CITY OF LAFAYETTE
DOWNTOWN LAFAYETTE SPECIFIC PLAN EIR

STATE CLEARINGHOUSE NUMBER: 2009062056




City of Lafayette | August 10, 2010

DESIGN, COMMUNITY & ENVIRONMENT

City of Lafayette
Downtown Lafayette Specific Plan EIR

The preparation of this report has been financed in part by grants from the U.S. Department of Transportation. The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation.

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1 INTRODUCTION

A. Purpose of the Environmental Impact Report

This document has been prepared in the form of an addendum to the Draft Environmental Impact Report (EIR) for the proposed Downtown Lafayette Specific Plan (the Plan). The Draft EIR identified the likely environmental consequences associated with the Plan, and identified policies contained in the Plan that help to reduce potentially significant impacts.

This Final EIR responds to comments on the Draft EIR and makes revisions to the Draft EIR as necessary in response to these comments. None of these revisions result in significant changes to the Project Description or findings of the Draft EIR that would trigger the need to recirculate the Draft EIR.

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

B. Environmental Review Process

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public and project applicant with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to those comments received on the Draft EIR and to clarify findings in the Draft EIR.

The Draft EIR was made available for public review on January 26, 2010. The Draft EIR was distributed to local and State responsible and trustee agencies, and the general public was advised of the availability of the Draft EIR through public notice posted by the County Clerk as required by law and by a display legal ad in the *Contra Costa Sun* on January 29, 2010. The City of Lafayette Planning Commission held two public hearings to receive comments on the Draft EIR. These public hearings were held on March 1, 2010 and March 15, 2010 in the Community Hall at the Lafayette Library and

Learning Center, 3491 Mount Diablo Boulevard. The CEQA-mandated 45-day public comment period ended on March 16, 2010.

Copies of all written comments received on the Draft EIR are contained in this document. Transcripts of oral comments made at the public hearings on March 1 and March 15, 2010 are also included.

This Final EIR will be provided to the City of Lafayette Planning Commission for its review prior to its consideration of a resolution recommending a Plan and associated actions to the City Council. The Commission will be asked to make a recommendation to the City Council on certification of the EIR as a full disclosure of potential impacts, mitigation measures, and alternatives.

However, the Planning Commission will not take final action on the EIR or a Plan. Instead, the City Council will consider the Planning Commission's recommendations on the Final EIR and Plan during noticed public hearings, and make the final action in regards to certification of the Final EIR and approval of a project. If a Plan is approved, recommended mitigation measures would be adopted and implemented as specified in the City Council's resolution and an accompanying mitigation monitoring and reporting program unless the City Council finds the measures infeasible as specified in CEQA Guidelines Section 15091 (Findings). Given the presence of significant and unmitigable impacts, the City Council's resolution will also contain a statement of overriding consideration pursuant to CEQA Guidelines Section 15093.

C. Document Organization

This document is organized into the following chapters:

- **Chapter 1: Introduction.** This chapter discusses the use and organization of this Final EIR.

- **Chapter 2: Report Summary.** This chapter is a summary of the findings of the Draft and the Final EIR. It has been reprinted from the Draft EIR with necessary changes made in this Final EIR shown in underline and ~~strikethrough~~.
- **Chapter 3: Revisions to the Draft EIR.** Corrections to the text and graphics of the Draft EIR are contained in this chapter. Underline text represents language that has been added to the EIR; text with strikethrough has been deleted from the EIR.
- **Chapter 4: List of Commentors.** Names of agencies and individuals who commented on the Draft EIR are included in this chapter.
- **Chapter 5: Comments and Responses.** This chapter contains reproductions of the letters received from agencies and the public on the Draft EIR. The responses are keyed to the comments that precede them.

2 REPORT SUMMARY

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

This summary presents an overview of the ~~proposed project~~ Plan and conclusions of the analysis contained in Chapter 4, Environmental Evaluation, of the Draft EIR. The chapter also summarizes areas of controversy and alternatives to the ~~project~~ Plan. For a complete description of the ~~project~~ Plan, please consult Chapter 3, Project Description, of the Draft EIR. For more information about ~~project~~ Plan alternatives, please consult Chapter 5 of the Draft EIR.

A. Proposed Project

This ~~Draft~~ EIR provides an assessment of the potential environmental impacts of implementing the Revised Draft Downtown Lafayette Specific Plan (the Plan). The City of Lafayette prepared the Plan in September 2009 to guide future development over the next 20 years (2010 to 2030) in a 297-acre area in downtown Lafayette. The Plan Area is generally bounded by State Route 24 and the Bay Area Rapid Transit (BART) rail line to the north, Pleasant Hill Road to the east, Moraga Road and St. Mary's Road to the south, and Risa Road to the west.

The Plan envisions a mix of land uses throughout the Plan Area, including commercial (retail~~,~~ and office), residential, and civic uses in buildings of varying scales. The Plan contains goals, policies, and programs relating to sustainability, downtown character, land use, circulation, natural resources, and public services and facilities, as well as specific capital improvements to improve public safety and enhance the character of the downtown.

A key component of the Plan is contained in Chapter 10, Downtown Districts, which establishes eight districts. Chapter 10 proposes a different mix of uses in each of the eight Downtown Districts, with lower intensity, auto-

oriented uses in the western and eastern districts, more pedestrian-oriented and village uses in the core of the downtown, and more residential uses in the southern areas of the downtown. The Plan also identifies development standards for each of the eight Districts, including setbacks, open space, residential density, and building heights.

The proposed project has four primary components: adoption of the ~~proposed~~ Plan, incorporation of three existing specific plans, amendment of the General Plan, and amendment of the Zoning Ordinance. Each of these components is described in further detail in Chapter 3, Project Description, of the Draft EIR.

B. Areas of Controversy

The following is a discussion of issues that are likely to be of particular concern to agencies and interested members of the public during the environmental review process. This list does not necessarily identify all areas of concern, but attempts to capture those that are likely to generate greatest interest based on the input received during the scoping process.

- **Aesthetics.** Downtown Lafayette contains views of surrounding hillsides and ridges, is in close proximity to State Route 24, a State-designated scenic highway, and is currently characterized by a small town main street character. New development could substantially impact views and the small town character of downtown Lafayette.
- **Land Use.** The Plan could result in new buildings with a maximum height of 43 feet and a maximum density of 35 dwelling units per acre. Allowable building heights and intensities vary throughout the Plan Area. The increases in height could affect scenic views and result in additional development.
- **Population and Housing.** Buildout of the Plan could result in up to 1,765 new housing units in the Plan Area, which would increase the city's population by up to 4,589 residents.

- **Public Services.** Population growth due to new development under the Plan would increase public services, including schools, law enforcement services, and fire protection services. In addition, ~~R~~residents have expressed an interest in more park space downtown. The Plan proposes new parks in the Plan Area, but new residential growth could exacerbate the existing shortage of park space.
- **Transportation and Traffic.** The Plan would result in new vehicle trips within the Plan Area and in surrounding areas, which has the potential to impact operations at intersections and along roadway segments. Traffic impacts associated with schools within the Plan Area could also be of particular concern.

C. Summary of Impacts and Mitigation Measures

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

CEQA allows environmental issues for which there is no likelihood of a significant impact to be "scoped out" during the EIR scoping process, and not analyzed further in the EIR. The Plan would have no impact on agricultural or mineral resources due to existing conditions in the Plan Area and surrounding areas. These issues have therefore not been analyzed further in this ~~Draft~~ EIR.

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

The table is arranged in four columns: 1) environmental impacts, 2) significance prior to mitigation, 3) mitigation measures, and 4) significance after

mitigation. For a complete description of potential impacts and suggested mitigation measures, please refer to the specific discussions in Chapter 4.

D. Alternatives to the Plan

This ~~Draft~~ EIR analyzes alternatives to the proposed project that may feasibly attain some of the project objectives identified by the Plan. A total of three alternatives are analyzed in detail. All are listed below, and each is described and analyzed in Chapter 5, Alternatives.

1. No Project Alternative

Under the No Project Alternative, the proposed Plan would not be adopted and the City's General Plan and Zoning Ordinance would not be amended to incorporate the Plan's proposed development regulations and policies. Under the No Project Alternative:

- The BART Block, Plaza Park, and Shield Block/La Fiesta Specific Plans would remain in effect.
- The Downtown Districts established by the Plan would not be incorporated into the General Plan.
- The height and density standards proposed for each District would not be incorporated into the General Plan or Zoning Ordinance.
- The General Plan's programs and policies would not be updated to reflect the completion of programs or to incorporate any of the policies or programs included in the proposed Plan.
- The City's official Zoning Map and Zoning Ordinance would not be amended to match the Districts established by the Plan.
- The design and signage standards of the Zoning Ordinance would not be amended to match the Districts established by the Plan.
- The Zoning Ordinance would not be amended to permit housing and civic uses by right throughout the Plan Area.
- The tree protection standards of the Zoning Ordinance would not be amended to include all trees over 24 inches in diameter within the Plan Area.

As stated above, height and density requirements under the No Project Alternative would be different than those under the Plan and would be based on

the provisions of the existing General Plan and Zoning Ordinance. It is estimated that buildout of the No Project Alternative would result in approximately 730 new housing units in the Plan Area, 1,898 residents, 138,000 square feet of retail development, and 138,000 square feet of office development by 2030.

2. Lower Intensity Alternative

Under the Lower Intensity Alternative, the proposed Downtown Specific Plan would be adopted as proposed, with the exception of height and density development requirements. Height and building requirements would be based on the map proposed by the Planning Commission Subcommittee in April 2009. It is estimated that buildout of the Lower Intensity Alternative would result in approximately 1,740 new housing units, 4,524 residents, 175,000 square feet of retail development, and 175,000 square feet of office development by 2030.

3. Higher Intensity Alternative

Under the Higher Intensity Alternative, the Draft Downtown Lafayette Strategy and Specific Plan (Draft Plan) prepared in January 2009 would be adopted. The planning area contained in the Draft Plan differs slightly from the Plan Area of the proposed Plan. Under the Higher Intensity Alternative:

- The General Plan would be amended to reflect that the Draft Plan would supersede the BART Block, Plaza Park, and Shield Block/La Fiesta Specific Plans.
- The Downtown Districts established by the Draft Plan would be incorporated into the General Plan. The boundaries of the Downtown Districts established by the Draft Plan differ from those in the proposed Plan.
- The General Plan and Zoning Ordinance would be amended to incorporate the height and density standards for each District of the Draft Plan.
- The General Plan's programs and policies would be updated to reflect the completion of programs and incorporate the policies and programs included in the proposed Plan.

- The City's official Zoning Map and Zoning Ordinance would be amended to match the Districts established by the Draft Plan.
- New right-of-way (ROW) reserve areas and local streets would be proposed for the Plan Area.
- The parking strategy (including the parking structure) proposed by the Plan would not be implemented, but a similar parking strategy would be developed, including a Parking Management Plan and the establishment of a target parking zone.
- The design and signage standards of the Zoning Ordinance would be amended to match the Districts established by the Draft Plan.
- The following documents would be prepared or updated:
  - New Commercial and Multifamily Design Guidelines
  - Downtown Street Improvement Master Plan

The following components of the proposed Plan would not be implemented under the Higher Intensity Alternative:

- The Zoning Ordinance would not be amended to permit housing and civic uses by right throughout the Plan Area.
- The tree protection standards of the Zoning Ordinance would not be amended to include all trees over 24 inches in diameter within the Plan Area.

It is estimated that buildout of the Higher Intensity Alternative would result in approximately 2,410 new housing units, 245,000 square feet of retail development, and 245,000 square feet of office development by 2030.

~~**1. No Project Alternative**~~

~~Under this alternative, the proposed Plan would not be adopted and future development in the Plan Area would be subject to existing policies and regulations.~~

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AESTHETICS			
The project would not result in significant project or cumulative impacts related to aesthetics; therefore, no mitigation measures are required.			
AIR QUALITY			
AQ-1: *Conflict with CAP Assumptions.* The proposed Plan would increase population and employment at a greater rate than assumed when preparing the latest update to the Air Quality Plan. This could lead to greater regional emissions of nonattainment air pollutants (or their precursors) than assumed in the latest Air Quality Plan. This would be a *significant* impact.	S	AQ-1: There are no measures available to mitigate this impact related to inconsistency with the CAP.	SU
AQ-2: The proposed Plan could locate sensitive receptors within 250 feet of State Route 24, which would expose sensitive receptors to unhealthy levels of TACs and $PM_{2.5}$ emitted by vehicle traffic on State Route 24. This would result in a *significant* impact.	S	AQ-2: The following measures shall be utilized in site planning and building designs to reduce freeway TAC and $PM_{2.5}$ exposure: ♦ Use site planning to buffer new sensitive receptors from freeway emissions. The screening analysis prepared for the proposed Plan indicates the buffer should be 250 feet from the edge of the nearest travel lane. Site specific modeling for projects proposed within 250 feet of the freeway may refine this buffer to be less. ♦ New development of sensitive receptors located within 250 feet of the freeway shall require site specific analysis to determine the level of DPM and $PM_{2.5}$ exposure. This analysis shall be conducted following procedures outlined by BAAQMD. If the site specific analysis reveal significant exposures, as cancer risk greater than 10 in one million or annual $PM_{2.5}$ concentrations above 0.3 μg/m3, then additional measures listed below shall be required.	LTS

PS = Potentially significant LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AQ-2 *continued*		♦ Install indoor air filtration systems that would effectively reduce particulate levels to a less-than-significant level. Appropriate design information and an analysis would need to be submitted to the City showing that indoor exposures where people spend most of their time would be reduced so that $PM_{2.5}$ levels would not exceed 0.3 $\mu g/m^3$ and lifetime residential exposures would result in less-than-significant cancer risks (less than 10 in one million chances). Appropriately designed systems. These systems would have to be maintained (e.g. filters changed on a prescribed basis) and residences would have to be equipped with low-air infiltration windows and sealed doors to prevent air contamination. Opening of windows by occupants would reduce the effectiveness of this measure. Note that people (including children) spend most of their time indoors, so the health effects from exposure to TACs and PM2.5 from the freeway can be effectively reduced with this measure. ♦ New residents shall be informed of the health effects from exposure to DPM and $PM_{2.5}$ from State Route 24 traffic through rental agreements or real property disclosures statements. This would inform residents of the need to reduce exposures by closing windows and doors and maintaining filtration systems. ♦ Provide tiered plantings of trees, ~~preferably redwood and/or deodar cedar trees~~ consistent with the *Trees of Lafayette*, along the ~~project site~~ Plan Area boundary closest to State Route 24. Preliminary laboratory studies show that certain tree species ~~these trees~~ can remove some of the fine particulate matter emitted from traffic under low wind speeds. Low wind speeds typically result in the highest particulate matter concentrations. According to the draft BAAQMD Air Quality Guidelines, this measure could reduce particulate matter levels by over 50 percent at very low wind speeds. However, there is not enough research on this measure to appropriately quantify the effect in terms of overall percentage reduction.	

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AQ-3: The new restaurants could be a source of odors that result in complaints from new or existing residences. This would be a *potentially significant* impact.	PS	AQ-3: The City shall require plans for new restaurants in the building with residences to ensure that these uses install kitchen exhaust vents in accordance with accepted engineering practice, and shall install exhaust filtration systems or other accepted methods of odor reduction.	LTS
GREENHOUSE GAS EMISSIONS			
The project would not result in significant project or cumulative impacts related to greenhouse gas emissions; therefore, no mitigation measures are required.			
CULTURAL AND HISTORIC RESOURCES			
CULT-1: Development under the Plan could result in adverse changes to buildings or structures that could be historical resources for the purposes of CEQA, but that have yet to be formally identified as eligible. This is considered a *significant* impact.	S	CULT-1: On a project-by-project basis, buildings and structures over 50 years of age that would be affected by future development should be evaluated to determine if they are historical resources as defined by CEQA. This evaluation should be carried out by a professional who meets the Secretary of the Interior's Standards for Architectural History, and the results of the evaluation should be submitted as a Historic Architectural Assessment Report to the City of Lafayette. Once the report is reviewed and approved by the City, a copy of the report should be submitted to the Central California Information Center (CCIC). CEQA Guidelines Section 15064.5(b)(3) states that a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than significant. Therefore, if under the project-by-project review described above a structure is determined to be a historical resource as defined by CEQA, the Secretary of the Interior's guidelines referenced above shall be followed for demolition, rehabilitation, and/or alternation projects. In addition, Historic American Building	LTS

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
CULT-1 *continued*		Survey/Historic American Engineering Record (HABS/HAER) style documentation of the resource shall be prepared. The level of documentation should be that described in HABS documentation level II, which includes, at a minimum, measured drawings such as as-builts or original design plans, historic photographs, if available, and current large-format photographs of significant architectural design features, and a written history and description. The documentation should be submitted to the City of Lafayette and the CCIC.	
CULT-2: Construction could potentially disrupt or damage as-yet undiscovered paleontological sources. This is considered a *significant* impact.	S	CULT-2: If paleontological resources are encountered during grading or excavation, all construction activities within 50 feet must stop and the City shall be notified. A qualified archeologist shall inspect the findings within 24 hours of discovery. Cultural resources shall be recorded on California Department of Parks and Recreation (DPR) Form 523 (Historic Resource Recordation form). If it is determined that the proposed development could damage unique paleontological resources, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not feasible, project applicants shall pay in lieu fees to mitigate significant effects. Excavation as mitigation shall be limited to those parts of resources that would be damaged or destroyed by a project. Possible mitigation under CEQA emphasizes preservation in place measures, including planning construction avoid archaeological sites, incorporating sites into parks and other open spaces, covering sites with stable soil, and deeding the site into a permanent conservation easement. Under CEQA Guidelines, when preservation in place is not feasible, data recovery through excavation shall be conducted with a data recovery plan in place. Therefore, when considering these possible mitigations, the City shall have a preference for preservation in place.	LTS

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GEOLOGY AND SOILS			
The Plan would not result in any significant geology or soil impacts; therefore, no mitigation measures are necessary.			
HAZARDS AND HAZARDOUS MATERIALS			
The Plan would not result in any significant impacts; therefore, no mitigation measures are necessary.			
HYDROLOGY, DRAINAGE AND WATER QUALITY			
The Plan would not result in any significant impacts to hydrology or water quality; therefore, no mitigation measures are necessary.			
LAND USE AND PLANNING			
The Plan would not result in any significant land use and planning impacts; therefore, no mitigation measures are necessary.			
NOISE			
NOI-1: Future residential units throughout ~~in~~ the Plan Area may be exposed to outdoor noise levels in excess of 55 dBA Ldn and indoor levels in excess of 45 dBA Ldn. Future commercial uses along Mount Diablo Boulevard and adjacent to Highway 24 may be exposed to outdoor noise levels in excess of 70 dBA Ldn. These noise levels would exceed City and State established land use compatibility thresholds. In addition, new residential uses proposed adjacent to existing and proposed noise-generating uses, including commercial uses could be exposed to "excessive noise." This is considered a *significant* impact.	S	NOI-1a: In areas where new residential development would be exposed to an Ldn of greater than 55 dBA, site-specific noise studies should be conducted to determine the area of impact and to present appropriate mitigation measures to achieve 40- 45 dBA interior noise levels, which may include the following: ♦ Utilize site planning to minimize noise in shared residential outdoor activity areas by locating the areas behind the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. ♦ Provide mechanical ventilation satisfactory to the City in all residential units proposed along roadways or in areas where noise levels could exceed 60 dBA Ldn so that windows can remain closed at the choice of the occupants to maintain interior noise levels below 45 dBA Ldn. At senior housing and residential care facilities the allowable interior noise level shall be below 40 dBA Ldn.	LTS

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
NOI-1 *continued*		♦ Install sound-rated windows and construction methods to provide the requisite noise control for residential units proposed along roadways or in areas where noise levels could exceed 70 dBA Ldn. ♦ A project sponsor shall be responsible for conducting site specific noise studies and shall be required to implement identified mitigation measures in the project design as a Condition of Approval for the project.	
		NOI-1b: Require partial height (typically 3 to 4 feet high) sound barriers or structures at noise sensitive outdoor commercial uses (e.g. outdoor dining) within 100 feet of Mount Diablo Boulevard, Moraga Road, or the State Route 24 to protect these uses from high roadway noise levels ~~be shielded by sound barriers or structures~~. Mechanical ventilation ~~should~~ shall be provided in all noise sensitive commercial uses (e.g. offices) adjoining Mount Diablo Boulevard, Moraga Road, or State Route 24. Sound-rated windows and construction methods may also be necessary if noise sensitive indoor uses are proposed in these areas.	
		NOI-1c: Limit exterior noise levels in noise sensitive outdoor use areas resulting from non-transportation noise sources to those contained in Sections 5-205 and 2-207 of the City of Lafayette Municipal Code (see Tables 4.9-5 and 4.9-7). Meeting these noise performance standards would be the responsibility of the developer of the proposed use and not the responsibility of the existing use. In areas where new residential development would be located adjacent to noise generating uses, site-specific noise studies ~~should~~ shall be conducted to determine the area of impact and to present appropriate mitigation measures, which would include the measures recommended in Mitigation Measure NOI-1a.	

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
NOI-2: New commercial development proposed in the same building or adjacent to residential development could result in noise levels exceeding Lafayette Noise Ordinance and General Plan policies. This is considered a *significant* impact.	S	NOI-2: Incorporate appropriate noise controls so that equipment machinery from proposed uses meets the non-transportation noise source requirements contained in Sections 5-205 and 5-207of the City of Lafayette Municipal Code.	LTS
NOI-3: Although construction noise would be localized to the individual construction sites, businesses and residences throughout the Plan Area would be intermittently exposed to high levels of noise throughout the multi-year construction period. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more. This is considered a *significant* impact.	S	NOI-3a: Implement the provisions of Section 5-207(e) and 5-208(d) of the Lafayette Municipal Code Health and Sanitation Ordinance as they apply to allowable construction hours and sound levels.	LTS
		NOI-3b: Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures, when applicable, shall be required to reduce noise from construction activities: ♦ Ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment. ♦ Utilize "quiet" models of air compressors and other stationary noise sources where such technology exists. ♦ Locate stationary noise-generating equipment as far as reasonable from sensitive receptors when sensitive receptors adjoin or are near a construction project area. ♦ Prohibit unnecessary idling of internal combustion engines (i.e., in excess of five minutes). ♦ Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile. ♦ Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.	

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
NOI-3 *continued*		♦ Erect a temporary noise control blanket barrier, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected. ♦ Route construction-related traffic along major roadways and as far as feasible from sensitive receptors. ♦ Ensure that construction activities, including the loading and unloading of materials and truck movements, are limited to the hours specified in the Lafayette Noise Ordinance. ♦ Notify businesses, residences, and noise-sensitive land uses adjacent to construction sites of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.	
		NOI-3c: The City shall adopt the mitigation measures identified in Mitigation Measure NOI-3b (above) in Chapter 5-2 (Noise) of the Lafayette Municipal Code Health and Sanitation Ordinance to help facilitate the control of construction noise within the city.	
NOI-4: Structures in the vicinity of development allowed in the Plan Area could be exposed to construction-related vibration during the excavation and foundation work associated with projects implementing the Plan. This is considered a *significant* impact.	S	NOI-4a: The following measures, in addition to the best practices specified in Mitigation Measure NOI-3, are recommended to reduce vibration from construction activities: ♦ Avoid impact pile driving where possible. Drilled piles cause lower vibration levels where geological conditions permit their use. ♦ Avoid using vibratory rollers and tampers near sensitive areas.	LTS

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
NOI-4 *continued*		NOI-4b: In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures ~~that~~ to achieve 0.08 in/sec PPV for historic structures and 0.20 in/sec PPV for all other buildings. Mitigation measures may include the following: ♦ Identify sites that would include vibration compaction activities such as pile driving and have the potential to generate ground-borne vibration, and the sensitivity of nearby structures to ground-borne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. This task should be conducted by a qualified structural engineer. ♦ Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approached the limits. ♦ At a minimum, monitor vibration during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements. ♦ When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures. ♦ Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.	

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
POPULATION AND HOUSING			
PH-1: Increases in dwelling units, residents, and jobs under the Plan would exceed both local and regional growth projections, resulting in a *significant* impact.	S	PH-1: 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.	LTS
PUBLIC SERVICES			
PS-1: Buildout of the Plan would increase the volume of calls for fire and emergency services in the Plan Area and exacerbate response times. This is a *significant* impact.	S	PS-1: In compliance with California Government Code Section 66000 et seq., the City will work with the CCCFPD to determine if impact fees are required and develop a nexus study to calculate and assess ~~an impact~~ the fee on new commercial and residential development in the Plan Area, as appropriate. This impact fee is consistent with General Plan policies LU-19 and LU-20, and associated policies and programs, and will be sufficient to accommodate new development without further compromising the delivery of fire services in the Plan Area.	LTS
PS-2: Buildout of the Plan would bring new residents to downtown Lafayette and could result in enrollment beyond the student capacity of public schools serving the Plan Area. This is a *potentially significant* impact.	S	PS-2: In compliance with California Government Code Section 66000 et seq., the City will work with the school districts to determine if impact fees are required and develop a nexus study to calculate and assess ~~an impact~~ the fee on new residential development in the Plan Area, as appropriate. This impact fee is consistent with General Plan policies LU-19 and LU-20, and associated policies and programs, and will be sufficient to allow for construction or expansion of school facilities as required to accommodate increased enrollment resulting from buildout of the Plan.	LTS
UTILITIES AND SERVICE SYSTEMS			
The Plan would not result in any significant impacts to utilities and service systems; therefore, no mitigation measures are necessary.			

PS = Potentially significant LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAFFIC AND TRANSPORTATION			
TRAF-1: Buildout of the Plan would result in increases in traffic volumes such that the intersection of Mount Diablo Boulevard and Oak Hill Road/Lafayette Circle East would deteriorate from LOS D to LOS E in the PM peak hour. This would be a *significant* impact.	S	TRAF-1: Oak Hill Road should be restriped to provide four southbound lanes, consisting of two left-turn-only lanes, one through lane, and one right-turn lane, approaching its intersection with Mount Diablo Boulevard, when the intersection level of service deteriorates to an unacceptable level. The City should monitor this intersection and implement the recommended mitigation if and when PM peak hour operations deteriorate to LOS E.	LTS
TRAF-2: Buildout of the Plan would result in increases in traffic volumes such that the intersection of Mount Diablo Boulevard and Moraga Road would deteriorate from LOS D to LOS E in the AM and mid-day peak hours, and the LOS E delay would increase in the PM peak hour. This would be a *significant* impact.	S	TRAF-2: No feasible mitigations are available to reduce this impact to a less-than-significant level. ~~Widen Moraga Road to add a second northbound right-turn lane approaching its intersection with Mount Diablo Boulevard.~~	SU
TRAF-3: Buildout of the Plan would result in increases in traffic volumes such that the delays at the intersection of Moraga Road and School Street, and at Moraga Road and Brook Street, would increase. These intersections would operate at LOS E or F under both the Cumulative No Project and Cumulative with Specific Plan Project conditions. This would be a *significant* impact.	S	TRAF-3: No feasible mitigations are available to reduce this impact to less-than-significant levels. ~~Add a center left-turn lane on Moraga Road between School Street and Moraga Boulevard.~~	SU

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAF-4: Buildout of the Plan would result in increases in traffic volumes such that: the intersection of Deer Hill Road and State Route 24 Westbound Ramps would deteriorate from "good" LOS D to "poor" LOS D in the mid-day peak hour, and the LOS E delay would increase in the AM and PM peak hours; and, the intersection of Deer Hill Road and First Street would deteriorate from LOS C to LOS E in the PM peak hour. This would be a *significant* impact.	S	TRAF-4: No feasible mitigations are available to reduce this impact to less-than-significant levels. ~~Re-stripe Deer Hill Road to add a third eastbound through lane approaching its intersection with the State Route 24 Westbound ramps, and widen Deer Hill Road to add a second eastbound right-turn lane approaching its intersection with First Street.~~ ~~The Lamorinda Nexus Study should be revised to include this improvement, if the widening of Deer Hill Road is feasible within the context of proposed development of the adjacent vacant lot.~~	SU
TRAF-5: Buildout of the Plan would result in increases in traffic volumes such that the intersection of Oak Hill Road and the State Route 24 eastbound off-ramp would deteriorate from LOS D to LOS F for the stop-controlled eastbound traffic on the off-ramp in the PM peak hour. This would be a *significant* impact.	S	TRAF-5: Based on a preliminary signal warrant analysis (Peak Hour Volume Warrant), a traffic signal should be installed at the intersection of Oak Hill Road/ State Route 24 eastbound off-ramp. The City should monitor the intersection and install the traffic signal at such time that signal warrants are met. The Lamorinda Nexus Study should be revised to include this improvement.	LTS
TRAF-6: Buildout of the Plan would result in increases in traffic volumes such that the all-way stop-controlled intersection of Deer Hill Road and Happy Valley Road would deteriorate from LOS D to LOS E in the mid-day peak hour. This would be a *significant* impact.	S	TRAF-6: Install a traffic signal when determined necessary by the City, but no later than when either mid-day or PM peak hour operations deteriorate to LOS E. The Lamorinda Nexus Study should be revised to include this improvement.	LTS

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAF-7: Buildout of the Plan would result in increases in traffic volumes such that the delay at the intersection of Deer Hill Road and Oak Hill Road would increase. This intersection would operate at LOS E under both the Cumulative No Project and Cumulative with Specific Plan Project conditions, but the delay would deteriorate enough to create a significant impact during the PM peak period. This would be a *significant* impact.	S	TRAF-7: A traffic signal should be installed at the intersection of Deer Hill Road and Oak Hill Road when warranted. The City should monitor this intersection and install a traffic signal when warrants are met. Signalization of this intersection is already contemplated in the Lamorinda Nexus Study, and as such, the related impacts would already be mitigated.	LTS
TRAF-8: Buildout of the Plan would result in increases in traffic volumes such that the delay at the intersection of First Street and the State Route 24 eastbound on-ramp would increase. This intersection would operate at LOS F for southbound traffic turning left onto the freeway on-ramp under both the Cumulative No Project and Cumulative with Specific Plan Project conditions, but the delay deteriorates enough to create a significant impact during the PM peak period. This would be a *significant* impact.	S	TRAF-8: Install a traffic signal to protect southbound left turns when PM peak hour operations deteriorate to LOS F for the left turn movement. The Lamorinda Nexus Study should be revised to include this improvement.	LTS

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAF-9: Buildout of the Plan would result in increases in traffic volumes such that the Delay Index on the State Route 24 freeway would increase. The State Route 24 freeway would operate at a Delay Index exceeding 2.0 under both the Cumulative No Project and Cumulative with Specific Plan Project conditions, but the delay would deteriorate enough to create a significant impact on westbound traffic during the AM peak hour and eastbound traffic during the PM peak hour. This would be a *significant* impact.	S	TRAF-9: No feasible mitigation measures are available to reduce this impact to less-than-significant levels. An individual development project would not contribute a cumulatively considerable increase to the traffic volumes and Delay Index on the State Route 24 freeway if such project would generate less than 50 net new peak hour trips. For development projects expected to generate 50 or more net new peak hour trips, or involving a General Plan Amendment, the City would require a traffic impact study to assess the project's contribution to the cumulative impact on the State Route 24 freeway, and notification of other jurisdictions as required in the Lamorinda Action Plan Update. For projects expected to generate between 10 and 50 net new peak hour trips, the City would still notify Lamorinda Planning Directors as required in the Lamorinda Action Plan Update.	SU
TRAF-10: Buildout of the Plan would result in increases in traffic volumes such that the Delay Index on southbound Pleasant Hill Road north of State Route 24 would deteriorate from 1.97 to 2.18 in the PM peak hour. Pleasant Hill Road north of State Route 24 would also operate at a Delay Index exceeding 2.0 under both the Cumulative No Project and Cumulative with Specific Plan Project conditions. Under both scenarios, the delay would deteriorate enough to create a significant impact on southbound traffic during the AM peak hour and northbound traffic during the PM peak hour. Under the Cumulative with Specific Plan Project scenario, the delay would also result in a significant impact during the PM peak hour in the southbound direction. This would be a *significant* impact.	S	TRAF-10: No feasible mitigation are available to reduce this impact to less than significant levels. An individual development project would not contribute a cumulatively considerable increase to the traffic volumes and Delay Index on Pleasant Hill Road if such project would generate less than 50 net new peak hour trips. For development projects expected to generate 50 or more net new peak hour trips, or involving a General Plan Amendment, the City would require a traffic impact study to assess the project's contribution to the cumulative impact on Pleasant Hill Road, and notification of other jurisdictions as required in the Lamorinda Action Plan Update. For projects expected to generate between 10 and 50 net new peak hour trips, the City would still notify Lamorinda Planning Directors as required in the Lamorinda Action Plan Update.	SU

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAF-11: Buildout of the Plan would be expected to add more than 3 percent to the peak hour average ridership at the Lafayette BART Station during peak hours. Because the peak hour average ridership would increase by more than 3 percent with buildout of the Plan, BART may need to add fare gates at the Lafayette BART Station if the average waiting times at existing fare gates would exceed one minute. This would be a *significant* impact.	S	TRAF-11: Monitor waiting times at the fare gates at the Lafayette BART station, and at such time that average waiting times exceed one minute, install additional fare gates, if BART concurs that installation of additional fare gates is warranted at such time. The City of Lafayette ~~and developers of individual projects within the Plan Area~~ will ~~collectively need to~~ collaborate with BART on monitoring fare gate waiting times by providing regular reports to BART on new development projects in the Plan Area. The City would also collaborate with BART as needed on strategies and funding to address this potential impact, as determined by the City and BART, because no single development project by itself is likely to trigger the need for additional BART fare gates.	LTS
TRAF-12: Increased localized traffic would occur on short segments of roadways, particularly those with medians, on which a parking facility driveway would be located. Specifically, most of the potential parking facility sites are likely to include a right-turn-only access directly to/from Mount Diablo Boulevard, which has a landscaped median that allows left turns at signalized intersections only. As a result, additional vehicles would be expected to use existing left turn pockets on Mount Diablo Boulevard for U-turns as part of their entering or exiting movement at a parking facility. This potential for additional U-turns assumes that a future parking facility accessing Mount Diablo Boulevard would be limited to right-in/right-out access. It is either infeasible or undesirable to provide additional median openings along Mount Diablo Boulevard for direct left-turn	S	TRAF-12: Address localized roadway circulation impacts during the environmental and design review processes for the downtown parking facility location that is ultimately chosen. Measures to consider for minimizing impacts include providing adequate signage that efficiently leads motorists to the parking structure and providing additional median openings.	SU

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
access at parking facility driveways, particularly where there is existing or planned median landscaping, or the proposed driveway is located too close to the functional area of an adjacent intersection to provide adequate traffic safety and operations. This would be a *significant* impact.			
TRAF-13: Vehicle queuing activity is expected to occur at the potential parking facility entrances. Causes for such queuing include delays from vehicles maneuvering to enter or exit parking stalls and possible access control gates for permit or paid parking systems. At some locations, such as Location #1 at the northwest corner of the Mount Diablo Boulevard/Oak Hill Road intersection, vehicle queuing could potentially extend upstream on westbound Mount Diablo Boulevard across the Oak Hill Road intersection. This queuing would result in additional vehicle delay at the overall intersection, as well as at the westbound Mount Diablo Boulevard and southbound Oak Hill Road approaches. This would be a *significant* impact.	S	TRAF-13: Amend the Plan's Circulation section regarding parking to include a Program to address vehicle queuing impacts during the environmental and design review processes for the downtown parking facility location that is ultimately chosen. In this added Program, measures to consider for minimizing impacts shall ~~should~~ include providing adequate driveway throat depth to minimize potential queue spillover onto the adjacent roadway, and multiple entry lanes on-site to store vehicles that are waiting to enter the structure. Establishing these review processes is expected to mitigate this impact to a less-than-significant level because these processes will ensure that the measures needed to avoid vehicle queuing impacts on adjacent streets are incorporated in the design of the downtown parking facility.	LTS
TRAF-14: Bicycle and pedestrian circulation and safety would be affected at any of the potential parking facility locations. Additional access driveways and increased vehicle activity at new parking facilities would increase the potential exposure of bicyclists and pedestrians to turning vehicles on all roadways that will serve the chosen	S	TRAF-14: Amend the Plan's Circulation section regarding parking to include Programs to address bicycle and pedestrian circulation and safety impacts during the environmental and design review processes for the downtown parking facility location that is ultimately chosen. In these added Programs, measures to consider for minimizing impacts should include limiting the number of vehicle access points on any one roadway serving the future parking facility; providing design elements such as visible and audible devices that warn pedestrians and	LTS

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
future parking facility's driveways. This additional exposure increases the risk of collisions and further disrupts the walking and bicycling experience along the roadway. Impacts on bicycle circulation would also occur if parking facilities lack safe and secure parking for bikes. This would be a *significant* impact.		bicyclists of vehicles entering and exiting parking facility driveways, and signs and pavement markings to warn drivers that they are crossing pedestrian and bicycle right-of-ways; providing signs and pavement markings that emphasize clear paths for pedestrians, bicyclists, and motorists at potential driveway conflict points; and providing safe and secure parking for bikes.	
BIOLOGICAL RESOURCES			
BIO-1: Proposed development associated with implementation of the Plan could result in the direct loss or temporary construction disturbance to nesting raptors and other migratory birds. This would be considered a *potentially significant* impact.	PS	BIO-1: Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act when in active use. This shall be accomplished by taking the following steps. ♦ If construction is proposed adjacent to areas of well-developed riparian woodlands during the nesting season (March to August), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 30 days prior to the onset of vegetation removal or construction, in order to identify any active nests on the proposed project site and in the vicinity of proposed construction. ♦ If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (September to February), construction may proceed with no restrictions. ♦ If bird nests are found, an adequate setback shall be established around the nest location and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the CDFG, and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be	LTS

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

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-1 *continued*		fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site. ♦ A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season (March to August). The report shall either confirm absence of any active nests or shall confirm that any young within a designated no-disturbance zone and construction can proceed.	

PS = Potentially significant LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

~~**2. Lower Intensity Alternative**~~

~~Development under this alternative would occur under the policies of the proposed Plan, but with the building height and density regulations proposed by the Planning Commission Subcommittee in April 2009.~~

~~**3. Higher Intensity Alternative**~~

~~Under this alternative, the Draft Downtown Lafayette Strategy and Specific Plan prepared in January 2009 would be adopted and future development in the Plan Area would be subject to its policies and regulations.~~

3 REVISIONS FOR THE DRAFT EIR

This chapter presents specific changes to the text, tables, and figures of the Draft EIR that are being made in response to comments made by the public and/or reviewing agencies. In each case, the revised page and location on the page is set forth, followed by the textual, tabular, or graphical revision. None of the changes constitute significant changes to the Draft EIR, so the Draft EIR does not need to be recirculated.

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

The bulleted list on page 1-2 of the Draft EIR is hereby amended as follows:

- **Chapter 1: Introduction.** Provides a preface and overview describing both the intended use of the document and the review and certification process of both the Plan and the EIR.
- **Chapter 2: Report Summary.** Summarizes the project and the impact analysis contained in Chapter 4, including environmental consequences that would result from the Plan, ~~describes~~ recommended mitigation measures, and ~~indicates~~ the level of significance of environmental impacts before and after mitigation. A Summary Table is also included for clarity.
- **Chapter 3: Project Description.** Describes the Plan in detail, including the Plan Area location and characteristics; Plan objectives; the planning process used to create the Plan; proposed capital improvements; and implementation.
- **Chapter 4: Environmental Evaluation.** Provides an analysis of the potential environmental impacts of the Plan and presents recommended mitigation measures, if required, to reduce their significance. Chapter 4 contains a detailed evaluation of environmental consequences that would result from the Plan, describes recommended mitigation measures, and indicates the level of significance of environmental impacts before and after mitigation.

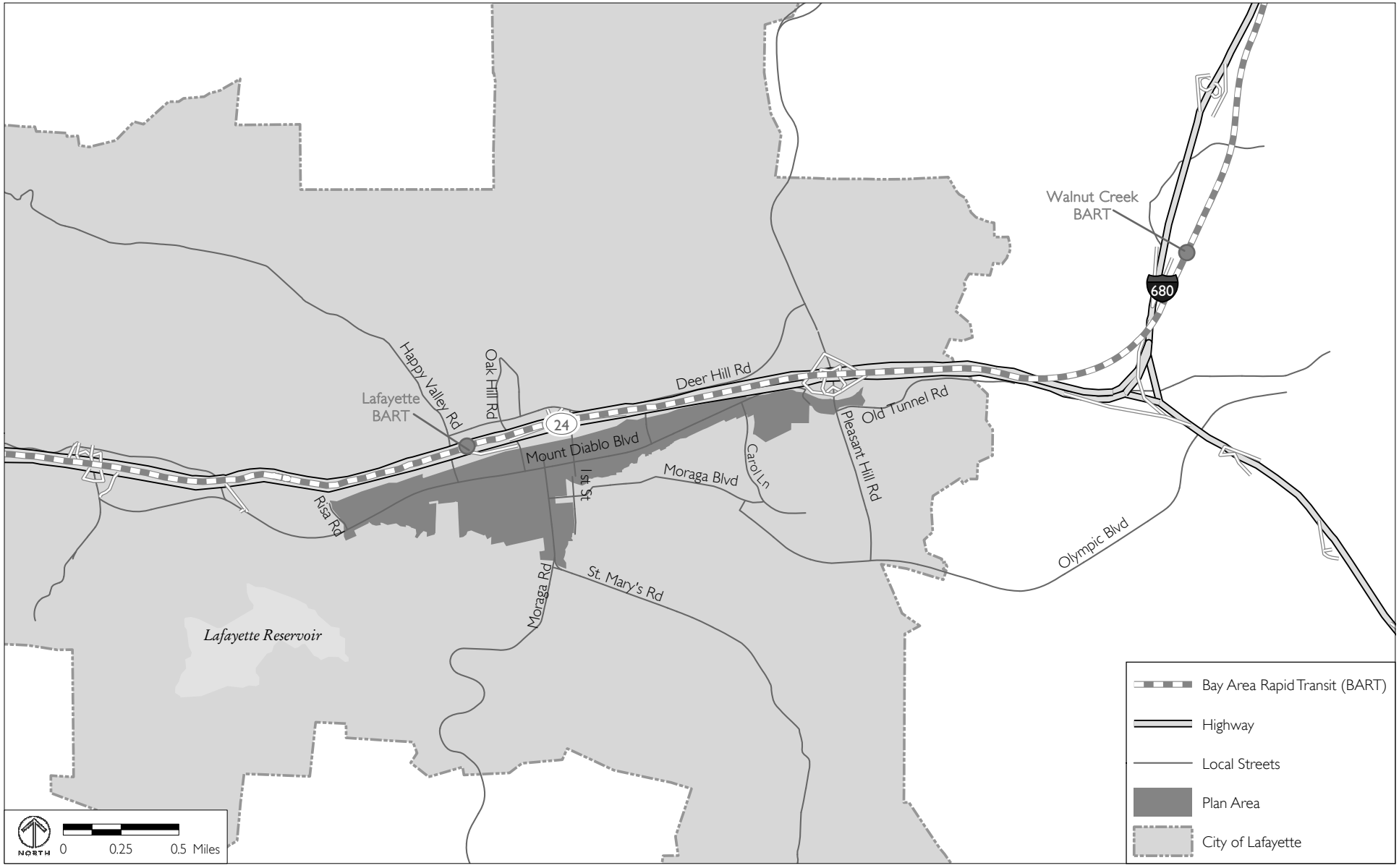
- **Chapter 5: Alternatives to the Proposed Project.** Considers three alternatives to the ~~proposed project~~Plan, including the CEQA-required "No Project Alternative."

Figures 3-2, 3-3, and 3-4 on pages 3-3, 3-10, and 3-12, respectively, of the Draft EIR are hereby replaced with the figures on the following pages.

The last paragraph on page 3-17, continuing onto page 3-18, of the Draft EIR is hereby amended as follows:

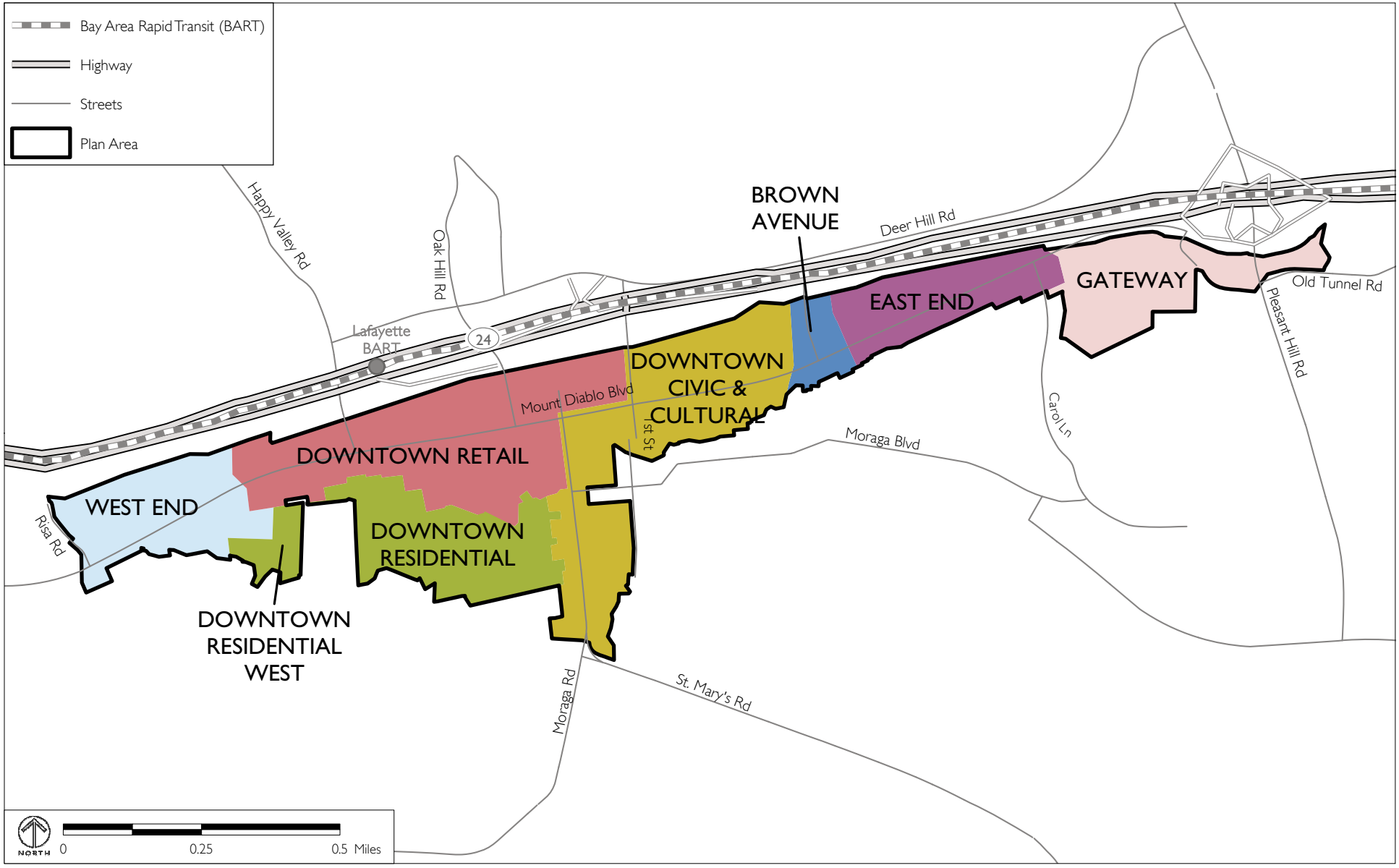
Section 15126.2 of the California Environmental Quality Act guidelines requires that an EIR focus on the significant "direct and indirect" and "short-term and long-term" effects of a project. Under Section 15064(d) of the CEQA Guidelines, "In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project." CEQA Guidelines Section 15144 requires an EIR to forecast and disclose all potential direct and indirect physical changes in the environment which may result from the project. 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 reasonably foreseeable under the Plan by 2030, assuming a high rate of redevelopment to ensure that the Draft EIR does not understate environmental impacts.

The CEQA Statute and Guidelines do not provide specific guidance regarding how buildout projections should be calculated for the purposes on an EIR. There is no single or "correct" approach to be used for calculating a buildout projection; buildout methodologies depend on a variety of factors, including local factors, the availability of information, and the scale of the project (for example, a General Plan buildout projection methodology will be very different from that for a specific development project). To ensure a conservative approach in analyzing environmental effects under CEQA, EIRs typically analyze what could be considered a worst-case scenario in order to capture as many significant environmental effects as could reasonably be expected as a



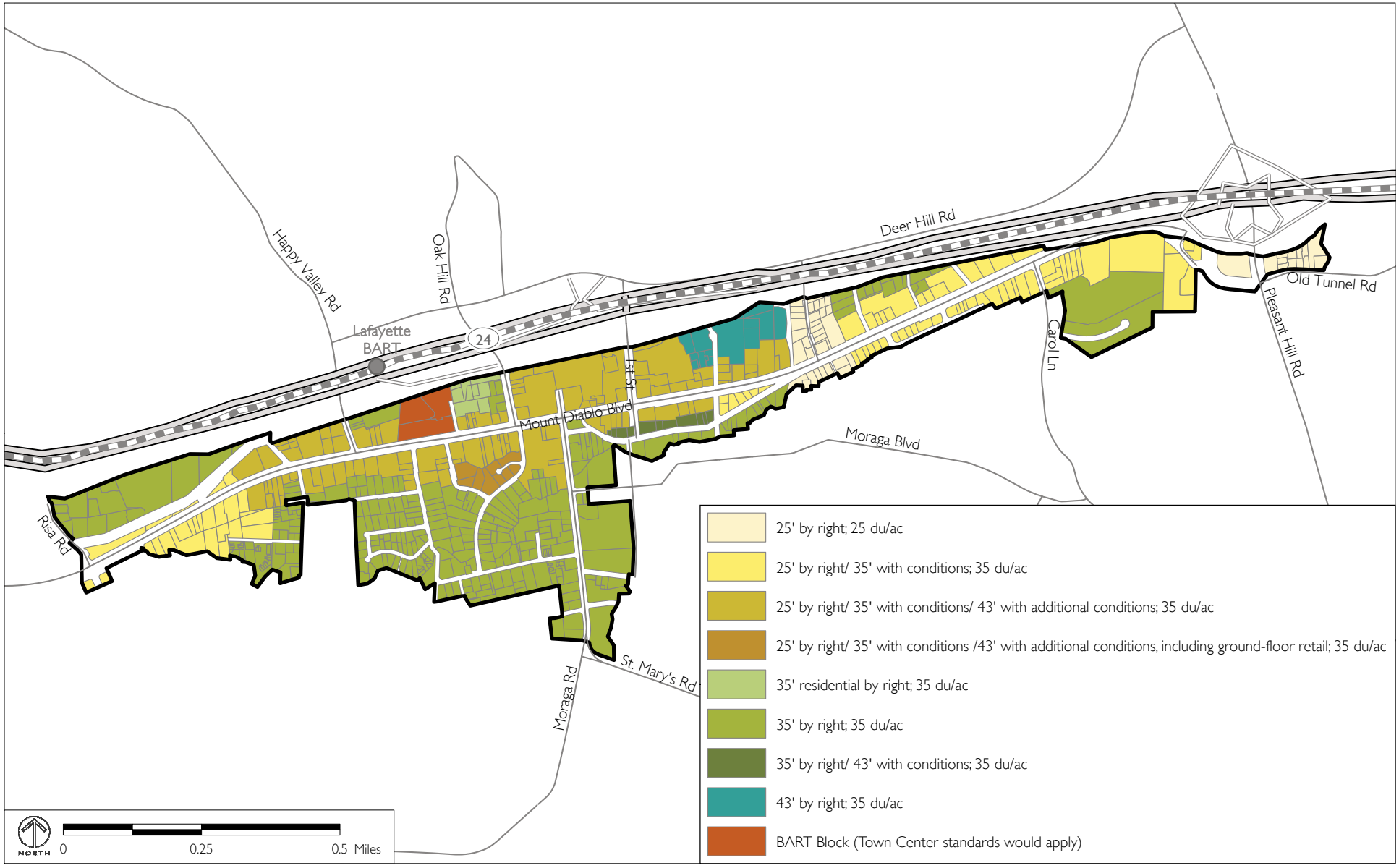
Source: DC&E, City of Lafayette

FIGURE 3-2
LOCAL LOCATION



Source: DC&E, City of Lafayette

FIGURE 3-3
DOWNTOWN DISTRICTS



Source: DC&E, City of Lafayette

Highway
Local Streets
Bay Area Rapid Transit (BART)
Plan Area

FIGURE 3-4

PROPOSED MAXIMUM ALLOWABLE BUILDING HEIGHT AND DENSITY

result of the project. For a programmatic evaluation of a land use plan, this entails projecting buildout calculations to carry through the environmental review process. Chapters 4.1 through 4.14 of the Draft EIR use buildout projections to forecast potential changes to the environment, directly and indirectly. These changes are disclosed in the "Impact Discussion" section of each chapter.

The buildout presented and analyzed by the Draft EIR is not synonymous with, nor is it intended to represent, full buildout of the Plan. The maximum 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. Therefore, it is extremely unlikely that the maximum theoretical buildout would occur by the year 2030, which is the horizon year for the Draft EIR. For the purposes of CEQA, full buildout of the Plan Area would not be "reasonably foreseeable" by 2030. These projections reflect the estimated number of housing units, amount of commercial development, and resident and employment populations that are reasonably foreseeable for the 20-year duration of the Plan. The actual rate and amount of development is dependent on market conditions and regulatory processes. 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 first paragraph on page 3-20 of the Draft EIR is hereby amended as follows:

Buildout of the Plan was calculated under the assumption that only a portion of the Plan Area would be redeveloped. The areas assumed for development were those included in the traffic analysis completed for the Draft Downtown Lafayette Strategy and Specific Plan and presented in the memorandum *Transportation Evaluation of Lafayette Downtown Strategy Alternatives* (Fehr & Peers, June 3, 2008). The opportunity sites comprise approximately 69 acres of land, or 29 percent of the Plan Area's 242 total acres.[9] Given Lafayette's development history, this assumption of a nearly 30 percent redevelopment rate is likely a very high estimate. However, this high redevelopment

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. Development does not always build out to the maximum allowable density, and a variety of factors can influence how intensively a plan will be built out. Based on consultation with Seifel Consulting, the economic consultant for this EIR, it was assumed that only 80 percent of ~~full~~ buildout on each development site would be attained to reflect a more realistic buildout potential, which is consistent with general findings regarding development buildout.[10] ~~and~~ It was assumed that non-residential uses would be evenly split between office and retail uses. Buildout calculations were developed using the proposed setbacks, heights, and residential densities contained in the Plan. In all instances, it was assumed that buildings would be built to the highest 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 was used. It was assumed that sites would be built to the highest allowable residential density on the upper floors, with an average unit size of 1,000 square feet, which is considered to be low for Lafayette (and therefore translates to a higher housing unit projection). 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. Because the buildout projections are based on an assumption that each site would be built as mixed-use, leasable groundfloor space has been adjusted to allow for access points for upper-floor residential uses, and groundfloor residential areas. Forty percent of leasable groundfloor area was subtracted to account for miscellaneous spaces such as corridors, ~~and~~ store rooms, stairways, closets, wall thickness, lobbies, store rooms, elevators, HVAC and mechanical systems, and access points to upper floors. For analytical purposes and to reflect the intent of the Plan, it was assumed that buildings would contain ground-floor non-residential uses with residential uses on upper stories. It was assumed that sites would be built to the highest allowable residential density. Because the Plan emphasizes the importance of conditional provisions and the City's existing design review process, ~~L~~larger setbacks were applied to larger parcels

and parcels utilizing higher conditional building heights to account for the provision of on-site public amenities that would be required through the design review process.

[9] Plan Area acreage does not include streets. With streets, the Plan Area comprises 297 acres.

[10] 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/7896cdcef_3f7e933eb4478ca29c834bd.pdf, accessed on March 17, 2010. This study for Ventura County 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 scaled back more), and whether projects are multi-family or single-family (with single-family projects being scaled back more), among other factors. Because the Plan Area contains a unique mix of factors, such as a diversity of housing types, being immediately by lower density residential neighborhoods, and being a downtown infill environment in a semi-rural community, the 80 percent assumption is considered to be a reasonable approach.

Section A2, Lafayette Municipal Code, on pages 4.1-1 to 4.1-4 of the Draft EIR is hereby amended as follows:

2. Lafayette Municipal Code

The Lafayette Municipal Code provisions relevant to aesthetics in the Plan Area are located primarily in Title 6 of the Code. ~~t~~ Part 3 of Title 6 contains specific development requirements, such as setbacks, for each of the City's zoning districts. The design review requirements are contained in Chapters 6-2 and 6-19 of Title 6.~~of construction for which design review is required as a condition of approval as well as of structures in single family residential districts.~~ The light and glare provisions of Municipal Code, contained in Chapter 6-25 of Title 6~~Article 2~~ are also relevant to this analysis.

Chapter 6-2, Article 5, Section 6-271 in Part 1 of Title 6 of the Lafayette Municipal Code requires that the following projects be subject to design review:~~new projects that are in multi-family or commercial districts to be subject to design review.~~

- New construction, exterior remodeling, or any change to a structure or facility which affects the exterior appearance, and which occurs in a multiple-family or commercial land use district (site plan and building elevations applications).
- A project or construction for which design review is required as a condition of approval.
- Any other projects for which design review is required.
- New single-family residential construction which exceeds 6,000 square feet in gross floor area or an addition to an existing residence which will increase its gross floor area to over 6,000 square feet and which occurs in a single-family residential district.

~~Provision~~ Section 6-274 presents a list of the following design aspects~~: to be reviewed including, but not limited to, building form, site layout, circulation, and contextual design.~~

- Height, mass, lot coverage, setback, and relationship of structures.
- Site plan, including orientation and location of structures to one another and to open spaces and topography; definition of vehicular and pedestrian areas.
- Design of special features such as walls, screens, fences, street furniture, signs, lighting; concealment and sound protection of equipment (mechanical, electrical, solar energy), utilities and other exterior appurtenances.
- Continuity of design in the composition of structures and the use of materials and colors.
- Design relationship of the proposed plan to neighboring properties and structures.
- Landscaping plan, including the preservation of existing trees, the size and hardiness of trees and plants, the plans for irrigation and maintenance, and the degree to which landscaping complements the structure(s) and terrain; all in accordance with the guidelines in "Trees for Lafayette."

- Drainage systems.
- Use of passive or active solar energy.
- Adequacy of traffic circulation and parking.

Section 6-275(a) requires that all of the findings be made prior to design review approval:

- Every provision of this chapter is complied with.
- The approval of the plan is in the best interest of the public health, safety, and general welfare.
- General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, public safety and similar elements have been designed to provide a desirable environment for the development.
- General architectural considerations, including the character, scale and quality of the design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements have been incorporated in order to ensure the compatibility of this development with its design concept and the character of adjacent buildings.
- General landscape considerations, including the location, type, size, color, texture and coverage of plant materials, provisions for irrigation, maintenance and protection of landscaped areas and similar elements have been considered to ensure visual relief, to complement buildings and structures and to provide an attractive environment for the enjoyment of the public.

Chapter 6.19 in Part 4 of Title 6 of the Municipal Code intends to implement the General Plan's vision of maintaining the semi-rural character of Lafayette by minimizing loss of light and privacy and "out-of-scale" appearance by new large structures, maintaining the existing character of established residential neighborhoods, and permitting reasonable expansion of existing structures.

The chapter requires new developments taller than 17 feet in a single-family residential land use district to be subject to design review. The design review process is intended to prevent projects that negatively impact the existing scale, style, and established character of the neighborhood; appear too tall or massive; or reduce the privacy or views of adjacent properties. The Plan Area does not contain many parcels with single-family development; these provisions would apply to new structures on a small number of parcels in the southern and eastern ends of the Plan Area.

Other provisions relating to aesthetics in the Code relate to light and glare. Chapter 6-25, Article 2, Section 6-2526 in Part 5 of Title 6 of the Municipal Code creates criteria for design review for commercial signage to ensure that new signs are simple, architecturally compatible with surrounding buildings, and do not overpower adjacent land uses through illumination and color intensity. Furthermore, the Code adopts as reference Contra Costa County provisions that pertain to light and glare as a form of public nuisance. Article 76-4.612 of the County Code prohibits lighting fixtures to that will blind pedestrians or vehicular traffic or result in glare on adjoining property.

Table 4.1-1 on page 4.1-2 of the Draft EIR is hereby amended as shown on the following page.

The third sentence of the last paragraph on page 4.2-31 of the Draft EIR is hereby amended as follows:
Significant cancer risks could occur within 250 feet of the freeway, including the portion of the Plan Area shown on Figure 4.2-1.

Figure 4.2-1 is hereby added to the Draft EIR as shown on page 3-13.

The last sentence on page 4.1-31, continuing onto page 4.1-32, of the Draft EIR is hereby amended as follows:
Large amounts of new development throughout the Plan Area could potentially change Lafayette's existing small town character to that of a more urban village if new building heights were significantly higher than existing

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

Goal/Policy Number	Goal/Policy Content
Land Use Element	
Goal LU-1	*Protect the character and patterns of development of residential neighborhoods.*
Policy LU-1.1	Scale: Development shall be compatible with the scale and pattern of existing neighborhoods.
Program LU-1.1.2	Adopt regulations to address the height, bulk, and scale of single-family development. Such regulations would apply to additions that substantially alter the existing appearance or size of a structure.
Goal LU-7	*Encourage Downtown development which is attractive and enhances Lafayette's community identity and small town character.*
Policy LU-7.1	Design: Ensure that site planning, architecture, color, materials and landscaping contribute to the community identity and small town character.
Program LU-7.1.1	Require design review approval of commercial development proposals to ensure high-quality, cohesive, and compatible building and site design.
Program LU-7.1.2	Develop and maintain *Commercial Design Guidelines*.
Program LU-7.1.3	Encourage cooperation among business and property owners in parking lot design to minimize driveways, optimize parking, and facilitate more integrated site planning.
Program LU-7.1.4	Provide accessible open space in commercial development.
Program LU-7.1.5	Provide pedestrian amenities such as benches, bike racks, public art.
Policy LU-7.7	Scenic Views: Preserve scenic views of Mt. Diablo and hillsides from Downtown Lafayette. While it is not possible to entirely prevent some blockage of scenic views downtown, it is important to preserve intermittent views of the surrounding hillsides and ridges from Mt. Diablo Boulevard. Scenic views can be preserved by maintaining a variety of building heights, providing open view corridors between buildings, and utilizing setbacks and building height limits.
Program LU-7.7.1	Utilize Map I-5: Scenic View Corridors as a guide to protecting and enhancing scenic views in the development process.
Program LU-7.7.2	The impact on view corridors shall be carefully evaluated when reviewing development proposals for buildings and signs.

Source: Lafayette General Plan, 2002, http://www.ci.lafayette.ca.us, accessed on October 27, 2009.

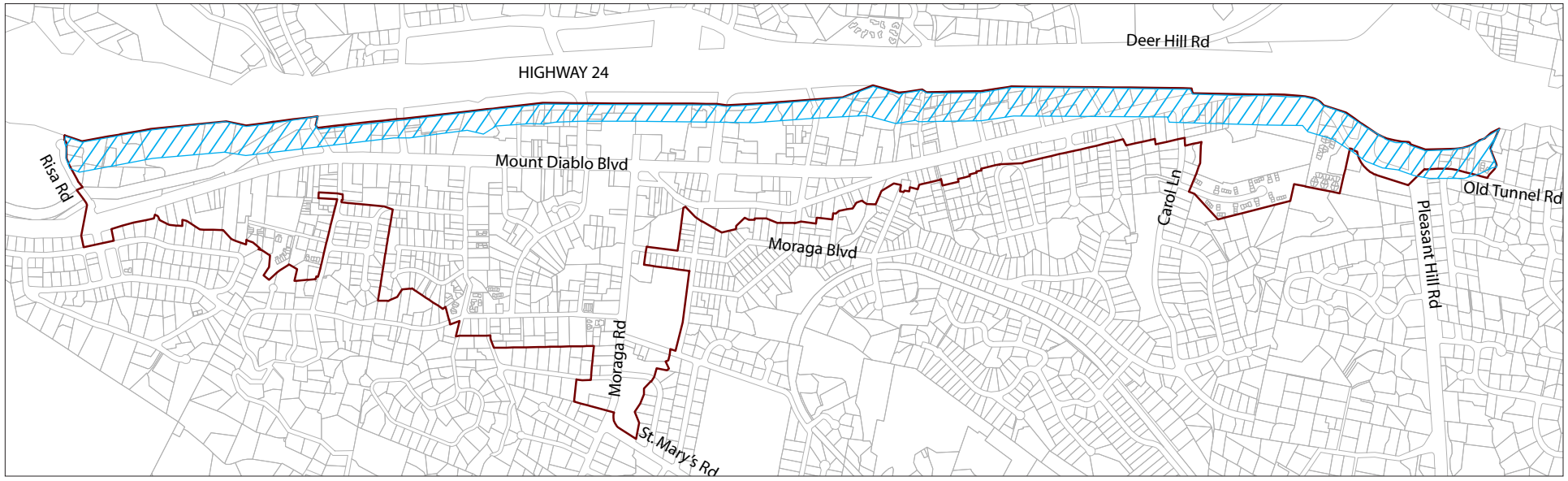


FIGURE 4.2-1

PORTION OF THE PLAN AREA WITHIN 250 FEET OF STATE ROUTE 24

buildings or architectural features created a more urban aesthetic; however, height limits and ~~guidelines~~ standards for building design can offset these effects.

The last bulleted paragraph of Mitigation Measure AQ-2 on page 4.2-34 of the Draft EIR is hereby amended as follows:

- Provide tiered plantings of trees, ~~preferably redwood and/or deodar cedar trees~~ consistent with the *Trees of Lafayette*, along the ~~project site~~ Plan Area boundary closest to State Route 24. Preliminary laboratory studies show that certain tree species ~~these trees~~ can remove some of the fine particulate matter emitted from traffic under low wind speeds. Low wind speeds typically result in the highest particulate matter concentrations. According to the draft BAAQMD Air Quality Guidelines, this measure could reduce particulate matter levels by over 50 percent at very low wind speeds. However, there is not enough research on this measure to appropriately quantify the effect in terms of overall percentage reduction.

Table 4.3-1 on page 4.3-22 of the Draft EIR is hereby amended as follows:

TABLE 4.3-1 **ANNUAL OPERATIONAL GHG EMISSIONS IN EMISSIONS IN METRIC TONS PER YEAR**

Exposure Type	Existing Downtown Area Emissions	Future Downtown Plan Emissions	Future "No Project" Emissions
Area Sources[a]	8,661	13,949	11,039
Indirect Sources (Electricity) [a~~b~~]	7,284	8,852	8,574
Transportation[b]	65,625	89,068	78,379
Total	**81,571**	**111,868**	**97,992**
Emissions per Service Population (SP)	4.89 metric tons/SP/year SP = 16,603	4.93 metric tons/SP/year SP = 22,692	4.96 metric tons/SP/year SP = 24,911

[a] Does not include~~s~~ any reduction for energy efficiency measures included in the Plan description. An aggressive energy efficiency program could reduce these emissions by 20 percent.
[b] Does not include reductions for future vehicle efficiency.
Source: Illingworth & Rodkin, 2009.

The first full paragraph on page 4.4-14 of the Draft EIR is hereby amended as follows:

The results of the windshield survey for the seven properties listed above are contained in Appendix C, Historic Resources. The seven properties were chosen because each is a unique expression of old Lafayette and without protection they are vulnerable to major change or demolition. These properties have been recorded in 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 Mount Diablo Boulevard, commercial, adobe brick
- 3606 Chestnut Street, residence, adobe brick
- Garrett Building (Postino Restaurant), 3565 Mt. 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

The second bulleted list on page 4.4-15 of the Draft EIR, continuing onto page 4.4-16, is hereby amended as follows:

In addition, it is possible that the resources identified by Knapp Architects, which are 50 years old or older, listed below, could be eligible for the California Register of Historic Resources or the National Register of Historic Places:

- Park Theatre
- Celia's Mexican Restaurant
- Old Firehouse School
- Round Up Saloon
- Hen House
- The Forge
- 3606 Chestnut Street
- Garrett Building (Postino Restaurant)
- 3618 Chestnut Street
- 3582 Mount Diablo Boulevard (One-Hour Cleaners)
- Lafayette Orchards archway framing the Mount Diablo Boulevard entry to Willow Street
- 3606 Bickerstaff Road
- 3610 Bickerstaff Road
- 947 Dewing Avenue
- 3534 Golden Gate Way
- 3611 School Street
- Lafayette-Alamo Cemetery, 3285 Mount Diablo Boulevard

The fourth sentence on page 4.4-18 of the Draft EIR is hereby amended as follows:

However, the likelihood of this occurring is low because the Plan Area is already largely urbanized.

The third sentence of the second paragraph of Mitigation Measure CULT-1 on page 4.4-22 of the Draft EIR is hereby amended as follows:

Therefore, if under the project-by-project review described above a structure is determined to be a historical resource as defined by CEQA, the Secretary of the Interior's guidelines referenced above shall be followed for demolition, rehabilitation and/or alternation projects.

The following paragraph is hereby inserted at the end of Section 1 on page 4.5-8 of the Draft EIR:

The California Geological Survey released the *2010 Fault Activity Map of California* showing three well located faults in the vicinity of the Plan Area. Two of the three faults are Quaternary faults that run in a north-south direction, the third fault is a pre-Quaternary fault that runs east-west and then slopes southward.[20] Additional fault information is included in a report prepared in 2006 by William Lettis & Associates, Inc. for the Bay Area Rapid Transit (BART) District. This report identifies four potentially active faults (the West Lafayette, Lafayette, Reliez Valley, and Saklan faults) in proximity to the Plan Area that are within the Contra Costa Shear Zone. The Lettis report states that these faults are not known to be creeping, but that the occurrence of creep cannot be ruled out.[21]

[20] California Geological Survey, 2010 Fault Activity Map of California, available at, http://www.quake.ca.gov/gmaps/FAM/faultactivitymap.html, accessed on June 28, 2010.

[21] William Lettis & Associates, Inc., 2006, *Expected Fault Displacements along the BART Concord-Bay Point Line, Alameda and Contra Costa Counties, CA*, prepared for the Bay Area Rapid Transit District, page 35.

The second paragraph on page 4.5-11 of the Draft EIR is hereby amended as follows:

Landslides are the rapid movement of soil, rock, and rock debris down a slope. The risk for landslides usually increases when a number of factors are present. These factors include steep slopes where extensive grading or vegetation removal has occurred, weak or shallow soils, water saturation, and active earthquake faults. As shown in Figure 4.5-2, there are numerous areas in Lafayette that contain slopes exceeding 30 percent, including some areas within the Plan Area. However, the majority of the Plan Area, due to its relative flatness, is considered a "Least Susceptible Area," as mapped in the City's General Plan. The areas of the Plan Area containing steeper slopes are designated as susceptible areas, a small area in the northwest of the Plan Area is designated as "Most Susceptible Area," and a small area in the southeast of the Plan Area is designated as "Generally Susceptible Area."[24~~22~~]

~~24~~22 City of Lafayette, 2002, *Revised Draft Environmental Impact Report for Lafayette General Plan Revision*, page 54 and Figure 9.

Figure 4.5-2, on the following page, is hereby added to the Draft EIR following page 4.5-11.

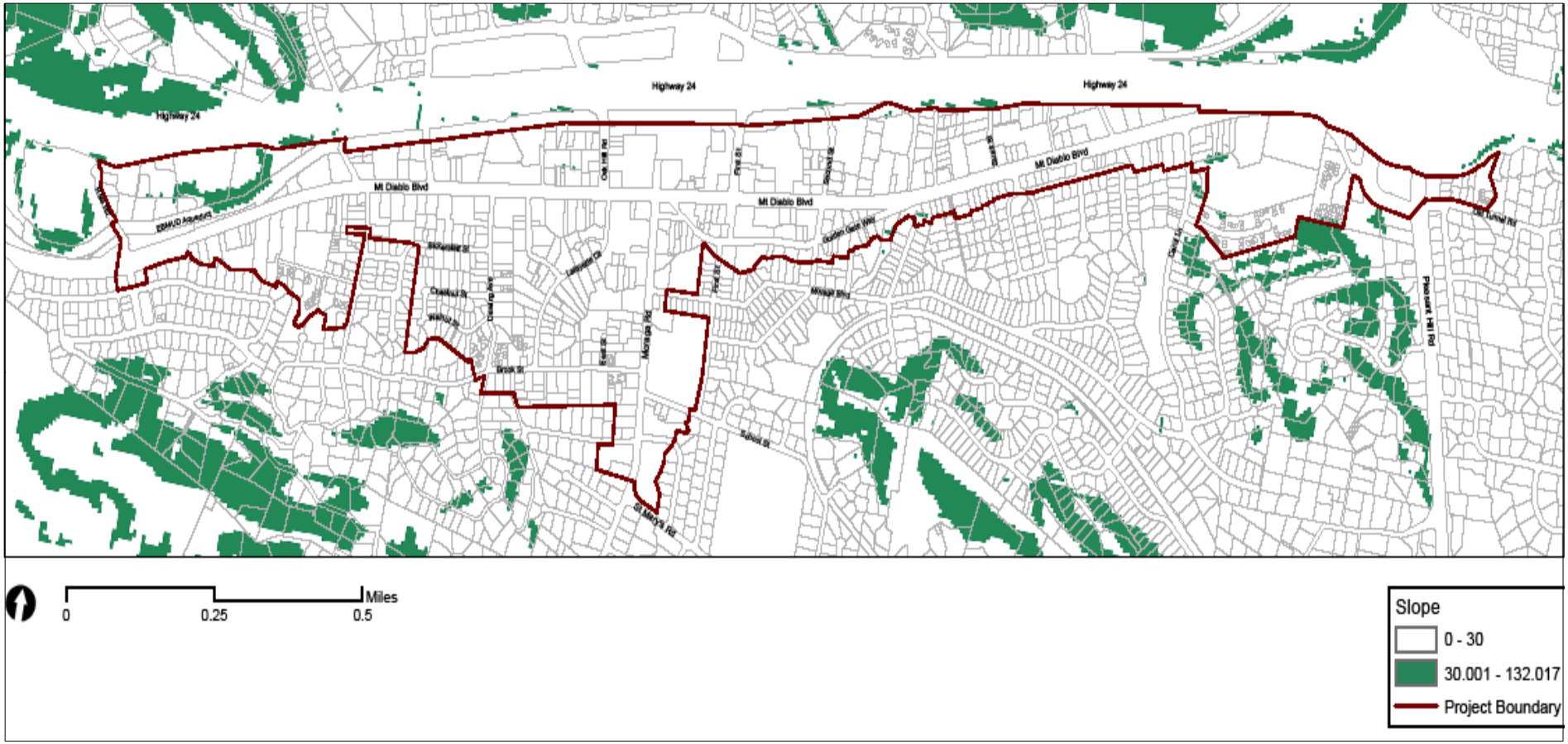
The last paragraph on page 4.5-11, continuing onto page 4.5-12, of the Draft EIR is hereby amended as follows:

Soil liquefaction is a phenomenon where saturated, cohesionless, loose soils experience a temporary, but essentially total, loss of shear strength when subjected to the reversing cyclic shear stresses caused by earthquake ground shaking. The degree of seismic risk is closely related to these ground conditions. Hazards can be reduced by avoiding development on the soils most prone to liquefaction and by designing building foundations and utilities to withstand liquefaction. In many cases, it is possible to evaluate the liquefaction potential of granular material, but this is not to infer that the consequences of liquefaction are easily evaluated. Mapping data published by the USGS indicates that approximately 93 acres, or 31 percent, of the Plan Area's 197 acres have a Very Low susceptibility to liquefaction, approximately 192 acres, or 65 percent, of the Plan Area has a Moderate susceptibility, and 12 acres, or 4 percent, has a Very High susceptibility.[26] Figure 4.5-3 shows the liquefaction susceptibility levels in the vicinity of the Plan Area. ~~According to the Geologic and Seismic Safety Element of the Lafayette General Plan, liquefiable soils are "possibly present" in the Plan Area along Mount Diablo Boulevard, between Dewing Avenue and Stuart Street, and throughout the southern areas of the Plan Area. In other areas of the Plan Area, liquefiable soils are classified as "probably absent" and "virtually none."~~[24]

[26] United States Geological Survey, Susceptibility Map of the San Francisco Bay Area, data available for download at http://geomaps.wr.usgs.gov/sfgeo/liquefaction/downloads.html, accessed on June 17, 2010.

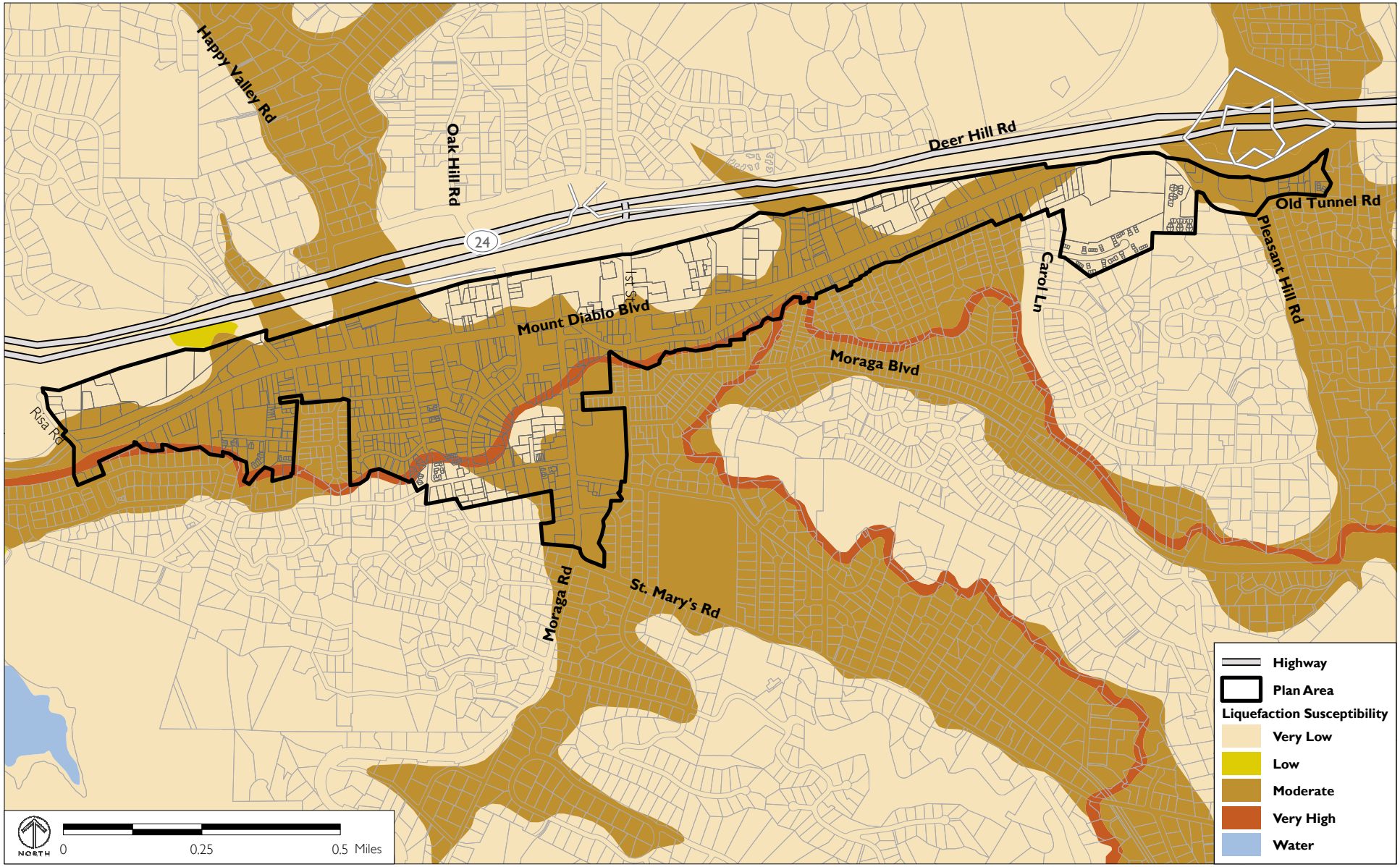
~~[24] City of Lafayette, 2002, Revised Draft Environmental Impact Report for Lafayette General Plan Revision, Figure 10: Liquefaction Potential Map.~~

Figure 4.5-3, on page 3-20, is hereby added to the Draft EIR following page 4.5-12.



Source: City of Lafayette.

FIGURE 4.5-2
SLOPES OVER 30 PERCENT IN THE PLAN AREA



Source: DC&E, 2010; City of Lafayette, 2009.

FIGURE 4.5-3

LIQUEFACTION SUSCEPTIBILITY IN THE PLAN AREA

The third sentence in the last paragraph on page 4.5-13 of the Draft EIR is hereby amended as follows:

~~N~~The City's General Plan states that none of the faults mapped within the City of Lafayette meet the requisite of being active or potentially active, defined as having recorded earth movement or displacement within the last 10,000 years.[27~~25~~] However, a 2006 report prepared for BART identified four faults in proximity to the Plan Area as potentially active.[28] ~~In addition, t~~The California Geological Survey does not include Lafayette on its list of cities that are affected by Alquist-Priolo Fault Zones~~.~~, and its *2010 Fault Activity Map of California* shows that known faults in proximity to the Plan Area have not moved for 1 million years or more.[29,30~~26~~] Nevertheless, due to the ~~shear~~ sheer number of faults in the region, the possibility of a rupture in the future exists. The City generally understands this risk and includes appropriate response measures in the General Plan. In particular, Policy S-2.1 requires that new development, including subdivisions, new construction, and remodels or expansions of existing structures, minimize exposure to seismic hazards through site planning and building design. Although there are no ~~existing active~~ fault lines or traces known to be active in Lafayette, the City's General Plan does consider the possibility that new information may be discovered in the future.

[25~~27~~] City of Lafayette, 2002, Lafayette General Plan, page VI-4.

[28] William Lettis & Associates, Inc., 2006, *Expected Fault Displacements along the BART Concord-Bay Point Line, Alameda and Contra Costa Counties, CA*, prepared for the Bay Area Rapid Transit District, page 35.

[26~~29~~] California Department of Conservation, 1999, Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1999, http://www.conservation.ca.gov/cgs/rghm/ap/Pages/affected.aspx, accessed on November 18, 2009.

[30] California Geological Survey, 2010 Fault Activity Map of California, available at, http://www.quake.ca.gov/gmaps/FAM/faultactivitymap.html, accessed on June 28, 2010.

The last sentence of the second paragraph on page 4.5-15 of the Draft EIR is hereby amended as follows:

As a result of these existing measures, the impacts of ground ~~shaking~~ failure are considered *less than significant*.

The last paragraph on page 4.5-15, continuing onto page 4.5-16, of the Draft EIR is hereby amended as follows:

Landslides are also a hazard during a seismic event. Although Lafayette contains many areas with slopes greater than 30 percent, where landsliding could reasonably be expected, ~~none~~ few of these sloped areas are within the Plan Area and the majority of the Plan Area is therefore not considered an area susceptible to landslides.[33][29] In addition to the generally flat landscape of the Plan Area, the very limited number of undeveloped parcels reduces any surface area which would be more likely to slide. This is due to the Plan Area's lack of slope and limited number of vacant parcels. Although limited areas of the Plan Area do contain slopes greater then 30 percent, where property is more susceptible to landslides, existing City policies and regulations minimize risks associated with possible landslides. Program S-1.1.3 of the General Plan requires repair, stabilization, or avoidance of landslides, of areas of soil creep, and of possible debris flow as a condition of project approval. The Plan also contains policies in its Natural Resources section, which can minimize seismic effects such as landslides or liquefaction. Policy NR-1.1 continues to implement the existing creek setback standards. Policy NR-3.1 continues the implementation of the Zoning Ordinance hillside protection provisions.[34][30] Therefore, ~~there is no~~ hazards due to landslides are expected to be minimal and there would be a *less-than-significant* impact.

The second bulleted item on page 4.6-3 of the Draft EIR is hereby amended as follows:

- **Office of Environmental Health Hazard Assessment.** The mission of the OEHHA is to protect and enhance public health and the environment by objective scientific evaluation of risks posed by hazardous substances. OEHHA is the State entity for the assessment of health risks posed by chemical contaminants in the environment. OEHHA is responsible for the Scientific Guidance Panel of the California Environmental Contaminant Biomonitoring Program, and works with the DTSC to develop the Toxics Information Clearinghouse for California Green Chemistry Initiative. OEHHA is responsible for implementing Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of

1986. 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. OEHHA guides schools to ensure that 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.

Figures 4.6-1 and 4.7-1 on pages 4.6-11 and 4.7-12, respectively, of the Draft EIR are hereby replaced with the figures on the following pages.

The last full paragraph on page 4.7-9 is hereby amended as follows:

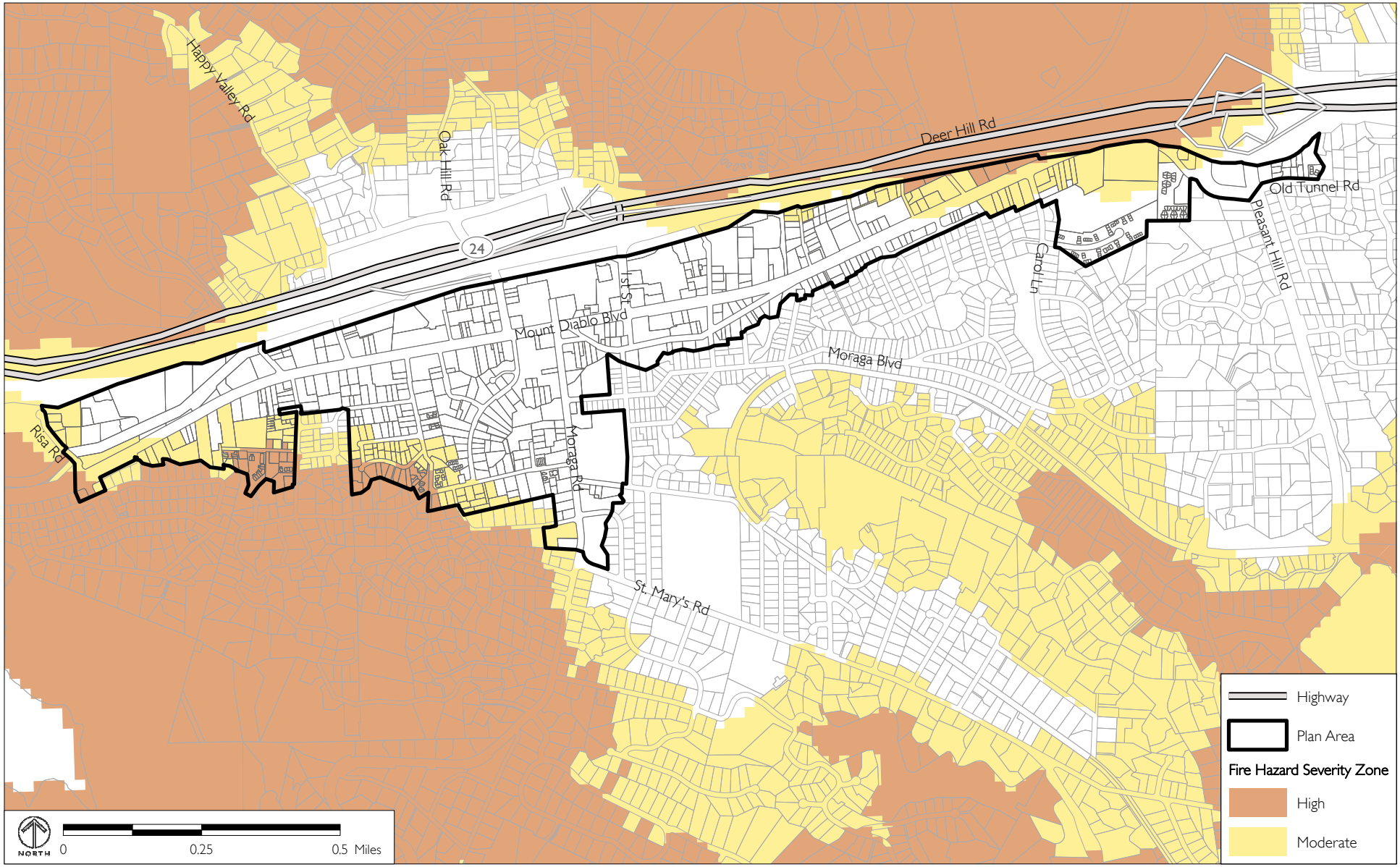
Lafayette is drained by a series of six major creeks, which flow into Las Trampas Creek, carrying runoff eastward toward Walnut Creek.[5] Las Trampas Creek and its tributaries drain a watershed encompassing an area of approximately 20 square miles.[6] Las Trampas Creek begins at an elevation of 1,000 feet at the confluence of two intermittent streams and ends at an elevation of about 120 feet as it joins Tice Creek to form Walnut Creek. Lafayette Creek, which flows through the Plan Area from west to east, is a tributary of Las Trampas Creek.

[5] City of Lafayette, 2002, *Revised Draft Environmental Impact Report for Lafayette General Plan Revision*.

[6] An atlas of Contra Costa County Watersheds, including a map of Las Trampas Creek watershed, is available online at: http://ccwf.watershedportal.net/Watershed%20 Atlas/Watershed%20Atlas.pdf.

The last sentence on page 4.7-10 of the Draft EIR is hereby amended as follows:

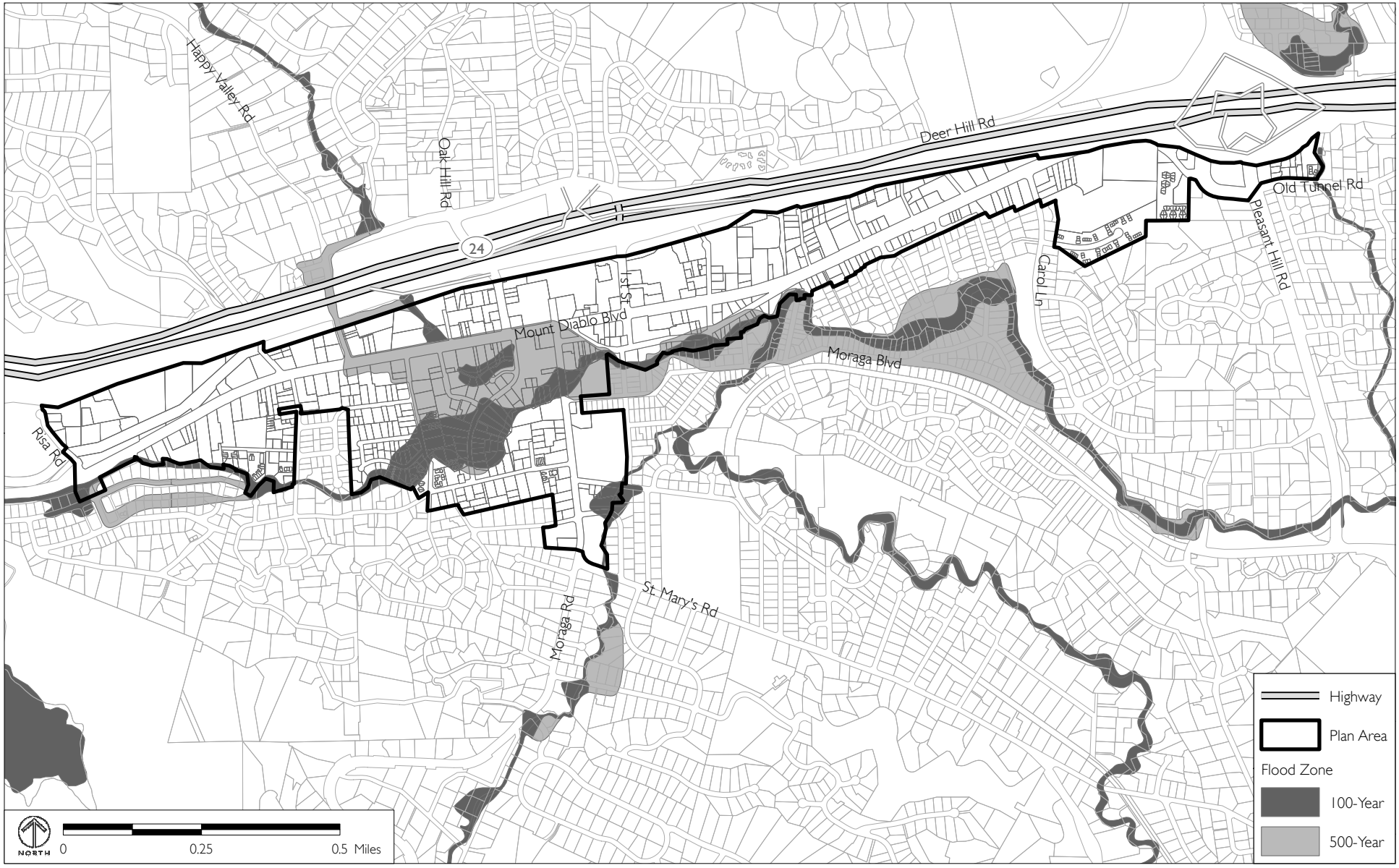
The City of Lafayette is not located over any significant groundwater basin as identified by the San Francisco Regional Water Quality Control Board.



Source: DC&E, City of Lafayette, 2009; CALFIRE, 2007

FIGURE 4.6-1

FIRE HAZARD SEVERITY ZONES, LOCAL RESPONSIBILITY AREA



Source: DC&E, City of Lafayette, FEMA, 2009

FIGURE 4.7-1
AREAS OF SPECIAL FLOOD HAZARD

Figure 4.7-2 on page 4.7-13 of the Draft EIR is hereby replaced with the figure on the following page.

The following text is hereby inserted ahead of the first full paragraph on page 4.7-14:

EBMUD completed a seismic evaluation of the Lafayette Aqueducts in 1996 and concluded that the system would remain functional in the event of the MCE. Additionally, EBMUD has a detailed Emergency Action Plan that outlines a plan for responding to emergencies and natural disasters such as earthquakes. In the event of an emergency, EBMUD's Emergency Operations Team (EOT) would respond to the emergency and perform repairs. EOT would notify local officials and law enforcement, who in turn would notify residents of any potential impacts, such as the unlikely event of an evacuation.

The last sentence starting on the bottom of page 4.7-17 of the Draft EIR is hereby amended as follows:

SWRCB Permits apply to dischargers whose projects disturb 1 or more acres of soil, of which there would likely be ~~none~~ few in the Plan Area.

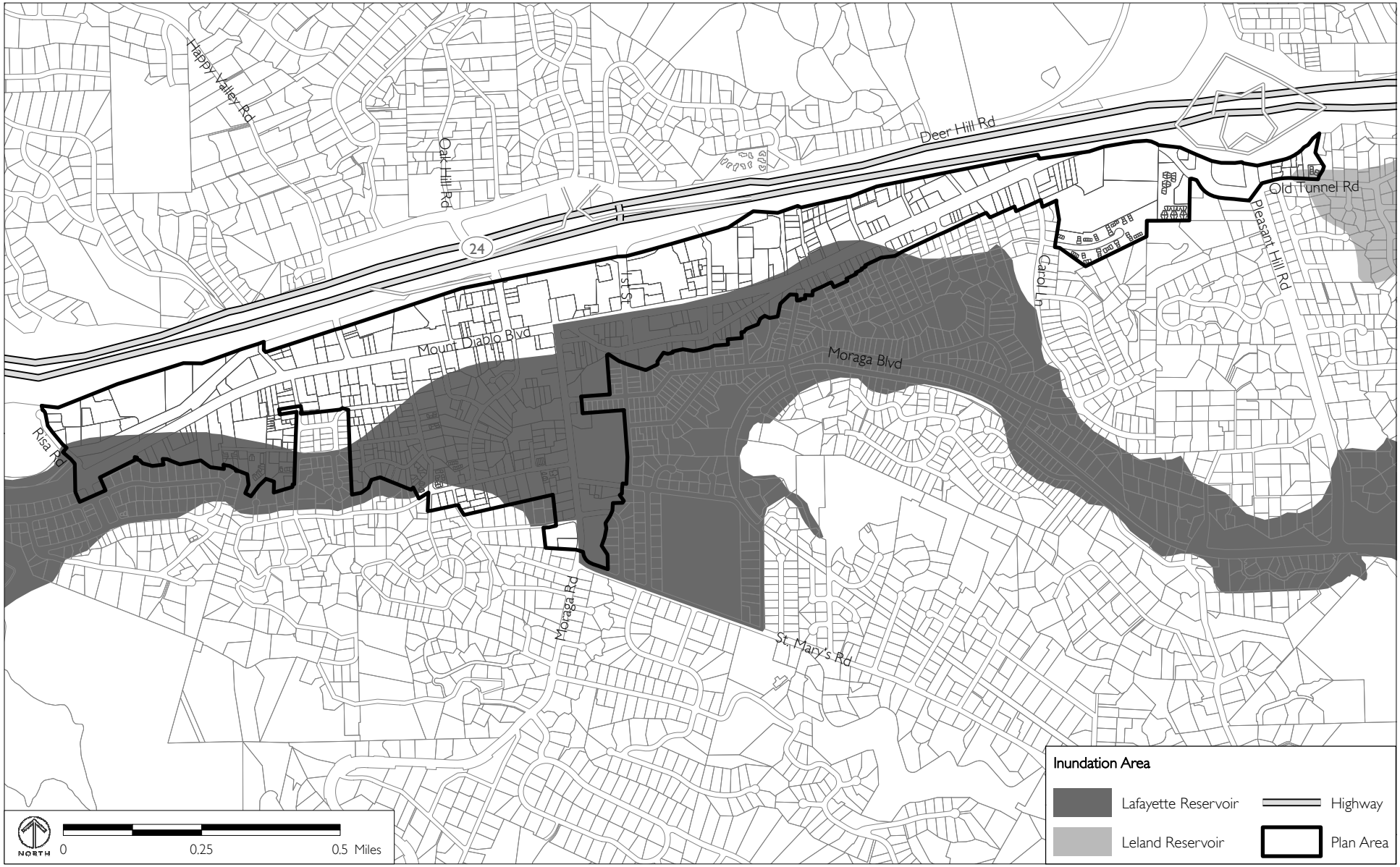
The third sentence of the first full paragraph on page 4.7-22 of the Draft EIR is hereby amended as follows:

Lafayette Creek Setback Requirements, described above, protect buildings and structures bordering unimproved creek channels from damage due to ~~mudslides~~ earth slumps.

Figures 4.8-1 and 4.8-2, on pages 4.8-2 and 4.8-5, respectively, of the Draft EIR are hereby replaced with the figures on page 3-28 and 3-29.

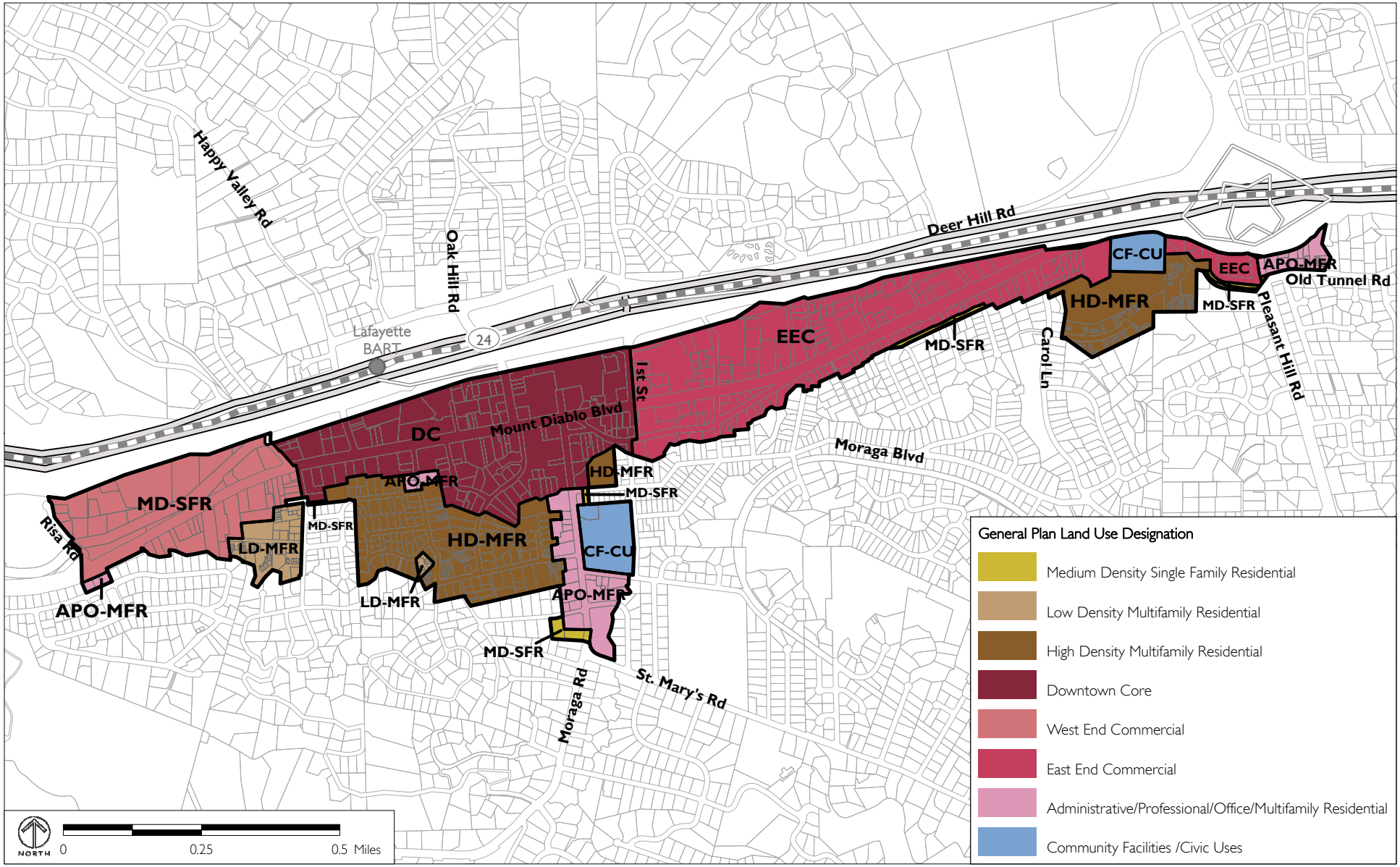
The second paragraph on page 4.8-6 of the Draft EIR is hereby amended as follows:

~~Golden Gate Way~~ The eastern portion of the Plan Area contains the city's largest concentration of auto related and light industrial uses. Golden Gate Way ~~also~~ contains older vertical mixed-use development with ground-floor office uses and some heavier commercial, and upper floor residential uses.



Source: DC&E, City of Lafayette

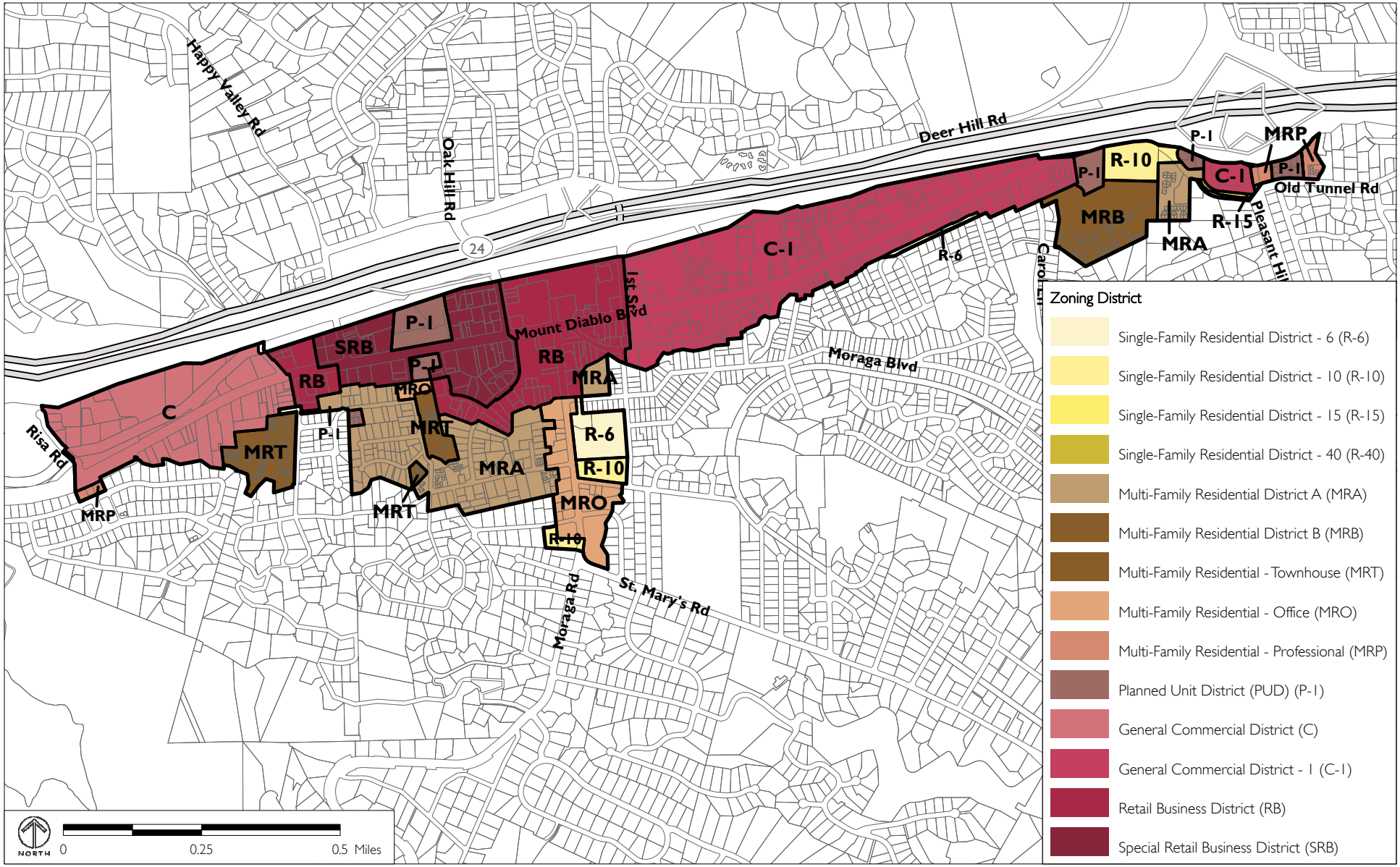
FIGURE 4.7-2
DAM INUNDATION AREAS



Source: DC&E, City of Lafayette

Bay Area Rapid Transit (BART)
Highway
Parcels
Plan Area

FIGURE 4.8-1
GENERAL PLAN LAND USE DESIGNATIONS



Source: DC&E, City of Lafayette

FIGURE 4.8-2
ZONING

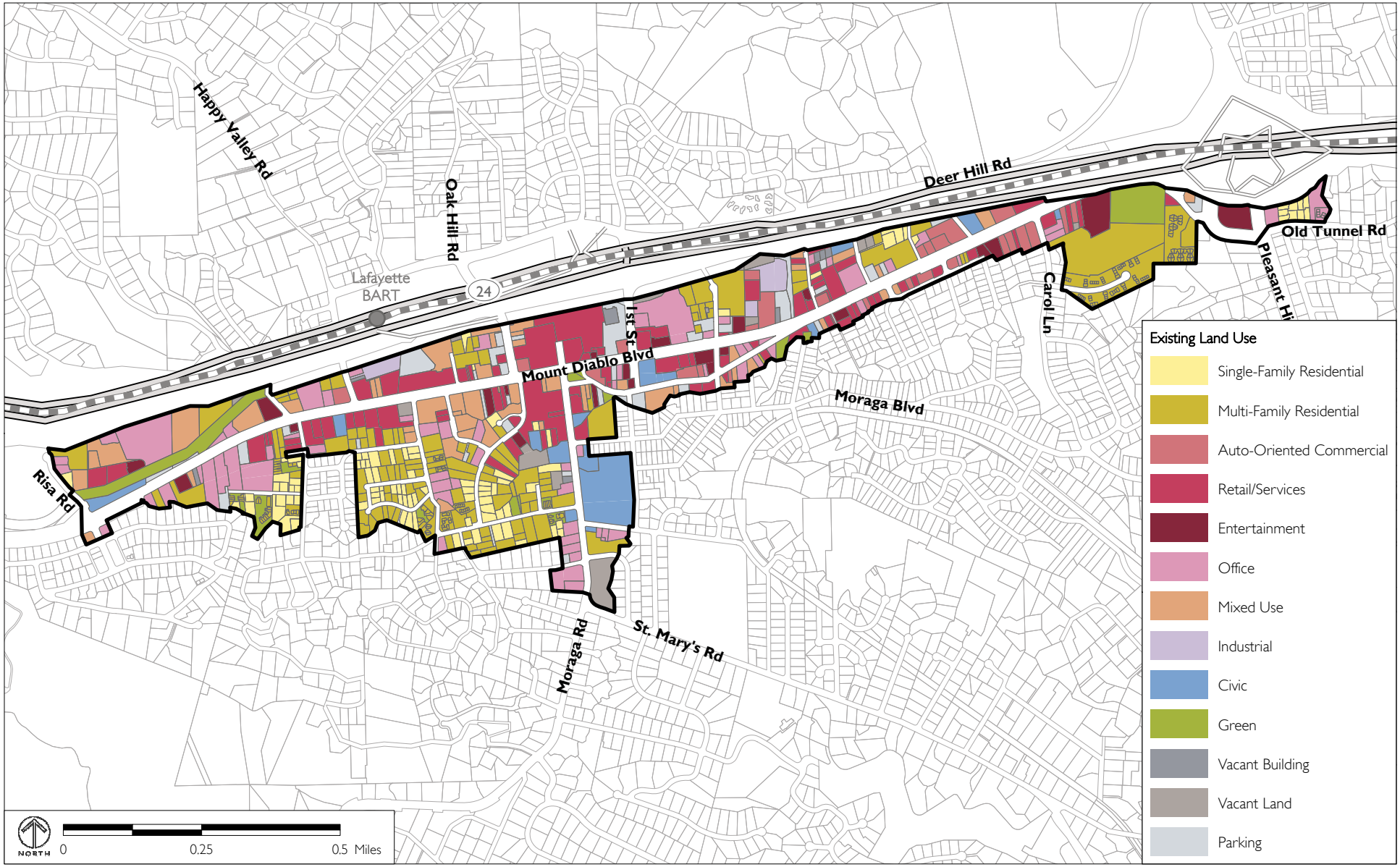
Figure 4.8-3 on page 4.8-8 of the Draft EIR is hereby replaced with the figure on the following page.

Table 4.9-2 on page 4.9-4 of the Draft EIR is hereby amended as shown below:

TABLE 4.9-2 **TYPICAL SOUND LEVELS**

Outdoor Sound (distance from source)	DBA	Indoor Sound	Threshold
	140		
Civil Defense Siren (100')	130		
Jet Takeoff (200')	120		Pain Threshold
	110		
Diesel Pile Driver (100')	100	Rock Music Concert	Very Loud
	90	Boiler Room Printing Press Plant	
Freight Cars (50')	80		
Freeway (100') Vacuum Cleaner (10')	70	In Kitchen With Garbage Disposal Running	Moderately Loud
~~Freeway (100')~~ ~~Vacuum Cleaner (10')~~	60	Data Processing Center	
Light Traffic (100') Large Transformer (200')	50	Department Store	
	40	Private Business Office	
Soft Whisper (5')	30	Quiet Bedroom	Quiet
	20		
	10	Recording Studio	
	0		Threshold of Hearing

Source: Illingworth & Rodkin, 2009.



Source: DC&E, City of Lafayette

Bay Area Rapid Transit (BART)
Highway
Parcels
Plan Area

FIGURE 4.8-3
PLAN AREA EXISTING LAND USE

The first two sentences of the Impact NOI-1 description on page 4.9-31 of the Draft EIR are hereby amended as follows:

Impact NOI-1: Future residential units throughout ~~in~~ the Plan Area may be exposed to outdoor noise levels in excess of 55 dBA Ldn and indoor levels in excess of 45 dBA Ldn. Future commercial uses along Mount Diablo Boulevard and adjacent to Highway 24 may be exposed to outdoor noise levels in excess of 70 dBA Ldn.

Mitigation Measure NOI-1a on page 4.9-31, continuing onto page 4.9-32, of the Draft EIR is hereby amended as follows:

Mitigation Measure NOI-1a: In areas where new residential development would be exposed to an Ldn of greater than 55 dBA, site-specific noise studies should be conducted to determine the area of impact and to present appropriate mitigation measures to achieve 40-45 dBA interior noise levels, which may include the following:

- Utilize site planning to minimize noise in shared residential outdoor activity areas by locating the areas behind the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible.
- Provide mechanical ventilation satisfactory to the City in all residential units proposed along roadways or in areas where noise levels could exceed 60 dBA Ldn so that windows can remain closed at the choice of the occupants to maintain interior noise levels below 45 dBA Ldn. At senior housing and residential care facilities the allowable interior noise level shall be below 40 dBA Ldn.
- Install sound-rated windows and construction methods to provide the requisite noise control for residential units proposed along roadways or in areas where noise levels could exceed 70 dBA Ldn.
- A project sponsor shall be responsible for conducting site specific noise studies and shall be required to implement identified mitigation measures in the project design as a Condition of Approval for the project.

Mitigation Measure NOI-1b on page 4.9-32 of the Draft EIR is hereby amended as follows:

Mitigation Measure NOI-1b: Require partial height (typically 3 to 4 feet high) sound barriers or structures at noise sensitive outdoor commercial uses (e.g. outdoor dining) within 100 feet of Mount Diablo Boulevard, Moraga Road, or the State Route 24 to protect these uses from high roadway noise levels ~~be shielded by sound barriers or structures~~. Mechanical ventilation ~~should~~ shall be provided in all noise sensitive commercial uses (e.g. offices) adjoining Mount Diablo Boulevard, Moraga Road, or State Route 24. Sound-rated windows and construction methods may also be necessary if noise sensitive indoor uses are proposed in these areas.

The third sentence of Mitigation Measure NOI-1c on page 4.9-32 of the Draft EIR is hereby amended as follows:

In areas where new residential development would be located adjacent to noise generating uses, site-specific noise studies ~~should~~ shall be conducted to determine the area of impact and to present appropriate mitigation measures, which would include the measures recommended in Mitigation Measure NOI-1a.

The first sentence of Mitigation Measure NOI-4b on page 4.9-35 of the Draft EIR is hereby amended as follows:

Mitigation Measure NOI-4b: In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures ~~that~~ to achieve 0.08 in/sec PPV for historic structures and 0.20 in/sec PPV for all other buildings. Mitigation measures may include the following:

Table 4.11-1 on page 4.11-2, continuing onto page 4.11-3, of the Draft EIR is hereby amended as follows:

TABLE 4.11-1 **GENERAL PLAN POLICIES RELEVANT TO FIRE PROTECTION AND EMERGENCY MEDICAL RESPONSE**

Goal/Policy Number	Goal/Policy Content
Land Use Element	
Goal LU-19	*Maintain the existing infrastructure essential to the public health and safety of the community.*
Policy LU-19.2	Finance Capital Improvements: Provide public facilities to meet the needs generated by new development within Lafayette through continued planning and budgeting for public facilities and coordination with other agencies for public services the City does not provide.
Program LU-19.2.4	Require new developments to pay their "fair share" of capital improvements and the cost of public services to maintain adequate levels of service. New development that creates incremental demand that exceeds the capacity of existing infrastructure shall be considered only through the development agreement process.
Program LU-19.2.5	Maintain development and mitigation fees at a level adequate to finance infrastructure costs. Periodically review the City's fee structure to determine that it accurately reflects the actual cost of providing services, and recommend the appropriate revisions to the City Council. Adequate public facilities and services should be provided for new development, either through a development agreement or payment of a "fair share" of providing such facilities. In order to make reasonable provision for new facilities, the City of Lafayette shall establish public facility impact fees in cooperation with applicable districts. Impact fees may vary by location, according to the cost of improvements needed in the vicinity and the proportional share of the cost to be applied to the development. Such fees will be established consistent with State law to implement the goals and policies of the General Plan, and may include charges for drainage improvements, traffic and roadway improvements and other capital improvements such as parks, trails and public facilities.
Goal LU-20	*Match the demand for public facilities and infrastructure generated by new development with the capacity of existing facilities, capital improvement programs and development mitigation programs.*

Goal/Policy Number	Goal/Policy Content
Policy LU-20.4	Fire: Review all development projects for their impacts on standards for fire service specified in the General Plan: fire stations three miles apart in urban areas, six miles apart in rural areas, with a five-minute response time. Require fair share payments and/or mitigation measures to ensure that these standards or their equivalent are maintained.
Program LU-20.4.1	Work with the Contra Costa County Fire Protection District to improve fire prevention and protection services.
Safety Element	
Goal S-4	*Minimize risks to Lafayette residents and property from fire hazards.*
Policy S-4.1	Adequate Fire Protection: Enforce regulations and standards which contribute to adequate fire protection.
Program S-4.1.1	Improve access and response time of emergency response vehicles.
Program S-4.1.2	Ensure that new traffic signals include an EMTRC system which allows emergency vehicles to change the signal.
Program S-4.1.3	Encourage the Contra Costa County Fire Protection District including paramedic services to improve its response time and fire flow for Lafayette, particularly in the urban wild land fire interface zones. The location of fire stations should strive for a five-minute response time.
Program S-4.1.4	Restrict parking on narrow roads to allow access by emergency vehicles and to facilitate evacuation.
Program S-4.1.5	Require development that includes private access roads or fire roads to provide access rights and keys to all gates to the Contra Costa County Fire Protection District.
Program S-4.1.6	Work with East Bay Municipal Utility District and the Contra Costa County Fire Protection District to ensure that there exists sufficient water flow in fire hydrants throughout Lafayette. The current standard adopted by the City is a minimum of 1,000 gallons per minute with 20 pounds per square inch residual pressure for residential areas. The commercial areas shall conform to the fire flow requirements as set forth by the California Fire Code.
Policy S-4.2	Reducing Fire Risk From Development: Take measures to reduce fire risks from new and existing development as well as natural fire hazards.
Program S-4.2.1	Work with the Contra Costa County Fire Protection District to evaluate development proposals, enforce the fire code, and improve fire prevention measures and protection services.

Goal/Policy Number	Goal/Policy Content
Program S-4.2.2	Implement the City's land use regulations for building materials with emphasis on fire-retardant roofs and exterior vegetation control.
Program S-4.2.5	Permit new development only where there is adequate fire flow and adequate emergency vehicular access.
Program S-4.2.6	Establish buffer areas for buildings in high fire risk areas. Buffers can include site planning techniques, vegetation management plans and defensible space. Defensible space refers to a buffer area around buildings which is cleared of highly combustible vegetation and which is readily accessible by fire fighting equipment.
Program S-4.2.7	Enforce the Fire Safety Ordinance requiring sprinkler systems for new residential development more than 1.5 miles from a fire station or beyond the 3-minute response time.
Policy S-4.3	Development and Mitigation Fees: Maintain development and mitigation fees at a level to adequately finance fire protection costs.
Program S-4.3.1	Periodically assess fees for fire protection to ensure that existing and new development pay its fair share of the cost of fire protection facilities, personnel and maintenance.
Policy S-4.4	Mutual Aid Agreements: Participate in mutual aid agreements with the County and State fire fighting agencies.

Source: Lafayette General Plan, 2002, http://www.ci.lafayette.ca.us, accessed on October 27, 2009.

The first full sentence on page 4.11-6 of the Draft EIR is hereby amended as follows:

Additionally, expansion of existing facilities or construction of new facilities would be subject to CEQA review as well as to applicable federal, State, and local regulations~~the provisions of the General Plan and regulations adopted as part of the Municipal Code~~, thereby minimizing potential environmental impacts to the delivery of fire and emergency services.

Table 4.11-3 on page 4.11-12 of the Draft EIR is hereby amended as follows:

TABLE 4.11-3 **GENERAL PLAN POLICIES RELEVANT TO SCHOOLS**

Goal/Policy Number	Goal/Policy Content
Land Use Element	
Goal LU-19	*Maintain the existing infrastructure essential to the public health and safety of the community.*
Policy LU-19.2	Finance Capital Improvements: Provide public facilities to meet the needs generated by new development within Lafayette through continued planning and budgeting for public facilities and coordination with other agencies for public services the City does not provide.
Program LU-19.2.4	Require new developments to pay their "fair share" of capital improvements and the cost of public services to maintain adequate levels of service. New development that creates incremental demand that exceeds the capacity of existing infrastructure shall be considered only through the development agreement process.
Program LU-19.2.5	Maintain development and mitigation fees at a level adequate to finance infrastructure costs. Periodically review the City's fee structure to determine that it accurately reflects the actual cost of providing services, and recommend the appropriate revisions to the City Council. Adequate public facilities and services should be provided for new development, either through a development agreement or payment of a "fair share" of providing such facilities. In order to make reasonable provision for new facilities, the City of Lafayette shall establish public facility impact fees in cooperation with applicable districts. Impact fees may vary by location, according to the cost of improvements needed in the vicinity and the proportional share of the cost to be applied to the development. Such fees will be established consistent with State law to implement the goals and policies of the General Plan, and may include charges for drainage improvements, traffic and roadway improvements and other capital improvements such as parks, trails and public facilities.
Goal LU-20	*Match the demand for public facilities and infrastructure generated by new development with the capacity of existing facilities, capital improvement programs and development mitigation programs.*

Goal/Policy Number	Goal/Policy Content
Policy LU-20.2	Schools: Coordinate planning with the Lafayette School District and the Acalanes Union High School District so that Lafayette's school-aged children are well-served by the school system.
Program LU-20.2.1	Maintain close communications with the school district on development review and land use issues.
Program LU-20.2.2	To the degree allowed by State law, the City will require up to the maximum mitigation allowable for new development if the Districts can show in writing that developer mitigation fees are insufficient to provide adequate school housing and facilities.

Source: Lafayette General Plan, 2002, available at http://www.ci.lafayette.ca.us, accessed on October 27, 2009.

The first full paragraph on page 4.11-16 of the Draft EIR is hereby amended as follows:

This cumulative analysis considers the Plan in the context of the 2002 General Plan, which takes into account the entire incorporated area of Lafayette, including the Plan Area. Outside the Plan Area, residential growth will be predominantly low-density, single-family units in line with the projections from the 2002 General Plan. In the Plan Area however, as discussed above, buildout of the plan would result in residential growth in excess of that anticipated by the General Plan. The excess growth would come incrementally over the course of 20 years, however, and Mitigation Measure PS-2, described below, would ensure that adequate funds are available to finance the construction or expansion of school facilities required to accommodate increased enrollment. Additionally, expansion of existing facilities or construction of new facilities would be subject to CEQA review as well as to applicable federal, State, and local regulations~~the provisions of the General Plan and regulations adopted as part of the Municipal Code~~, thereby minimizing potential environmental impacts. As a result, the Plan would have a *less-than-significant* cumulative impact on schools.

Mitigation Measure PS-1 on page 4.11-6 of the Draft EIR is hereby amended as follows:

Mitigation Measure PS-1: In compliance with California Government Code Section 66000 et seq., the City will work with the CCCFPD to determine if impact fees are required and develop a nexus study to calculate and assess ~~an impact~~ the fee on new commercial and residential development in the Plan Area, as appropriate. This impact fee will be sufficient to accommodate new development without further compromising the delivery of fire services in the Plan Area.

The third paragraph on page 4.11-11 of the Draft EIR is hereby amended as follows:

The Plan Area is served by the Lafayette School District (LAFSD) and the Acalanes Union High School District (AUHSD). Public school enrollment trends for the school districts from 1998 to 2007 are shown in Table 4.11-4. ~~As shown in the table, there has been a net increase in enrollment since 1998, although enrollment has largely decreased since 2004.~~ Current enrollment at Lafayette School District schools is down from the 1999-2000 school year level, and there are currently 348 seats available in Lafayette School District schools to accommodate increased student enrollment. The Lafayette School District enrollment for the 2009-2010 school year is 3,197 students.[14]

[14] Brill, Fred. Superintendent, Lafayette School District. Letter to the City of Lafayette. March 9, 2010.

The last paragraph on page 4.11-15 of the Draft EIR is hereby amended as follows:

As discussed above, Acalanes High School is not currently experiencing capacity constraints. As current enrollment at Lafayette School District schools is down from the 1999-2000 school year level, there are currently 348 seats available to accommodate increased student enrollment; however, as noted above, several schools in the Lafayette School District are already using portable and modular classroom buildings to accommodate enrollment. The Lafayette School District enrollment for the 2009-2010 school year is 3,197 students.

Mitigation Measure PS-2 on page 4.11-16 of the Draft EIR is hereby amended as follows:

Mitigation Measure PS-2: In compliance with California Government Code Section 66000 et seq., the City will work with the school districts to determine if impact fees are required and develop a nexus study to calculate and assess ~~an impact~~ the fee on new residential development in the Plan Area, as appropriate. This impact fee will be sufficient to allow for construction or expansion of school facilities as required to accommodate increased enrollment resulting from buildout of the Plan.

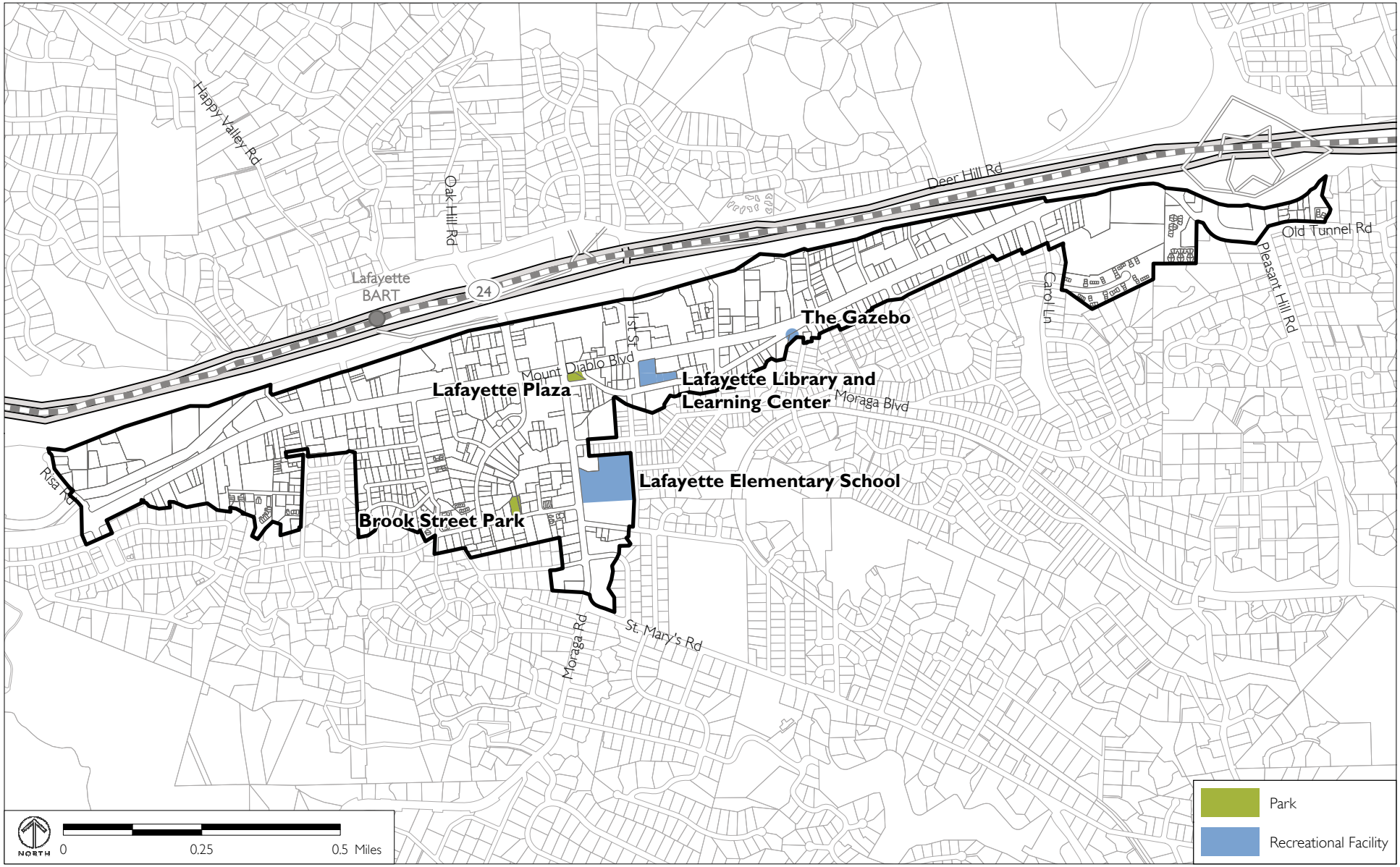
Figure 4.11-1 on page 4.11-21 of the Draft EIR is hereby replaced with the figure on the following page.

The following sub-section is hereby inserted into the Draft EIR before the first full paragraph on page 4.12-14:

d. Performance Monitoring and Emergency Response

EBMUD monitors the performance of the water treatment and distribution system using remote monitoring and control systems. The information is observed 24 hours a day, seven days a week at EBMUD's Operations Control Center and water treatment plants. If a major flow discrepancy were detected, EBMUD personnel would shut off the impacted area of the system. Depending on the severity of the damage, water would continue to be available to area residents from water treatment plants and local storage reservoirs.

EBMUD has a detailed Emergency Action Plan that outlines a plan for responding to emergencies and natural disasters such as earthquakes. In the event of an emergency, EBMUD's Emergency Operations Team (EOT) would respond to the emergency and perform repairs. EOT would notify local officials and law enforcement, who in turn would notify residents of any potential impacts, such as the unlikely event of an evacuation.



Source: DC&E, City of Lafayette

Bay Area Rapid Transit (BART)
Highway
Parcels
Plan Area

FIGURE 4.11-1

EXISTING PARKS AND RECREATIONAL FACILITIES IN THE PLAN AREA

The last sentence on page 4.13-3 of the Draft EIR is hereby amended as follows:

The State of California Department of Transportation (Caltrans) controls the design, operation, and maintenance of freeways and State highways, including intersections and traffic signals at on- and off-ramps in Lafayette.

Table 4.13-1 on page 4.13-3 of the Draft EIR is hereby amended as follows:

TABLE 4.13-1 **SIGNALIZED INTERSECTION LEVEL OF SERVICE CRITERIA**

LOS	Description	Average Control Delay (Seconds)
A	Free flow/non-congested operation. Turning movements are easily made and all queues clear in a single signal cycle.	≤ 10.0
B	Stable operation/minimal delays. An occasional approach phase is fully utilized. Drivers begin to feel somewhat restricted within platoons of vehicles.	> 10.0 to 20.0
C	Stable operation/acceptable delays. Major approach phases fully utilized. Backups may develop behind turning vehicles.	> 20.0 to 35.0
D	Approaching unstable operation/tolerable delays. Drivers may have to wait through more than one red signal indication. Queues may develop but dissipate rapidly, without excessive delays.	"Good" D: > 35.0 to 45.0 "Poor" D: > 45.0 to 55.0 ~~> 35.0 to 55.0~~
E	Unstable operation/significant delays. Volumes at or near capacity. Vehicles may wait through several signal cycles. Long queues form upstream of intersection.	> 55.0 to 80.0
F	Forced flow/excessive delays. Represents jammed conditions. Traffic demand exceeds the capacity. Queues may block upstream intersection.	> 80.0

Source: Transportation Research Board, 2000, *Highway Capacity Manual*; 2002 City of Lafayette General Plan.

The last paragraph on page 4.13-4 of the Draft EIR is hereby amended as follows:

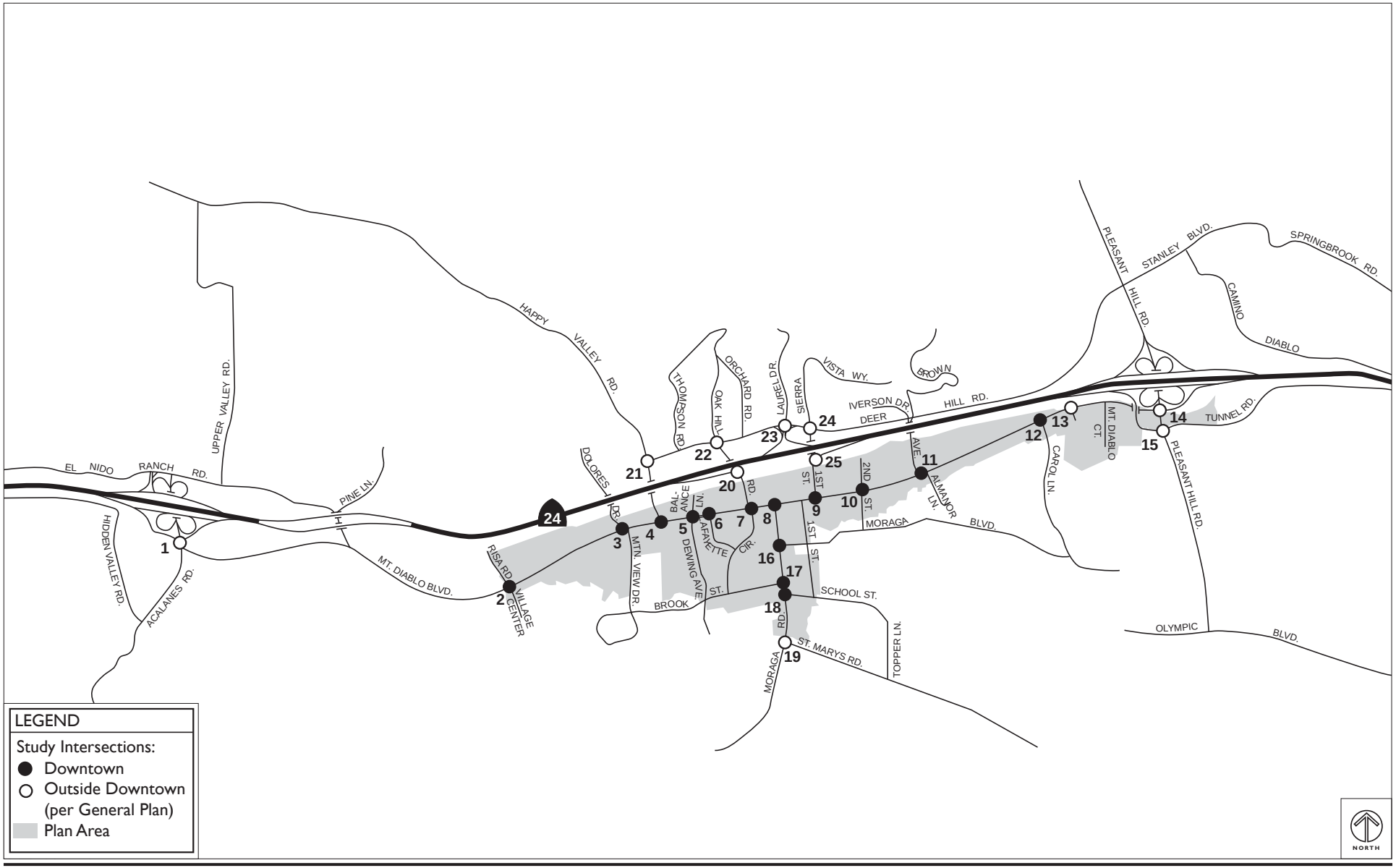
The Revised Draft Lamorinda Action Plan Update (DKS Associates, December, 2009) and the 2009 Countywide Comprehensive Transportation Plan (adopted June 17, 2009) establish Multimodal Traffic Service Objectives (MTSOs) for CCTA-designated Routes of Regional Significance ~~routes of regional significance~~ in Lamorinda. An MTSO used to measure freeway and arterial operations is peak hour Delay Index, which is defined as the ratio of peak period travel time to off-peak period travel time on each roadway segment. For example, a Delay Index of 2.0 means that it takes twice as long to travel a particular segment during the peak commute hour than during non-commute hours when traffic moves at free-flow speeds.

Figure 4.13-1 on page 4.13-6 of the Draft EIR is hereby replaced with the figure on the following page.

The first several paragraphs under the heading "a. Plan Area Roadway Network" on pages 4.13-7 to 4.13-8 of the Draft EIR are hereby amended as follows:

a. Plan Area Roadway Network

Regional roadway access to downtown Lafayette is provided by connections to State Route 24, by way of Acalanes Road, Oak Hill Road, First Street, Deer Hill Road, Pleasant Hill Road, and Mount Diablo Boulevard. State Route 24 and Pleasant Hill Road north of State Route 24 are designated by the Contra Costa Transportation Authority (CCTA) as Routes of Regional Significance. ~~considered to be routes of regional significance.~~ Within downtown Lafayette, access to the Plan Area at the local level is provided by a series of arterials, collectors, local streets, and major driveways connecting with Mount Diablo Boulevard, which runs through the entire length of the Plan Area. Another significant component of the roadway network is Moraga Road, which extends south from Mount Diablo Boulevard to the Town of Moraga, and provides local access in the Plan Area by way of connections with collector and local streets and driveways. Downtown Lafayette includes



Source: TJKM

FIGURE 4.13-1

STUDY AREA ROADWAYS AND INTERSECTIONS

retail, restaurant, office, and other commercial uses; civic uses; transit facilities; schools; and residential neighborhoods all within walking distance of the Plan Area.

The existing circulation network within the study area is composed of a State highway, as well as City arterials, collectors, and local streets. Primary roadways within the study area include the following:

- **State Route 24** is an east-west freeway that runs parallel to the north edge of the Plan Area, connecting Interstate 680 in Walnut Creek with Interstate 980 and Interstate 880 in Oakland, via the Caldecott Tunnel. The freeway is an eight-lane, divided facility with BART tracks running along the median, including a BART station platform in downtown Lafayette. State Route 24 carries about 160,000 vehicles per day through ~~downtown~~ Lafayette, according to Caltrans data for year 2008. State Route 24 is a CCTA-designated Route of Regional Significance ~~route of regional significance~~.
- **Mount Diablo Boulevard** is an east-west arterial street with two lanes in each direction and with sections of a center left turn lane and sections with dedicated left turn lanes and medians, which extends from Acalanes Road on the west to Pleasant Hill Road on the east, providing access through the entire length of downtown Lafayette. Between Oak Hill Road and First Street, the number of eastbound travel lanes increases to three lanes. At its easterly and westerly ends, Mount Diablo Boulevard connects with State Route 24 freeway ramps.
- **Moraga Road** is an arterial that runs north-south through the downtown area, connecting Mount Diablo Boulevard on the north with southern Lafayette and the Town of Moraga to the south. Moraga Road is four lanes north of St. Mary's Road and narrows to two lanes south of St. Mary's Road.
- **Pleasant Hill Road** is a four-lane arterial that runs north-south and connects with State Route 24 at a full interchange on the east end of the study area. It connects Mount Diablo Boulevard with Olympic Blvd to the south and the City of Pleasant Hill and northeasterly areas of Lafay-

ette to the north. Pleasant Hill Road is a CCTA-designated Route of Regional Significance ~~route of regional significance~~ north of State Route 24.

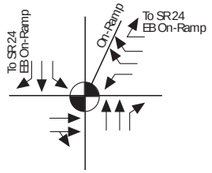
- **First Street** is a four-lane arterial between Mount Diablo Boulevard and Deer Hill Road that runs north-south and connects to State Route 24 with an eastbound freeway on-ramp. First Street narrows to two lanes south of Mount Diablo Boulevard, where it runs adjacent to the recently opened Lafayette Library and Learning Center. South of Golden Gate Way, it becomes a one-lane one-way southbound roadway that ends at School Street.
- **Oak Hill Road** is a four-lane arterial that runs north-south between Mount Diablo Boulevard and Deer Hill Road and connects to State Route 24 at an eastbound freeway off-ramp. Oak Hill Road terminates at the signalized intersection with Mount Diablo Boulevard and Lafayette Circle (east), a two-lane north- south collector that continues south of the intersection and provides local access. North of Deer Hill Road, Oak Hill Road is a two-lane road that provides local access.

Figures 4.13-2, 4.13-3, and 4.13-4 on pages 4.13-11, 4.13-13, and 4.13-27, respectively, of the Draft EIR are hereby replaced with the figures on pages 3-47, 3-49, and 3-51.

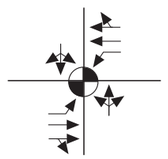
The last paragraph on page 4.13-30 of the Draft EIR is hereby amended as follows:

For the CCTA-designated Routes of Regional Significance ~~routes of regional significance~~, the CCTA traffic model was used for 2030 forecasts, assuming buildout of the Lafayette General Plan. Delay Indexes on State Route 24 and Pleasant Hill Road north of State Route 24 during the AM and PM peak hours were determined for the Cumulative No Project scenario. The Delay Index measures travel congestion and is expressed as the ratio of time required to travel between two points during the peak hour (the congested travel time) versus the time required during uncongested off-peak times. A Delay Index of 2.0, which is the acceptable standard of significance for State Route 24 and Pleasant Hill Road north of State Route 24, means that congested travel time is twice as long as during an off-peak travel time. The travel times on State

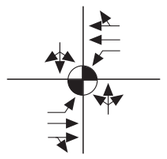
Intersection #1
Mt. Diablo Blvd./Acalanes Rd./
SR 24 EB Ramps



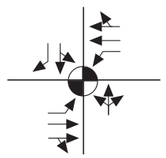
Intersection #2
Mt. Diablo Blvd./Risa Rd./Village Center



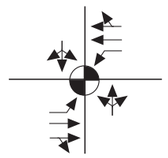
Intersection #3
Mt. Diablo Blvd./Dolores Dr./Mtn.View Dr.



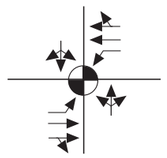
Intersection #4
Mt. Diablo Blvd./Happy Valley Rd.



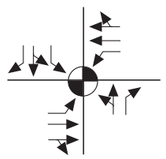
Intersection #5
Mt. Diablo Blvd./Dewing Ave.



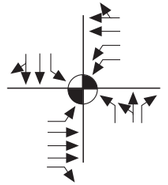
Intersection #6
Mt. Diablo Blvd./Lafayette Cir. (W)



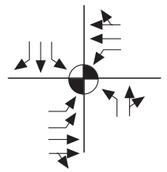
Intersection #7
Mt. Diablo Blvd./Oak Hill Rd./
Lafayette Cir. (E)

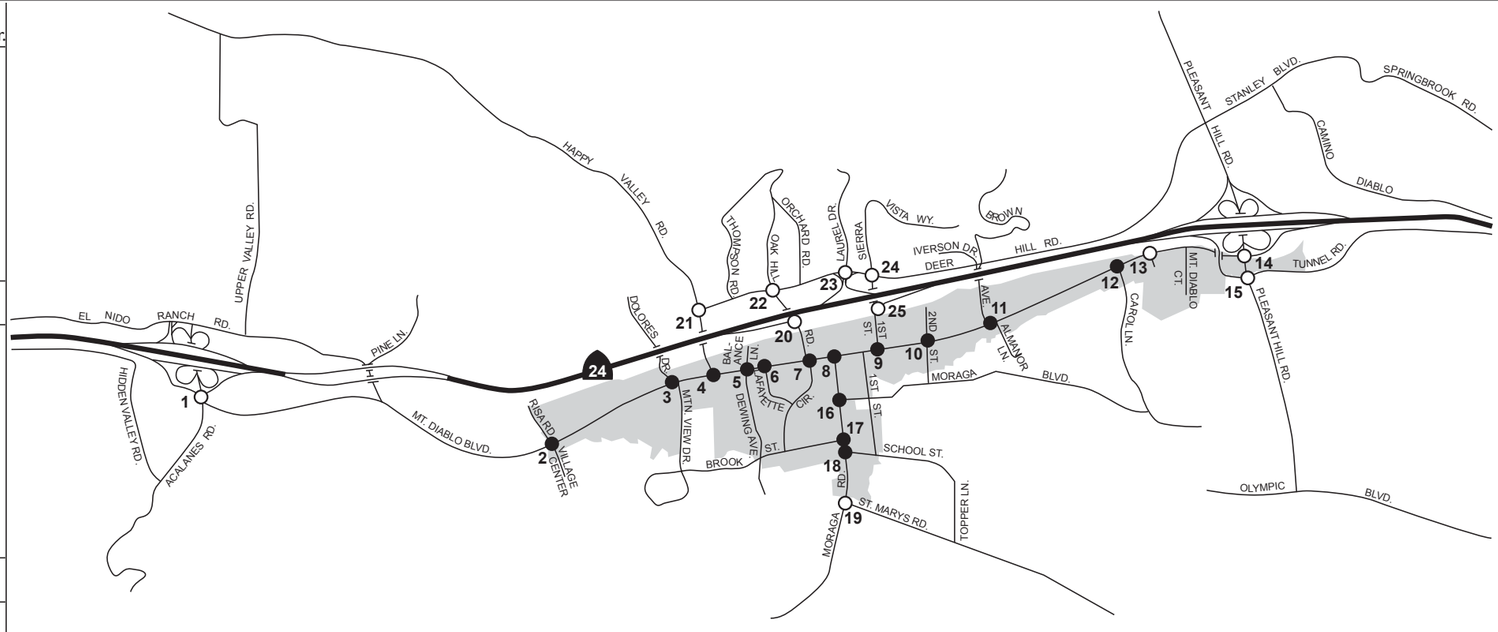


Intersection #8
Mt. Diablo Blvd./Moraga Rd.



Intersection #9
Mt. Diablo Blvd./First St.



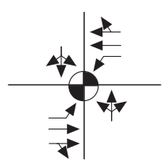


LEGEND

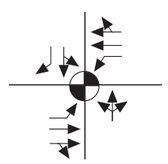
Study Intersections:
- Downtown
- Outside Downtown
- Traffic Signal
- Stop Sign
- Plan Area

NORTH
Not to Scale
TJKM

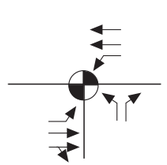
Intersection #10
Mt. Diablo Blvd./Second St.



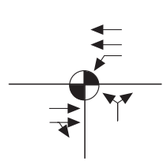
Intersection #11
Mt. Diablo Blvd./Brown Ave./Almanor Ln.



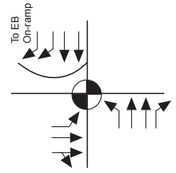
Intersection #12
Mt. Diablo Blvd./Carol Ln.



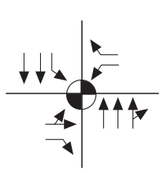
Intersection #13
Mt. Diablo Blvd./Lafayette Park Hotel



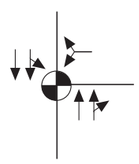
Intersection #14
Mt. Diablo Blvd./Pleasant Hill Rd./
SR 24 EB On-Ramp



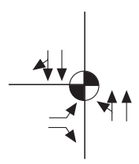
Intersection #15
Pleasant Hill Rd./SR 24 EB Off-Ramp/
Old Tunnel Rd.



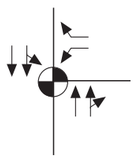
Intersection #16
Moraga Rd./Moraga Blvd.



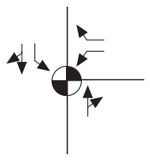
Intersection #17
Moraga Rd./Brook St.



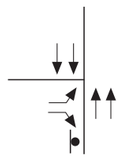
Intersection #18
Moraga Rd./School St.



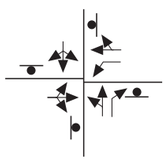
Intersection #19
Moraga Rd./St. Mary's Rd.



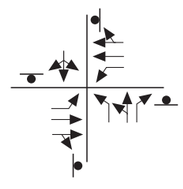
Intersection #20
Oak Hill Rd./SR 24 EB Off-Ramp



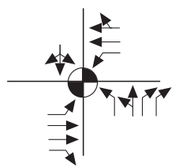
Intersection #21
Deer Hill Rd./Happy Valley Rd.



Intersection #22
Deer Hill Rd./Oak Hill Rd.

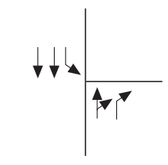


Intersection #23
Deer Hill Rd./SR 24 WB Ramps/Laurel Dr



Intersection #24
Deer Hill Rd./First St./Sierra Vista Wy.

Intersection #25
First St./SR 24 EB On-Ramp



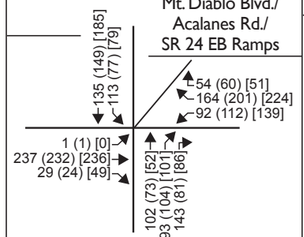
* Uncontrolled

Source: TJKM

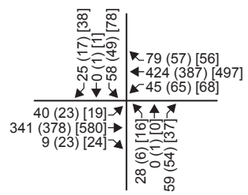
FIGURE 4.13-2

EXISTING GEOMETRY AND TRAFFIC SIGNAL CONTROL

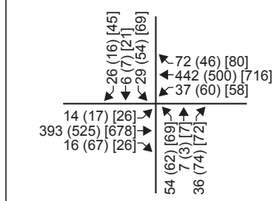
Intersection #1
Mt. Diablo Blvd./
Acalanes Rd./
SR 24 EB Ramps



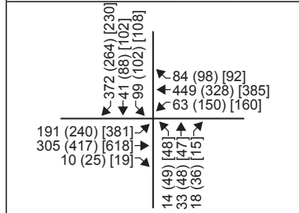
Intersection #2
Mt. Diablo Blvd./Risa Rd./Village Center



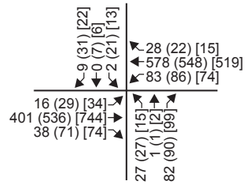
Intersection #3
Mt. Diablo Blvd./Dolores Dr./Mtn.View Dr.



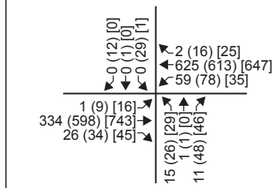
Intersection #4
Mt. Diablo Blvd./Happy Valley Rd.



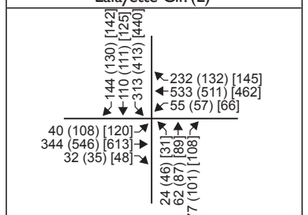
Intersection #5
Mt. Diablo Blvd./Dewing Ave.



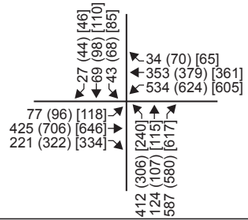
Intersection #6
Mt. Diablo Blvd./Lafayette Cir. (W)



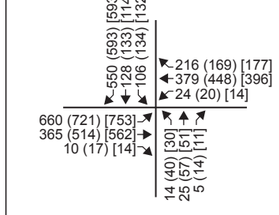
Intersection #7
Mt. Diablo Blvd./Oak Hill Rd./
Lafayette Cir. (E)

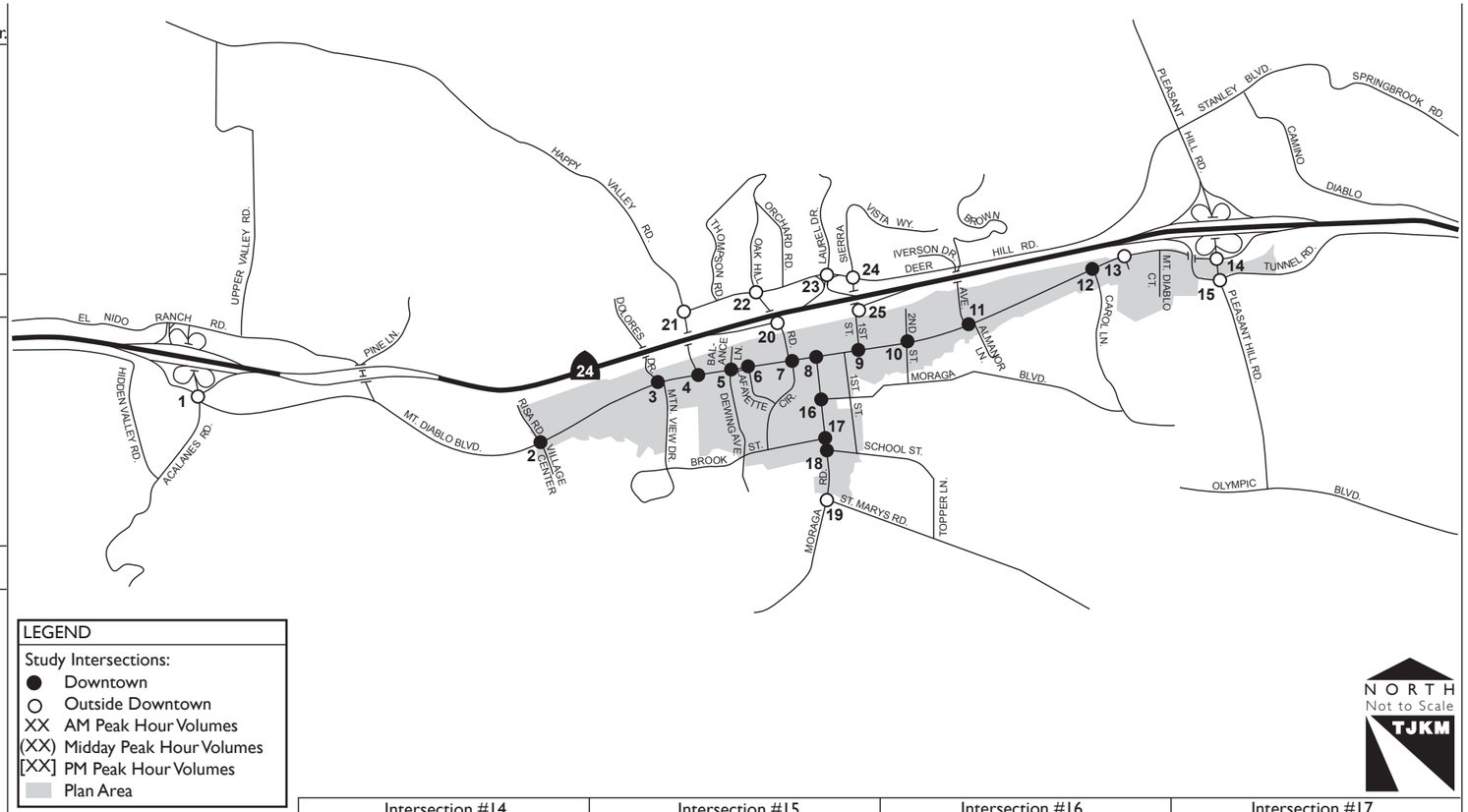


Intersection #8
Mt. Diablo Blvd./Moraga Rd.



Intersection #9
Mt. Diablo Blvd./First St.





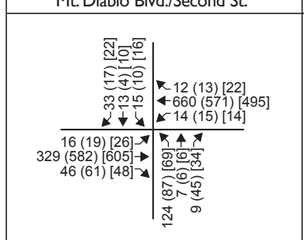
LEGEND

Study Intersections:
- ● Downtown
- ○ Outside Downtown

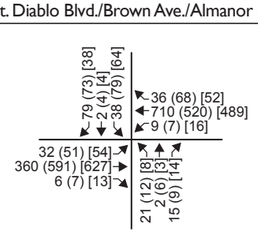
XX AM Peak Hour Volumes
(XX) Midday Peak Hour Volumes
[XX] PM Peak Hour Volumes
Plan Area

N
NORTH
Not to Scale
TJKM

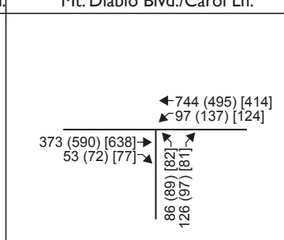
Intersection #10
Mt. Diablo Blvd./Second St.



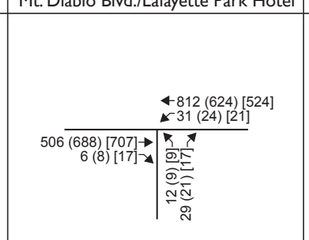
Intersection #11
Mt. Diablo Blvd./Brown Ave./Almanor Ln.



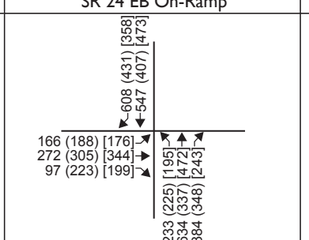
Intersection #12
Mt. Diablo Blvd./Carol Ln.



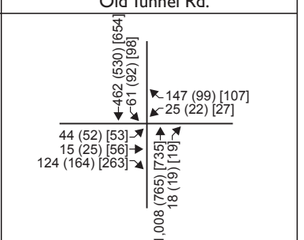
Intersection #13
Mt. Diablo Blvd./Lafayette Park Hotel



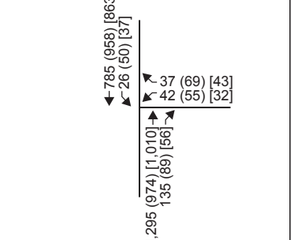
Intersection #14
Mt. Diablo Blvd./Pleasant Hill Rd./
SR 24 EB On-Ramp



Intersection #15
Pleasant Hill Rd./SR 24 EB Off-Ramp/
Old Tunnel Rd.

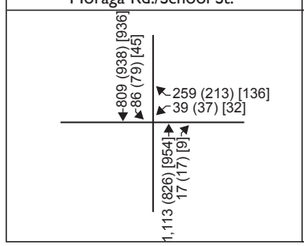


Intersection #16
Moraga Rd./Moraga Blvd.

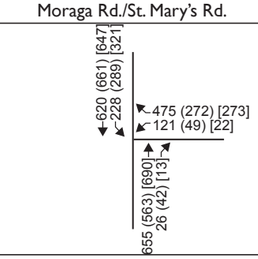


Intersection #17
Moraga Rd./Brook St.

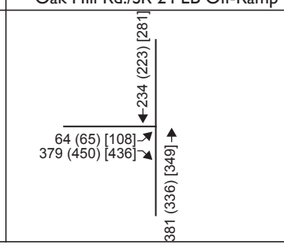
Intersection #18
Moraga Rd./School St.



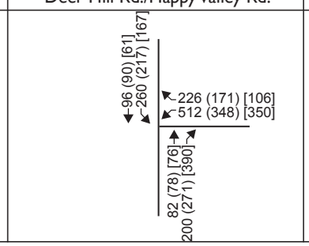
Intersection #19
Moraga Rd./St. Mary's Rd.



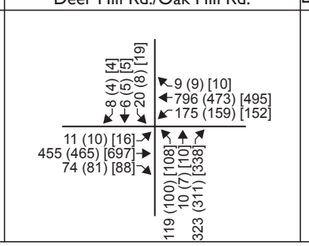
Intersection #20
Oak Hill Rd./SR 24 EB Off-Ramp



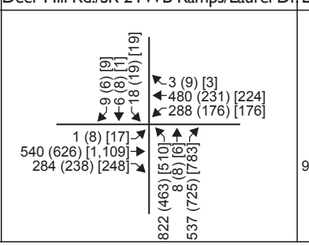
Intersection #21
Deer Hill Rd./Happy Valley Rd.



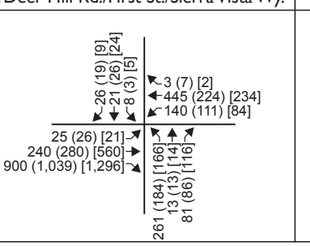
Intersection #22
Deer Hill Rd./Oak Hill Rd.



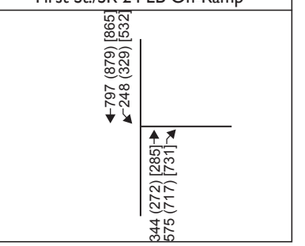
Intersection #23
Deer Hill Rd./SR 24 WB Ramps/Laurel Dr



Intersection #24
Deer Hill Rd./First St./Sierra Vista Wy.



Intersection #25
First St./SR 24 EB On-Ramp

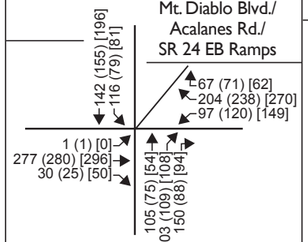


Source: TJKM

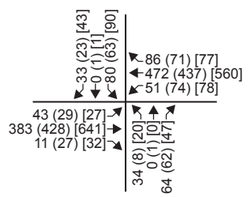
FIGURE 4.13-3

EXISTING AM, MID-DAY, AND PM PEAK HOUR TURNING MOVEMENT VOLUMES

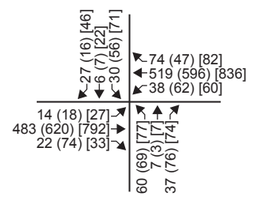
Intersection #1
Mt. Diblo Blvd./
Acalanes Rd./
SR 24 EB Ramps



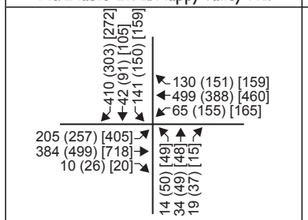
Intersection #2
Mt. Diblo Blvd./Risa Rd./Village Center



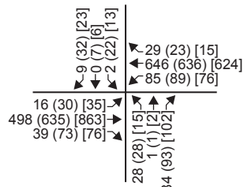
Intersection #3
Mt. Diblo Blvd./Dolores Dr./Mtn.View Dr.



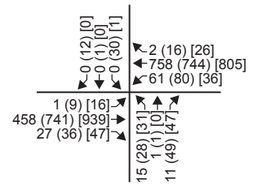
Intersection #4
Mt. Diblo Blvd./Happy Valley Rd.



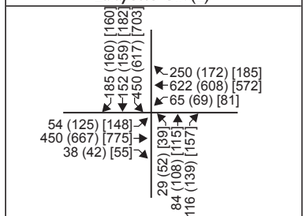
Intersection #5
Mt. Diblo Blvd./Dewing Ave.



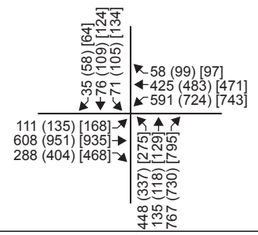
Intersection #6
Mt. Diblo Blvd./Lafayette Cir. (W)



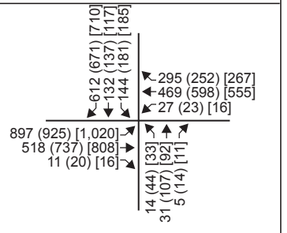
Intersection #7
Mt. Diblo Blvd./Oak Hill Rd./
Lafayette Cir. (E)

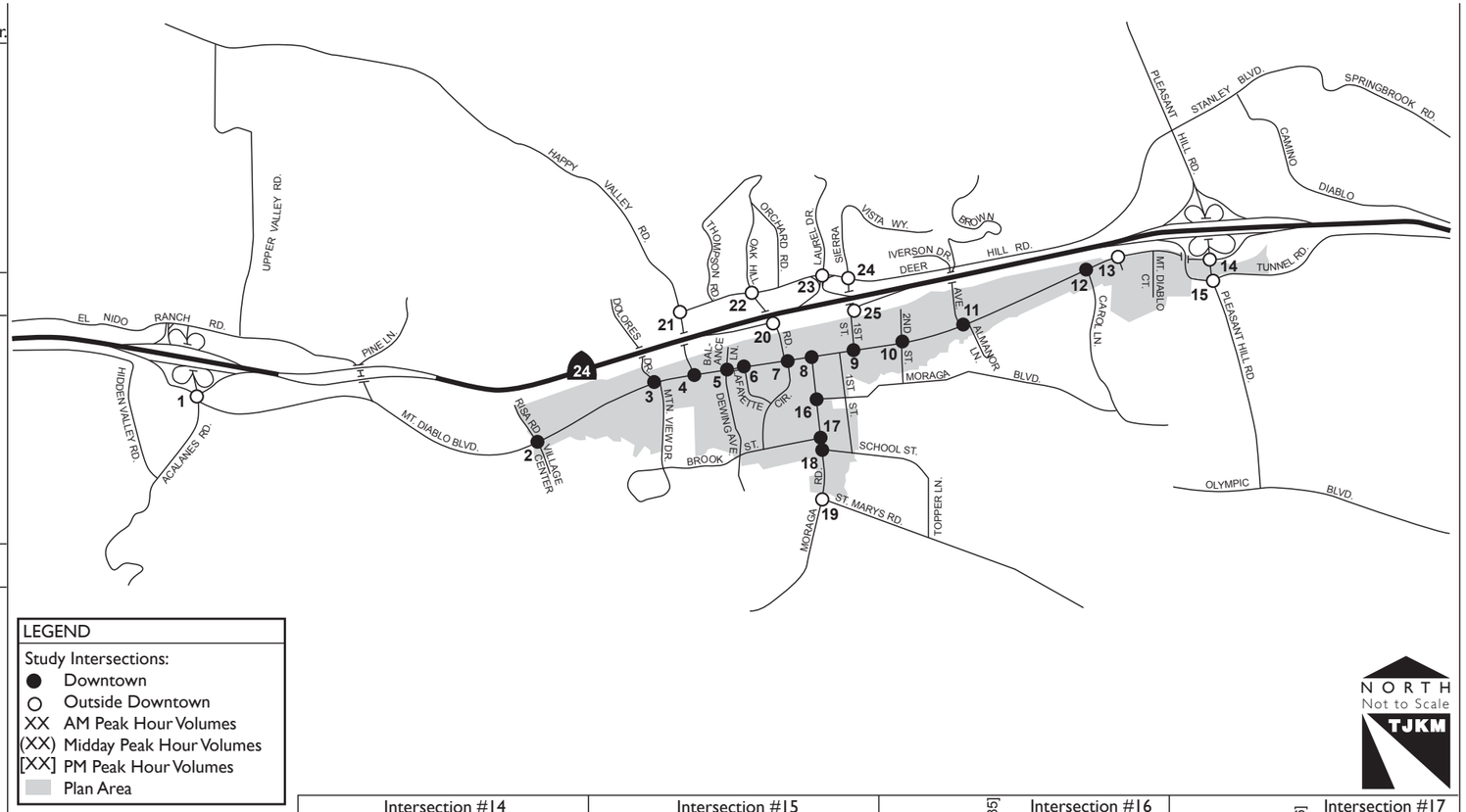


Intersection #8
Mt. Diblo Blvd./Moraga Rd.



Intersection #9
Mt. Diblo Blvd./First St.





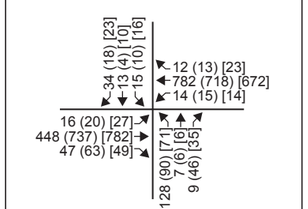
LEGEND

Study Intersections:
- ● Downtown
- ○ Outside Downtown

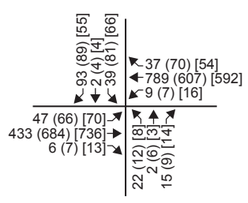
XX AM Peak Hour Volumes
(XX) Midday Peak Hour Volumes
[XX] PM Peak Hour Volumes
Plan Area

N
NORTH
Not to Scale
TJKM

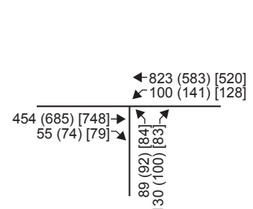
Intersection #10
Mt. Diblo Blvd./Second St.



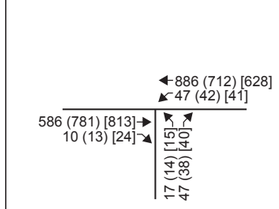
Intersection #11
Mt. Diblo Blvd./Brown Ave./Almanor Ln.



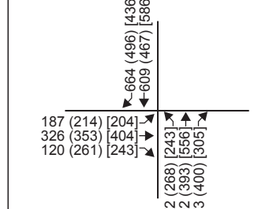
Intersection #12
Mt. Diblo Blvd./Carol Ln.



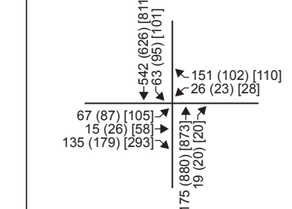
Intersection #13
Mt. Diblo Blvd./Lafayette Park Hotel



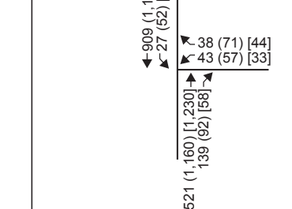
Intersection #14
Mt. Diblo Blvd./Pleasant Hill Rd./
SR 24 EB On-Ramp



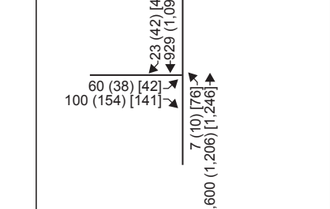
Intersection #15
Pleasant Hill Rd./SR 24 EB Off-Ramp/
Old Tunnel Rd.



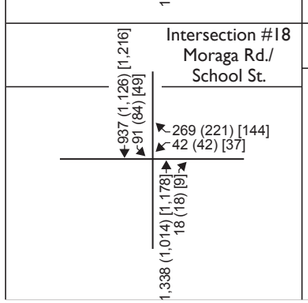
Intersection #16
Moraga Rd./
Moraga Blvd.



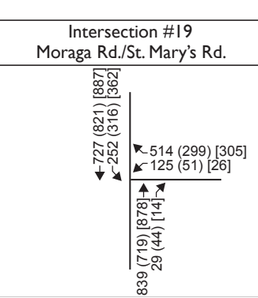
Intersection #17
Moraga Rd./
Brook St.



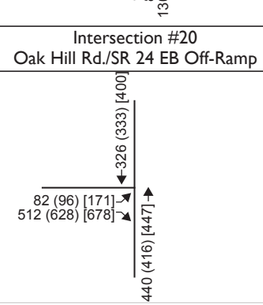
Intersection #18
Moraga Rd./
School St.



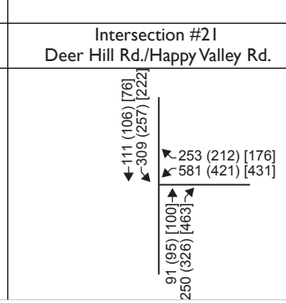
Intersection #19
Moraga Rd./St. Mary's Rd.



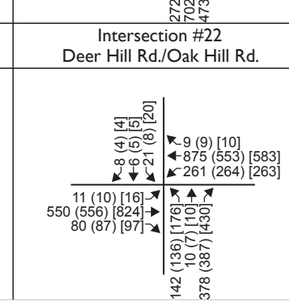
Intersection #20
Oak Hill Rd./SR 24 EB Off-Ramp



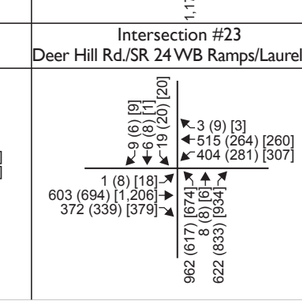
Intersection #21
Deer Hill Rd./Happy Valley Rd.



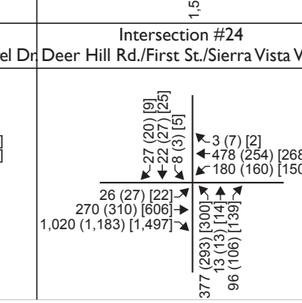
Intersection #22
Deer Hill Rd./Oak Hill Rd.



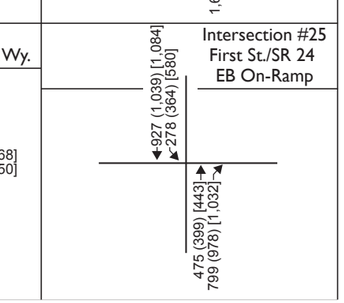
Intersection #23
Deer Hill Rd./SR 24 WB Ramps/Laurel Dr



Intersection #24
Deer Hill Rd./First St./Sierra Vista Wy.



Intersection #25
First St./SR 24
EB On-Ramp



Source: TJKM

FIGURE 4.13-4

CUMULATIVE NO PROJECT PEAK HOUR TURNING MOVEMENT VOLUMES

Route 24 between St. Stephen's Drive and Interstate 680 for uncongested, off-peak conditions are approximately 5.1 minutes for eastbound traffic and 5.3 minutes for westbound traffic. These travel times were calculated based on the free-flow freeway speed and the length of the subject freeway segment.

Paragraph iii.a on page 4.13-31 of the Draft EIR is hereby amended as follows:

iii. Cumulative with Specific Plan Project Traffic Operations

a) Cumulative with Specific Plan Project Land Use

The Cumulative with Specific Plan Project scenario includes the assumed buildout in the Plan Area over the 20-year Plan horizon. Land uses that were assumed to develop in the Plan Area are summarized in Table 4.13-14.

Table 4.13-12 on page 4.13-32 of the Draft EIR is hereby amended as shown on the following page.

Figure 4.13-5 on page 4.13-33 of the Draft EIR is hereby replaced with the figure on page 3-55.

The second paragraph on page 4.13-38 of the Draft EIR is hereby amended as follows:

Delay Indexes on the State Route 24 freeway and Pleasant Hill Road north of State Route 24 during the AM and PM peak hours were determined for the Cumulative with Specific Plan Project scenario. The additional trips generated by the Plan for this analysis of the CCTA-designated Routes of Regional Significance ~~routes of regional significance~~ were added to traffic forecasts from the CCTA traffic model for year 2030, which assume future development as it would occur under existing General Plan designations.

Table 4.13-16 on page 4.13-39 of the Draft EIR is hereby amended as shown on the following page.

TABLE 4.13-12 **CUMULATIVE NO PROJECT DELAY INDEX – STATE ROUTE 24 BETWEEN ST. STEPHENS DRIVE AND INTERSTATE 680**

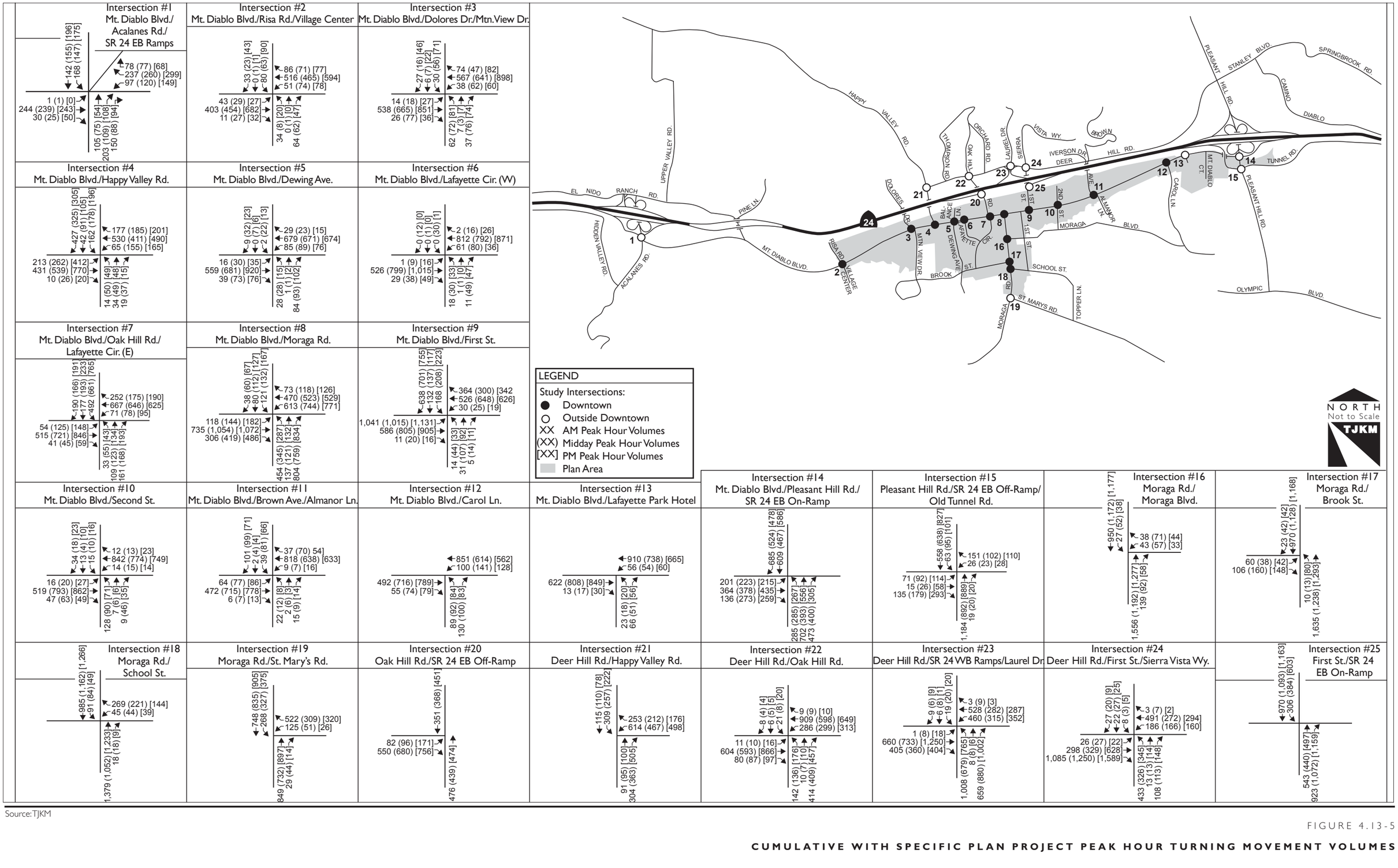
	2030 Volume		Travel Time (Minutes)		Delay Index		Density (Vehicles/Mile/Lane)		Level of Service (LOS)	
Peak Hour	East-bound	West-bound	East-bound	West-bound	East-bound	West-bound	East-bound	West-bound	East-bound	West-bound
AM	8,900	11,900	7.7	18.6	1.51	3.50	42.1	> 45	E	F
PM	11,900	9,800	20.5	9.8	4.00	1.85	> 45	32.4	F	D

Source: TJKM, 2009.

TABLE 4.13-16 **CUMULATIVE WITH SPECIFIC PLAN PROJECT DENSITY/LOS – STATE ROUTE 24 BETWEEN ST. STEPHENS DRIVE AND INTERSTATE 680**

	2030 Volume		Travel Time (Minutes)		Delay Index		Density (Vehicles/Mile/Lane)		Level of Service (LOS)	
Peak Hour	East-bound	West-bound	East-bound	West-bound	East-bound	West-bound	East-bound	West-bound	East-bound	West-bound
AM	9,100	12,000	8.3	18.9	1.63	3.56	44.6	> 45	E	F
PM	12,100	10,000	21.1	10.4	4.12	1.97	> 45	33.6	F	D

Source: TJKM, 2009.



Source: TJKM

FIGURE 4.13-5

CUMULATIVE WITH SPECIFIC PLAN PROJECT PEAK HOUR TURNING MOVEMENT VOLUMES

The first paragraph on page 4.13-41 of the Draft EIR is hereby amended as follows:

The issues involved with ~~secondary impacts of~~ the widening could be considered unacceptably inconsistent with City policies regarding pedestrian convenience, recreation, and civic area, and landscaping, which could prevent implementation of the widening. Therefore, this potential mitigation measure is considered infeasible.

No feasible mitigation measures are available to reduce this impact to a less-than-significant levels. Therefore, this impact is considered significant and unavoidable.

Section iv on page 4.13-41, continuing onto page 4.13-42, of the Draft EIR is hereby amended as follows:

iv. Moraga Road between School Street and Moraga Boulevard

To reduce impacts to less-than-significant levels, a center left-turn lane could ~~should~~ be added on Moraga Road between School Street and Moraga Boulevard. The center left-turn lane would be used by southbound Moraga Road traffic turning left at School Street or at Lafayette Elementary School. This would leave two lanes open for southbound through traffic, in contrast to the existing condition where one of the two southbound lanes is blocked by left-turn traffic. Westbound traffic on School Street approaching the intersection with Moraga Road would experience average delays of approximately one minute during the AM and mid-day peak periods.

Adding a center left-turn lane on this portion of Moraga Road would require narrowing all lanes to approximately 10-foot widths, eliminating existing striped shoulders between traffic lanes and curbs, and eliminating existing parking along the west curb. The resulting five-lane configuration would shift vehicle traffic lanes to immediately alongside the curb and sidewalk, where the sidewalks are generally only 5 feet wide and no landscaping is present to provide a buffer between pedestrians and vehicles. The traffic lanes along the curb would not be wide enough for a motor vehicle and a bicycle to travel safely side-by-side. These conditions would be especially problematic

in the narrow roadway segment between School Street and Brook Street, where the traffic lane along the curb would need to be particularly narrow, alongside a mere 4-foot sidewalk on the west side. Although the east sidewalk is 8 feet wide, it serves a high volume of pedestrians for the immediately adjacent Lafayette Elementary School and nearby Stanley Middle School.

The issues involved with ~~secondary impacts of~~ adding a center left-turn lane could be considered unacceptably inconsistent with City engineering standards for lane widths, and policies regarding pedestrian and bicycle safety and convenience, which could prevent implementation. Therefore, this potential mitigation measure is considered infeasible.

No feasible mitigations are available to reduce this impact to a less-than-significant level. Therefore, this impact is considered significant and unavoidable.

The last paragraph on page 4.13-42, continuing onto page 4.13-43, of the Draft EIR is hereby amended as follows:

Deer Hill Road could ~~should~~ be restriped to include three eastbound through lanes at the State Route 24 westbound ramps intersection in the future, revising the existing configuration of one left-turn, two through, and one right-turn lane. This could ~~can~~ be accomplished by restriping to eliminate the existing striped right shoulder area and shift the right-turn lane toward the south curb, creating room for the additional eastbound through lane. To accommodate the additional lane continuing eastbound through the intersection, the north end of the median on the State Route 24 westbound ramps would ~~must~~ be removed, and Deer Hill Road would ~~must~~ be widened by up to five feet along the south curb between the State Route 24 ramps and First Street, where the adjacent property is currently vacant. Then, as the additional eastbound lane approaches First Street, it would become a second right-turn lane, providing one left-turn lane, one through lane, and two right-turn lanes on eastbound Deer Hill Road at First Street. The two eastbound right-turn lanes would be controlled by a modified traffic signal at Deer Hill Road/First Street, replacing the uncontrolled free right-turn from the existing single lane. However, the vacant property on the south side of Deer Hill

Road between the off-ramp and First Street is proposed to be developed, and the suggested widening for an additional eastbound lane may not be feasible within the context of that development.

The second paragraph on page 4.13-44 of the Draft EIR is hereby amended as follows:

Adding a second westbound left-turn lane on Deer Hill Road approaching the State Route 24 westbound Ramps would require narrowing all westbound lanes to approximately 10-foot to 11-foot widths, and eliminating the existing westbound striped bicycle lane along the north curb. The resulting four-lane westbound configuration would shift vehicle traffic lanes to be immediately alongside the curb and sidewalk, where the sidewalks are generally only five feet wide and no landscaping is present to provide a buffer between pedestrians and vehicles. The traffic lane along the curb would not be wide enough for a motor vehicle and a bicycle to travel safely side-by-side.

The issues involved with ~~secondary impacts of~~ adding an eastbound lane or adding a second westbound left-turn lane could be considered inconsistent with City engineering standards for lane widths, and policies regarding pedestrian and bicycle safety and convenience, including City and County bicycle plans. ~~;~~ ~~t~~This inconsistency, along with the potential infeasibility of widening to add an eastbound lane because of the proposed development on the adjacent property, could prevent implementation. Therefore, these potential ~~this additional~~ mitigation measures are considered infeasible ~~is not recommended~~.

No feasible mitigations are available to reduce this impact to a less-than-significant level. Therefore, this impact is considered significant and unavoidable.

The first paragraph in Section vii. on page 4.13-45 of the Draft EIR is hereby amended as follows:

vii. Deer Hill Road/Happy Valley Road

Buildout of the Plan would result in increases in traffic volumes passing through the all-way stop control such that the intersection of Deer Hill Road

and Happy Valley Road would deteriorate from LOS D to LOS E in the mid-day peak hour.

The last paragraph on page 4.13-42, continuing onto page 4.13-43, of the Draft EIR is hereby amended as follows:

Deer Hill Road could ~~should~~ be restriped to include three eastbound through lanes at the State Route 24 westbound ramps intersection in the future, revising the existing configuration of one left-turn, two through, and one right-turn lane. This could ~~can~~ be accomplished by restriping to eliminate the existing striped right shoulder area and shift the right-turn lane toward the south curb, creating room for the additional eastbound through lane. To accommodate the additional lane continuing eastbound through the intersection, the north end of the median on the State Route 24 westbound ramps would ~~must~~ be removed, and Deer Hill Road would ~~must~~ be widened by up to five feet along the south curb between the State Route 24 ramps and First Street, where the adjacent property is currently vacant. Then, as the additional eastbound lane approaches First Street, it would become a second right-turn lane, providing one left-turn lane, one through lane, and two right-turn lanes on eastbound Deer Hill Road at First Street. The two eastbound right-turn lanes would be controlled by a modified traffic signal at Deer Hill Road/First Street, replacing the uncontrolled free right-turn from the existing single lane. However, the vacant property on the south side of Deer Hill Road between the off-ramp and First Street is proposed to be developed, and the suggested widening for an additional eastbound lane may not be feasible within the context of that development.

The second paragraph on page 4.13-44 (last paragraph in section v. Deer Hill Road/State Route 24 Westbound Ramps) of the Draft EIR is hereby amended as follows:

Adding a second westbound left-turn lane on Deer Hill Road approaching the State Route 24 westbound Ramps would require narrowing all westbound lanes to approximately 10-foot to 11-foot widths, and eliminating the existing westbound striped bicycle lane along the north curb. The resulting four-lane westbound configuration would shift vehicle traffic lanes to be immediately

alongside the curb and sidewalk, where the sidewalks are generally only five feet wide and no landscaping is present to provide a buffer between pedestrians and vehicles. The traffic lane along the curb would not be wide enough for a motor vehicle and a bicycle to travel safely side-by-side.

The ~~secondary impacts of~~ issues involved with adding an eastbound lane or adding a second westbound left-turn lane could be considered inconsistent with City engineering standards for lane widths, and policies regarding pedestrian and bicycle safety and convenience, including City and County bicycle plans~~; t~~. This inconsistency, along with the potential infeasibility of widening to add an eastbound lane because of the proposed development on the adjacent property, could prevent implementation. Therefore, these potential ~~this additional~~ mitigation measures are considered infeasible ~~is not recommended~~.

No feasible mitigations are available to reduce this impact to less-than-significant levels. Therefore, this impact is considered significant and unavoidable.

The first paragraph in Section viii. on page 4.13-46 of the Draft EIR is hereby amended as follows:

viii. Deer Hill Road/Oak Hill Road

Buildout of the Plan would result in increases in traffic volumes such that the delay at the all-way stop-controlled intersection of Deer Hill Road and Oak Hill Road would increase. This intersection would operate at LOS E under both the Cumulative No Project and Cumulative with Specific Plan Project conditions, but the delay would deteriorate enough to create a significant impact during the PM peak period.

Mitigation Measure TRAF-1 on page 4.13-49 of the Draft EIR is hereby amended as follows:

Mitigation Measure TRAF-1: Oak Hill Road should be restriped to provide four southbound lanes, consisting of two left-turn-only lanes, one through lane, and one right-turn lane, approaching its intersection with Mount Diablo Boulevard, when the intersection level of service deteriorates to an unaccept-

able level. The City should monitor this intersection and implement the recommended mitigation if and when PM peak hour operations deteriorate to LOS E.

Mitigation Measure TRAF-2 and the subsequent paragraph under the heading "Significance After Mitigation" on page 4.13-49 of the Draft EIR are hereby amended as follows:

Mitigation Measure TRAF-2: No feasible mitigations are available to reduce this impact to a less-than-significant level. ~~Widen Moraga Road to add a second northbound right-turn lane approaching its intersection with Mount Diablo Boulevard.~~

Significance After Mitigation: ~~The improvements needed to reduce the impact to acceptable levels are considered infeasible due to secondary impacts, which were described previously in section A.4.c.ii of this chapter. Therefore this impact is s~~*Significant and unavoidable*.

Mitigation Measure TRAF-3 and the subsequent paragraph under the heading "Significance After Mitigation" on page 4.13-50 of the Draft EIR are hereby amended as follows:

Mitigation Measure TRAF-3: No feasible mitigations are available to reduce this impact to less-than-significant levels. ~~Add a center left-turn lane on Moraga Road between School Street and Moraga Boulevard.~~

Significance After Mitigation: ~~Adding a center left-turn would provide acceptable levels of service at the Moraga Road/School Street and Moraga Road/Brook Street intersections for the Cumulative with Specific Plan Project scenario in the AM, mid-day, and PM peak hours. However, secondary impacts, which were described previously in section A.4.c.iv of this chapter, make this improvement result in a s~~*Significant and unavoidable* ~~impact~~.

Mitigation Measure TRAF-4 and the subsequent paragraph under the heading "Significance After Mitigation" on pages 4.13-50, continuing onto page 4.13-51, of the Draft EIR are hereby amended as follows:

Mitigation Measure TRAF-4: No feasible mitigations are available to reduce this impact to less-than-significant levels. ~~Re-stripe Deer Hill Road to add a third eastbound through lane approaching its intersection with the State Route 24 Westbound ramps, and widen Deer Hill Road to add a second eastbound right turn lane approaching its intersection with First Street.~~

~~The Lamorinda Nexus Study should be revised to include this improvement, if the widening of Deer Hill Road is feasible within the context of proposed development of the adjacent vacant lot.~~

Significance After Mitigation: ~~Because this mitigation would not bring levels of service to acceptable levels for the AM and PM peak hours, and may not be feasible because of the property constraints of the required widening, this impact would be s~~*S*ignificant and unavoidable.

The first paragraph in Impact TRAF-6 on page 4.13-51 of the Draft EIR is hereby amended as follows:

Impact TRAF-6: Buildout of the Plan would result in increases in traffic volumes such that the all-way stop-controlled intersection of Deer Hill Road and Happy Valley Road would deteriorate from LOS D to LOS E in the mid-day peak hour. This would be a *significant* impact.

Mitigation Measure TRAF-9 on page 4.13-53 of the Draft EIR is hereby amended as follows:

Mitigation Measure TRAF-9: No feasible mitigation measures are available to reduce this impact to less-than-significant levels. An individual development project would not contribute a cumulatively considerable increase to the traffic volumes and Delay Index on the State Route 24 freeway if such project would generate less than 50 net new peak hour trips. For development projects expected to generate 50 or more net new peak hour trips, or involving a General Plan Amendment, the City would require a traffic impact study to assess the project's contribution to the cumulative impact on the State Route 24 freeway, and notification of other jurisdictions as required in the Lamorinda Action Plan Update. For projects expected to generate between 10

and 50 net new peak hour trips, the City would still notify Lamorinda Planning Directors as required in the Lamorinda Action Plan Update.

Mitigation Measure TRAF-10 on page 4.13-53 of the Draft EIR is hereby amended as follows:

Mitigation Measure TRAF-10: No feasible mitigations are available to reduce this impact to less-than-significant levels. An individual development project would not contribute a cumulatively considerable increase to the traffic volumes and Delay Index on Pleasant Hill Road if such project would generate less than 50 net new peak hour trips. For development projects expected to generate 50 or more net new peak hour trips, or involving a General Plan Amendment, the City would require a traffic impact study to assess the project's contribution to the cumulative impact on Pleasant Hill Road, and notification of other jurisdictions as required in the Lamorinda Action Plan Update. For projects expected to generate between 10 and 50 net new peak hour trips, the City would still notify Lamorinda Planning Directors as required in the Lamorinda Action Plan Update.

The section under the heading "1. Regulatory Framework" on page 4.13-54 of the Draft EIR is hereby amended as follows:

1. Regulatory Framework

Goals and policies concerning alternative transportation modes are included in the Circulation Element of the Lafayette General Plan. Relevant goals and policies are contained in Table 4.13-18.

Pursuant to General Plan Goal C-6, the purpose of the City of Lafayette Master Walkways Plan is to set forth the methods, criteria, and standards for work toward achieving the goal to provide Lafayette with a system of walkways that will afford safe and efficient pedestrian movement along roads and streets having significant foot and vehicular traffic. The final result is intended to be an arrangement of walkways not only throughout the downtown area but also one that connects residential areas with public transportation, schools, community amenities, parks, City and regional trail systems,

and the downtown. The Master Walkways Plan includes the following relevant provisions:

- **3.2 Location of Walkways:** Walkways are considered necessary at the following locations:

  a. On both sides of the street throughout the entire downtown area and outside this area within any portion of a subdivision zoned for office, retail, business, or commercial land use.

  Appendix A of the Master Walkways Plan is a listing of streets recommended for inclusion on the list of projects to be considered as part of the City's Capital Improvement Program, and identifies missing walkway links on segments of a number of streets in the Plan area, including Bickerstaff Road, Brook Street, Chestnut Street, Dewing Avenue, First Street, Lafayette Circle, Mount Diablo Boulevard, Mountain View Drive, School Street, Second Street, and Walnut Street.

- **3.3 Completions of Existing Routes:** Walkways have been installed to serve certain high use areas, including most of the downtown area. In many instances, however, frontage improvements do not meet the standards established for these areas. A primary goal shall be the completion and upgrading of these routes.

- **3.4 Mandatory Installation by Property Owners:** Installation of walkways by owners of property on streets listed in Appendix A that are currently lacking walkways and that are in areas zoned for business, office, commercial or multiple residential use and that bear the applicable zoning designations shall be mandatory under the zoning regulations and/or as a condition of approval set forth by the Planning Commission and City Council.

The City of Lafayette Bikeways Master Plan provides goals, policies, and specific strategies and actions for the improvement of bicycling in the city, to be used as a guide for developing a citywide system of bike facilities to allow for safe, efficient and convenient bicycle travel in Lafayette. Relevant goals, policies, and recommendations include the following:

Goal 3: Expand and Enhance Lafayette's Bikeways Network

- **Policy 3.1**: Develop the existing and proposed bikeways network as an appropriately designed, continuous network that serves all user groups and skill levels.
- **Policy 3.2:** When planning bikeway projects and programming capital improvement projects, give priority to bicycle projects that: 1) Address safety issues; 2) Provide access to downtown, transit, schools and activity centers; 3) Provide linkage to the regional bikeways network or existing bikeways and paths.
- **Policy 3.3:** The design of streets and traffic control devices shall consider the impact on bicyclists as well as the relationship in overall system mobility; travel speed; environmental factors; cost; and neighborhood character.

Goal 4: Plan for the Needs of Bicyclists

- **Policy 4.1:** Accommodate bicyclists and other non-motorized users when planning, designing, developing and maintaining transportation improvements within the reasonable opportunities and constraints of a project.

Goal 6: Improve Citizens' Health, Reduce Traffic Congestion and Provide Alternative Modes of Travel Through Bicycling

Goal 7: Preserve and Sustain Existing Bicycle Infrastructure

- **Major Recommendations of the Plan.** Recommended additions to the existing bikeways network include new Class I bike paths, Class II bike lanes, Bicycle Boulevards, and Class III bike routes. The bikeway projects located within the Downtown Specific Plan Area are highlighted in the subsequent section B.4.c - Bicycle Facilities Impacts in this DEIR chapter. In addition to the bikeway network projects, the Bikeways Master Plan also recommends educational and encouragement programs and support facilities such as bike parking and signage improvements.

The last paragraph on page 4.13-54 of the Draft EIR is hereby amended as follows:

According to the 2008 BART Station Profile Study, parking at the Lafayette BART Station consists of 1,526 spaces, including 380 monthly permit spaces and the remaining 1,146 requiring a daily fee. The number of parking spaces includes the ~~There is also a~~ small parking lot on the south side of the station accessed from Happy Valley Road. In addition, 122 bicycle spaces are provided at the station, consisting of 30 bike lockers and 92 bike rack slots. Bicyclists are directed to ~~typically~~ access the station's north side, where the bicycle spaces are located, and which has relatively gentle grade connections to adjacent roadways, including bike lanes on Deer Hill Road. Access on the south side of the station has a relatively steep slope and is designed for pedestrian use. Pedestrians without disabilities generally have access to the station, while those with disabilities currently are able to access the station only from the north side, on the other side of the State Route 24 freeway from downtown.

The last paragraph on page 4.13-55 of the Draft EIR is hereby amended as follows:

Bus service is provided locally by the Central Contra Costa Transit Authority's (CCCTA) County Connection. Three bus lines serve the Downtown Lafayette Specific Plan Area and the Lafayette BART Station as follows:

The first paragraph on page 4.13-57 of the Draft EIR is hereby amended as follows:

- In addition to the above three fixed bus routes, County Connection provides supplemental service for schools in the area, including Route 606 and Route 626 along Mount Diablo Boulevard and Moraga Road, and Route 625 along Mount Diablo Boulevard serving Acalanes High School, through the ~~Specific~~ Plan ~~a~~Area during school days. These buses operate with additional capacity.

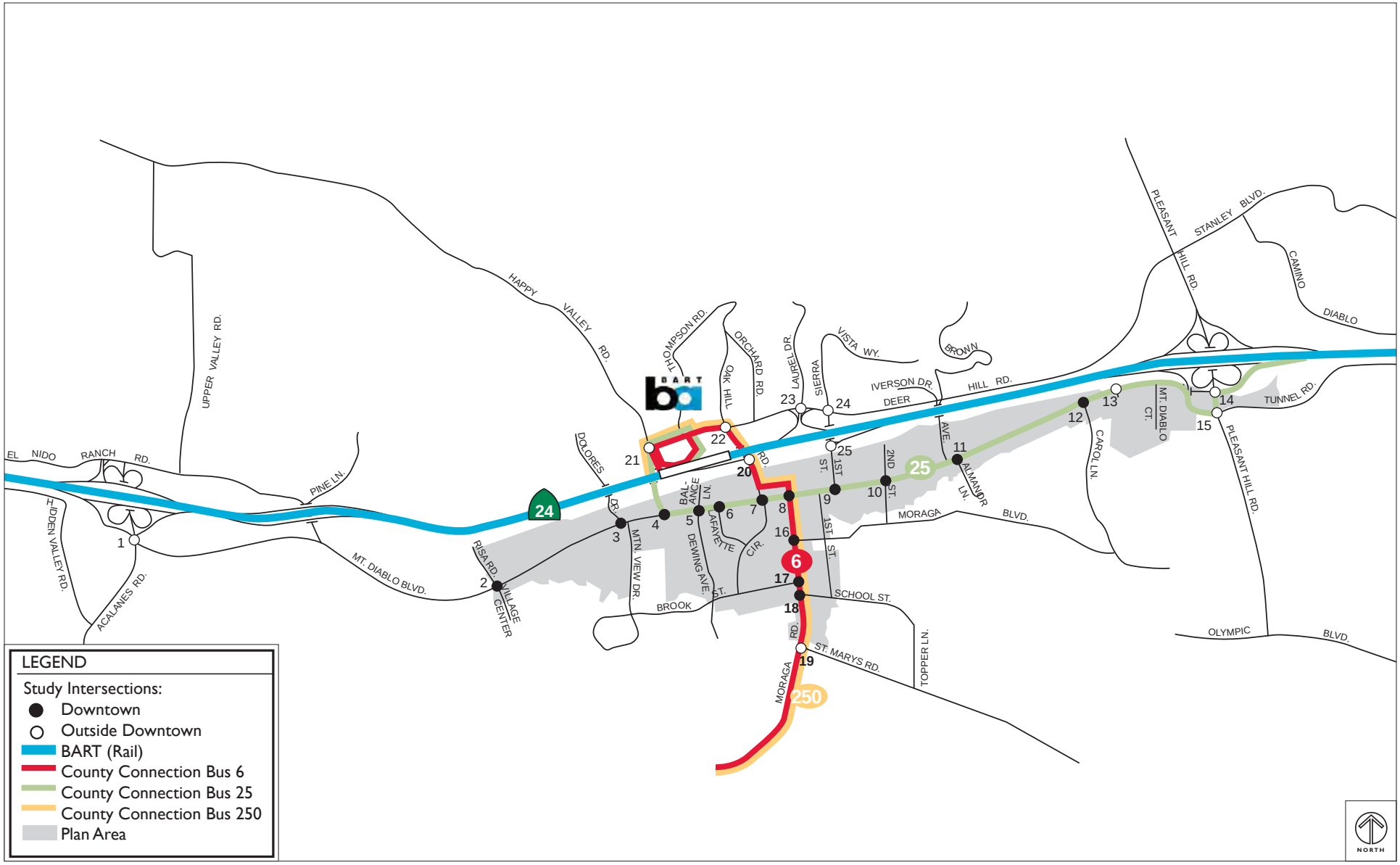
The beginning of Section "b. Pedestrian Facilities," starting on page 4.13-57 of the Draft EIR, is hereby amended as follows:

b. Pedestrian Facilities

Pedestrian facilities in the Plan Area consist primarily of sidewalks distributed along roadways throughout the study area. One of the issues identified in the Plan are actual or effective "gaps" in the sidewalk system, due to a number of factors such as missing or heavily damaged sections, obstructions, or inadequate width. In the Downtown Retail District of the Plan, sidewalks are generally present ~~nearly continuous~~ and often as generously wide as 8 to 12 feet. At the other end of the spectrum, outer areas such as the West End District have sidewalk widths as narrow as 2 feet and also include some locations with sidewalk gaps and discontinuities. Such gaps and discontinuities provide challenges to pedestrians with disabilities, whether due to vision, ability to walk, or confinement to a wheelchair. One of the circulation measures identified in the ~~Specific~~ Plan is to address gaps in the existing sidewalk network as part of capital streetscape improvement projects.

The Plan Area is generally walkable, but in addition to the sidewalk gaps described above, awkward driveway crossings, missing or circuitous connections between the sidewalk and some building entrances, and lack of frequent marked pedestrian crossings in some locations diminish pedestrian mobility. In some areas, the speed and volume of adjacent traffic and the long blocks with few protected crossings limit walkability. The Circulation chapter of the Plan includes policies and programs that address these issues, as part of Circulation Goal 2: "Ensure a continuous and accessible pedestrian network with appropriate supporting infrastructure."

Figure 4.13-6 on page 4.13-58 of the Draft EIR is hereby replaced with the figure on the following page.



Source: TJKM

FIGURE 4.13-6

EXISTING TRANSIT ROUTES

The first paragraph on page 4.13-60 of the Draft EIR is hereby amended as follows:

The ~~study~~Plan ~~a~~Area consists of a full range of bicycle facilities that connect the study area with various destinations within and outside Lafayette. According to the Lafayette Bikeways ~~Bicycle~~ Master Plan, existing bikeway facilities in the Plan Area include~~s~~ off-street bicycle/multi-use paths (Class I facilities), on-street striped and signed bicycle lanes (Class II facilities), signed routes on roadways without striped lanes (Class III facilities), and sharrow pavement legends. Sharrow pavement legends are lane markings that designate a roadway as a shared space for bicycles and vehicles.

The first paragraph on page 4.13-69 of the Draft EIR is hereby amended as follows:

The Plan is expected to generate some demand for bicycle travel. The City Bikeways Plan, by incorporation with the Plan, would enhance existing bicycle facilities in the Plan Area. Program C-3.1.1 in the Plan would require bicycle parking in all public facilities and community spaces, and in all new development. Program C-3.1.2 would promote bicycling facilities, such as lockers, changing rooms, and showers, in new development. The various streetscape improvements proposed by the Plan are expected to keep existing bicycle facilities intact and are not expected to affect future planned bicycle facilities. Therefore, potential impacts from the proposed improvements and the additional bicycle trips generated by the Plan are expected to be *less than significant*.

Mitigation Measure TRAF-11 on page 4.13-39, continuing onto page 4.13-70, of the Draft EIR is hereby amended as follows:

Mitigation Measure TRAF-11: Monitor waiting times at the fare gates at the Lafayette BART station, and at such time that average waiting times exceed one minute, install additional fare gates. The City of Lafayette ~~and developers of individual projects within the Plan Area~~ will ~~collectively need to~~ collaborate with BART on monitoring fare gate waiting times, and on strategies and funding to address this potential impact, such as developer fees, because

no single development project by itself is likely to trigger the need for additional BART fare gates.

The section under the heading "1. Regulatory Framework" on page 4.13-70 of the Draft EIR is hereby amended as follows:

1. Regulatory Framework

Goals and policies concerning the provision of parking in the downtown are included in recent City of Lafayette documents and community efforts, including the Circulation Element of the City General Plan, the Circulation Element of the Downtown Specific Plan, and a parking management strategy developed for the Lafayette Downtown Strategy. Relevant goals and policies from the City General Plan are listed in Table 4.13-21; additionally, Goals C-7 and C-8 and related policies from the General Plan promoting alternatives to single-occupant automobile travel, which were listed previously in Table 4.13-18 (p. 4.13-55), are also relevant to parking demand.

The first full paragraph on page 4.13-72 of the Draft EIR is hereby amended as follows:

TJKM evaluated each potential parking site for potential traffic impacts to nearby study intersections. Such potential impacts would result primarily from added trips generated by new or modified existing land uses under the Downtown Specific Plan that are located near a new parking structure, as well as trips diverted to the new parking structure from other nearby existing parking locations consolidated by the new structure. In addition, localized operational impacts would be expected to occur, such as vehicle queuing at parking lot driveway entrances and additional U-turns at intersections upstream and downstream of driveways that may be restricted to right-turn-only access. Parking activity at each potential parking structure site has the potential for impacting traffic operations at the following intersections, as listed below.

Mitigation Measure TRAF-13 on page 4.13-76 of the Draft EIR is hereby amended as follows:

TRAF-13: Amend the Plan's Circulation section regarding parking to include a Program to address vehicle queuing impacts during the environmental and design review processes for the downtown parking facility location that is ultimately chosen. In this added Program, measures to consider for minimizing impacts shall ~~should~~ include providing adequate driveway throat depth to minimize potential queue spillover onto the adjacent roadway, and multiple entry lanes on-site to store vehicles that are waiting to enter the structure. Establishing these review processes is expected to mitigate this impact to a less-than-significant level because these processes will ensure that the measures needed to avoid vehicle queuing impacts on adjacent streets are incorporated in the design of the downtown parking facility.

The first paragraph of Mitigation Measure TRAF-14 starting near the bottom of page 4.13-76 of the Draft EIR is hereby amended as follows:

Amend the Plan's Circulation section regarding parking to include Programs to address bicycle and pedestrian circulation and safety impacts during the environmental and design review processes for the downtown parking facility location that is ultimately chosen. In these added Programs, measures to consider for minimizing impacts should include limiting the number of vehicle access points on any one roadway serving the future parking facility; providing design elements such as visible and audible devices that warn pedestrians and bicyclists of vehicles entering and exiting parking facility driveways, and signs and pavement markings to warn drivers that they are crossing pedestrian and bicycle right-of-ways; providing signs and pavement markings that emphasize clear paths for pedestrians, bicyclists, and motorists at potential driveway conflict points; and providing safe and secure parking for bikes.

The last paragraph on page 4.14-13 of the Draft EIR is hereby amended as follows:

Figure 4.14-2 shows the location of the open creek segments along Lafayette Creek, Happy Valley Creek, Old Jonas Creek, Reliez Creek, and Las Tranpas Creek.

Figure 4.14-2 on page 4.14-14 of the Draft EIR is hereby replaced with the figure on the following page.

Figure 5-1 on page 5-5 of the Draft EIR is hereby replaced with the figure on page 3-75.

Figure 5-2 on page 5-6 of the Draft EIR is hereby replaced with the figure on page 3-76.

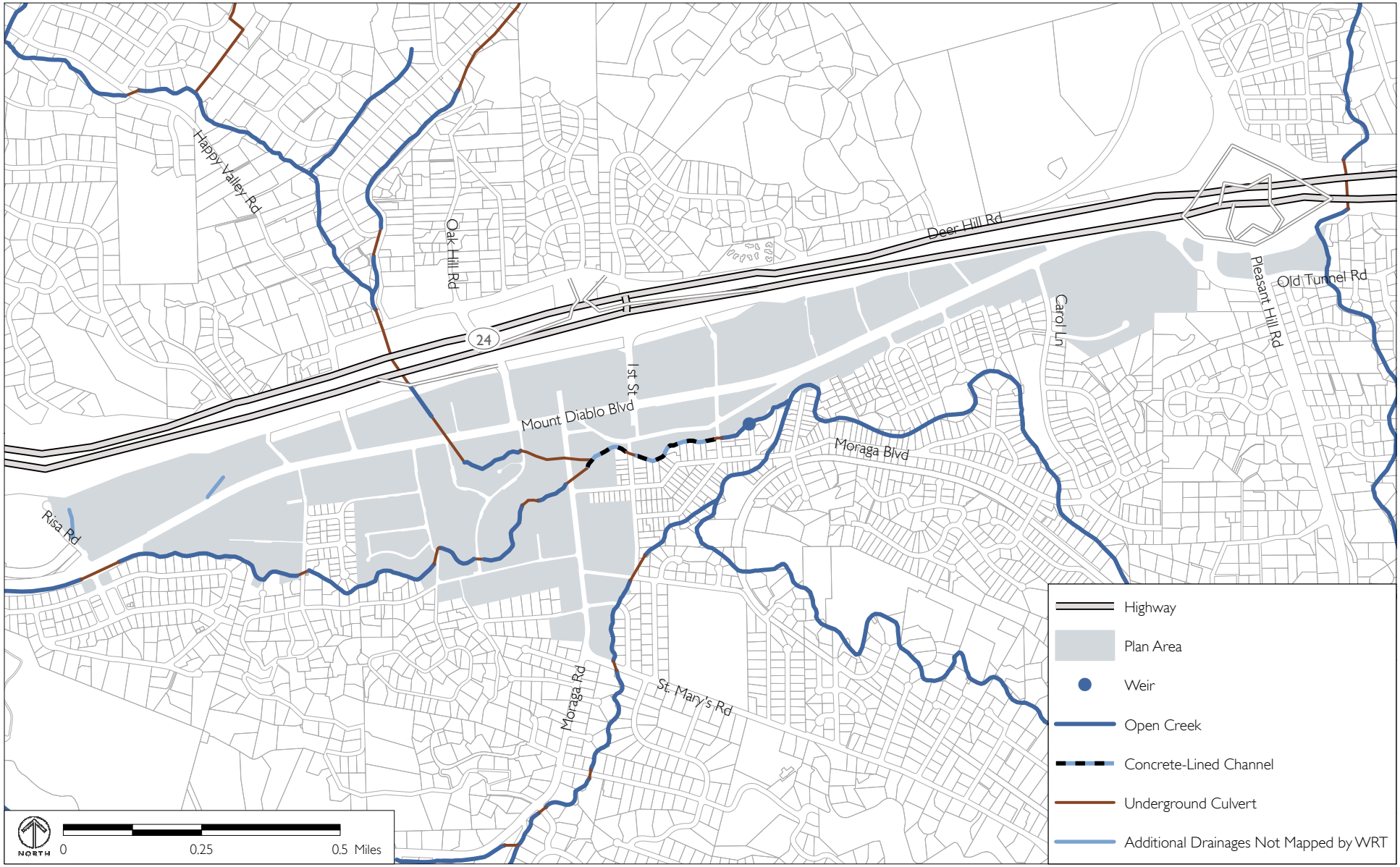
Figure 5-11, on page 5-17 of the Draft EIR, is hereby replaced with the figure on page 3-77.

The last paragraph on page 5-19 of the Draft EIR is hereby amended as follows:

The No Project Alternative would not involve the policies proposed by the Plan. As described in Chapter 4.1, the Plan includes policies that seek to protect the visual quality of the Plan Area. These policies target urban design, building design, open space, and streetscape design. All are intended to encourage infill projects that are well-designed and site-sensitive, and to preserve the existing small-town feel of the Plan Area within its unique natural setting. ~~Since t~~Although the City's existing General Plan, Zoning Ordinance, and design review process do provide design guidance for future development, these proposed additional policies would provide development standards tailored to various districts within the downtown and would not be adopted under the No Project Alternative.~~, this alternative could result in slightly deteriorated aesthetic conditions compared to the proposed Plan. N~~However, neither the Plan nor the No Project Alternative would result in a significant impact, therefore this alternative would be *similar* to the proposed Plan.

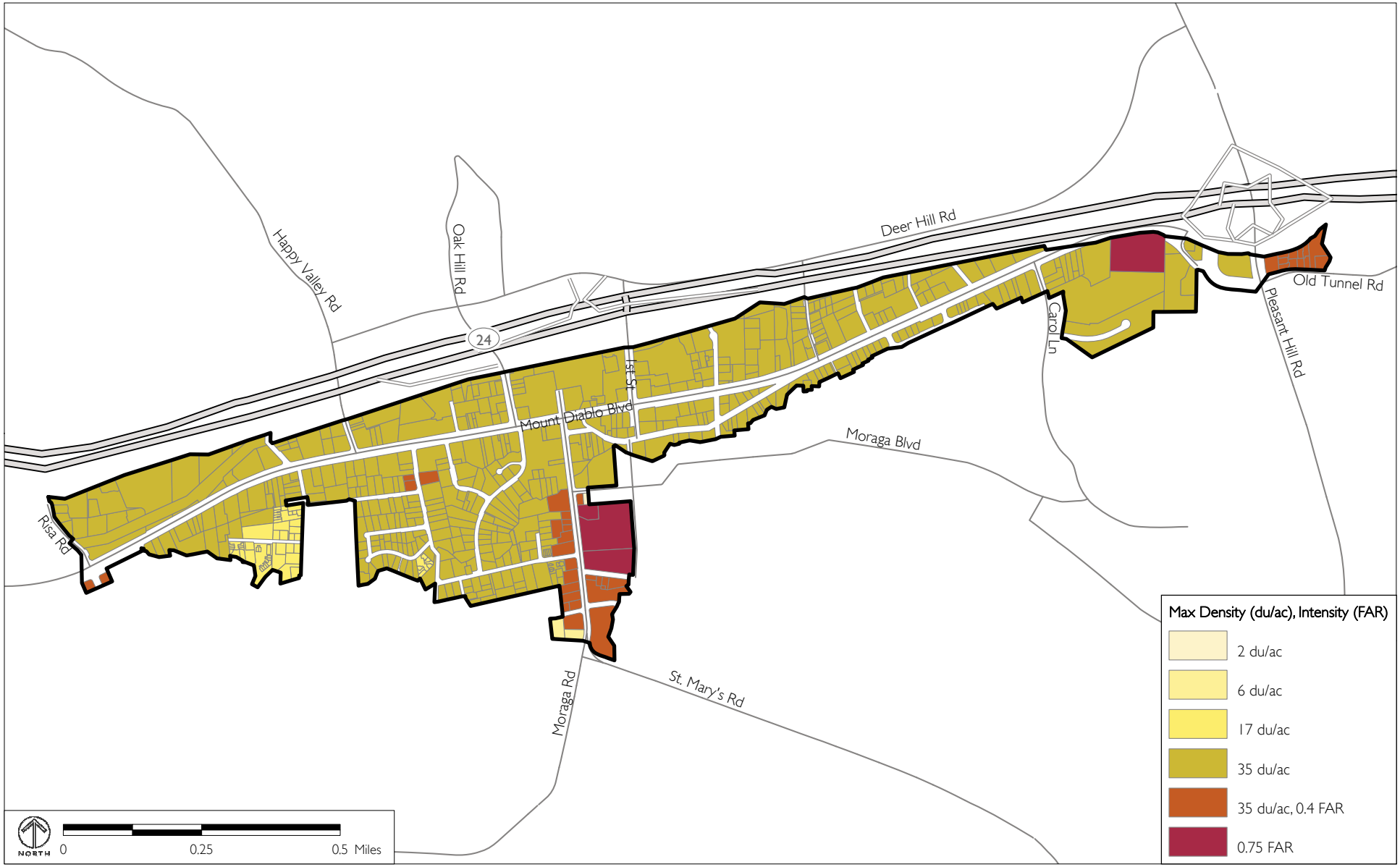
The last paragraph on page 5-20, continuing onto page 5-21, of the Draft EIR is hereby amended as follows:

As identified in Chapter 4.4, Cultural and Historic Resources, the Plan would have potential impacts on historical resources that would be reduced to a less-than-significant level through mitigation. The No Project Alternative would have the same effect on historical resources since it would also result in new



Source: DC&E, WRT, Environmental Collaborative, 2009

FIGURE 4.14-2
CREEKS IN PLAN AREA VICINITY



Source: DC&E, City of Lafayette

Highway
Local Streets
Plan Area

FIGURE 5-1

MAXIMUM DEVELOPMENT DENSITY/INTENSITY, NO PROJECT ALTERNATIVE

Source: DC&E, City of Lafayette

Highway
Local Streets
Plan Area

FIGURE 5-2
MAXIMUM HEIGHT, NO PROJECT ALTERNATIVE

FIGURE 5-11

NO PROJECT ALTERNATIVE VISUAL SIMLUATION (35-FOOT HEIGHT LIMIT, WITH 50-FOOT UPPER-FLOOR STEPBACKS WHERE APPLICABLE): VIEWPOINT 5, LOOKING WEST ALONG MOUNT DIABLO BOULEVARD FROM CAROL LANE

development throughout the Plan Area. As would be the case under the proposed Plan, new development under the No Project Alternative could be proposed on sites containing structures with the potential to be designated as historically significant. Development under the No Project Alternative would still need to comply with existing General Plan policies and federal, State, and local regulations concerning the preservation and protection of historical, archaeological, and paleontological resources and human remains. However, the No Project Alternative would not involve the adoption of the policies proposed in the Plan that seek to further protect historical resources in the downtown. For example, Downtown Character (DC) Goal 2 calls for the essence of Lafayette's history in the downtown to be captured through a variety of ways. 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. Program DC-2.1.2 calls for standards in the commercial design guidelines for historic resources. Although the existing regulations and procedures do provide protection for cultural resources, ~~T~~these proposed additional policies would provide policy guidance tailored to future development within the downtown and would not exist under the No Project Alternative. Therefore, the No Project Alternative would not avoid the significant impact that would occur under the proposed Plan and could result in new negative effects on historic resources. Therefore, the No Project Alternative would be a *slight deterioration* compared to the ~~proposed~~ Plan.

The first three sentences of the second paragraph on page 5-21 of the Draft EIR are hereby amended as follows:

Impacts pertaining to geology and soils would be expected to be less than significant under both the proposed Plan and the No Project Alternative. Although Lafayette is vulnerable to seismic activity due to the location of several faults within the region, ~~N~~none of the faults mapped in Lafayette are considered active, although four faults have been identified as ~~or~~ potentially active. The risk of landslides would be considered less than significant because the Plan Area has ~~no~~ few slopes greater than 30 percent, and the num-

ber of undeveloped parcels which would be likely to experience landslides is limited.

The second sentence of the last paragraph on page 5-22 of the Draft EIR is hereby amended as follows:

Wildland fire hazards are considered to be low because the Plan Area ~~does not~~ contains few ~~any~~ lands designated as "High" fire risk by the California Department of Forestry and Fire Protection (CALFIRE).

The first paragraph on page 5-23 of the Draft EIR is hereby amended as follows:

Under the proposed Plan, existing regulations and site conditions in the Plan Area would avoid any significant impacts from occurring. Specifically, conformance with existing permits and implementation of existing regulations would be sufficient to reduce violations of water quality standards to less-than-significant levels, preventing significant increases in surface runoff. In addition, as noted in Chapter 4.7, Hydrology and Water Quality, implementation of stormwater regulations and low impact guidelines as new development occurs in the Plan Area is expected to have a beneficial impact on stormwater quality. Provisions of the Lafayette Municipal Code would prevent impacts associated with flood hazards associated with the 100-year flood hazard zone and potential creek flooding. Lafayette is not located in a significant groundwater basin and therefore no impact to a groundwater table or aquifer is expected. A safety review conducted for the Lafayette Reservoir Dam found that the dam is stable, and therefore risks associated with dam failure are considered to be very low. All of these regulations would be in place under both the proposed Plan and the No Project Alternative. In addition, neither the proposed Plan nor the No Project Alternative would involve significant alterations to watercourses or existing drainage patterns. Therefore, the impact of the No Project Alternative would be *similar* to that of the proposed Plan.

The last paragraph on page 5-25 of the Draft EIR is hereby amended as follows:

Under the No Project Alternative, the number of new housing units developed and corresponding population growth would be similar to the total buildout projections anticipated by the city's General Plan and projections released by the Association of Bay Area Governments (ABAG). The Lafayette General Plan anticipates 1,108 new housing units citywide between 2010 and 2030, with a corresponding population increase of 2,881 new residents; ABAG projects that the City of Lafayette will increase citywide by 770 units and 2,000 residents. In comparison, the No Project Alternative would generate a total of 730 new residential units and 1,898 new residents in the Plan Area, using the average household size of 2.6. Therefore, buildout of the No Project Alternative would not exceed local and regional growth projections. Additionally, the No Project Alternative would not enhance or extend infrastructure in so much as to induce substantial population growth.

The second paragraph on page 5-26 of the Draft EIR is hereby amended as follows:

Under the both the proposed Plan and the No Project Alternative, new development would occur over the next 20 years and there would be potential for some displacement of people, housing, and existing businesses. However, the proposed Plan includes policies to protect the city's existing housing stock and residential development in the downtown. Therefore, displacement of existing housing and the construction of replacement housing elsewhere is anticipated to be minimal. Similarly, the existing General Plan Housing Element includes policies to discourage the conversion of residential uses to non-residential uses and of rental housing to condominium housing, and directs the City to consider the impact of large-scale commercial development on existing housing. The existing General Plan Land Use Element calls for the retention of housing in the downtown.~~These policies would be implemented under the proposed Plan, and not under the No Project Alternative.~~

The second paragraph on page 5-31 of the Draft EIR is hereby amended as follows:

Seven other study intersections would operate at unacceptable LOS during at least one peak hour with either the No Project Alternative or the proposed Plan:~~.~~

- Mount Diablo Boulevard/Moraga Road
- Moraga Road/School Street
- Moraga Road/Brook Street
- Deer Hill Road/State Route 24 Westbound Ramps
- Deer Hill Road/Happy Valley Road
- Deer Hill Road/Oak Hill Road
- First Street/State Route 24 Eastbound On-Ramp

The LOS results for these intersections with the No Project Alternative are presented in Table 4.13-11 on page 4.13-29, and described in detail on the accompanying pages of that section.

The last paragraph on page 5-33, continuing onto page 5-34, of the Draft EIR is hereby amended as follows:

However, under the No Project Alternative, the policies of the proposed Plan would not be adopted, including the policies called for under Natural Resources Goal 1, which would ensure protection and enhancement of riparian habitat. These policies would serve to locate development away from existing riparian vegetation, including the California black walnut trees which grow in the riparian woodlands regardless of whether they are of native or agricultural origin. Natural Resources Goal 2 seeks to preserve trees in the downtown area. Although the existing regulations and policies do provide protection for biological resources, ~~T~~these proposed additional policies would provide policy guidance tailored to future development within the downtown and would not be adopted under the No Project Alternative. Therefore, additional impacts to biological resources could be created, and this alternative would be a *slight deterioration* in comparison to the proposed Plan.

Figure 5-13 on page 5-35 of the Draft EIR is hereby replaced with the figure on the following page.

The first sentence of the last paragraph on page 5-37 of the Draft EIR is hereby amended as follows:

Although Lafayette is vulnerable to seismic activity due to the location of several faults within the region, Lafayette does not contain any faults known to be active, although four faults have been identified as ~~or~~ potentially active faults. In addition, ~~and because~~ the Plan Area has ~~no~~ few slopes greater than 30 percent and therefore the risk of landslides is low.

The third sentence of the first paragraph on page 5-38 of the Draft EIR is hereby amended as follows:

Wildland fire hazards are considered to be low because the Plan Area ~~does not~~ contains few ~~any~~ lands designated as "High" fire risk by CALFIRE.

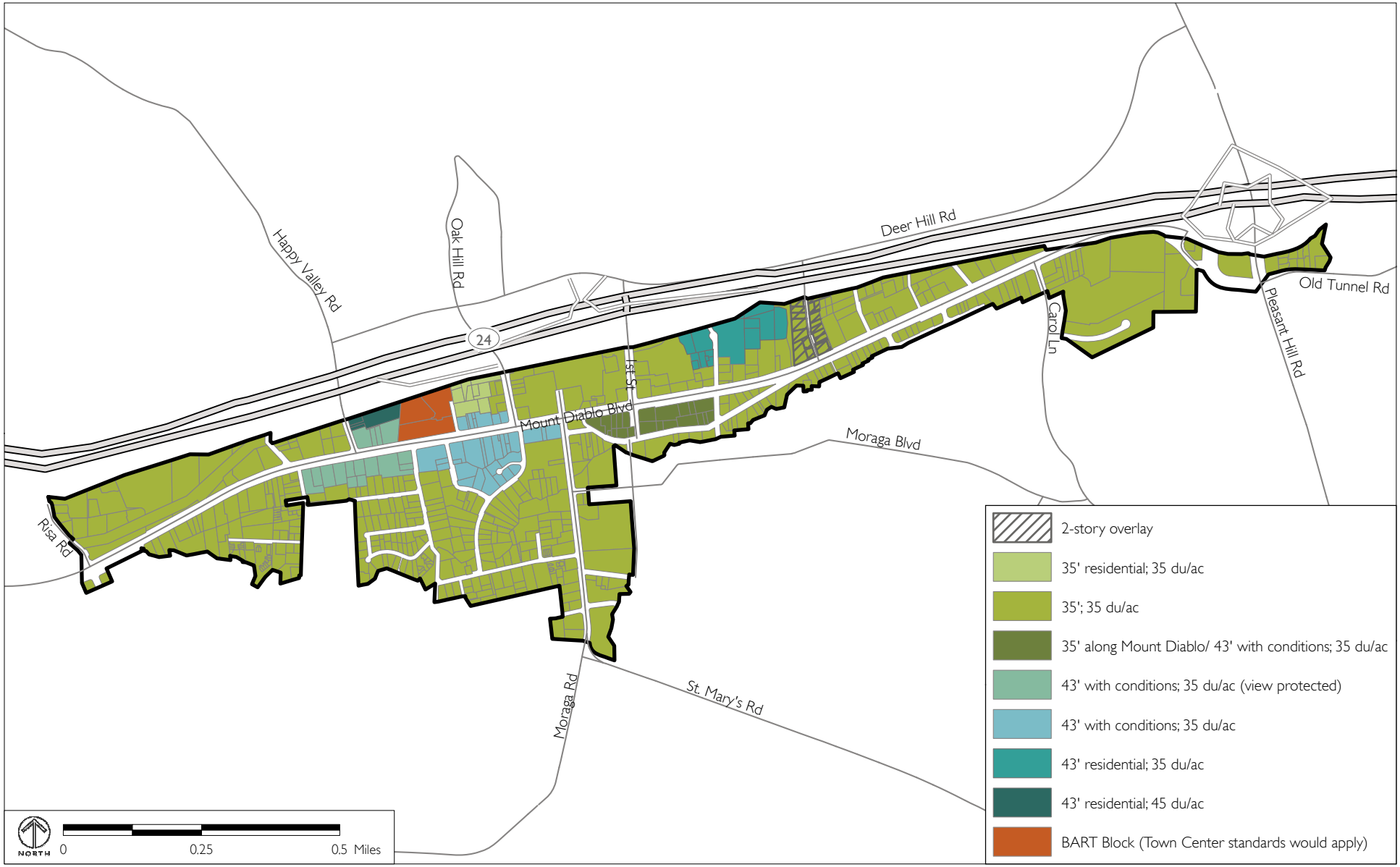
Figures 5-14, 5-15, and 5-16 on pages 5-45, 5-46, and 5-47, respectively, of the Draft EIR are hereby replaced with the figures on pages 3-84, 3-85, and 3-86.

The first sentence of the second paragraph on page 5-51 of the Draft EIR is hereby amended as follows:

Although Lafayette is vulnerable to seismic activity due to the location of several faults within the region, Lafayette does not contain any faults known to be active, although four faults have been identified as ~~or~~ potentially active faults. In addition, ~~and because~~ the Plan Area has ~~no~~ few slopes greater than 30 percent and therefore the risk of landslides is low.

The first full sentence on page 5-52 of the Draft EIR is hereby amended as follows:

Wildland fire hazards are considered to be low because the Plan Area ~~does not~~ contains few ~~any~~ lands designated as "High" fire risk by CALFIRE.



Source: DC&E, City of Lafayette

Highway
Local Streets
Plan Area

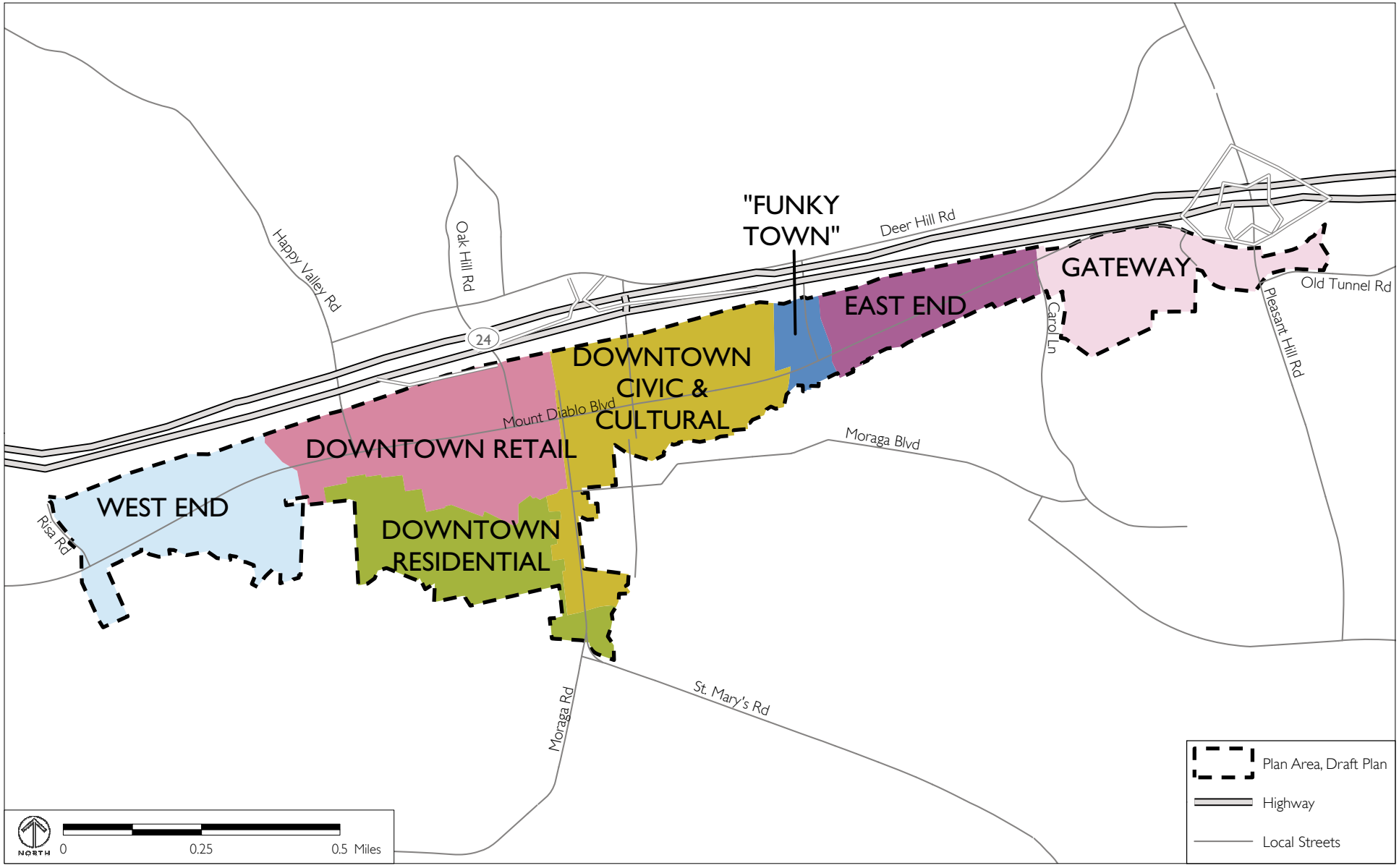
FIGURE 5-13

MAXIMUM ALLOWABLE BUILDING HEIGHT AND DENSITY, LOWER INTENSITY ALTERNATIVE

Source: DC&E, City of Lafayette

FIGURE 5-14

PLAN AREA BOUNDARY, REVISED PLAN COMPARED TO HIGHER DENSITY ALTERNATIVE



Source: DC&E, City of Lafayette

FIGURE 5-15
DOWNTOWN DISTRICTS, HIGHER INTENSITY ALTERNATIVE

Source: DC&E, City of Lafayette

Highway
Local Streets
Plan Area, Draft Plan

FIGURE 5-16

MAXIMUM ALLOWABLE BUILDING HEIGHT AND DENSITY, HIGHER INTENSITY ALTERNATIVE

The first sentence of the second paragraph on page 5-53 of the Draft EIR is hereby amended as follows:

The Higher Intensity Alternative proposes to explore the provision of a new roadway connection between the State Route 24 eastbound off-ramp on Oak Hill Road and the First Street onramp, just south of State Route 24.

The second paragraph on page 5-57 of the Draft EIR is hereby amended as follows:

Mitigation would require installation of right-turn arrow signals for the southbound right turns to ~~from~~ Mount Diablo Boulevard from ~~onto~~ Happy Valley Road and First Street. These mitigations would be expected to result in acceptable operations of LOS D or better at both intersections, even with the greater number of trips generated by the Higher Intensity Alternative.

The first full paragraph on page 5-58 of the Draft EIR is hereby amended as follows:

Four unsignalized study intersections are expected to operate unacceptably under the Higher Intensity Alternative, just as under Cumulative with Specific Plan Project conditions. However, these intersections are still expected to operate acceptably at LOS D or better with the same mitigations, specifically installation of traffic signals at each location, as proposed under Cumulative with Specific Plan Project conditions. These ~~downtown~~ unsignalized intersections are as follows:

- Oak Hill Road/State Route 24 Eastbound Off-Ramp
- Deer Hill Road/Happy Valley Road
- Deer Hill Road/Oak Hill Road
- First Street/State Route 24 Eastbound On-Ramp

4 LIST OF COMMENTORS

A. Written Comments

Written comments were received from the following agencies, organizations, and individuals. Letters are arranged by category; within each category, letters are arranged by date received, and then alphabetically. Comment letters received after the close of the public comment period are listed at the end, in the order received.

State and Regional Agencies

1. Lisa Carboni, District Branch Chief, Local Development – Intergovernmental Review. California Department of Transportation. February 26, 2010.
2. William R. Kirkpatrick, Manager of Water Distribution Planning. East Bay Municipal Utility District. March 10, 2010.
3. Jane Kao, Contra Costa County Flood Control District. March 15, 2010.

Local Agencies

4. Cindy Sevilla, Circulation Commission Chair. City of Lafayette Circulation Commission. March 2, 2010.
5. Scott C. Honegger, Chair. Lafayette Creeks Committee, March 11, 2010.
6. Jay Lifson, Executive Director. Lafayette Chamber of Commerce. March 15, 2010.
7. Cindy Sevilla, Circulation Commission Chair. City of Lafayette Circulation Commission. March 16, 2010.
8. Fred Brill, Superintendent. Lafayette School District. March 8, 2010.

Non-Governmental Organizations

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

City Staff and Officials

10. Ann Merideth, Community Development Director. City of Lafayette. Staff Report to the Planning Commission. February 25, 2010.
11. Jeanne Ateljevich, Planning Commissioner. City of Lafayette. March 3, 2010.
12. Brandt Andersson, Mayor. City of Lafayette. March 9, 2010.

Members of the Public

13. Traci Reilly, February 9, 2010.
14. Lynn Hiden and Maeve Pessis, February 27, 2010.
15. Chad Follmer, March 3, 2010.
16. Lynn Hiden, March 3, 2010.
17. Rob Lavoie, March 5, 2010.
18. Marc Brenner and Johanna Gladieux, March 6, 2010.
19. Glenn Breslin, March 6, 2010.
20. Meg Murray and Dan Dupont, March 6, 2010.
21. Nancy and Gordon Mills, March 7, 2010.
22. Brian Aiello, March 8, 2010.
23. Sheila Alfaro, March 8, 2010.
24. Kristen Altbaum, March 8, 2010.
25. Mary Ann Hoisington, March 8, 2010.
26. Eliot Hudson, March 8, 2010.
27. Linda Murphy, March 8, 2010.
28. Susan Pak, March 8, 2010.
29. Traci Reilly, March 8, 2010.
30. Sherry Hoover, March 9, 2010.
31. Kerry and Michael Inserra, March 9, 2010.
32. Meri Levy, March 9, 2010.
33. Robert Nolan, March 9, 2010.
34. Ruth Perkins, March 9, 2010.
35. Ray Peters, March 9, 2010.
36. Charles Regan, March 9, 2010.
37. Mark and Karen Zemelman, March 9, 2010.
38. Larry Pines, March 10, 2010.
39. Bill Whiteman, March 10, 2010.
40. George Burtt, March 12, 2010.
41. Eliot Hudson, March 12, 2010.
42. Char Casella, March 13, 2010.
43. David Bruzzone, March 15, 2010.
44. Lynn Hiden, March 15, 2010.
45. Linda Murphy, March 15, 2010.

46. Cliff Tong, March 15, 2010.
47. Mark Zemelman, March 15, 2010.
48. Mark Zemelman, March 15, 2010.
49. David Bruzzone, March 16, 2010.
50. Lynn Hiden, March 16, 2010.
51. Lynn Hiden, March 16, 2010.
52. Larry Zulch, March 16, 2010.

Comment Letters Received after the Close of the Comment Period

53. Scott Morgan, Acting Director, State Clearinghouse. Governor's Office of Planning and Research. March 18, 2010.
54. Fred Brill, Superintendent. Lafayette School District. March 9, 2010.
55. Karen Maggio, Planning Commissioner. City of Lafayette. April 6, 2010.

B. Oral Comments

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

56. Planning Commission meeting, March 1, 2010.
57. Planning Commission meeting, March 15, 2010.