Plan Area. Significant odor sources are not located within the Plan Area; therefore, new uses are not likely to be affected by existing odor sources. The Plan Area would include a mix of uses that could place new residences near localized sources of odors. An example would be a mixed use building that includes residences and restaurants. While this mix of uses is common in urban areas, odor complaints can occur. Some people find odors from restaurants objectionable, while others find them pleasant.

Response 9-27

The comment notes a contradiction between the goals of the Plan encouraging activity in the Plan Area and the mitigation contained in Chapters 4.2, 4.3, and 4.13 of the Draft EIR. Please see response to Comment 9-5, above.

Response 9-28

The comment states that Mitigation Measure AQ-2 in the Draft EIR would create a “sick system,” discriminate against those who would ordinarily qualify for low-income housing, and violate standards proposed by CARB of placing buffers at least 500 feet away from the nearest travel lanes. It is not un-

derstood what the term “sick system” means in this response. Mitigation Measure AQ-2 would ensure that all new development, regardless of income levels of residents, proposed near sources of TACs or PM_{2.5} would not expose sensitive receptors to unhealthy levels of TACs and PM_{2.5}. The Draft EIR analysis is based on the CARB advisory recommendations and predicts the actual exposures following recent BAAQMD guidance.

Response 9-29

The comment states that developers have indicated that restaurants located on the ground floor below housing create a noise and odor conflict. The comment states that the Draft EIR should specify that exhaust fan outlets should be located on the roof and vented away from the building. Mitigation Measure AQ-3 would prevent restaurants from creating objectionable odors in such situations, and Mitigation Measure NOI-2 seeks to avoid such noise conflicts. Therefore, no revision to the Draft EIR is necessary.

Response 9-30

The commentor requests that the Draft EIR be revised to reflect emissions from 4,859 new residents. The Draft EIR evaluates emissions from the buildout of the Plan, including emissions from new residents. Table 4.3-1 of the Draft EIR has been revised, as shown in Chapter 3 of this Final EIR.

Response 9-31

The comment states that the finding that Impact CULT-1 would be less than significant after mitigation is not valid without written confirmation from the City that this mitigation measure will be implemented. Implementation of Mitigation Measure CULT-1 would be similar to existing regulations in the City of Lafayette General Plan, Municipal Code, and redevelopment policy. General Plan Policy LU-22.2 calls for the City to recognize and protect buildings, sites, and districts with significant cultural, aesthetic, and social characteristics. General Plan Program LU-22.2-1 requires the City to update and continue to implement the Zoning Code requirements regarding buildings with historic and cultural significance.

The Lafayette Municipal Code, Chapter 6-21, Historical Landmarks, sets forth procedures and regulations regarding the treatment of places, sites, buildings, structures, works of art, and other objects with historical or archaeological value. This chapter contains criteria and procedures for the designation of landmarks, and regulations for changes to landmarks. Under Article 3, any person making changes to landmark properties must apply for and obtain a certificate from the City Council. Under Section 6-2133 of the Municipal Code, the Lafayette Historical Society is responsible for reviewing applications within 30 days and making a recommendation to the City Council regarding whether the application should be approved, conditionally approved, or denied.

Additionally, the Lafayette Redevelopment Agency adopted a resolution to regulate the demolition of structures located within the Redevelopment Project Area. The Redevelopment Project Area is located within the Plan Area and therefore this resolution would apply to new development under the Plan. Under the resolution, any demolition permit for a structure in the Redevelopment Project Area must be reviewed by the Redevelopment Agency Governing Board to determine that the proposed demolition would not eliminate a structure of architectural and/or historical significance in the Project Area.

Furthermore, specific methods for implementing Mitigation Measure CULT-1 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 9-32

The comment states that cultural resources were omitted from Table 2-1 in the Draft EIR. This is not correct. Cultural resource impacts and mitigation measures can be found on pages 2-6 to 2-7 of the Draft EIR. These include paleontological resources. No revision to the Draft EIR is necessary.

Response 9-33

The comment requests that the Forge be considered a historical resource. The survey conducted by Knapp Architects found that seven properties are of historic interest, each being a unique expression of old Lafayette. Without protection, these seven properties would be vulnerable to major change or demolition. These properties have been recorded in the DPR 523A-Primary Record and B-Building, Structure and Object Record forms, which are issued by the State of California, Department of Parks and Recreation.

In addition to these seven properties, the following resources could be eligible due to their rarity in the area:

- ◆ The Forge, 3416 Mt. Diablo Boulevard, commercial, adobe brick
- ◆ 3606 Chestnut Street, residence, adobe brick
- ◆ Garrett Building (Postino Restaurant), 3565 Mount Diablo Boulevard, commercial
- ◆ 3618 Chestnut Street, residence, Streamline
- ◆ 3582 Mount Diablo Boulevard (One-Hour Cleaners), commercial, Art Deco
- ◆ Lafayette Orchards archway framing the Mount Diablo Boulevard entry to Willow Street
- ◆ 3606 Bickerstaff Road, 3610 Bickerstaff Road, and 947 Dewing Avenue, residential bungalow courts
- ◆ 3534 Golden Gate Way and 3611 School Street, mid-Century office buildings
- ◆ Lafayette-Alamo Cemetery, 3285 Mount Diablo Boulevard, burial ground

This information has been incorporated into Chapter 4.4, Cultural and Historic Resources, of the Draft EIR, as shown in Chapter 3 of this Final EIR. Although the properties listed above, including the Forge, were not recorded in DPR 523A and 523B forms, they would be protected due to Mitigation Measure CULT-1 of the Draft EIR. Mitigation Measures CULT-1 would ensure that the above properties (and other buildings or structures that may become eligible) are evaluated on a case-by-case basis as specific development projects in the Plan Area are proposed.

Response 9-34

The comment states that it is misleading to state in Chapter 2, Report Summary, that the Plan would not result in significant geology impacts, given the potential for seismic activity. The Draft EIR does acknowledge the potential for risks associated with seismic activity. Chapter 4.5, Geology and Soils, includes a discussion of exposure of people or structures to a significant risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction, as required under CEQA. Accordingly, no revision to the Draft EIR is necessary.

Response 9-35

The comment suggests that Chapter 4.8, Land Use and Planning, in the Draft EIR be revised to reflect the significant impact identified in Chapter 4.10, Population and Housing. As stated on page 4.10-14 of the Draft EIR, Impact PH-1 is associated with growth projections of the Plan that would exceed City and ABAG growth projections. As further stated on page 4.10-14, despite this exceedance of City and ABAG projections, the Plan is consistent with both City and ABAG growth policies and planning efforts. Therefore, this does not constitute a land use impact, and no change to the Draft EIR is necessary.

Response 9-36

The comment states that the discussion of Impact NOI-1 does not include potential for noise impacts due to State Route 24 traffic noise but does give an evaluation that overall noise is a significant impact. The discussion of Impact NOI-1 on page 4.9-31 of the Draft EIR has been amended to include a discussion of the potential for noise impacts due to State Route 24 traffic noise, as shown in Chapter 3 of this Final EIR. This addition merely amplifies information already presented in the Draft EIR and does not change the EIR's underlying analysis or conclusions.

The comment states that the mitigation measures discussed for Impact NOI-1a give general guidelines for appropriate mitigations but do not specifically

indicate the 5 dBA lower interior noise levels required in senior housing and do not indicate that mitigation requirements determined from site-specific noise studies should be incorporated in project conditions of approval. The commentor also states that means of enforcement need to be provided. Mitigation Measure NOI-1a on pages 4.9-31 and 4.9-32 of the Draft EIR has been amended to include 5 dBA lower noise levels at senior housing and to include a requirement for the implementation of mitigations identified in site-specific noise studies in project conditions of approval, as shown in Chapter 3 of this Final EIR.

The comment states that the mitigation measures discussed for Impact NOI-b are appropriate and should result in a less-than-significant impact for interior noise. The comment is noted. With mitigation, the interior noise impact would be less than significant.

The comment states that the mitigation measures discussed for Impact NOI-c are appropriate to achieve less-than-significant impacts. With mitigation, the noise impact would be less than significant.

Response 9-37

The comment states that a noise impact not included in the Section F, Impacts and Mitigation Measures, of Chapter 4.9 is that the existing traffic noise is already a significant impact in some residential areas and that after Plan implementation those areas would remain subject to a significant unavoidable impact even though the increase in cumulative traffic would be less than 3 dBA. Chapter 4.9, Noise, of the Draft EIR found existing noise levels in excess of 55 Ldn at the following noise measurement locations: ST-1, ST-2, ST-4, ST-5, ST-6, ST-8, LT-1 through LT-4. These locations, some of which are residential areas, are currently exposed to noise levels in excess of the City's outdoor noise standard, which is 55 Ldn for new residential development, as stated in Policy N-1.4 of the City's General Plan. While it is true that some residential areas are currently exposed to noise levels in excess of the City's General Plan Guidelines, the impacts of the Plan itself were evaluated under a consideration that an increase in L_{dn} noise levels of 3 dBA or greater where

noise levels exceed those considered normally acceptable for the particular use would cause a substantial increase leading to a significant noise impact. This 3 dBA increase standard for impact evaluations is commonly accepted within surrounding communities and by CEQA. The 3 dBA level gets to the project's incremental contribution to the existing cumulative impact, and that the 3 dBA level is what is considered perceptible to humans.

Response 9-38

The comment states that Impacts NOI-2, NOI-3, and NOI-4 are appropriate in defining significant impacts of noise and vibration from new commercial developments and construction activities and that the mitigation measures outlined are generally appropriate to reduce the noise and vibration impacts to less-than-significant levels. The comment is noted.

Response 9-39

The comment states that Redevelopment Project Area funds are not sufficient to meet the goals of the Plan or the mitigation measures in the Draft EIR, particularly in regard to infrastructure and public services. The mitigation measures for public services would require new fees to be adopted and placed on new development to ensure that adequate services exist to serve new development. Therefore, these mitigation measures are not expected to negatively affect redevelopment funds for capital improvements. Redevelopment funds cannot be used for public services. Funding sources for capital improvements to implement that Plan's policies and programs are described in Chapter 11, Economics, of the Plan. As described in this chapter of the Plan, capital improvements are not proposed to rely exclusively on redevelopment funds. In addition, the chapter acknowledges that redevelopment funds may become increasingly limited over time and therefore funding must be considered "fluid." The comment expresses concern regarding the availability of funding but does not address the adequacy of the Draft EIR. Therefore, no further response is necessary.

Response 9-40

The comment asks how Mitigation Measure PH-1 will be implemented, given lack of funding, limited infrastructure and services, and certain uses that are permitted by right. The comment suggests that Impact PH-1 cannot be mitigated to a less-than-significant level. The Draft EIR discusses the availability and adequacy of services. Development allowed by right is still subject to City permitting requirements in the General Plan, Municipal Code, and the Plan, and is required to demonstrate certain project features in order to obtain planning and building permits, and any other approvals required prior to project construction. Development projects, even those allowed without discretionary review, are reviewed by the City departments and utility districts to ensure adequate infrastructure and capacity is available prior to issuance of permits.

Response 9-41

The comment states that Lafayette has had difficulty adequately funding infrastructure and services and assessing the short- and long-term costs in its projects. The comment asks how the City will be able to ensure adequacy in these areas. This question is beyond the purview of this EIR. The focus of the EIR is on physical impacts to the environment and the evidence supporting both the EIR's analysis and the feasibility of identified mitigation.

Response 9-42

The comment states that there is insufficient funding available to provide infrastructure and public services, either currently or in the long term. The comment states that building permits therefore cannot be conditioned on the availability of adequate infrastructure and services, and that Impact PH-1 would be significant and unavoidable. The City can consider new development in light of demonstrated deficiencies in the infrastructure and consider conditioning such development to pay its "fair share" of correcting and deficiencies. This is consistent with existing General Plan Goals LU-19 and LU-20 and their associated policies and programs. The comment acknowledges that infrastructure and services could be funded through fees but that such

fees would not be sufficient to resolve the impacts. Please see response to Comment 9-40.

Response 9-43

The comment states that significant impacts to the delivery of public services in the Plan Area cannot be mitigated for these reasons: the City has already assessed impact fees; the City is limited in what it can do; and the City does not control how fees collected would be spent by the Fire Department.

Under CEQA, the Plan would have a significant impact if its implementation would require the construction of new facilities or the modification of existing facilities that could cause significant environmental impacts. In order to gauge the need for construction that could result from the Plan, CEQA considers whether community standards for the provision of public services would be exceeded. Such standards include service ratios, response times, and other performance objectives.

The potential impacts from the Plan on public services were assessed in consultation with relevant local authorities, as described in Chapter 4.11 of the Draft EIR. On the basis of this consultation, it was determined that the Plan could potentially result in impacts to fire protection and emergency medical services as well as to schools because buildout of the Plan could exceed community service standards associated with the provision of these public services, thereby requiring construction of new facilities or expansion of existing ones. However, as noted on pages 4.11-6 and 4.11-16 of the Draft EIR, potential environmental impacts associated with construction of the new facilities would be minimized because expansion of existing facilities and new construction would be subject to CEQA review and applicable federal, State and local regulations. In addition, buildout under the Plan is expected to occur slowly over time, and the need for new facilities or expanded facilities is not known. The City will work with service providers to determine if new facilities are needed and conduct nexus studies to ensure that new development in the Plan Area contributes toward such facilities as appropriate.

Separate from mitigating for the potential environment impacts of construction or expansion of facilities, the Draft EIR also proposes two types of development impact fees to accommodate growth that would result from the Plan, although these fees are not required under CEQA. Both proposed impact fees, described on page 4.11-6 and on pages 4.11-22 through 4.11-24, would apply to future development in the Plan Area. Additionally, the proposed fees would comply with California Government Code Section 66000, which requires that the City identify both the purpose and use of the fee. The City of Lafayette, local school districts, and the Contra Costa County Fire Department are therefore in a position to control how fees collected would be spent.

Response 9-44

The comment states that fire service levels are worse than required by the General Plan and requests that the Draft EIR note this situation. Further, the comment states that the Fire Department does not possess the equipment necessary to handle concurrent emergencies in buildings at heights allowed under the Plan.

On pages 4.11-4 and 4.11-5, the Draft EIR notes that fire service providers for the Plan Area are not currently meeting the target response time established in the General Plan. The Draft EIR subsequently proposes Mitigation Measure PS-1, which would require the City to work with the Contra Costa County Fire Protection District (CCCFPD) to determine if impact fees are required on new commercial and residential development in the Plan Area, and to develop a nexus study to calculate and assess the fee as appropriate. Please note that the text of the Draft EIR has been revised, as shown in Chapter 3 of this Final EIR, to clarify the process by which Mitigation Measure PS-1 would be developed. Mitigation Measure PS-1 is consistent with General Plan goals LU-19 and LU-20, and associated policies and programs.

The CCCFPD currently dispatches a ladder truck from Station 1, located at 1330 Civic Drive in Walnut Creek, to service the tallest buildings in downtown Lafayette in the case of emergencies. Under the Plan, this arrangement

would continue. Therefore, the CCCFPD does possess the equipment necessary to handle concurrent emergencies in buildings at heights allowed under the Plan.

Response 9-45

The comment requests confirmation that it is legal to impose development impact fees to cover the cost of expanded police services, fire protection services, schools, and road repairs. The comment also requests an explanation of the proposed impact fees that would compensate for slowed response time to emergencies.

California Government Code Section 66000 et seq., known as the Mitigation Fee Act, allows local agencies to levy development impact fees. Under the terms of the Act, the agency must identify the purpose and use of the fee, and must also demonstrate that there is a reasonable relationship between both the use and the purpose of the fee and the type of development project on which the fee is imposed. Therefore, the development impact fees proposed in the Draft EIR to accommodate the expansion of law enforcement, fire and emergency services, and schools as required to accommodate growth under the Plan would be legal. The Draft EIR does not propose development impact fees to cover the cost of road repairs.

The proposed development impact fees are not intended to compensate for slowed response times, but rather to fund the expansion of existing facilities, the construction of new facilities, or the procurement of additional equipment or personnel as required to allow local service providers to meet established community standards such as target response times.

Response 9-46

The comment states that signage will have an insignificant impact on mitigation Impact TRAF-12. As mitigation for Impact TRAF-12, signage is described as one of the potential measures for minimizing impacts to be considered during the environmental and design review processes for the chosen downtown parking facility location. As noted in the comment, Table 2-1

indicates that this impact is significant and unavoidable (SU) after mitigation. The detailed design and potential impacts of the downtown parking facility would be analyzed in greater detail and mitigated to minimize traffic impacts in a separate project-level study before it can be approved.

Response 9-47

The comment states that an additional traffic signal on Deer Hill Road would likely not mitigate Impact TRAF-7. With the existing all-way stop sign control at the Deer Hill Road/Oak Hill Road intersection, unacceptable LOS E operations would result during the PM peak hour in the Cumulative scenario with or without the Plan, but the Plan would significantly increase vehicle delay. The proposed installation of a traffic signal as mitigation, which is already contemplated in the Lamorinda Nexus Study, would result in acceptable LOS C operations at the intersection, with significantly less delay expected on the Deer Hill Road approaches. With appropriate coordination of traffic signal timing with adjacent intersections, installation of a signal at this intersection is not expected to add traffic congestion on Deer Hill Road. Installation of a traffic signal would result in a less-than-significant impact at this intersection.

Response 9-48

The comment states that a pedestrian queuing impact should be added to impacts TRAF-13 and TRAF-14. Pedestrian queuing at intersections near the downtown parking facility would not be a significant impact. The downtown land uses to be served by the parking facility are not likely to concentrate the arrivals and departures that generate pedestrians within intense peak periods, but rather are expected to spread the pedestrian activity across the range of business hours. The resulting modest increase in pedestrian queuing that is expected could be addressed with appropriate sidewalk area enhancements at intersection corners, if the need arises. Pedestrian queuing is not identified in CEQA guidelines as a topic requiring evaluation for potential impacts in environmental documents, and the City has not defined thresholds or standards of significance for pedestrian queue impacts. Therefore, pedestrian queue issues are not considered as an impact under CEQA. Pedestrian

crossing times at traffic signals were already incorporated into the LOS analysis presented in the Draft EIR.

Response 9-49

The commentor agrees with recommended mitigation in the Draft EIR related to conducting pre-construction surveys for nesting birds. The comment is noted, and no revision to the Draft EIR is necessary.

Response 9-50

The comment requests that the description of the No Project Alternative on page 2-22 of the Draft EIR refer to the General Plan, and that the description of alternatives precede Table 2-1. The Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 9-51

The comment states that the only sources of funding for capital projects are the Redevelopment Project Area funds and applicant fees. The comment states that funding for capital projects is not sufficient, which is a significant impact of the Plan that cannot be mitigated. The comment is noted. Lack of funds to implement a project is not considered to be an impact under CEQA. Since development under the Plan would occur over time, each project would contribute to offset its individual impacts, and the City would use individual developer contributions to offset part of the cost of funding capital improvements associated with each project. As discussed in Section 11.1, Funding Sources for Capital Improvements and Maintenance, of the Plan, other sources of funding include: General Fund property and sales taxes; parking funds; development fees; Lamorinda Sub-Regional Transportation Fee; Core Area Assessment District; federal, State, and County grants; and revenue bonds.

Response 9-52

The comment states that the reductions used in the buildout projection calculations contradict the statement in the Draft EIR that EIRs typically analyze a “worst-case scenario.” Analysis of a worst-case scenario is to provide an envi-

ronmentally conservative analysis; however, an EIR must also analyze impacts that are reasonably foreseeable. The Draft EIR analyzes an amount of development that is considered to represent a worst-case scenario for the next 20 years, even though it does not analyze full buildout, as described above in response to Comment 9-7. No revision to the Draft EIR is necessary.

Response 9-53

The comment questions the validity of the following sentence that appears on page 3-18 of the Draft EIR: “Additionally, given the historic rate of growth in Lafayette, the high cost of land, and irregular parcel sizes in the Plan Area, it is unlikely that the buildout numbers would be fully realized.” The comment states that given the amount of pending residential development, proximity to transit, and the amount of uses by right, growth will be encouraged. The opportunity sites assumed to develop under the buildout projections comprise approximately 69 acres of land. According to the City’s Planning and Building Services Division, since 1990 26.4 acres within the Planning Area have been redeveloped or have received approval to redevelop. The City expects a similar rate of development during implementation of the proposed Plan, and therefore it is reasonable to predict that it would be unlikely for the buildout numbers to be fully realized. No revision to the Draft EIR is necessary.

Response 9-54

The comment asks how the population increase in the Plan Area can be mitigated. This comment is addressed on page 4.10-14 of Chapter 4.10, Population and Housing, where the Draft EIR states that housing, population, and employee increases that exceed local and regional projections would be a significant impact. Mitigation Measure PH-1 is as follows: “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.” The Draft EIR goes on to state, “Determination of adequate services would ensure that sufficient infrastructure and services have been provided to accommodate and

mitigate the impacts of development, and would help to ensure that new development under the Plan is reasonably phased. Provision of adequate infrastructure and services would reduce the impacts associated with development in excess of local and regional growth projections.” By monitoring development of the Plan Area and ensuring that new development occurs in pace with the provision of infrastructure and services, population growth would occur at an orderly pace.

Response 9-55

The comment states that the number of housing units approved but not built should be accounted for in the Draft EIR’s growth projections. As described above in response to Comment 9-7, there is no single methodology for calculating buildout for the purposes of an EIR. The response to Comment 9-7 describes in detail the buildout methodology determined by the City as appropriate for the analysis. In addition, it should be noted that the traffic impact analysis for the Plan did consider the location of approved projects in Lamorinda for the cumulative traffic analysis.

Response 9-56

The comment states that the Draft EIR should analyze full buildout of the Plan rather than buildout of only a portion of the Plan Area. As discussed above in response to Comment 7-7, CEQA requires that an EIR analyze the “reasonably foreseeable” effects of a project. As stated on page 3-18 the Draft EIR, it is unlikely that the buildout projections used in the Draft EIR will be realized.

Response 9-57

The comment references the statement on page 3-20 of the Draft EIR that, “Buildout calculations were developed using the proposed setbacks, heights, and residential densities contained in the Plan,” and states that setbacks for the high density alternative have not yet been developed. The High Density Alternative does include setbacks. The text referenced on page 3-20 pertains to the buildout calculations for the Plan, not the Higher Density Alternative considered in Chapter 5, Alternatives, of the Draft EIR. As stated in the Pro-

ject Description of the Draft EIR, the Plan analyzed in this EIR is the Revised Draft Downtown Lafayette Specific Plan (the Plan) that was released for public review in September 2009; the Plan does include setbacks.

Response 9-58

The comment states that the 40 percent reduction in calculating the buildout of leasable ground-floor space is too high, and that the Draft EIR should analyze full buildout rather than 20-year buildout. Please see responses to Comments 9-7 and 9-56.

Response 9-59

The comment states that members of the public have reacted negatively to the visual simulation shown in Figure 4.1-8, and that the simulated development would have a substantial adverse effect on the existing scenic vista. The effect that the development shown in Figure 4.1-8 would have is acknowledged in the Draft EIR. Page 4.1-28 of 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. The greatest change is exhibited in View 1 (see Figure 4.1-8).” Page 4.1-20 describes the blockage of a scenic vista that is the subject of this comment: “The new buildings would cover most of the views as they are taller than the existing uses and built to the property line.” 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 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 requires 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 reduce the impact to a less-than-significant level. 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, in conformance with General Plan policy.

The comment also states that the loss of a heavily patronized gas station would be unacceptable. The Draft EIR assumes the redevelopment of certain parcels within the Plan Area as a way to consider what the potential effects of redevelopment under the policies and standards of the Plan. Adoption of the Plan would set new parameters for future development but would not directly result in any new development projects. The redevelopment of certain parcels is used as a basis for the environmental assessment in the Draft EIR, but it does not restrict or specify the actual physical location of future development that will be permitted under the Plan. Even if an area were not identified as being redeveloped by 2030 in the visual simulations, it could still accommodate new development in keeping with the Plan's policies. Furthermore, potential development analyzed in the Draft EIR would not in any way be "pre-cleared" for development or given special consideration by City staff or the City Council; all future development will still require normal review under policies that are spelled out in the Plan, the City's General Plan and Zoning Code, and any applicable procedures and regulations. Thus, by simulating new development where the gas station now exists, the Draft EIR is not allowing this development to occur, and the proposed Plan does not specifically call for the redevelopment of this parcel. Until a specific development proposal is proposed for this parcel, or unless the operator decides to close operations, Lafayette's residents are not at risk of losing this gas station.

Response 9-60

The comment states that the development simulation in Figure 4.1-10 looks like "Lego Land" and is not appropriate for Lafayette. The comment states that setbacks and height limitations are essential for preserving Lafayette's identity and small town character, and are absent in the visual simulation. The comment requests that the Draft EIR be revised to assess this aesthetic impact. The visual simulations reflect the development standards in the Plan, and therefore do not simulate buildings with setbacks in areas where none are required by the Plan. The effect of new development on the Plan Area's vis-

ual quality is evaluated under Standard of Significance #3, Substantial Degradation of the Existing Visual Character or Quality of the Downtown Area and its Surroundings. In this discussion, the Draft EIR acknowledges that new development could have the potential to change the character of the Plan Area's small town character to that of a more urban village due to building heights. The Draft EIR states that new development could be more intense than existing uses and, in contrast to existing uses, could be built to the property line. The Draft EIR acknowledges that new buildings in areas that currently contain more auto-oriented development could result in more shading of streets and sidewalks. However, the Draft EIR finds that new buildings under the Plan, if built in accordance with proposed development standards and policies, would result in certain aesthetic benefits. For instance, the Draft EIR states that new development would provide a more continuous frontage along the sidewalk, and could provide new amenities that would provide a more pleasant walking environment. In addition, proposed building heights would visually frame the street with a proportional building-height-to-street-width ratio that is considered to an attractive downtown environment.

Response 9-61

The comment states that the viewpoint in Figure 4.1-12 does not include Oak Hill Road and First Street corners, or the entry from Moraga Road which currently provides a vista to the hills north of State Route 24. The viewpoints were chosen at a public Planning Commission hearing on October 29, 2009. This hearing was a public scoping hearing, at which public comment on the scope and contents of the EIR was welcomed. At this hearing, it was decided among the Planning Commission and City staff that five viewpoints from the City General Plan's Scenic View Corridors map would be used for visual simulations. The viewpoints offer a variety of views, looking in five different directions throughout the Plan Area. The Planning Commission, City staff, and EIR consultant team consider these views to be representative of different types of views throughout the downtown. Therefore, no revision to the Draft EIR is necessary.

Response 9-62

The comment states that the development simulated in Figure 4.1-14 would have a substantial adverse effect on the existing scenic vista. Please see response to Comment 9-59, above. The Draft EIR does acknowledge that new development in some areas of the Plan Area could affect existing scenic views, and states on page 4.1-22 in regards to this specific location that, “The new buildings would cover the remaining viewable portion of the ridge as they are taller than the existing uses and built to the property line.” However, as described above in response to Comment 9-59, the Draft EIR does not find that this constitutes an overall significant impact because existing mechanisms and proposed development standards would address views in future development projects to ensure consistency with the goals and policies in the General Plan.

Response 9-63

The comment states that new development simulated in Figure 4.1-16 would lead to the closure of existing businesses. Please see response to Comment 9-59, above. Simulation of new development for analytical purposes in the Draft EIR does not “pre-clear” development for these parcels.

Response 9-64

The comment states that five General Plan policies have been omitted from Table 4.1-1 and asks whether others have been omitted as well. The comment does not indicate which policies should, in the opinion of the commentor, be added to this table and therefore it is not possible to revise the Draft EIR accordingly.

The commentor also states that the Draft EIR fails to discuss the General Plan’s goals, policies, and programs, and how they are met and mitigated under the proposed Plan. CEQA does not require a thorough policy analysis for consistency with all General Plan policies, but rather focuses on land use policies related to environmental effects. Chapter 4.10, Land Use and Planning, of the Draft EIR contains an analysis of land use policies applicable to the Plan Area. Chapter 4.1, Aesthetics, is not required under CEQA to in-

clude a similar analysis; however, this chapter does include a discussion of land use policies pertaining to the preservation of views and scenic resources.

Response 9-65

The comment states that the photographs in the Draft EIR show trees and landscaping at the height of the growing season. The comment requests that all photos be redone to show the visual quality of the downtown when trees and landscaping are bare. CEQA does not require that visual simulations be prepared for the aesthetics evaluation of an EIR, and does not provide any guidance or parameters to be used in visual simulations. The photographs in the Draft EIR were taken while the Draft EIR was being prepared, late in the fall of 2009. The visual simulations in the Draft EIR are based on the same photographs used to show existing conditions, therefore there is no discrepancy between the growing season portrayed under existing and simulated future conditions. The viewpoint locations used for Draft EIR were chosen by the Planning Commission on October 29, 2009 for the Draft EIR, which was published in January 2010. Therefore, it would not have been possible to use photographs during any other time of the year.

Response 9-66

The comment states that the Draft EIR inadequately uses the design review process as a means for determining that aesthetic impacts would be less than significant. It is common for an EIR to cite the implementation of existing procedures and regulations as a means to find that a significant impact could be avoided. In the case of the aesthetics impact analysis of this EIR, the existing design review procedures are not the sole means for finding a less-than-significant impact. Rather, as stated in the Draft EIR, the proposed Plan includes several development standards and policies that would avoid significant aesthetic impacts. Existing design review requirements would provide a further check on development to ensure that proposed development is closely reviewed for its design quality and contextual relationships to adjoining land uses and buildings.

The comment states that a recent development project was approved in Lafayette that destroyed views and privacy of many neighbors and negatively affected the existing scale, style, and character of the adjacent neighborhood. As stated above, the Draft EIR does not rely solely on the City's design review process to ensure that new development will be well designed. Rather, the Plan itself includes numerous development standards to guide the design of future buildings and the design review process would provide an additional project-specific review of the adequacy of future building designs.

Response 9-67

The comment states that the Draft EIR did not use the current CEQA guidance issued by the BAAQMD, which contains most current data regarding risk factors. The Draft EIR uses information provided by the BAAQMD in the Draft CEQA Air Quality Guidelines that the District plans to adopt in June 2010. As described on page 4.2-26, the Draft EIR uses thresholds and study guidance provided in these Draft Guidelines. In addition, the study of health risk from traffic along State Route 24 included the most recent update to BAAQMD's health risk guidance that included the recommendations for Age Sensitivity Factors that were adopted by the State in June 2009. The BAAQMD adopted these factors in January 2010, but the Draft EIR (prepared in December 2009) uses these factors in anticipation of the adoption (see page 4.2-31). The Draft EIR air quality evaluation uses the most current guidance from the BAAQMD, as contained in the December 2009 Draft CEQA Air Quality Guidelines.

Response 9-68

The comment states that the EIR preparer seems to back away from recommended mitigation. This is a general comment, but appears to address the evaluation and mitigation measures regarding exposures of sensitive receptors along State Route 24. As described in the Draft EIR (pages 4.2-25 to 4.2-31), the Draft EIR used the CARB recommendations to screen portions of the Plan Area that could be affected by State Route 24 traffic emissions or other sources. The Draft EIR then applied guidance from the Draft BAAQMD CEQA Air Quality Guidelines to refine the prediction of health effects from

exposure to traffic emissions from State Route 24. As stated in the Draft EIR, the CARB guidance is generic in that it applies a 500-foot buffer to all freeways in California. This guidance does not take into account traffic conditions on the freeway (i.e. volumes and percentage of trucks) or the local setting that includes local meteorological conditions. In addition, the CARB guidance is based on older emissions assumptions. Since the development of the CARB guidance, new regulations regarding emissions from trucks have been enacted. These are described in the Draft EIR and accounted in the analysis (page 4.2-28). As stated in the Draft EIR on page 4.2-20, draft BAAQMD guidance further defines the CARB guidance as a “Special Overlay” based on 500 feet or Air District approved modeled distance. The Draft EIR uses Air District-approved modeling methods to define the overlay zone. The Draft EIR evaluation of health impacts from State Route 24 used more up-to-date information than the CARB 2005 guidance and was conducted consistent with BAAQMD policy. The Draft EIR analysis indicates that a buffer of 250 feet between residences and the freeway would be adequate to reduce exposures of TACs and PM_{2.5} to a less-than-significant level. Residents are assumed to be exposed for a lifetime of 70 years to State Route 24 traffic emissions.

Response 9-69

The comment states that given the health hazards reported in the Draft EIR, the City should reconsider the density proposed. Mitigation Measure AQ-2 is an appropriate measure to reduce the air quality impacts for all new residential development near State Route 24 in the Plan Area. Further, the Draft EIR does include lower density alternatives (the No Project and the Lower Intensity Alternatives).

The comment also states that the Draft EIR does not address the health hazards represented by the proposed trail on the EBMUD right-of-way or the degradation of air quality represented by inclusion of new roads if the Higher Intensity Alternative were implemented. It is assumed that the commentor is referring to the exposure of trail users to State Route 24 traffic since the new trail would not generate emissions of TACs or PM_{2.5}. The impacts of expo-

tures to TACs and PM_{2.5} from State Route 24 are chronic and not acute. For that reason, guidance suggested by CARB and BAAQMD recommend evaluating annual and lifetime exposures for the most sensitive populations. Users of the trail would be exposed for short periods and therefore are not anticipated to have significant exposures. New roads resulting from the Plan or alternatives would not have high enough volumes to meet the screening criteria recommended by CARB or BAAQMD.

Response 9-70

The comment states that sensitive receptors should include outdoor sports recreational facilities, such as recreational bike/hike trails. While users of these facilities are considered sensitive receptors (e.g., “athletes”), their exposure is relatively short for the types of exposure that occur near freeways or busy roadways.

Response 9-71

The comment states that the Draft EIR cites CARB 500-foot setback recommendations, but then recommends 250 feet. Please see Draft EIR pages 4.2-20 and pages 4.2-26 to 4.2-27, as well as response to Comment 9-68, above.

Response 9-72

The comment refers to the Draft EIR’s recommended mitigations. It appears that this comment is related to the differences between the Draft EIR defined buffer and the CARB Air Quality and Land Use Handbook generic buffer distance of 500 feet. Please see responses to Comments 9-68 and 9-71.

Response 9-73

The comment requests revisions regarding CARB regulations and future diesel emissions. The comment is not clear, and it is unclear which regulations are being referenced by the commentor. It is assumed that the commentor is suggesting that the CARB guidance for buffers at 500 feet took into account the future diesel emissions and that is not true. Regulations to reduce these

emissions by 60 percent in 2014 were adopted in 2009,⁹ about 5 years after the CARB Air Quality and Land Use handbook recommendations were developed.

Response 9-74

The comment states that CARB and BAAQMD models imply a buffer of 500 to 1,000 feet. Please see responses to Comments 9-68 and 9-71.

Response 9-75

The comment refers to Comment 9-74. The Draft EIR analysis addresses future cumulative emissions from State Route 24. Please see responses to Comments 9-68 and 9-71.

Response 9-76

The comment refers to Comment 9-74. Please see responses to Comments 9-68 and 9-71.

Response 9-77

The comment states that an air filtration system as described is unhealthy and costly, creating a “sick” building system. The comment also states that it would be unfair to expect elderly residents or less affluent residents with children to agree to an unhealthy atmosphere. The mitigation measures in the Draft EIR are based on BAAQMD guidance provided in the updated CEQA Air Quality Guidelines.¹⁰ Filtration is one of several measures identified in addition to site design, use of tiered plantings of trees, and phased development to delay construction of sensitive receptors until CARB’s diesel regulations effectively reduce DPM exposure at a specific site. The prediction of

⁹ CARB, February 25, 2009, “Facts about Truck and Bus Regulation Emissions Reductions and Health Benefits - New Rules to Achieve Significant Emission Reductions and Protect Public Health,” available at <http://www.arb.ca.gov/msprog/onrdiesel/documents/tbhealthfs.pdf>

¹⁰ Updated CEQA Guidelines are available at <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx>; see page 5-18.

significant exposures is based on predictions of concentrations for exterior air. Inside air would naturally have lower levels, but filtration may be necessary to ensure lower levels are obtained. The treatment of inside air would vary depending on the level of exposure (i.e. the closer one is to State Route 24 within 250 feet). Air filtration systems are feasible and used in many types of buildings. The specifics for a residential building would depend on the type of building and the specific level of exposure. This would be identified through the detailed application review and building permit review processes.

Response 9-78

The comment requests that the EIR discuss and resolve contradictions between air and noise pollution mitigation measures. The commentor is seemingly commenting under the presumption that BAAQMD recommends that sensitive receptors within 500 to 1,000 feet of a highway stay indoors. This is not the case. The BAAQMD guidelines recommend that sensitive receptors associated with new development within 500 feet of State Route 24 be evaluated for health impacts and that the evaluation should address chronic exposures to TACs and PM2.5. If sensitive receptors would be located within 500 feet of State Route 24, then BAAQMD recommends that portions of the highway within 1,000 feet of the receptor be evaluated for these exposures. Please see responses to Comments 9-68 and 9-71.

Response 9-79

The comment expresses concern regarding cancer risks along State Route 24 and asks whether mitigation to reduce the impact is “realistic.” Please see responses to Comments 9-68, 9-71, and 9-77.

Response 9-80

The comment states that the Draft EIR fails to balance the benefits of mixed-use development near transit and proximity to State Route 24. Much of the Plan Area is located further than 250 feet from State Route 24 and Mitigation Measure AQ-2 addresses impacts within the relatively small portion of the Plan Area that is significantly affected by State Route 24. Please see responses to Comments 9-68, 9-71, and 9-77.

Response 9-81

The comment appears to be a restatement of Comment 9-79, but is referring to the consumption of electricity for filtration systems. Much of the Plan Area is located further than 250 feet from the highway and there are other mitigation measures that may be applied prior to filtration, so relatively few residential units would require filtration systems. The amount of energy required for these would depend on the size of the system, but would be very small compared to the typical amount of energy consumed by a new home. New homes that include these types of systems would have to meet future State Building Code requirements (i.e., Title 24) that will require more energy efficient homes. The incorporation of these systems into the building designs will likely reduce the heating and cooling demands of the new residences.

Response 9-82

The comment questions the validity of the last full sentence on page 4.4-14 of the Draft EIR: “However, because downtown Lafayette is largely developed, it is unlikely that a large number of unrecorded [archaeological] sites exists in the Plan Area.” The comment states that mitigation measures are in place under existing laws and regulations, and that it is unknown whether there are unrecorded sites in the Plan Area. The commentor is correct that existing laws protect archaeological resources, as is discussed in Chapter 4.4, Cultural Resources, of the Draft EIR. The commentor is also correct that it is unknown if there are unrecorded sites in the Plan Area; this is stated in the sentence preceding the sentence referenced by the commentor: “There is a high probability for the existence of additional unrecorded sites on undeveloped land, especially near creeks where prehistoric archaeological sites have been identified.” The Draft EIR adequately considers the possibility for unknown archaeological resources in the Plan Area and adequately describes and evaluates existing regulations applicable to these resources. No revision to the Draft EIR is necessary.

Response 9-83

The comment expresses support for the Draft EIR’s discussion of historic resource impacts. The comment is noted. No response or revision to the Draft EIR is necessary.

Response 9-84

The comment requests that the following policy and program of the Plan be explained in more detail: “Policy DC-2.1 encourages the preservation of designated historic resources by exploring appropriate and viable reuse. Program DC-2.1.1 proposes that federal tax benefits be available to owners of historic structures through the National Trust for Historic Preservation.” The phrase “exploring appropriate and viable reuse” expresses support for preserving designated historic resources by exploring means to maintain and continue use of such structures. Reuse of historic structures is often promoted as a meaningful way to preserve and maintain structures that could otherwise become obsolete or improperly maintained. The National Trust for Historic Preservation provides funds for real estate projects that qualify for federal historic preservation tax credits. Such funding could support property owners of historic structure who want to pursue reuse projects.

Response 9-85

The comment asks for an explanation of the phrase “windshield survey.” There are two types of methods utilized in historical resource surveys, depending on the intended use of the information: a Field Survey or a more rigorous Reconnaissance Survey. The Field Survey utilizes a technique known as a “windshield survey,” which is an examination of a property from the street only. Characteristics and data are recorded based on the appearance of a property by a professional in architectural history and construction. No research is conducted in this process. This process is recommended in the publication issued by the National Park Service (NPS) known as Secretary of the Interior’s Standards and Guidelines, Archaeology and Historic Preservation, Guidelines for Identification that was published in 1983.

The commentor also expresses agreement that the Plan would have a significant impact on historical resources. The comment is noted. The comment does not challenge the adequacy of the Draft EIR. Therefore, no further response is necessary.

Response 9-86

The comment states that the Plan Area is not completely urbanized, and that excavation for underground parking structures could impact archaeological resources. The commentor is correct. The Draft EIR acknowledges that unknown archaeological resources could be discovered during future development activities, but finds that existing programs would protect archaeological resources that may be discovered. The Draft EIR has been revised to clarify that the Plan Area is not completely urbanized, as shown in Chapter 3 of this Final EIR.

Response 9-87

The comment requests that “creek” be added to the sentence, “Program LU-22.1.5 further states that if that records search recommends a survey of the site, the applicant shall be required to have a search done by a qualified professional archaeologist. In the absence of this map, development applications within 200 feet of a stream shall be required to have a records search and, if necessary, a field survey conducted.” This sentence is describing an existing program in the City’s General Plan. Program LU-22.1.5 does not include the word “creek,” therefore no revision to the Draft EIR is necessary.

Response 9-88

The comment asks whether copies of letters to Native American groups are part of the EIR document. Letters sent to Native American groups are not included in this EIR. The comment also asks whether letters were sent through certified mail. Invitations were sent in compliance with Section 65352.3 of the California Government Code, which does not require that invitations be sent via certified mail. The commentor states an assumption that consultation would be conducted for future projects rather than the Program EIR. As stated on page 4.4-20 of the Draft EIR, Native American con-

sultation was conducted in compliance with Senate Bill 18. Native American consultation is required in the event of a General Plan or Specific Plan adoption or amendment, or in the event of land being designated as open space. Future development projects in the Plan Area that do not require such an amendment or designation would not be required to conduct outreach to Native American representatives. In addition, the City sent a Tribal Consultation List Request to the Native American Heritage Commission prior to the preparation of the Draft EIR. The Native American Heritage Commission replied with a list of tribal representatives. Each was sent a Notice of Availability of the Draft EIR.

Response 9-89

The comment questions the finding in the Draft EIR that the Plan would not substantially contribute to significant cumulative impacts on cultural resources. Adoption of the Plan would not involve any specific development projects that would require the demolition or construction of structures, and the potential for discovery of unknown resources is considered to be low in the Plan Area. Existing regulations, programs, and policies protect cultural resources that may be discovered, and the Draft EIR includes mitigation measures that would further protect cultural resources. Thus, the Plan is not expected to contribute to significant cumulative impacts. No revision to the Draft EIR is necessary.

Response 9-90

The comment states that Mitigation Measures CULT-1 and CULT-2 need to be part of the permitting process in the Plan Area. In addition to existing policies and regulations in the General Plan, Municipal Code, and redevelopment policy, specific methods for implementing the mitigation measure of the Draft EIR will be set forth 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. Through the development of the mitigation monitoring and reporting program, the City will ensure that mitigation measures are adequately implemented.

Response 9-91

The comment notes a typographical error on page 4.5-13 of the Draft EIR, where “sheer” is misspelled as “shear.” This error has been corrected, as shown in Chapter 3 of this Final EIR.

The comment states that impacts associated with fault rupture are not adequately evaluated in the Draft EIR because, although there are no faults known to be active in the Plan Area, the rupture of faults elsewhere in the region could affect the Plan Area. The particular standard of significance regarding fault rupture is aimed at impacts associated with ground rupture, which generally occurs along a fault line or in the immediate vicinity of a fault line during a major earthquake event.¹¹ As noted in the Draft EIR and in Chapter 3 of this Final EIR, there are no active faults within the city, although four faults in proximity to the Plan Area have been identified as potentially active. Nevertheless, the commentor is correct that seismic events elsewhere in the region could affect the Plan Area. Other potential effect associated with seismic events in the region, such as ground shaking, liquefaction, or landslides, are analyzed elsewhere in Chapter 4.5 of the Draft EIR.

The comment states that geology impacts are not adequately evaluated in the Draft EIR because existing regulations and plans leave current residents exposed to risk and would not be sufficient to avoid risks associated with seismic activity. The Draft EIR is meant to analyze the potential impacts associated with future development under the Plan. Therefore, an assessment of existing risks associated with existing structures in older buildings in the Plan Area is not within the purview of this EIR. The Plan would set parameters for new development in the Plan Area, but would not “pre-clear” any development in the downtown. Although the Draft EIR identifies a potential buildout associated with new development under the Plan, no specific development is proposed for development by the Plan. Therefore, the Plan itself does not attract new people to downtown Lafayette, or identify any specific

¹¹ California Department of Conservation website, http://www.consrv.ca.gov/cgs/information/outreach/Documents/Discovery_hazards.pdf, accessed on May 18, 2010.

development projects that would put people or structures at risk. Any new development proposed in downtown Lafayette would be subject to the development standards and policies associated with the existing regulations and the Plan, and would be built according to current building regulations. Given the risk of seismic events throughout California, building standards in the California Building Code are designed to ensure that structures can resist major earthquakes without sustaining major structural damage. All new development must comply with these building standards.

The comment states that having the City's Emergency Operations Plan in place would not be sufficient to avoid significant impacts under buildout conditions, however no evidence is provided to substantiate this opinion. The City periodically updates its Emergency Operations Plan as needed to account for changing conditions in the city. Because it is expected that buildout of the Plan Area would occur incrementally over time, buildout of the Plan is not expected to render the Emergency Operations Plan inadequate.

The comment states that traffic conditions would prevent adequate means for evacuation in the event of an earthquake emergency, due to gridlock and debris. The traffic evaluation contained in the Draft EIR considers the effect on Lafayette's roadways of new development under the Plan as well as in surrounding areas. The mitigation measures proposed by the Plan would help to address the potential for unacceptable traffic conditions during emergency conditions. Because new development under the Plan would be limited to downtown Lafayette, which contains a well connected circulation network and is in close proximity to transit, State Route 24, and Interstate 680, it is not expected that the Plan would result in significant impacts to access conditions to and through the Plan Area during an emergency.

The comment references a February 2006 report that shows faults mapped in the Lafayette area. Please see response to Comment 7-9.

Response 9-92

The comment correctly states that although the Plan Area is not next to a major active fault line, Lafayette is in an earthquake-prone region. The Draft EIR acknowledges the potential for earthquake-related effects in the Plan Area, such as ground shaking, liquefaction, and landslides. However, the Draft EIR finds that conformance with building codes would ensure that new development built under the Plan would not expose people or structures to significant risks associated with these effects.

The comment states that because the Plan Area is largely built out, new development would be built on already developed parcels but at a higher density, therefore exposing more people to geologic and soil related risks. New development built under the Plan would likely be in the form of infill development on undeveloped areas of the Plan Area or in the form of redevelopment of parcels that are already developed. The commentor is correct that such development would represent an intensification of the Plan Area. However, as stated above, such new development would not be expected to result in significant impacts because new development must comply with building code requirements.

Response 9-93

The comment requests that the description of the Office of Environmental Health Hazard Assessment on page 4.6-3 of the Draft EIR be revised. The Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 9-94

The comment states that hazardous uses in Lafayette include the natural gas and petroleum product pipelines that run through and near the city. The comment requests that pipeline locations be identified in the Draft EIR. The City does not record the locations of pipelines, as that work is in the purview of PG&E. However, specific development and improvement projects are referred to the utility companies by the City as part of the review process,

and if there is an issue with a pipeline, the utility company would inform the City.

Response 9-95

The comment states that 3425 Golden Gate Way is currently occupied by Peacock Construction, not Hamlin Dry Cleaners, and asks whether this site is still considered to be “Open – Site Assessment.” Although the business establishment at this address has since changed, “Hamlin Dry Cleaners” is still the site name for this site in the State’s Geotracker database. At the time that this Final EIR is being prepared, this site is still considered to be “Open – Site Assessment.” No change to the Draft EIR is necessary.

Response 9-96

The comment states that 3599 Mount Diablo Boulevard is currently occupied by Joseph A. Banks, not Texaco, and asks whether this site is still considered to be “Open – Remediation.” Although the business establishment at this address has since changed, “Texaco” is still the site name for this site in the State’s Geotracker database. At the time that this Final EIR is being prepared, this site is still considered to be “Open – Remediation.” No change to the Draft EIR is necessary.

Response 9-97

The comment states that there is no listing for the old Le Gas station at 3585 Mount Diablo Boulevard. The comment asks whether remediation issues at this site, now the Mercantile Building, were resolved. This information about an existing development is not pertinent to the Draft EIR section. Therefore, no response is required.

Response 9-98

The comment expresses an opinion in support of the No Project Alternative. The comment is noted. 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 9-99

The comment states that the discussion of existing hydrological conditions in the Draft EIR is incomplete because it does not contain a discussion of inadequacies in the existing storm drainage system in parts of the Plan Area or the high water table in the downtown. The comment requests that further details of existing water infrastructure be added and that impacts related to the high water table be discussed in the EIR.

The Draft EIR includes a discussion of water, wastewater, and stormwater infrastructure and related impacts in Chapter 4.12, Utilities and Service Systems. Prepared in consultation with the City of Lafayette, Chapter 4.12 explains that there are currently no deficiencies in the publicly-owned portions of the storm sewer system in the Plan Area, that maintenance of privately owned portions of the system is the responsibility of the landholder, and that all new development in the Plan Area that creates or replaces 10,000 square feet or more of impervious surface would be required to comply with Provision C.3 guidelines for stormwater control, pursuant to Lafayette Municipal Code. This discussion is included in Chapter 4.12 in response to CEQA criterion XVI.c, regarding the construction of new stormwater drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects. The Draft EIR contains a discussion of groundwater in the Plan Area, including aquifers and water tables, on pages 4.7-10 and 4.7-18. While there have been anecdotal reports of groundwater of an unknown source encountered at depths around 20 feet when drilling foundation piers, no definite conclusions can be drawn about the existence of an aquifer or whether these anecdotal reports qualify as high water table. Therefore, no revision to the Draft EIR is necessary.

Response 9-100

The comment points out a typographical error in the last sentence on page 4.7-10 of the Draft EIR. As shown in Chapter 3 of this Final EIR, the Draft EIR has been revised accordingly.

Response 9-101

The comment suggests that the discussion of seismic-related dam failure on pages 4.7-11 and 4.7-12 of the Draft EIR be tied to Chapter 4.5, Geology and Soils. The Draft EIR includes a discussion of seismic-related dam failure in Chapter 4.7, Hydrology and Water Quality, because it pertains to CEQA criterion VIII.i, regarding exposure of people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or a dam. Chapter 4.5 includes a discussion of exposure of people or structures to a significant risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction, as required under CEQA. Accordingly, no revision to the Draft EIR is necessary.

Response 9-102

The comment states that the Draft EIR inaccurately characterizes the Plan Area as “relatively flat” because the area north of Mount Diablo Boulevard has steep slopes. Slope maps of the Plan Area show that slopes are generally 0 to 15 percent, with some areas containing 15 to 30 percent slopes and few areas with slopes greater than 30 percent. In contrast to other areas of the city, the Plan Area is “relatively flat” because it contains few areas with steep slopes. The Draft EIR has therefore accurately characterized the topography of the Plan Area, and no revision to the Draft EIR is necessary. A new slope map is included in the EIR as Figure 4.5-2, as shown in Chapter 3 of this Final EIR.

Response 9-103

The comment asks for clarification of the boundaries of the 100-year flood hazard area and whether there are any existing buildings constructed within it. Figure 4.7-1 shows the limits of both the 100- and 500-year flood zones in the Plan Area. The figure also shows the lot lines of parcels in the Plan Area, some of which have buildings constructed on them. All impacts related to dam failure were adequately addressed in the Draft EIR. No revision of the Draft EIR is required in response to this comment.

Response 9-104

The comment states that the Draft EIR fails to mention that the Higher Intensity Alternative does not include the use of Floor Area Ratios (FARs) to regulate building massing. The comment states that this would be a significant impact. Although the Higher Intensity Alternative would eliminate FARs in many areas of the Plan Area, this alternative, like the Plan, does include height, density, and design requirements that would regulate building massing. Thus, this alternative would not be expected to result in a significant impact. Further, the No Project Alternative only includes an FAR standard in three small portions of the Plan Area: along Moraga Road south of Moraga Boulevard, north side of Old Tunnel Road, and along Village Center.

Response 9-105

The comment requests that Figure 4.8-1 of the Draft EIR be revised to make street names more legible, identify the boundaries between districts, and label the districts. The figure has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 9-106

The comment requests that Figure 4.8-2 of the Draft EIR be revised to make street names more legible, identify the boundaries between districts, and label the districts. The figure has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 9-107

The comment requests that Figure 4.8-3 of the Draft EIR be revised to make street names more legible, identify the boundaries between districts, and label the districts. Figure 4.8-3 shows existing land uses and does not map any districts. Types of existing land uses are scattered throughout the Plan Area; therefore, it would not be possible to label each land use or define district boundaries. However, the figure has been revised to make street name labels more legible, as shown in Chapter 3 of this Final EIR.

Response 9-108

The comment questions the findings of the Draft EIR regarding consistency with General Plan policies for the downtown. As described on page 4.8-12 to 4.8-15 of the Draft EIR, the Plan is considered to be consistent with the General Plan's vision for specific areas of the Plan Area and also provides further guidance for future development in the Plan Area beyond the policies established in the General Plan. By providing a clear policy framework for the downtown in a manner that is generally consistent with General Plan policies, the Plan is consistent with the policy guidance of the General Plan. No revision to the Draft EIR is necessary.

Response 9-109

The comment states that there are inconsistencies in the Draft EIR and that the effect of noise from State Route 24 on new development is underestimated; however, no information is provided to validate this opinion. Noise produced by State Route 24 traffic is acknowledged as significant throughout the Plan Area, and the exposure to noise generated by State Route 24 varies throughout the Plan Area due to the effects of topography and existing development. Chapter 4.9, Noise, of the Draft EIR notes that noise-sensitive uses located along State Route 24 may require additional noise reduction measures, such as windows and doors with high Sound Transition Class (STC) ratings, and would be exposed to a significant impact.

The comment states that the requirement for the 5 dBA lower noise limits for senior housing is not included in the mitigation details. Please see response to Comment 9-36.

The comment also states that the effects of added traffic noise due to Plan implementation should have been identified as significant and unavoidable impacts. Please see response to Comment 9-37.

Response 9-110

The comment states that the No Project Alternative and Lower Intensity Alternative are preferable and that these alternatives should be preferred or adopted in order to minimize significant noise impacts that cannot be miti-

gated. The No Project Alternative and Lower Intensity Alternative would generally produce lower noise levels; however, with the incorporation of the identified mitigation measures, noise impacts for the Plan and Higher Density Alternative would be reduced to a less-than-significant level.

Response 9-111

The comment states that Table 4.9-2 in the Draft EIR presents an unrealistic value of noise at 100 feet from a freeway and that noise levels are also underestimated in the Draft EIR. In Table 4.9-2, the entry for freeway noise at 100 feet is misplaced. This has been revised, as shown in Chapter 3 of this Final EIR.

Response 9-112

The comment states that the Draft EIR describes Lafayette noise policies and programs, but that mitigation measures do not adequately address the following: Policy Program N-1.2.1, which requires acoustical review; and Policy N-I.4, which requires noise limits to be reduced by 5 dB for senior housing and residential care facilities. Please see response to Comment 9-36 and amendments to Mitigation Measure NOI-1a shown in Chapter 3 of this Final EIR.

Response 9-113

The comment notes that the location for long-term noise measurement location LT-3 near State Route 24 is not a representative location and therefore reduces projected noise impacts. The commentor is correct that this measurement location is shielded from State Route 24, as is noted in Chapter 4.9, Noise, of the Draft EIR. In other portions of the chapter, noise levels adjacent to freeways are noted as being in the 70 to 80 dBA range, and these levels have been considered when discussing noise impacts. Measurement location LT-3 was chosen to illustrate the variance in noise levels within proximity to State Route 24 due to the effect of terrain in the Plan Area.

Response 9-114

The comment notes that the requirement for a 5 dBA lower noise levels at new senior housing developments is not addressed or indicated in the noise

impact determination. Please see response to Comment 9-36 and amendments to Mitigation Measure NOI-1a shown in Chapter 3 of this Final EIR.

The comment also notes that the noise level from freeway traffic is underestimated and the distance from State Route 24 for noise impact levels is understated. Please see responses to Comments 9-109 and 9-113.

Response 9-115

The comment states that the impact of increased noise levels due to future traffic does not take into account that existing traffic noise is significant at many locations, and that therefore significant traffic noise levels would occur even if the increases are below the thresholds used in the analysis of 3 dB for cumulative conditions. Please see response to Comment 9-37.

Response 9-116

This comment is also in regards to the significance of traffic noise level increases with respect to existing noise levels. Please see response to Comment 9-37.

Response 9-117

The comment states that the mitigation measures requiring acoustic surveys should be specified in the conditions of approval for new development and that the noise mitigation determined for senior housing projects recognize the 5-dBA lower noise limits. Please see response to Comment 9-36 and amendments to Mitigation Measure NOI-1a shown in Chapter 3 of this Final EIR.

Response 9-118

The comment asks why it is necessary to increase the housing and population of the Plan Area above City and ABAG projections. The Draft EIR is not the proper vehicle for analyzing whether a population or housing increase is “necessary.” Such questions are to be resolved by the City’s decision-makers and the public at large when informing the planning process. The Draft EIR analyzes how the projected buildout of the Plan would compare to existing

buildout projections, as is reflected in Chapter 4.10, Population and Housing. No revision to the Draft EIR is necessary.

Response 9-119

The comment states that Mitigation Measure PH-1 would not mitigate Impact PH-1 to a less-than-significant level, and that therefore the project would result in a significant and unavoidable cumulative impact; however, no evidence is provided to substantiate this opinion. Please see response to Comment 9-40, above, for an explanation of how Mitigation Measure PH-1 would be implemented. The comment states that because housing, population, and employment growth would affect other environmental issues, such as circulation, traffic congestion, law enforcement services, aesthetics, air quality, and infrastructure, such growth would constitute a cumulative impact; however, no evidence is provided to substantiate this opinion. The cumulative analysis of an environmental topic under CEQA examines the project, along with other future projects, for potential cumulative impacts to that same environmental topic. The commentor is correct in that population and housing growth would affect other environmental topics, but this does not constitute a cumulative impact. The population and housing buildout of the Plan is carried through all of the chapters of the Draft EIR, and therefore this growth is already incorporated into the other chapters of the document.

Response 9-120

The comment asks how Mitigation Measure PH-1 would be implemented. Please see response to Comment 9-40, above.

Response 9-121

The comment states that recent development projects approved by the City have been permitted to exceed the height and density requirements of the General Plan. The comment asks if the Draft EIR takes into account these current additional height and density variances. The Draft EIR evaluates the impacts associated with buildout of the Plan, and does not evaluate impacts associated with existing development.

The comment asks whether the Draft EIR has accounted for the potential for future development to similarly exceed development requirements. The Draft EIR assumes that future development would be built in accordance with existing regulations and with the Plan, and cannot assume that development would deviate from existing requirements. However, to provide for an environmentally conservative analysis the buildout projections of the Draft EIR assumes that all development projects would be built to the maximum height conditionally allowed. That is, if a particular parcel allows building heights of 35 feet by right and 43 feet with additional conditions, the Draft EIR assumes that future development on that parcel would be built to a height of 43 feet.

The comment asks whether the Draft EIR has taken into account the lack of City control over future building in the city and the impacts that could occur as a result. As described in the paragraph above, the Draft EIR assumes that existing regulations will be enforced. It should be noted, however, that the Plan provides a clear vision for future development in the downtown and development standards specifically tailored for different areas within the downtown. The Plan could, therefore, provide decision-makers with more guidance in approving future development applications, which could in turn prevent deviations from development standards. Please see Comment Letter #56 for an explanation from the EIR consultant of how the Plan is intended to provide a framework for future development in the Plan Area.

Response 9-122

The comment states that more firefighters and emergency medical responders are essential for the continued safety of the city. The comment is noted. However, it does not address the adequacy of the Draft EIR, and no further response is necessary.

Response 9-123

The comment states that impact fees on existing and new development are vital for fire protection. The comment is noted. However, it does not address the adequacy of the Draft EIR, and no further response is necessary.

Response 9-124

Citing pages 4.11-5 and 4.11-10, the comment states that cumulative impacts from the Plan would be significant because departments are not currently meeting target response times established in the General Plan. The comment seems to refer to cumulative impacts to law enforcement as well as fire and emergency medical services.

Cumulative impacts to fire and emergency medical services are discussed on pages 4.11-5 and 4.11-6 of the Draft EIR, and cumulative impacts to law enforcement services are discussed on pages 4.11-9 and 4.11-10 of the Draft EIR. 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. As discussed in the Draft EIR, together with other foreseeable development, buildout of the Plan would likely require the construction of new or altered facilities in order to accommodate growth. However, the expansion of existing facilities, and City facilities, or the construction of new ones would be subject to CEQA review as well as to the provisions of the General Plan and regulations adopted as part of the Municipal Code. Therefore, potential environmental impacts would be minimized and the Plan would have a less-than-significant cumulative impact.

Regarding the funding of expanded police facilities, the Draft EIR notes that the General Plan includes a framework for evaluating the potential impact of development on the delivery of law enforcement services and assessing impact fees as warranted. While not required under CEQA, the Draft EIR also includes Mitigation Measure PS-1, which establishes an impact fee on new commercial and residential development in the Plan Area to ensure adequate, long-term funding for the expansion of fire and emergency medical services.

Response 9-125

The comment states that more police personnel are needed, that the current department staff size of 26 is inadequate, and that with the addition of more

than 4,500 new residents response times will be longer. On pages 4.11-6 through 4.11-10, the Draft EIR describes existing conditions and discusses potential impacts to law enforcement services from the Plan. Please also see response to Comment 29-5, which addresses concern about the finding of no significant impact to law enforcement services under the Plan. No further response is necessary.

Response 9-126

The comment contests the determination of no significant impact to law enforcement services. Please see response to Comment 29-5, which addresses the same concern about the significance of impacts to law enforcement services from the Plan.

Response 9-127

The comment states that the cumulative impacts to law enforcement services would be significant. This comment repeats the statement made previously in Comment 9-125. Please see response to Comment 9-125.

Response 9-128

The comment states that schools would be greatly affected by the addition of more than 4,500 new residents in the Plan Area. 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. Further, that because growth would come incrementally over the course of 20 years, 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.

Response 9-129

The comment states that the public supports expanding the amount of publicly owned space in Lafayette. The comment is noted. However, it does not address the adequacy of the Draft EIR, and no further response is necessary.

Response 9-130

The comment states that buildout of the Plan would exacerbate traffic issues. The Draft EIR discusses existing traffic conditions and potential impacts from the Plan in Chapter 4.13, Traffic and Transportation.

Response 9-131

The comment states that there would be impacts to the City, referencing page 4.11-27 of the Draft EIR. The comment seems to refer to impacts to parks and recreation associated with the Plan. On pages 4.11-23 through 4.11-27, the Draft EIR identifies potential impacts to parks and recreational facilities, then explains how these impacts could be mitigated to less-than-significant levels. No further response is necessary.

Response 9-132

The comment states that pages 4.11-23 and 4.11-24 are duplicated. However, in electronic and print copies of the Draft EIR in possession of the City of Lafayette, pages contain distinct, sequential information. Therefore, no revision to the Draft EIR is necessary.

Response 9-133

The comment states that the Pleasant Hill Road/Deer Hill Road/Stanley Boulevard intersection would be significantly impacted by the Plan but is not included in the traffic study area. Please see response to Comment 7-8.

Response 9-134

The comment requests an explanation of how LOS F conditions at School Street/Moraga Road compare under existing conditions compared to project conditions. Please see response to Comment 4-13.

Response 9-135

The comment asks what traffic impact mitigation measures could be provided if schools and the City worked together. As described on page 4.13-57 of the Draft EIR, the City of Lafayette already participates in a program to provide school bus service, with a significant portion of funding provided by CCTA,

supplemented by grant funding and fees paid by parents of riders. The program serves Stanley Middle School. Service to Lafayette Elementary School was discontinued due to lack of ridership. Additional coordination between schools and the City might increase ridership, but participation by riders' parents is voluntary, and results are unlikely to significantly reduce traffic congestion at impacted intersections.

Staggering of school start and dismissal times could somewhat reduce the peak level of congestion at impacted intersections, but are unlikely to provide acceptable traffic operations, and could increase the duration of the peak periods of unacceptable congestion. Potential disruption of class schedules would also limit the schools' flexibility to implement such changes.

Schools and the City could also coordinate to implement other programs to increase walking and bicycling to school, such as organizing "walking school buses" to/from residential areas, and establishing satellite drop-off/pick-up locations outside of the most congested area. A high level of voluntary participation in such programs would be required to significantly reduce traffic congestion at impacted intersections.

Response 9-136

The comment asks how many trips would be diverted to Reliez Station Road and the St. Mary's Road corridor. The comment asks whether the traffic analysis in the Draft EIR account for such diversions. Please see response to Comment 4-17.

Response 9-137

The comment asks how many of the current and projected trips at Moraga Road/School Street and Mt. Diablo Boulevard/Pleasant Hill Road are trips to and from the Town of Moraga. The comment asks what the level of service would be for General Plan levels only. Please see response to Comment 4-16 regarding the portion of existing and projected traffic at the Moraga Road/School Street intersection with origins and destinations in the Town of Moraga. The Mount Diablo Road/Pleasant Hill Road intersection would

operate at LOS C or better conditions for all scenarios including Cumulative with Specific Plan conditions, and the portion of traffic from Moraga at that intersection is not relevant to the Draft EIR evaluation of impacts resulting with the Plan.

The levels of service for all study intersections assuming trip generation under the current Lafayette General Plan, which is the Cumulative No Project scenario in the Draft EIR, are shown in Table 4.13-11 on page 4.13-29 of the Draft EIR.

Response 9-138

The comment states the CCTA does not agree to the use of trip reduction factors. The CCTA *Technical Procedures Update* allows adjustments to trip generation rates to reflect a project's trip generation characteristics adequately. Reductions to trip generation rates can be based on the following considerations: transit usage and availability, transportation demand management (TDM) strategies, pass-by trips, mixed residential/commercial use projects, multi-use commercial sites, and surrounding land uses. No source was cited for the commentor's contradictory comment that CCTA "does not agree to the use of 'trip reduction factors'," which could not be confirmed.

Response 9-139

The comment states that Lafayette residents are busy and frequently in a hurry, and that therefore trip reductions are not applicable to Lafayette. The trip reductions applied to the trip generation from future development in the Plan Area were based on survey data from a variety of suburban locations. The significant factors correlating to observed levels of trip reductions include: proximity to transit, and the frequency and quality of transit service; proximity of land use types with complementary trip generation characteristics (e.g. residential and retail, office and retail, etc.), and the proportional mix and scale of land uses, both within a project and relative to surrounding land uses; and, for pass-by trips, the type of retail land use and the traffic volumes on adjacent streets. The behavioral population characteristics described in the

comment have not been identified in the research data as significant factors correlating to observed trip reductions.

Given the projected levels of traffic congestion on local and regional roadways described in the Draft EIR, transit, bicycling, and walking should be attractive options for travel demand generated by future development in the Plan Area, especially if the busy, active characteristics of the Lafayette population described in the comment are assumed as a factor.

Response 9-140

The comment states that the premise of transit reduction factors is not proven for Lafayette. The transit reduction factors presented in Table 4.13-6 on page 4.13-20 of the Draft EIR are based on research on development near transit stations, as described in response to Comment 9-139. The frequency and quality of transit service at the Lafayette BART station correlates to locations observed to have relatively high transit use and vehicle-trip reductions. As shown in Table 4.13-6, the transit reductions for residential and office uses applied in the Draft EIR analysis vary depending on distance from the BART station's south pedestrian entrance, with higher reductions of 10 to 15 percent within one-eighth mile of the station, and no transit reduction for portions of the Plan Area more than one-half mile away.

The resulting transit trip reductions for future residential development in the overall Plan Area are less than 6 percent for the AM and PM peak hours, and less than four percent for mid-day peak hour and daily trip generation. The following survey data regarding transit use represents Lafayette residents citywide, most of whom live outside of the one-half mile radius of the BART station (where the Draft EIR applied transit reductions):

- ◆ 2000 Census: 12 percent transit use for commuting
- ◆ 2005-2007 American Community Survey (Census): 8.8 percent transit use for commuting

Additionally, from the 2008 Bay Area Economics citywide survey of Lafayette, responses regarding travel to/from destinations in downtown Lafayette

indicated 6 percent transit use. The transit trip reductions for future office development in the overall Plan Area are less than 5 percent, resulting in reductions of 12 or less total trips during each of the peak hours. No transit trip reductions were applied to retail uses. The Lafayette survey data clearly justifies the trip reductions of less than 6 percent for future residential and office development in the overall Plan Area used in the Draft EIR.

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 preliminary trip generation before applying the trip reductions. The preliminary 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 trip reduction methodology in the Draft EIR analysis is based on appropriate survey data and uses, and accepted practices and procedures for analyzing traffic and transportation impacts in CEQA environmental documents. Analysis using significantly lower trip reductions, or excluding their use as the comment suggests, would overestimate the likely trip generation from development in the Plan Area. Unless justification for such revised assumptions could be clearly documented, the resulting analysis would not be defensible.

In response to the comment, the following additional information is provided. Based on a review of the intersection LOS analysis for the Cumulative with Specific Plan conditions, revised LOS calculations using trip generation for the Plan without any trip reduction factors would not result in identification of significant impacts at any additional intersections, or additional significant and unavoidable LOS impacts.

Response 9-141

The comment states that the premise of mixed-use reduction factors is not proven for Lafayette. The mixed-use reduction factors presented in Table 4.13-7 on page 4.13-20 of the Draft EIR were derived using the standard methodology described in the *Trip Generation Handbook, 2nd Edition* published by ITE, and survey data on the component internal trip percentages between each pair of land use types observed at mixed-use locations, as described in response to Comment 9-139. The proximity of land use types with complementary trip generation characteristics (e.g. residential and retail, office and retail, etc.) and the proportional mix and scale of those land uses within the Plan Area correlates to locations observed to have significant internalization of travel as walking trips between uses, and corresponding vehicle-trip reductions.

As shown in Table 4.13-7, the mixed-use reductions applied in the Draft EIR analysis vary depending on time of day, from 4 percent for the AM peak hour to 8 percent for the PM peak hour and 10 percent of total daily trips, with the variation reflecting the strong effect of the varying level of retail activity during the day. These percentage reductions are considered conservative because they were calculated based on only the future growth in the Plan Area, and did not incorporate or apply to the large amount of mixed-use development already existing downtown. If existing land use quantities were included in the calculation, the resulting future mix and total quantities of the uses would provide more opportunities for interactions that do not require vehicle trips, and the internal trip percentages and resulting mixed-use reductions would be significantly higher than those shown above.

As stated above in response to Comment 9-140, the land use quantities shown in Table 4.13-14 are the projected development in the Plan Area over the 20-year Plan horizon, which were used to calculate the preliminary trip generation before applying the trip reductions. These trip reductions are not reductions to the projected development land use quantities.

As stated above in response to Comment 9-140, analysis using significantly lower trip reductions, or excluding their use as the comment suggests, would overestimate the likely trip generation from development in the Plan Area. Based on a review of the intersection LOS analysis for the Cumulative with Specific Plan conditions, revised LOS calculations using trip generation for the Plan without any trip reduction factors would not result in identification of significant impacts at any additional intersections, or additional significant and unavoidable LOS impacts.

Response 9-142

The comment states that the premise of pass-by reduction factors is not proven for Lafayette. The retail pass-by trip reduction factors presented on page 4.13-21 of the Draft EIR are based on research on retail development adjacent to arterial streets in suburban areas, as described in response to Comment 9-139. The types of future retail development and the high traffic volumes on Mount Diablo Boulevard in the Plan Area correlate to locations observed to have relatively high retail pass-by trip reductions.

Based on survey data presented in the *ITE Trip Generation Handbook, 2nd Edition*, pass-by trip reductions of 25 percent for the PM peak hour and 5 percent for daily trips are applied to the trip generation for future retail development in the Plan Area. No pass-by reduction was applied to AM peak trips because many of the possible retail types in the Plan Area may not be open to customers during the morning traffic peak. 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 was applied. Pass-by reductions were not applied to residential and office uses. The resulting trip reduction to the overall trip generation from future development in the Plan Area is approximately 7 percent for the PM peak hour.

As stated above in response to Comment 9-140, the land use quantities shown in Table 4.13-14 are the projected development in the Plan Area over the 20-year Plan horizon, which were used to calculate the preliminary trip genera-

tion before applying the trip reductions. These trip reductions are not reductions to the projected development land use quantities.

As stated above in response to Comment 9-140, analysis using significantly lower trip reductions, or excluding their use as the comment suggests, would overestimate the likely trip generation from development in the Plan Area. Based on a review of the intersection LOS analysis for the Cumulative with Specific Plan conditions, revised LOS calculations using trip generation for the Plan without any trip reduction factors would not result in identification of significant impacts at any additional intersections, or additional significant and unavoidable LOS impacts.

Response 9-143

The comment states that Lafayette residents are busy and frequently in a hurry, and that therefore trip reductions are not applicable to Lafayette. Please see response to Comment 9-139.

Response 9-144

The comment states that the Lamorinda Fee and Finance Authority's Transportation Mitigation Fee Program is outdated, and requests that the EIR recommend changes to the fee formula. Such a recommendation would be outside of the scope of this EIR.

Response 9-145

The comment requests addition of the LOS on Pleasant Hill Road/Mount Diablo Boulevard to Table 4.13-13 on page 4.13-32 of the Draft EIR. The subject table presents the Delay Index results for Pleasant Hill Road north of State Route 24 as a Route of Regional Significance, and the requested intersection LOS is not appropriate for inclusion in that table. The LOS results at the requested intersection are already presented in Table 4.13-11 on page 4.13-29.

Response 9-146

The comment requests a text revision to page 4.13-73 of the Draft EIR. Please see response to Comment 7-5.

Response 9-147

The comment requests that the Draft EIR include a discussion of the contradiction between the Plan's goals for the downtown and expected air quality and noise impacts. Please see response to Comment 4-14.

Response 9-148

The commentor agrees with recommended mitigation in the Draft EIR related to conducting pre-construction surveys for nesting birds. The comment is noted, and no revision to the Draft EIR is necessary.

Response 9-149

The comment states that creeks and riparian areas are already protected by the General Plan and Downtown Specific Plan. The comment is noted. The relevant goals and policies pertaining to biological resources in the General Plan are contained in Table 4.14-1. Policy OS-4.1 pertains to protecting Riparian Vegetation, and Program OS-4.1.1 calls for maintaining creek setbacks. Goal OS-5 and the supporting policies and programs pertain to preserving and protecting creeks and other watercourses. The relevant policies and programs in the Plan simply reinforce those in the General Plan.

Response 9-150

The comment requests that Table 5-2 of the Draft EIR be added to Chapter 4.6, Hazards and Hazardous Materials. This revision could be confusing for the reader and would not conform to the standard format for an EIR. No revision to the Draft EIR has been made.

Response 9-151

The commentor requests that Table 5-2 be revised to include a comparison of impacts to views under the three alternatives. Such an analysis is included as part of the findings regarding aesthetic impacts. This revision could be con-

fusing for the reader and would not conform to the standard format for an EIR. No revision to the Draft EIR has been made.

Response 9-152

The comment asks why no setbacks are shown from sidewalks in the visual simulations for the No Project Alternative. The visual simulations for the No Project Alternative reflect the existing development standards in place in Lafayette, and therefore do not simulate buildings with setbacks in areas where none are required under existing zoning.

The comment also asks why some setbacks and landscaping are shown for the Higher Intensity Alternative. The Draft EIR does not provide visual simulations for the Higher Intensity Alternative.

Response 9-153

The comment states that the Draft EIR inaccurately states on page 5-19 that the No Project Alternative would not involve the policies proposed by the Plan, and that the No Project Alternative could therefore result in slightly deteriorated aesthetic conditions compared to the Plan. It is true that the No Project Alternative would not involve the policies proposed by the Plan, and that, as stated on page 5-19, the Plan proposes many new policies that specifically target urban design in the downtown. As a result of the additional policies, the EIR conclusion is accurate and no change is required.

Response 9-154

The commentor agrees with the No Project Alternative and would prefer a revised Plan that reduces infill density levels. The comment is noted. The comment expresses the opinion of the commentor and does not address the adequacy of the Draft EIR. Therefore, no response is necessary.

Response 9-155

The comment states that using the rate of service employees is a manipulative way of minimizing the impact of the Plan with respect to the No Project Alternative in terms of greenhouse gas emissions. The greenhouse gas emissions evaluation in the Draft EIR followed the Draft BAAQMD CEQA Air Qual-

ity Guidelines procedures that identified an equivalent CO₂e efficiency metric as a basis for making findings of significance. The metric was developed by BAAQMD, in consultation with the State Attorney General and CARB staff. BAAQMD's draft threshold and the State's AB 32 Plan recognize that there will be population growth in California that will lead to the potential for higher greenhouse gas emissions. The Draft BAAQMD CEQA Air Quality Guidelines provide the first proposed quantifiable threshold for land use planning in the Bay Area.

Response 9-156

The comment states that the Draft EIR inaccurately states on page 5-21 that the No Project Alternative would not involve the policies proposed by the Plan, and that the No Project Alternative could therefore result in slightly deteriorated conditions for cultural resources in comparison to the Plan. The commentor states that additional policies could be adopted by the City to supplement existing policies. The additional policies are proposed by the Plan and are part of the project; therefore, it cannot be assumed that the same policies would be adopted without the Plan. Therefore, no revision to the Draft EIR has been made.

Response 9-157

The comment correctly states that the Draft EIR inaccurately states on page 5-22 that there are no portions of the Plan Area designated as having a "High" fire risk. The Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 9-158

The comment states that the No Project Alternative would produce fewer trips than other alternatives analyzed in the Draft EIR, and that the EIR should explain the advantages in quality of life. "Quality of life" is not defined for analysis in the CEQA Guidelines. Standards for evaluating "quality of life" are not defined, and probably vary widely among individuals. The traffic analysis in the Draft EIR provides adequate information to judge the relative traffic impacts of the Plan and the alternatives, based on the total

number of trips generated and standard measures of the resulting traffic delay and LOS. Chapter 4.13 of the Draft EIR provides detailed traffic analysis with both the No Project Alternative (Cumulative No Project) and the Plan (Cumulative with Specific Plan Project). At the top of page 5-33, the traffic and transportation section regarding the No Project Alternative concludes that “this alternative would be a *substantial improvement* over the proposed Plan.”

Response 9-159

The comment states that the No Project Alternative could include policies and programs in the Plan. The No Project Alternative would not adopt the Plan’s more clearly elaborated policies and programs to promote pedestrian safety and mobility and develop more walkway connections that would potentially improve pedestrian conditions. Although the No Project Alternative does not preclude the adoption of these policies in the downtown, the Plan goes much farther in its description.

Response 9-160

The comment suggests that the policies proposed by the Plan that are not currently in the General Plan be added to the General Plan as mitigation. Prior to adoption of the Plan, the General Plan will be amended to incorporate the provisions of the Plan. Therefore, no revision to the Draft EIR is necessary.

Response 9-161

The comment correctly states that the Draft EIR inaccurately states on page 5-38 that there are no portions of the Plan Area designated as having a “High” fire risk. The Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR.

Response 9-162

The comment correctly states that the Draft EIR inaccurately states on page 5-52 that there are no portions of the Plan Area designated as having a “High”

fire risk. The Draft EIR has been revised accordingly, as shown in Chapter 3 of this Final EIR. Please see response to Comment 4-84.

Response 9-163

The comment requests a text revision on page 5-57 of the Draft EIR. Southbound is the correct direction of the proposed right-turn arrow signals, but the remaining description was in error. The second full paragraph on page 5-57 has been revised, and shown in Chapter 3 of this Final EIR.

Response 9-164

The comment asks how close LOS conditions under the Higher Intensity Alternative would be to gridlock. The term “gridlock” suggested in the comment is not defined in the *Highway Capacity Manual* (HCM) or the Lafayette General Plan, and it is not standard practice to use that term in CEQA documents.

Response 9-165

The comment asks that parking conditions under the Higher Intensity Alternative be added to summary of aesthetic and public service impacts in Table 5-2 of the Draft EIR. It is unclear what connection the commentor is making between parking conditions, aesthetic and visual impacts, and public service impacts. Parking impacts are analyzed under the discussion of transportation and circulation impacts, and impacts associated with parking are accounted for in Table 5-2 under this category.

Response 9-166

The comment states that the Plan would result in land use changes that would commit future generations to uses that are not already prevalent in the Plan Area. As described in Chapter 3, Project Description, of the Draft EIR, the Plan would allow new retail, office, residential, and civic uses throughout the Plan Area. These uses already exist throughout the Plan Area; therefore, no revision to the Draft EIR has been made.

Response 9-167

The comment asks for clarification between a type of land use as a general category and a type of land use as a matter of scale in density and mass. The comment states that the densities and masses that would exist under the Plan are very different from those currently prevalent in the Plan Area. “Land use” is a broad term, but in the context of the evaluation contained in Chapter 6, CEQA-Required Assessment Conclusions, the Draft EIR is assessing whether the Plan would result in impacts (such as a highway improvement to a previously inaccessible area) that would commit future generations to similar uses. The term “land use” in this evaluation is referring to a type of use, rather than a varying scale of a similar use. For instance, creating new retail development in an area that is currently purely residential or undeveloped would commit an area to new types of traffic, new infrastructure requirements, and other new issues that did not previously exist. However, in the case of the Plan, an increase in retail space in downtown Lafayette would be a change in the amount of an existing land use. The effects of new retail development would exist in the context of a downtown environment that is, for the most part, already developed and already contains a mix of land uses.

Response 9-168

The comment states that the Plan calls for three- to four-story buildings of considerable mass where there are now one- to two-story buildings of modest mass. The comment states that height and mass are “land uses.” The commentor is correct that “land use” can refer to a scale of development rather than a category of use. However, in the case of this EIR, the Plan would not result in new types of development that are vastly different from existing types of development. Please see response to Comment 9-167, above.

Response 9-169

The comment states that the placement of multi-family housing in proximity to State Route 24 would expose persons to the possibility of a significant environmental accident; however, no evidence is provided to substantiate this opinion. The conclusion of the EIR is unchanged.

Response 9-170

The comment refers to the discussion on page 6-5 of the Draft EIR and states that roads should be considered a “nonrenewable resource” and that the Plan would therefore involve a large commitment of non-renewable resources. The intent of the evaluation in this section of the Draft EIR is to address impacts associated with natural resources that could not be recreated once lost, such as mining resources, agricultural lands, and energy resources. Roadways are a built resource that can be constructed or demolished as needed over time and therefore do not constitute a nonrenewable resource for the purposes of this EIR. Air quality can be improved through various solutions, and therefore clean air is not considered a nonrenewable resource.

Response 9-171

The comment states that various buildings in Lafayette, shown in Appendix C of the Draft EIR, may be of historic significance, and that the Forge should be added as a building of historic significance. Please see response to Comment 9-33, above.

Response 9-172

The comment requests that the photos in Appendix C showing historically significant buildings be compared to the visual simulations for the No Project Alternative and Plan. The commentor seems to suggest that the development simulated in the Draft EIR is not in keeping with the style of Lafayette’s historic structures. The Draft EIR does acknowledge that new development could have the potential to change the character of the Plan Area from that of a small town to that of a more urban village. However, new development that is designed according to established development standards would not necessarily result in a degradation of the visual quality of the downtown. Therefore, no revision to the Draft EIR is necessary.

Response 9-173

The comment is a duplicate of Letter #4. Please see responses to Letter #4, above.

Response 9-174

The comment is an attachment to the comment letter. The attachment is a copy of a February 18, 2010 letter written from Thomas H. Judson to Avon Wilson. The letter expresses concern regarding potential air quality risks and the associated mitigation measures included in the Draft EIR. Please see response to Comment 9-28.

Response 9-175

The comment is an attachment to the comment letter. The attachment consists of a letter submitted to the City Council on June 18, 2008 that describes earthquake hazard and landslide hazards maps. Please see response to Comment 9-91.

CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR
COMMENTS AND RESPONSES

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