

# **Resumed Terraces of Lafayette Project**

## **Lafayette, California**

### **Addendum to the Terraces of Lafayette Project Environmental Impact Report SCH No. 2011072055**

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## 1.0 INTRODUCTION

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This Addendum, checklist, and attached supporting documents have been prepared to document that the certified Final Environmental Impact Report (2013 FEIR) for the Terraces of Lafayette project (State Clearinghouse Number 2011072055) adequately addresses the potential environmental impacts of the 2019 proposed Terraces of Lafayette project (Resumed Project) in the City of Lafayette, California pursuant to California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.) and that no Subsequent or Supplemental Environmental Impact Report (SEIR) is required.

## 2.0 BACKGROUND

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On March 4, 2013, the Lafayette City Planning Commission (Planning Commission) certified the FEIR for the Terraces of Lafayette project. On August 12, 2013, the Lafayette City Council (City Council) adopted Resolution 2013-18 affirming the Planning Commission's decision and certifying the FEIR as complying with the requirements of CEQA. The Terraces of Lafayette project addressed in the 2013 FEIR (Original Project) was a residential development of 315 moderate income, multi-family apartment units in 14 residential buildings on an approximately 22.27-acre parcel, located at the southwest corner of Deer Hill Road and Pleasant Hill Road at 3233 Deer Hill Road (project site). Detailed description of the Original Project is provided in **Section 4.4, Project Features Common to the Original Project and the Resumed Project**, below.

On December 9, 2013, the City of Lafayette introduced the Homes at Deer Hill as an alternative development at the project site with the purpose of addressing concerns raised by community members. The alternative development was thought to be more in keeping with the City's semi-rural character and was intended to preserve more scenic open space and natural vegetation at the project site. The Homes at Deer Hill alternative development was proposed to include 44 single-family homes, a community park with a multi-purpose athletic field, a playground, a dog park, and a parking lot.

On January 22, 2014, the City entered into an agreement (Process Agreement) with the project applicant, Anna Maria Dettmer, as trustee of the AMD Family Trust, and O'Brien Land Company (together, Applicant), to suspend the consideration of the entitlements for the Original Project while analyzing and processing an application for the Homes at Deer Hill alternative development. The Process Agreement provided the Applicant the right to resume the Original Project if the alternative development was not approved, or in the event that an appeal, challenge, or referendum related to the alternative development was not resolved in a manner acceptable to the Applicant.

On June 1, 2015, the Planning Commission recommended that the City Council certify the Supplemental EIR prepared for the Homes at Deer Hill alternative development. On August 10, 2015, the City Council adopted Resolution No. 2015-50 certifying the Supplemental EIR and Resolution No. 2015-51 amending the General Plan designation of the project site from "Administrative/Professional Office/Multifamily Residential" to "Low Density Single Family Residential.". On September 14, 2015, the City Council approved the Homes at Deer Hill alternative by adopting Ordinance 641, which rezoned the project site from the Administrative/Professional Office (APO) District to the Single Family Residential (R-20) District and to a Planned Unit (P1) District. On October 14, 2015, a citizens group (Save Lafayette) filed a referendum petition requesting that the ordinance be repealed or that a referendum be placed on the

ballot. The City Council declined to put the referendum to a vote, on the basis that “a referendum seeking to repeal a zoning amendment which would result in a zoning ordinance that is inconsistent with a general plan is a legally invalid referendum.” On March 17, 2016, Save Lafayette filed a petition in Contra Costa County Superior Court (Superior Court), challenging the City’s decision not to place the referendum on the ballot. The Superior Court upheld the City’s decision. However, the state Court of Appeal’s First Appellate District reversed the Superior Court’s decision, and the City placed the referendum regarding the Homes at Deer Hill alternative development (Measure L) on the June 5, 2018, ballot. Measure L was rejected by the Lafayette voters and the approval of the rezoning for the Homes at Deer Hill alternative development was reversed.

On June 15, 2018, the applicant submitted a formal request for the City to end the suspension under the Process Agreement and resume processing the Terraces of Lafayette project. The Resumed Project, analyzed in this addendum, includes similar project components to the Original Project and incorporates several of the mitigation measures identified in the 2013 FEIR analysis.

## **2.1 2013 FINAL ENVIRONMENTAL IMPACT REPORT**

The 2013 FEIR analyzed the potential environmental impacts of the development of the Original Project, a 315-unit multi-family apartment project on an approximately 22.27-acre site. The Original Project included 14 residential buildings, with a total building area of 332,395 square feet, comprised of two and three stories, with one-, two-, and three-bedroom floor plans. Detailed description of the Original Project is provided in **Section 4.4, Project Features Common to the Original Project and the Resumed Project**, below.

The 2013 FEIR concluded that the Original Project would not have significant adverse environmental effects related to agriculture and forest resources, population and housing, mineral resources, or utilities and service systems. Certain potentially significant adverse environmental effects related to aesthetics and visual resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gases, hazards and hazardous materials, hydrology and water quality, noise, public services (including recreational facilities), and transportation were found to be less than significant with implementation of mitigation measures.

The 2013 FEIR found significant and unavoidable impacts regarding certain environmental effects related to aesthetics and visual resources, air quality, biological resources, land use and planning, and transportation.

## Significant Unavoidable Impacts Identified in the 2013 FEIR

### *Aesthetics and Visual Resources*

- Impact AES-1:** The Original Project would block views of ridgelines, causing a significant impact to scenic vistas.
- Impact AES-2:** The Original Project would develop a grassy, largely undeveloped site that many members of the community consider to be a visual resource, causing a significant impact to visual character.
- Impact AES-3:** The Original Project would develop a largely undeveloped site that is visible from State Highway 24, a State-designated scenic highway, blocking views to Lafayette Ridge.

### *Air Quality*

- Impact AQ-2:** Use of heavy off-road and on-road construction equipment by the Original Project would produce substantial emissions of criteria air pollutants.
- Impact AQ-5:** Construction activities associated with the Original Project would result in a temporary increase in criteria air pollutants that exceed the Bay Area Air Quality Management District's regional significance thresholds and, when combined with the construction of cumulative projects, would further degrade the regional and local air quality.

### *Biological Resources*

- Impact BIO-5:** Grading associated with the Original Project would eliminate the estimated 2 acres of native blue wildrye from the site, considered a sensitive natural community, and additional areas of native grassland could be affected by off-site wetland enhancement activities if native grasslands are present in those locations.
- Impact BIO-7:** The Original Project would remove 91 of the 117 existing trees on the site, which qualify as "protected trees" under the City's Tree Protection Ordinance, eliminating about 78 percent of the trees on the site, including the 58-inch valley oak which is one of the largest trees of its kind in the City. The loss of healthy trees on the site would conflict with relevant policies and programs in the City's

General Plan, which call for preservation of healthy trees and native vegetation to the “maximum extent feasible.”

### *Land Use and Planning*

- Impact LU-1:** The Original Project would be inconsistent with General Plan Policy LU-2.1 and Policy LU-2.3. Policy LU-2.1 states, “Density of Hillside Development: Land use densities should not adversely affect the significant natural features of hill areas.” Policy 2.3 states, “Preservation of Views: Structures in the hillside overlay area shall be sited and designed to be substantially concealed when viewed from below from publicly owned property. The hillsides and ridgelines should appear essentially undeveloped, to the maximum extent feasible.”
- Impact LU-2:** The Original Project would be inconsistent with General Plan Policy LU-2.2: “Cluster Development: Preserve important visual and functional open space by requiring development to be clustered on the most buildable portions of lots, minimizing grading for building sites and roads.”
- Impact LU-3:** The Original Project would be inconsistent with several of the Hillside-Development-Permit requirements set forth in the Municipal Code.

### *Transportation and Traffic*

- Impact TRAF-1:** The Original Project would increase delay by more than 5 seconds at an intersection (Deer Hill Road – Stanley Boulevard/Pleasant Hill Road) operating below the acceptable standard.
- Impact TRAF-11:** Under the Cumulative Year 2030 plus Original Project scenario, the peak estimated 95th-percentile left-turn queue length for northbound traffic on Pleasant Hill Road at Deer Hill Road was found to be 306 feet during the AM peak hour, which would exceed the capacity of the existing 250-foot storage lane.
- Impact TRAF-13:** Under Cumulative Year 2030 plus Original Project conditions, the addition of trips to Pleasant Hill Road resulting from the Original Project would increase the peak hour peak direction Delay Index by approximately 0.41 for southbound traffic in the AM peak hour and northbound traffic in the PM peak hour. The Delay Index would increase by more than 0.05 for peak hour peak direction traffic where the Delay Index exceeds 2.0 on Pleasant Hill Road.

### 3.0 CEQA REQUIREMENTS

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*CEQA Guidelines* Section 15164(a) states that the lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in *CEQA Guidelines* Section 15162 calling for preparation of a subsequent or supplemental EIR (SEIR) have occurred. Section 15164(c) states that an addendum does not need to be circulated for public review. Section 15164(d) provides that the decision-making body shall consider the addendum in conjunction with a certified Final EIR prior to making a decision on the project. Section 15164(e) requires that a brief explanation of the decision not to prepare an SEIR pursuant to Section 15162 be included in the addendum, the lead agency's required findings on the project, or elsewhere in the record.

*CEQA Guidelines* Section 15162(a) provides that once an EIR has been certified for a project, no SEIR shall be prepared unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
  - The project will have one or more significant effects not discussed in the previous EIR;
  - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or



- Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This Addendum has been prepared to satisfy the requirements of *CEQA Guidelines* Section 15164.

## 4.0 PROJECT DESCRIPTION

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The Resumed Project analyzed in this addendum proposes essentially the same project components as the Original Project analyzed in the 2013 FEIR and described in **Section 4.4, Project Features Common to the Original Project and the Resumed Project**, below. However, the Resumed Project includes design refinements that were either identified as mitigation measures in the 2013 FEIR or recommended by City staff. These additional refinements are described in **Section 4.6, Refinements Incorporated into the Resumed Project**, below.

### 4.1 PROJECT LOCATION

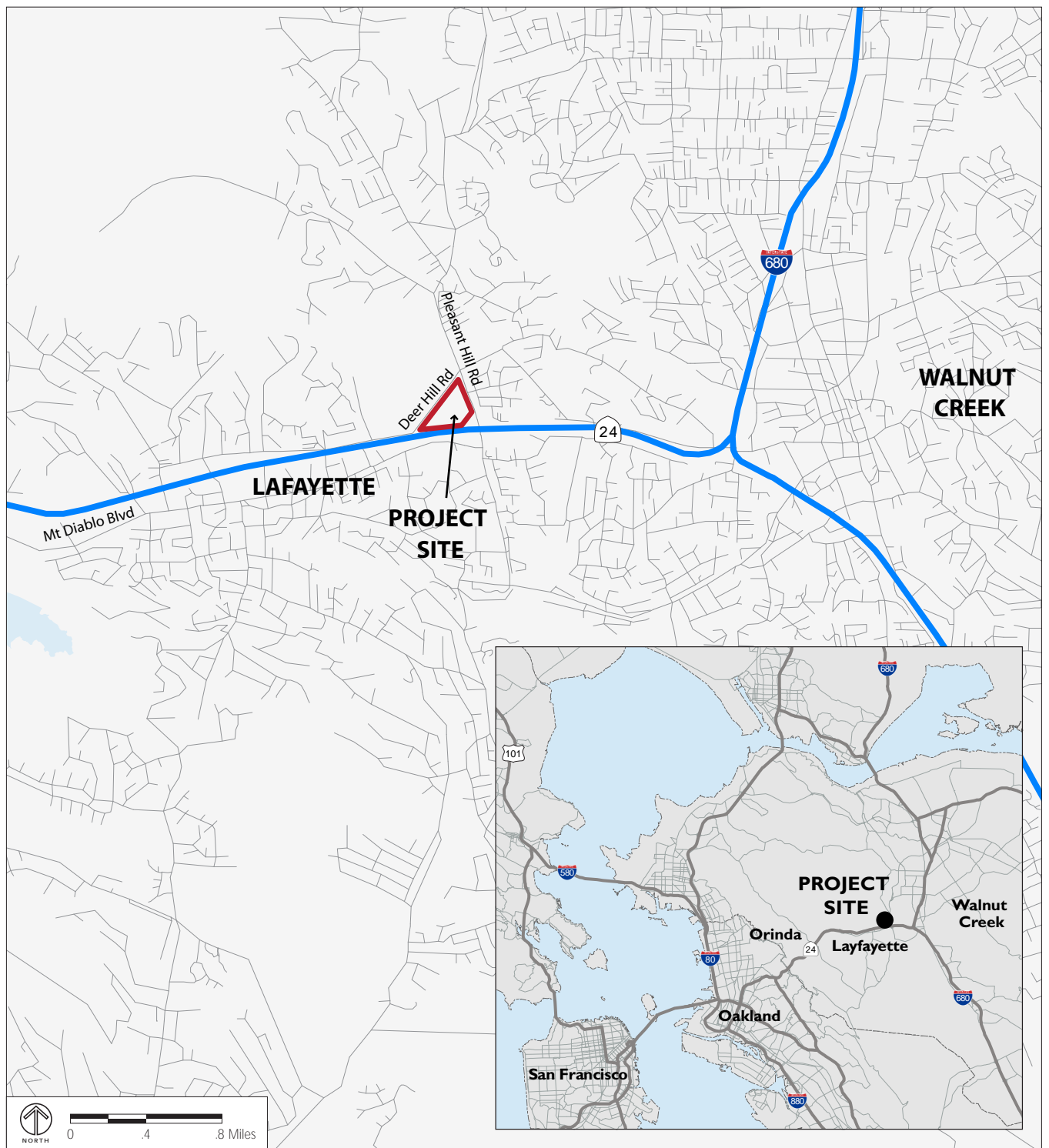
The project site is located in the City of Lafayette, approximately 18 miles northeast of San Francisco. The City is situated in central Contra Costa County east of the City of Orinda, north of the Town of Moraga, and west of the City of Walnut Creek. The Project site is located on an approximately 22.27-acre parcel at 3233 Deer Hill Road in east central Lafayette, south of Deer Hill Road, west of Pleasant Hill Road, and north of State Highway 24 (See **Figure 4-1, Regional and Vicinity Map**).

### 4.2 EXISTING CONDITIONS

The project site is currently undeveloped. A part of the northeastern portion of the site has served as a seasonal Christmas tree lot since 1997. A gravel road from Deer Hill Road provides access to the middle portion of the site, where a former quarry operated from 1967 to 1970. Materials taken from the site were used for the construction of Pleasant Hill Road, Deer Hill Road, and Bay Area Rapid Transit (BART). Approximately 85 percent of the project site has either been graded or disturbed as a result of these uses.

As a result, on-site topography is uneven and consists of four graded terraces ranging in elevation from 330 to 463 feet above mean sea level.

The Project site contains approximately 27,000 square feet in paved surfaces. The site previously contained several buildings, including a single-family home with an attached office next to a large oak tree, a two-room log cabin, a one-bedroom single-family home, a garage and a wood shed. All of the buildings previously at the site were removed following the City's approval of demolition permits in 2016.



SOURCE: City of Lafayette, The Planning Center, DC&E; 2011

FIGURE 4-1

## Regional and Vicinity Map

The project site's vegetation is dominated by a cover of non-native and native grasslands, with stands of planted and remnant native oak woodland, and scattered ornamental tree plantings. A riparian woodland and scrub are present along an intermittent creek channel that traverses the northern portion of the property. Most of the coast live oak trees were planted in a row along the existing and original driveways onto the site, presumably around the time Deer Hill Road was developed in the early 1970s.

The mature valley oak "Grand Oak" located near the former site of the demolished single-family residence is reported to be naturally occurring and predating the 1950s. This oak has a trunk diameter of 58 inches, with a canopy radius of 30 to 50 feet, and is estimated to be over 200 years old.<sup>1</sup> At the time of the preparation of the 2013 FEIR, it was estimated that the tree had approximately 50 years of life left, considering that the root system was covered by the concrete patio and other impervious surface associated with the single-family home that was then at the site.

The intermittent creek on the site is an unnamed tributary to Reliez Creek within the Las Trampas Creek watershed. Flows in the intermittent creek originate from a storm drain pipe under Deer Hill Road that drains the upgradient watershed to the west, crosses the site as an open channel, and then flows into a storm drain pipe off the site under Pleasant Hill Road, which continues in a culvert system through the developed neighborhood to the east until eventually discharging into Reliez Creek.

### 4.3 SURROUNDING LAND USES

The project site, located at the northwest corner of the Pleasant Hill Road/State Highway 24 intersection, is bounded by Pleasant Hill Road to the east, State Highway 24 to the south and Deer Hill Road to the west and north.

Existing land uses to the east include a gas station and single-family residences, and Acalanes High School is located at the northeast corner of the Deer Hill Road/Pleasant Hill Road intersection. Downtown Lafayette is located to the south of the site, across State Highway 24. Existing land uses to the west and north of the project site and across Deer Hill Road include two single-family residences, vacant land, and open space. The Lafayette Ridge Trail Staging Area into Briones Regional Park is located approximately 500 feet north of the Deer Hill Road/Pleasant Hill Road Intersection.

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<sup>1</sup> Traverso Tree Service, March 15, 2011. *Tree Inventory and Assessment for the Deer Hill and Pleasant Hill Road Project*.

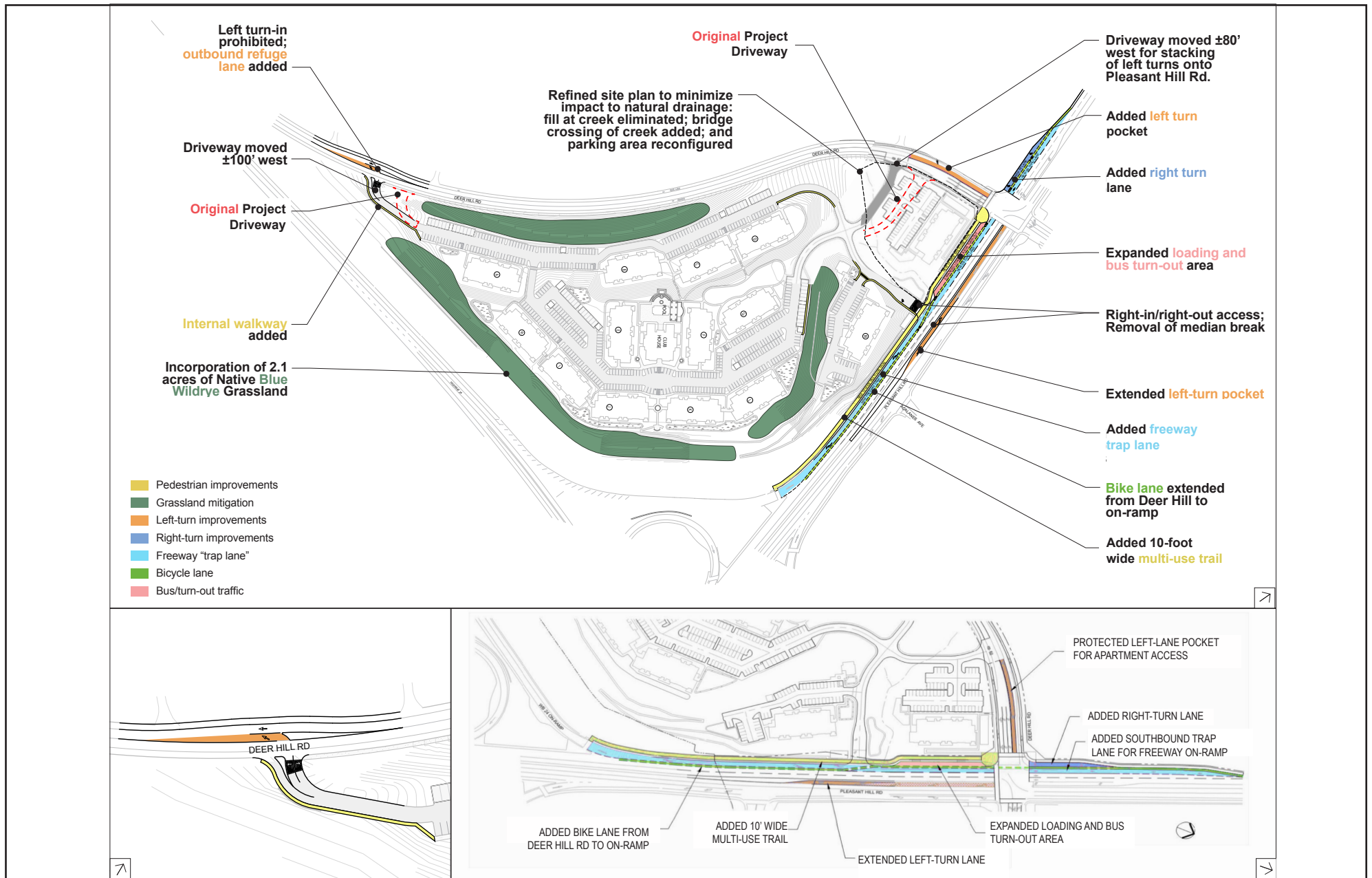
#### 4.4 PROJECT FEATURES COMMON TO THE ORIGINAL PROJECT AND THE RESUMED PROJECT

Both the Original Project and the Resumed Project would include 315-unit multi-family apartments on the approximately 22.27-acre project site. Both would include 14 residential buildings, with a total building area of approximately 332,395 square feet, comprised of two and three stories, with one-, two-, and three-bedroom floor plans. Massing, form, and scale of the building would be designed to comply with the height limits required on each of the four existing terraces at the project site. As shown on **Figure 4-2, Proposed Site Plan**, a two-story, 13,300-square-foot clubhouse for use by project residents would be located in the center of the development and would include fitness facilities, a theatre, an outdoor pool, meeting rooms, men's and women's showers, and a game room. A leasing office in a separate one-story 950- square-foot building would be located on the northeast portion of the site. The leasing office would include space for sales, storage, restrooms, and presentations. Amenities would include an outdoor pool, picnic areas, a dog mini-park, a turf play area for lawn games, and on-site pedestrian trails. A total of approximately 567 vehicular parking spaces would be provided at the project site, including 60 parking spaces in garages, 316 in carports, and 191 parking spaces as uncovered stalls on streets. 12 of the total 567 vehicular parking spaces would comply with the standards set forth in the Americans with Disabilities Act.

In compliance with the City's exterior lighting requirements, lighting would be low-level illumination and exterior lighting would be shielded (downward facing) to minimize light spill, glare and reflection and maintain 'dark skies.'

As shown on **Figure 4-2, Proposed Site Plan**, the 14 residential buildings (A through N) would be accessed by an on-site loop driveway, with the upper loop serving buildings A, B, C, and D and connecting the west project driveway on Deer Hill Road to the Pleasant Hill Road driveway. The lower loop would serve buildings E through L and the clubhouse. Building M would be accessed from the Pleasant Hill Road driveway and Building N from the east Deer Hill Road driveway. In general, all the roads in the internal circulation network would be 20 feet wide, except the 26-foot-wide driveways that run through the parking lots. Internal circulation would be privately owned and maintained by the property owner. The development would have three vehicular access points.

The primary access point would connect to Pleasant Hill Road on the east side of the Project site. Two secondary access points would be on Deer Hill Road with one at the northwest corner and the other near the northeast corner of the project site.



SOURCE: BKF Engineers, 2019.

FIGURE 4-2

An on-site sidewalk network would provide pedestrian access to the residential and clubhouse areas and connect to the frontage sidewalk along Deer Hill Road. Trails would be provided from Pleasant Hill Road to the clubhouse area. Roadway frontage, including curbs, gutters, and sidewalks, would be improved along Pleasant Hill Road and Deer Hill Road.

No designated bike lanes would be provided on site. However, signage would be installed cautioning drivers to share the road with bicyclists and setting speed limits.

New utility infrastructure would be installed on the site to accommodate the new development. The development would meet a rating of Leadership in Energy and Environmental Design (LEED) Silver or better to reduce energy and water consumption. The project would include photovoltaic panels for solar energy supply. Wastewater treatment facilities would be provided in conformance with Regional Water Quality Control Board (RWQCB) treatment standards for wastewater. The project would include 18 bioretention areas to drain impervious surfaces as integrated management practices (IMPs), located adjacent to and behind buildings and roads in flat areas of the site.

#### 4.5 CHANGES TO EXISTING CONDITIONS SINCE THE CERTIFICATION OF THE 2013 FEIR

As described under **Section 4.2, Existing Conditions**, the project site is currently vacant. Since the preparation of the 2013 FEIR, the structures and buildings that previously existed at the project site, which included a single-family home with an attached office, a two-room log cabin, a one-bedroom single-family home, a garage and a woodshed, have been demolished. Demolition of the buildings and structures was performed in compliance with City requirements after obtaining a demolition permit from the City's Planning and Building Division.

As required by **2013 FEIR Mitigation Measures (MM) HAZ-1a** and **MM HAZ-1b**, before obtaining the demolition permit, the applicant hired qualified consultants to conduct asbestos and lead based-paint (LBP) abatement surveys. On February 29, 2016, an asbestos and LBP abatement survey was conducted at the project site and at an adjacent site located north of Deer Hill Road.<sup>2</sup> The survey identified asbestos containing materials in three of the five buildings (single-family home with an attached office, log cabin, and one-bedroom single-family home) located at the project site and recommended the removal of these materials by a C-22 registered contractor utilizing asbestos trained workers and engineering controls prior to demolition. The survey found all painted surfaces in good condition and recommended disposal of painted building components as construction debris. The survey report noted the presumed presence

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<sup>2</sup> Hamilton, Jennifer M. CAC (96-2013, CDPH (8083). 2016. Suspect Asbestos Building Materials Survey. Structures No. 1-8 on Demolition Plan at 3233-3237 and adjacent site on Deer Hill Road, Lafayette, California. March 3.

of Crystalline Sylica<sup>3</sup> in all concrete material and recommended workers protection and control of air dust during cutting, drilling, demolition, and other construction operations. On March 21, 2016, the City Planning and Building Division Department issued a demolition permit for all the buildings at the project site. On March 27, 2016, the Contra Costa County Department of Conservation and Development approved the demolition permit. On April 11, 2016, Contra Costa County Building Inspection performed the final inspection and issued a certificate of completion of the demolition activities. The demolition permit, including related survey reports and agency inspections and approvals, is included in **Appendix A, On-site Structures Survey and Demolition Permit**.

Prior to obtaining the demolition permit, and in compliance with **2013 FEIR MM BIO-2** and **MM BIO-3**, the applicant contracted with a qualified biologist to conduct pre-construction surveys for nesting birds, other migratory birds, and roosting bats to assess the presence of active bird nests and/or roosting bats within any trees or structures at the project site during that time. The nesting bird survey was conducted on March 16, 2016. No active bird nests were reported at the site or within approximately 50 feet of the project boundary. The pre-construction bat survey was conducted on March 21 and 22, 2016. No bats were reported to be using the site at the time of the survey

At the time of the preparation of the 2013 FEIR, 117 trees were present at the project site. On March 15, 2016, consistent with the requirements of **2013 FEIR MM BIO-7**, the City issued a tree removal permit authorizing the applicant to begin tree removal and implement the conditions of approval attached to Resolutions 2015-50 and 2015-51 certifying the Supplemental EIR and amending the General Plan land use designation for the Homes at Deer Hill alternative project. The conditions of approval included measures to protect the trees to be retained. The tree permit provided under the Homes at Deer Hill Project authorized the removal of 48 of the 117 trees inventoried at the site and included a tree preservation plan that outlined protection measures for the remaining 69 trees in compliance with the City's Tree Protection Ordinance, including the "Grand Oak." It also provided measures to tag and identify trees on the project site or overhanging the site with trunk diameters of 6 inches at 4.5 feet above grade. Recommendations during pre-construction, demolition, and grading phases are outlined in the plan based on the trees' age and condition (**Appendix B, Biological Resources**). In compliance with the tree permit, the applicant removed 48 trees at the project site and implemented the measures outlined in the tree preservation plan to protect the remaining trees at the project site including the Grand Oak.

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<sup>3</sup> Crystalline silica is a basic component of soil, sand, granite, and many other minerals. Quartz is the most common form of crystalline silica. Cristobalite and tridymite are two other forms of crystalline silica. All three forms may become respirable size particles when workers chip, cut, drill, or grind objects that contain crystalline silica.



In compliance with **2013 FEIR MM BIO-5**, in June 2016, after demolition activities were completed and in coordination with the City staff, the applicant salvaged the native grass (*Elymus x gouldii*) present at the project site in coordination with the City's Planning and Building Services Division. The areas of native grassland to be preserved were flagged in the field prior to the removal of any vegetation. Areas of native grassland within the project site were salvaged and moved to a nursery facility in Carmel Valley. Salvage material included both intact stem and root material. Salvaged grass is being stored and maintained until ready for reinstallation and conditions are optimal for successful reestablishment when the site is ready. A qualified biologist reported the status of the native grass at the nursery on October 28, 2016, and in April 2019, and documented that the plants were in good condition.

#### 4.6 REFINEMENTS INCORPORATED INTO THE RESUMED PROJECT

As described above, the Resumed Project includes design refinements that were either identified as mitigation measures in the 2013 FEIR or recommended by the City staff.

**Refinement to the Design of the Northeast Portion of the Project.** The Resumed Project was refined to avoid filling an estimated 295 linear feet of the creek that traverses the northeast portion of the site, with the exception of the grading activities and foundation associated with installation of an arched culvert (clear bridge span) for the driveway access. Consistent with the requirements of **2013 FEIR MM BIO-8**, creek crossing would be limited to a narrow and arched culvert (or clear span bridge) for the access driveway under the east driveway on Deer Hill Road (**Figure 4-3, Proposed East Driveway Access on Deer Hill Road**). To minimize the width of the arched culvert structure, the driveway use would be designed to accommodate only a vehicle roadway and pedestrian sidewalk crossing. As part of the design refinements, parking, including garage structures, and landscaping within the crossing initially planned at this location under the Original Project would be eliminated under the Resumed Project.

**Tree Replacement Plan.** The Resumed Project would preserve 16 trees instead of the 26 trees that were planned for preservation under the Original Project. The Resumed Project would plant approximately 68 more trees on the project site than planned under the Original Project. This would result in a total of 768 new trees compared to 700 trees under the Original Project. Replacement trees under the Resumed Project would include approximately 401 native tree species, similar to the Original Project. However, unlike the Original Project and consistent with the requirements of **2013 FEIR MM BIO-7**, the proposed landscape plan for the Resumed Project does not include the planting of California bay (*Umbellularia californica*) because of its slow growth and potential contribution to the establishment of sudden oak death on the site, which could then spread to surrounding coast live oaks. Planted native trees under the Resumed Project would include native oaks, valley oaks, California buckeye, California sycamore, and madrone trees. Similar to the Original Project, the Grand Oak would be removed under the Resumed Project.

**Southbound "Trap" Lane on Pleasant Hill Road.** The Resumed Project would include widening of Pleasant Hill Road to add a third lane for southbound through traffic between Deer Hill Road and SR-24. The lane would start approximately 400 feet north of Deer Hill Road and extend south along the entire project frontage on Pleasant Hill Road to become a right-turn-only lane for the on-ramp to westbound SR 24 (i.e., a "trap" lane).

**Access to the Pleasant Hill Road Project Driveway.** Unlike the Original Project, the Resumed Project would not include a median break on Pleasant Hill Road. Access to the project site through Pleasant Hill Road driveway would be limited to the southbound right-in only. Vehicles exiting the project site from this driveway would only be able to make a right turn.

**Additional Pedestrian Facilities.** As recommended by City staff, the Resumed Project would include additional on-site pedestrian facilities to the ones included in the Original Project. The facilities listed below include stairs and walkways aligned to provide more direct pedestrian connections:

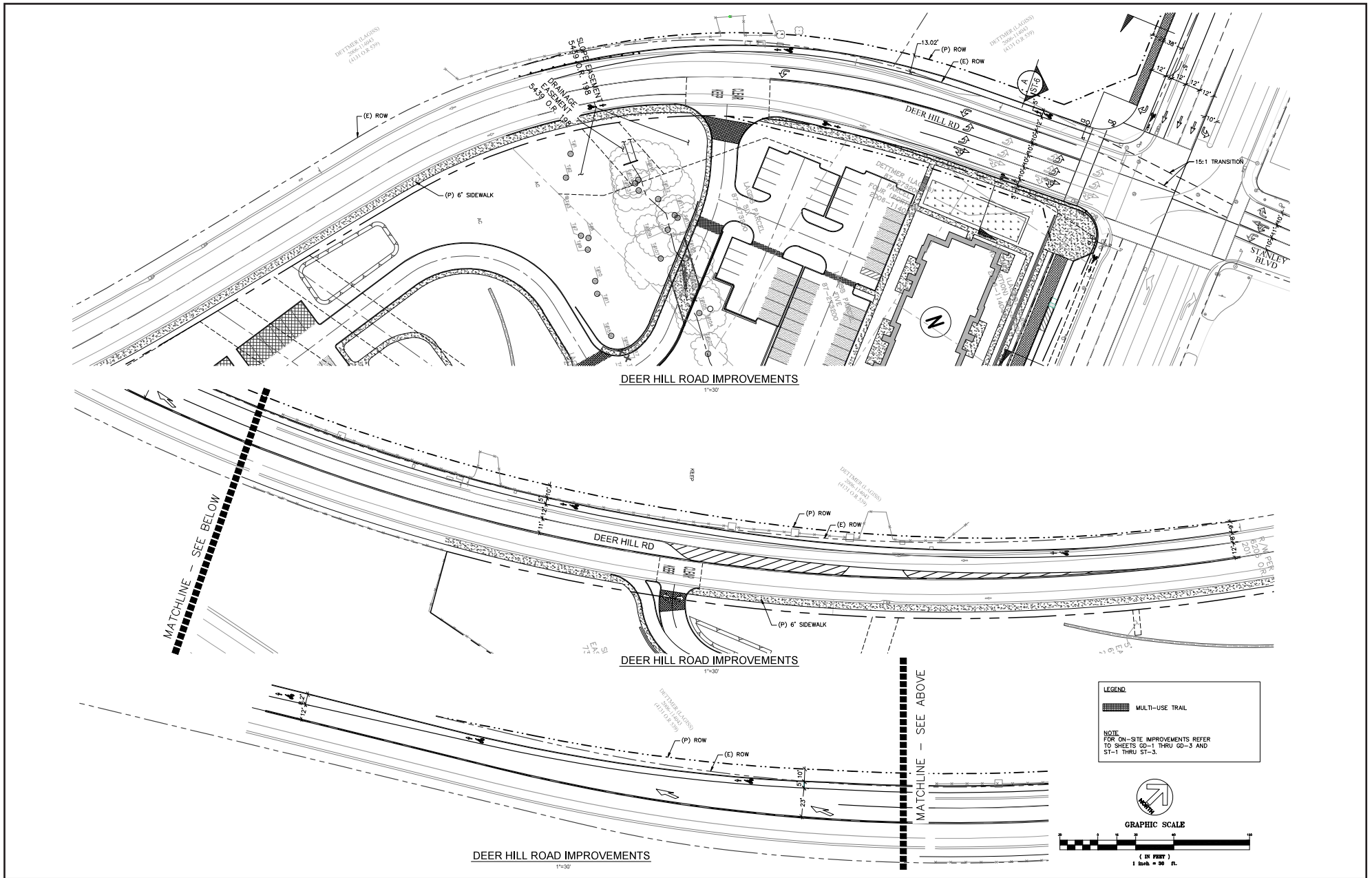
- Along the west Deer Hill project driveway; between Deer Hill Road and Building A
- Along the upper loop driveway; between Building D and Pleasant Hill Road near Building M
- Along the lower loop driveway; between Building G and Deer Hill Road and between Building L and the leasing office
- Between Building N and the upper loop driveway, with crosswalks to connect with the pedestrian connection to Building M

**Two-way Stop Sign.** As recommended by City staff, the Resumed Project would include a two-way stop sign control on the connection of one of the project driveways—Pleasant Hill Road driveway or east driveway on Deer Hill Road— with the on-site four-way intersection of the upper loop and lower loop driveways.

**Left-Turn Extension.** The Resumed Project would extend the existing northbound left-turn lane at Pleasant Hill Road and Deer Hill Road/Stanley Boulevard to Acalanes Avenue. The existing northbound left-turn lane is 250-foot long. The 2013 FEIR identified significant and unavoidable cumulative impacts under Cumulative Year 2030 plus project scenario resulting from northbound left-turn traffic queue of 306 feet during the AM peak hour, which the Revised Project's lane extension is intended to alleviate.

The Resumed Project incorporates several mitigation measures identified in the 2013 FEIR, as detailed below:

**MM BIO-7:** As described above, the proposed landscape plan for the Resumed Project incorporates one of the requirements identified under **MM BIO-7** and does not include the planting of California bay (*Umbellularia californica*) because of its slow growth and potential contribution to the establishment of sudden oak death on the site, which could then spread to surrounding coast live oaks.



SOURCE: BKF Engineers, 2019

**MM BIO-8:** As described above, the Resumed Project was refined to avoid filling an estimated 295 linear feet of the creek that traverses the northeast portion of the site, with the exception of the grading activities and foundation associated with installation of the arched culvert (clear bridge span) for the driveway access. The Resumed Project incorporates one of the requirements identified under **MM BIO-8**, by limiting creek crossing to a narrow and arched culvert (or clear span bridge) for the access driveway under the east driveway on Deer Hill Road. In addition, the Resumed Project eliminated the parking, partial garage structures, and landscaping that were proposed in the creek crossing under the Original Project. As discussed under **Section 5.4, Biological Resources**, below, other measures identified under **MM BIO-8** would still apply to the Resumed Project.

**MM TRAF-3:** The Resumed Project would maintain adequate sight lines between vehicles at project driveways and oncoming vehicles in the roadway. Within 15 feet of the project driveways on Deer Hill Road and along project street frontage that is located in the line of sight of traffic approaching project driveways, plants with foliage would be at no more than 30 inches height at full maturity, and trees with canopy foliage would be at no less than 7 feet above the closest adjacent curb elevation or other dimensions as specified by the City Engineer.

All monument signs, walls, slopes and other vertical features that could otherwise block visibility would be no more than 3 feet higher than the adjacent driveway elevation in the area, within 15 feet behind the back of the sidewalk or shared-use path, and within 50 feet of the driveway edge, or as otherwise specified by the City Engineer.

As shown on **Figure 4-2, Proposed Site Plan**, under the Resumed Project, the west project driveway on Deer Hill Road would be located 100 feet west of the location previously proposed under the Original Project. In addition, the Resumed Project would locate the project east driveway on Deer Hill Road 80 feet to the west of the location previously proposed under the Original Project.

**MM TRAF-4:** The Resumed Project would implement one of the two identified alternative measures by adding a painted median island prohibiting left turns into the driveway from westbound Deer Hill Road.

**MM TRAF-8:** The Resumed Project would provide adequate truck turning radii at on-site driveway intersections by providing a minimum inside turning radius of 25 feet and a minimum

outside turning radius of 45 feet, in compliance with Contra Costa County Fire Protection District (CCCYPD) requirements.

**MM TRAF-10:** The Resumed Project would add a new 250-foot left-turn lane for storage of westbound vehicles on Deer Hill Road to receive left turns from the project driveway.

**MM TRAF-15 and MM TRAF-21: Passenger Loading and Bus Stop.** The Resumed Project would include a passenger loading space and bus stop, as part of widening Pleasant Hill Road between Deer Hill Road and SR-24. Location of the school bus stop would be coordinated with the Lamorinda School Bus Program.

**MM TRAF-16A:** On the south side of Deer Hill Road along the project site frontage, the Resumed Project would maintain a minimum width of new sidewalks and curbs at 6.5 feet, or as otherwise specified by the City Engineer.

**MM TRAF-16B:** On the project frontage along southbound Pleasant Hill Road, the Resumed Project would include a 10-foot Class I shared path for bicycles and pedestrians, consistent with City plans to construct a bike path in this location. The pavement width and buffer area would be adequate to allow pedestrians to access loading spaces. The intersection with the project driveway would include adequate sight distance and appropriate surface treatments to prevent hazards to pedestrians and bicyclists.

**MM TRAF-17 and TRAF-20** would require safe conditions for pedestrians and bicyclists at the project driveways on Deer Hill and Pleasant Hill Roads. The Resumed Project would add special design treatments such as paving, as would be specified by the City Engineer, to alert drivers that they are crossing pedestrian and bicycle facilities.

**MM TRAF-18:** The Resumed Project would extend the bicycle trail on Pleasant Hill Road from Deer Hill Road to the on-ramp of State Highway 24. Between the project driveway and the on-ramp, the bicycle trail would be located to the left of the proposed freeway trap lane in order to avoid conflict between vehicle traffic and bicycle traffic within the planned southbound bike lane.

## 4.7 PROJECT VARIANT

This addendum provides an analysis of a variant to the Resumed Project (Project Variant), which would be identical to the Resumed Project except with respect to the proposed new southbound lane on Pleasant Hill Road. The Project Variant would maintain the existing number of southbound through lanes and

would not include a new lane. All other project components discussed under **Sections 4.5** and **4.6** above for the Resumed Project, including proposed frontage improvements and other proposed widening elements, would be included in the Project Variant.

## 5.0 ENVIRONMENTAL SETTING AND IMPACT ANALYSIS

This Addendum provides an analysis of each environmental issue identified in the 2013 FEIR to determine whether new or substantially more severe environmental effects could occur from the implementation of the Resumed Project and whether mitigation measures identified in the 2013 FEIR would be needed and/or if additional mitigation could be necessary. The mitigation measures identified in the 2013 FEIR that would be required for the Resumed Project are identified, with any revisions shown as “underlined” text and deletions shown as ~~“striketrough”~~ text.

The analysis also addresses cumulative impacts associated with the Resumed Project. Similar to the Original Project, past, present, and reasonably foreseeable cumulative projects within the project area are infill developments located within the downtown area of Lafayette. The list of cumulative projects has been updated, and now includes the following:

**Table 5.0-1  
Cumulative Projects**

Project Name	Street Address	Status	Completion Date	Product Type
Nicoli	3560 Wildwood Ln	Completed	2012	Apts
"Six"/Mountain View Lofts	954 Mountain View Drive	Completed	2019	Townhomes
Lafayette Park Terrace	3235 Mt. Diablo Boulevard	Completed	2019	Condos
942 Dewing Ave	942 Dewing Ave	Completed	2020	Apts
Belle Terre (Senior)	3426 Mt. Diablo Boulevard	Completed	2013	Apts
Marquis	3201 Mt. Diablo Blvd/Shreve Ln	Completed	2014	Condos
Merrill Gardens (Senior)	1010 2nd Street	Completed	2014	Apts
The Woodbury	Woodbury Road, Lafayette	Completed	2015	Condos
Woodbury - BMR Apts.	3713 Mt. Diablo Boulevard	Completed	2015	Apts
Town Center III	1000 Dewing Avenue	Completed	2018	Condos
Town Center II	3594 Mt. Diablo Boulevard	Completed	2000	Apts
The Brant (Lennar Homes)	3666 Mt. Diablo Boulevard	Under Construction	TBD	Condos
The Mill at Brown (Tancready)	3408 Mt. Diablo Blvd	Under Construction	TBD	Condos
TR9462 OutDo LLC	3742 Mt Diablo Blvd	Under Construction	TBD	Condos
Woodbury Highlands	3700 Mt. Diablo Blvd	Under Construction	TBD	Condos



Project Name	Street Address	Status	Completion Date	Product Type
Lafayette Circle (Lenox)	210 Lafayette Circle	Approved	TBD	Condos
Valley View Apartments	1059 Aileen St and 1044 Stuart St	Approved	TBD	Apts
Wildwood Apartments	3555 Wildwood LN	Approved	TBD	Apts
Hough Ave	950 Hough Ave	Under Review	TBD	Apts
Madison Park	3483 Golden Gate Way	Under Review	TBD	Apts
Lafayette Lane (Miramar)	3470 Mt Diablo Blvd	Under Review	TBD	Condos & Apts
Samantha Townhomes	1050 Stuart Street	Under Review	TBD	Townhomes
Terraces of Lafayette	3222 Deer Hill Rd	Under Review	TBD	Apts
West End	3721 Mt. Diablo Boulevard	Under Review	TBD	Condos

Source: City of Lafayette, 2020.

Notes: Apts: Apartments; Condos: Condominiums

## 5.1 AESTHETICS

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR, and therefore the potential aesthetic impacts of the Resumed Project would be similar to those identified in the 2013 FEIR. For the reasons described below, the Resumed Project would not result in any new or substantially more severe aesthetics impacts than those identified in the 2013 FEIR for the Original Project.

### Summary of Analysis in the 2013 Final EIR

*Scenic Vistas.* The 2013 FEIR concluded that the Original Project would obstruct the Scenic View Corridors identified in the General Plan and therefore would not comply with General Plan Goal LU-2, which calls for the preservation of the scenic quality of ridgelines, hills, creek areas, and trees. The City of Lafayette hills and ridges are valued as contributing to the City's semi-rural character. In addition, the project site was determined to be located within the Hillside Development District, as identified in the Lafayette Area Ridge Map, Hillside Overlay District Map. The Original Project was determined to block the views of Lafayette Ridge from two of the six examined viewpoints near the project site.<sup>4</sup> No feasible mitigation measures were identified to prevent blockage of ridgelines from the affected viewpoints in the project site vicinity. The analysis concluded that the Original Project would obstruct a scenic view corridor. The 2013 FEIR concluded that the Original Project would result in a significant unavoidable impact related to scenic vistas.

<sup>4</sup> The two viewpoints from which the Original Project was determined to block views of Lafayette Ridge are View 5: Looking West from Pleasant Hill Road and View 6: Looking North from Mount Diablo Boulevard (2013 DEIR Figures 4.1-17; 4.1-18, 4.1-19, and 4.1-20): .

*Scenic Resources within a State Scenic Highway.* The 2013 FEIR concluded that the Original Project would damage scenic resources from State Highway 24, a State-designated Scenic Highway that runs along the southern boundary of the project site. The Original Project was found to be visible from State Highway 24, in the westbound direction, and partially visible in the eastbound direction. It was found to block the far field view of Lafayette Ridge, as well as views of all hillsides to the west. No feasible mitigation measures were found to reduce project impacts on views from a scenic highway, and the 2013 FEIR concluded that this impact would be significant and unavoidable.

*Visual Character.* The 2013 FEIR found that the Original Project would alter the semi-rural and open space character of the project site that many members of the community consider to be a visual resource. No feasible mitigation measures were found to reduce the visual prominence of the development, given the building heights and topography of the project site. The 2013 FEIR concluded that impact to visual character would be significant and unavoidable.

*Light and Glare.* The 2013 FEIR stated that the Original Project would bring new light sources to the project site., which would be low-level illumination and exterior lighting shielded to minimize light spill, glare, and reflection, and maintain “dark skies.” The 2013 FEIR determined that major entry points into the site requiring lighting would be more visible, but the visibility of these lights was intended to provide adequate entry identification and safety. The 2013 FEIR concluded that the spillover lighting impact would be less than significant.

The 2013 FEIR analyzed potential glare impacts associated with the installation of photovoltaic panels for energy supply. The 2013 EIR identified **MM AES-4** to ensure that the design of the photovoltaic panels would minimize glare and their visibility from nearby roads. The 2013 FEIR concluded that impacts associated with photovoltaic panels would be less than significant with the implementation of **MM AES-4**.

*Cumulative Impacts.* The 2013 FEIR concluded that the Original Project would not contribute to an overall shift in the existing visual character of the surrounding area, when combined with other current development projects in the vicinity. Cumulative aesthetic impacts were determined to be less than significant.

### ***2013 FEIR Mitigation Measures***

**MM AES-4:** Proposed photovoltaic panels shall be designed to ensure the following:

- The angle at which panels are installed precludes, or minimizes to the maximum extent practicable, glare observed by viewers on the ground.

- The reflectivity of materials used shall not be greater than the reflectivity of standard materials used in residential and commercial developments.
- Panels shall be sited to minimize their visibility from Mount Diablo Boulevard, Pleasant Hill Road, and Deer Hill Road.

## Analysis of the Resumed Project

*Scenic Vistas.* Design and grading of the Resumed Project would be similar to the Original Project, including height, massing, and location of the 14 buildings. Scenic corridor views would be obstructed by the proposed buildings. The Resumed Project would not be consistent with General Plan Goal LU-2, which calls for the preservation of the scenic quality of ridgelines, hills, creek areas, and trees, and would completely block the views of ridgelines from two viewpoints<sup>5</sup> in the project site vicinity. No new feasible mitigation measures are available that would reduce this impact. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project would result in a significant and unavoidable impact related to scenic vistas. This impact would not be new or substantially more severe than the impact analyzed in the 2013 FEIR.

*Scenic Resources within a State Scenic Highway.* The Resumed Project would be visible from State Highway 24 and would block the far field view of Lafayette Ridge. No new feasible mitigation measures are available that would reduce this impact. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project would result in a significant and unavoidable impact to scenic resources within a State scenic highway. This impact would not be new or substantially more severe than the impact analyzed in the 2013 FEIR.

*Visual Character.* The Resumed Project would incorporate designs that feature articulation of building components as well as colors that would be harmonious with the surrounding residential development. The Resumed Project would plant 768 new trees on the project site, including existing areas with bare soil for a total number of 784 trees at project buildout. The replacement trees would include native tree species such as native coast live oak, valley oak, arroyo willow, or black walnut. In addition, project landscaping would be rustic and similar to the rural open space within the project area. **Figure 5-1, Proposed Landscape Plan**, shows the Resumed Project's proposed landscape plan. The City's design review process would provide oversight of the project design and ensure its compatibility with the existing visual character or quality of the site and its surroundings to the extent feasible. However, the

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<sup>5</sup> View 5: Looking West from Pleasant Hill Road and View 6: Looking North from Mount Diablo Boulevard, the same two viewpoints from which the 2013 FEIR determined that the Original Project would block ridgeline views.

Resumed Project would develop the project site with a multi-unit apartment complex that includes two- to three-story high buildings with parking spaces and internal roads. It would alter the visual character along the frontage above State Highway 24, which currently consist of sloping, terraced hillsides, representing visual open space, distinct from the more urban character of the area on the south side of the freeway. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project would alter the open space character of the project site. No new feasible mitigation measures that would reduce the visual prominence of the development are available. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project would result in a significant and unavoidable impact to visual character. This impact would not be new or substantially more severe than the impact analyzed in the 2013 FEIR.

*Light and Glare.* Lighting of the Resumed Project would be low-level and shielded to minimize light spill, glare and reflection, and maintain “dark skies.” Similar to the Original Project, the Resumed Project would introduce new light sources to the project site, which currently contains none. However, the Resumed Project would include 768 new trees, which at full maturity would filter or shield new light sources at the project site. In addition, similar to the Original Project, the Resumed Project’s lighting at major entry points into the site would be intended to provide adequate entry identification and safety. For the above reasons, consistent with the conclusions of the 2013 FEIR, spillover lighting impact associated with the Resumed Project would be less than significant.

The Resumed Project would include photovoltaic solar panels and **2013 FEIR MM AES-4** would apply, and would reduce potential glare impacts associated with the solar panels. Consistent with the 2013 FEIR conclusion, this impact would be less than significant with implementation of **MM AES-4**, and no new mitigation is required.

*Cumulative Impacts.* Other development within the vicinity of the project site is located in downtown Lafayette and would replace existing developments or vacant lands. Consistent with the finding of the 2013 FEIR, the Resumed Project would not contribute to an overall shift in the existing visual character of the surrounding area, when combined with other current development projects in the vicinity. Cumulative aesthetic impacts would be less than significant. No new mitigation is required.

### ***Mitigation Measures Required for the Resumed Project***

**MM AES-4:** Proposed photovoltaic panels shall be designed to ensure the following:

- The angle at which panels are installed precludes, or minimizes to the maximum extent practicable, glare observed by viewers on the ground.

- The reflectivity of materials used shall not be greater than the reflectivity of standard materials used in residential and commercial developments.
- Panels shall be sited to minimize their visibility from Mount Diablo Boulevard, Pleasant Hill Road, and Deer Hill Road.

### **Changes in Circumstances and/or New Information**

There are no changes in circumstances in which the Resumed Project would be undertaken that would affect the analysis of aesthetic impacts in the 2013 FEIR. No new information has become available and no new regulations related to aesthetics have come into effect since the certification of the 2013 FEIR that would alter the previous analysis or change its conclusions relative to aesthetic impacts such that preparation of an SEIR would be required.

### **Findings**

Because the Resumed Project is generally similar to the Original Project, the potential aesthetic impacts would be similar. Therefore, no new or substantially more severe significant aesthetic impacts would result from the Resumed Project beyond those analyzed in the 2013 FEIR. No new mitigation is required.

## **5.2 AGRICULTURE AND FORESTRY RESOURCES**

No new agricultural use was introduced to the project site since the preparation of the 2013 FEIR. The Resumed Project would not result in any new or substantially more severe impacts related to agriculture and forestry resources than those identified in the 2013 FEIR for the Original Project.

### **Summary of Analysis in the 2013 Final EIR**

Agriculture and forestry resources were scoped out of the 2013 FEIR during the preparation of the Notice of Preparation (NOP) for the EIR. The Initial Study prepared in connection with the NOP found no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in Lafayette. In addition, no Williamson Act contracts or agricultural zoning were found in Lafayette. The City does not have forest land or timberland zoning, and the project site was not found to be a forest land. The Initial Study concluded that there would be no project impacts related to agriculture and forestry resources. This topic was not analyzed further in the EIR.



SOURCE: Gates Associates, 2019

FIGURE 5-1

## Proposed Landscape Plan



## Analysis of the Resumed Project

Consistent with the findings of the 2013 FEIR, the project site is undeveloped and not used for agriculture or zoned for agricultural use, forest land, or timberland. No new agricultural use was introduced to the site since the preparation of the 2013 FEIR. Therefore, similar to the conclusions of the 2013 FEIR and associated Initial Study, the Resumed Project would have no impacts related to agriculture or forest resources. No new mitigation is required.

## Changes in Circumstances and/or New Information

There are no changes in project circumstances associated with agriculture and forest resources. No new information has become available and no new regulations related to agricultural or forest resources have come into effect since the certification of the 2013 FEIR that would alter the previous analysis or change its conclusions relative to environmental impacts such that preparation of an SEIR would be required.

## Findings

Given that the project site has not been used for agriculture or zoned for agricultural use, forest land, or timberland, the Resumed Project would have no impact on agricultural and forestry resources, consistent with the conclusions of the 2013 FEIR and associated Initial Study. No new or substantially more severe significant impacts would result from the Resumed Project beyond those analyzed in the 2013 FEIR and associated Initial Study. No new mitigation is required.

## 5.3 AIR QUALITY

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR. Therefore, potential air quality impacts of the Resumed Project would be similar to those identified in the 2013 FEIR. The Resumed Project would not result in any new or substantially more severe air quality impacts than those identified in the 2013 FEIR for the Original Project.

## Summary of Analysis in the 2013 FEIR

*Fugitive Dust Emissions during Construction.* The 2013 FEIR determined that grading and other ground-disturbing activities associated with construction of the Original Project would produce fugitive dust, which could add to the amount of airborne particulates and contribute to the nonattainment designation of the San Francisco Bay Area Air Basin (Air Basin). The 2013 FEIR identified **MM AQ-1**, which requires compliance with the Basic Control Measures identified by the Bay Area Air Quality Management District (BAAQMD) for reducing construction emissions of coarse inhalable particulate matter (PM<sub>10</sub>). The 2013

FEIR concluded that with implementation of **MM AQ-1**, the Original Project's impact related to fugitive dust during construction would be less than significant.

*Off-Road and On-Road Construction Equipment.* The 2013 FEIR determined that estimated average daily emissions during construction of the Original Project associated with use of heavy off-road and on-road construction equipment would not exceed the significance thresholds established by BAAQMD for reactive organic gases (ROG), PM<sub>10</sub>, and inhalable particulate matter (PM<sub>2.5</sub>). However, estimated average daily emissions for oxides of nitrogen (NO<sub>x</sub>) were determined to exceed thresholds. The 2013 FEIR concluded that even with the implementation of identified **MM AQ-2a** and **MM AQ-2b**, which require use of efficient construction equipment, and limit idling time and daily haul truck trips, the impact from project-related construction emissions would be significant and unavoidable.

*Operational Emissions.* The 2013 FEIR determined that the Original Project was below the BAAQMD operational screening threshold of 494 units for mid-rise apartments. Therefore, the 2013 FEIR concluded that operational air quality impacts would be less than significant.

*Health Risk on Future Site Occupants.* The 2013 FEIR identified nearby sources of toxic air contaminant (TAC) emissions within 1,000 feet of the project site to include State Highway 24, Pleasant Hill Road, Deer Hill Road. The analysis also identified two nearby stationary sources (Svensson Automotive and Shell Gasoline Station). The 2013 FEIR conducted a site-specific analysis and found that the incremental cancer risk, acute, and chronic hazards on future site occupants would be less than significant. However, the 2013 EIR found that the average annual PM<sub>2.5</sub> concentration for the maximally exposed on-site receptor would exceed BAAQMD thresholds. The 2013 FEIR identified **MM AQ-3**, which would require installation of high efficiency Minimum Efficiency Reporting Value (MERV) filters with a rating of 9 to 12 in the intake of the residential ventilation systems. The 2013 EIR concluded that with implementation of **MM AQ-3**, impacts related to health risk to future site occupants would be less than significant.

*Health Risk to Nearby Sensitive Receptors during Construction.* The 2013 FEIR determined that construction of the Original Project could pose a risk to nearby off-site sensitive receptors, which was determined to be a significant impact. The analysis determined that with implementation of **MM AQ-4**, which would require the use of Tier 3 engines for the off-road construction equipment, annual PM<sub>2.5</sub> concentrations would be reduced by approximately 60 percent, to a level below BAAQMD thresholds. The 2013 FEIR concluded that with implementation of **MM AQ-4**, the health risk impact during construction on nearby sensitive receptors would be less than significant.

*Cumulative Construction Emissions.* The 2013 FEIR determined that the Original Project's construction activities would result in a temporary increase in criteria air pollutants that would exceed BAAQMD's



regional significance thresholds and, when combined with the construction of cumulative projects, would further degrade the regional and local air quality. This impact was determined to be significant. The 2013 FEIR determined that with implementation of **MM AQ-5** (which requires implementing **MM AQ-1**, **MM AQ-2a**, **MM AQ-2b**, and **MM AQ-3**), project-related construction emissions would continue to exceed the BAAQMD significance thresholds. Therefore, the 2013 FEIR concluded that the Original Project's contribution to cumulative air quality impacts during construction activities would result in a significant and unavoidable cumulative impact.

*Consistency with Clean Air Plan.* The 2013 FEIR determined that the Original Project would not conflict with the 2010 Bay Area Clean Air Plan. The 2013 FEIR determined that the Original Project did not have the potential to substantially affect housing, employment, and population projections within the region. The 2013 FEIR concluded that the Original Project would not conflict with the Clean Air Plan nor obstruct its implementation. This impact was determined to be less than significant. No mitigation was required.

*Odors.* The 2013 FEIR determined that the Original Project would not generate substantial odors or be subject to odors that would affect a substantial number of people. Therefore, this impact was determined to be less than significant. No mitigation was required.

### ***2013 FEIR Mitigation Measures***

**MM AQ-1:** The Project shall comply with the following BAAQMD Basic Control Measures for reducing construction emissions of PM10:

- Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks maintain at least 24 inches of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep streets (with water sweepers using reclaimed water if possible at the end of each day if visible soil materials is carried onto adjacent paved roads.
- Suspend ground-disturbing activities when wind speeds exceed 25 mile per hour.

- Install three-sided enclosures for storage piles onsite for more than five days. The enclosures shall be designed with a maximum 50 percent porosity.

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

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

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

- The construction contractor shall contract with haulers for soil export that use engines certified to 2007 to newer standards. Prior to construction, the Project engineer shall ensure that grading plans clearly show the requirement for 2007 engines for soil haul trucks; Or
- Off-site disposal of soil shall be transported in trucks that can carry a minimum of 12 cubic yards (CY) of soil and shall be limited to no more than 252 truck trips per day (1,512 CY/day)

**MM AQ-3** The applicant shall install high efficiency Minimum Efficiency Reporting Value (MERV) filters with a rating of 9 to 12 in the intake of the residential ventilation systems. MERV 9 to 12 filters have a Particle Size Efficiency Rating that results in a 40 percent up to 80

percent reduction of particulates in the 1.0 to 3.0 micron range, which includes PM<sub>2.5</sub>. To ensure long-term maintenance and replacement of the MERV filters in the individual units, the owner/property manager shall maintain and replace the MERV 9 to 12 filters in accordance with the manufacturer's recommendations, which typically is after two or three months. The applicant, sales, and/or rental representative also shall provide notification to all affected tenants/residences of the potential health risk from State Highway 24 and shall inform renters of increased risk of exposure to PM<sub>2.5</sub> from State Highway 24 when the windows are open.

**MM AQ-4:** Implement Mitigation Measure AQ-2a.

**MM AQ-5:** Implement Mitigation Measures AQ-1, AQ-2a, AQ-2b, and AQ-3.

### Analysis of the Resumed Project

California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to predict emissions from the construction and operation of the Resumed Project. Average daily emissions from project construction and operation were calculated, including both on-site and off-site activities. Analysis was performed based on updated BAAQMD *California Environmental Quality Act Air Quality Guidelines* (BAAQMD CEQA AQ Guidelines).<sup>6</sup> The Air Quality Technical Assessment for the Resumed Project is included in **Appendix C, Air Quality and Greenhouse Gas Technical Assessment**, and summarized below.

*Construction Emissions.* Development of the Resumed Project would include the construction of a 315-unit apartment complex and 567 parking spaces. Consistent with the schedule provided by the applicant, construction was anticipated to occur over an approximately two-year period. Construction would include approximately 400,000 cubic yards of cut and 100,000 cubic yards of fill during the grading phases of construction. On-site activities would include operation of off-road construction equipment, as well as on-site truck activities (e.g., haul trucks, water trucks, dump trucks, and concrete trucks). Off-site activities would include construction vehicle trips. CalEEMod modeling was used to quantify the construction-related criteria air pollutant emissions. The CalEEMod modeling is provided in **Appendix C, Air Quality and Greenhouse Gas Technical Assessment**.

**Table 5.3-1, Resumed Project Construction Emissions (Unmitigated)**, shows the maximum daily construction emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> from the construction of the Resumed Project. As

<sup>6</sup> BAAQMD. 2017. California Environmental Quality Act Air Quality Guidelines. Available online at: [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en), accessed October 15, 2019.

indicated in **Table 5.3-1**, estimated average daily project construction emissions would not exceed the thresholds for ROG, PM<sub>10</sub>, and PM<sub>2.5</sub>. As shown in **Table 5.3-1**, similar to the Original Project, the Resumed Project's average daily NO<sub>x</sub> emissions would exceed thresholds in the unmitigated scenario. This would be a significant impact. 2013 FEIR **MM AQ-2a** and **MM AQ-2b** have been revised for the Resumed Project to require the use of Tier 4 final off-road engines throughout the construction period. **Table 5.3-2, Resumed Project Construction Emissions (Mitigated)**, shows the average daily construction emissions of criteria pollutants with implementation of the **Revised MM AQ-2a** and **MM AQ-2b**. As shown in **Table 5.3-2**, unlike the Original Project which was determined to result in significant unavoidable impacts related to NO<sub>x</sub> emissions, with implementation of **MM AQ-2a** and **MM AQ-2b**, the Resumed Project's impact associated with the use of off-road equipment during construction would be less than significant. This is primarily due to the more stringent requirement to use Tier 4 final off-road engines under **Revised MM AQ-2a**, rather than Tier 3 as identified in the **2013 FEIR MM AQ-2a**.

Although construction emissions of PM<sub>2.5</sub> would not exceed the significance threshold (as shown in **Table 5.3-1**), **2013 FEIR MM AQ-1** has been revised to reflect the 2017 BAAQMD basic control measures and would further reduce the less-than-significant impacts associated with emissions of PM<sub>2.5</sub>.

**Table 5.3-1**  
**Resumed Project Construction Emissions (Unmitigated)**

Scenario	ROG	Average Daily Emissions		
		NOx	PM10 Exhaust	PM2.5 Exhaust
Average Yearly Construction Emissions (tons/day)				
2020	0.81	13.02	0.31	0.29
2021	0.67	7.51	0.23	0.22
2022	2.67	1.56	0.07	0.06
Average Daily Emissions (lbs/day) <sup>1</sup>	11.86	63.11	1.74	1.63
Thresholds (lbs/day)	54	54	82	54
Exceeds Threshold?	No	Yes	No	No

**Table 5.3-2**  
**Resumed Project Construction Emissions (Mitigated)**

Scenario	ROG	Average Daily Emissions		
		NOx	PM10 Exhaust	PM2.5 Exhaust
Average Yearly Construction Emissions (tons/year)				
2020	0.37	9.42	0.04	0.04
2021	0.34	5.38	0.03	0.03
2022	2.57	0.93	<0.01	0.005
Average Daily Emissions (lbs/day) <sup>1</sup>	9.37	44.94	0.20	0.41
Thresholds (lbs/day)	54	54	82	54
<i>Exceeds Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Source: Impact Sciences, 2019.

1 - based on 700 construction days

With implementation of **Revised MM AQ-1** and **Revised MM AQ-2a** and **MM AQ-2b**, construction emissions of the Resumed Project would result in a less than significant impact. The Resumed Project would not result in any new or substantially more severe air quality construction impacts than those identified in the 2013 FEIR for the Original Project.

*Operational Emissions.* Operational air pollutant emissions would be generated primarily by automobiles driven by future project residents. Other sources of operational emissions include architectural coatings and maintenance products, consumer products, and energy use on the project site, including the combustion of natural gas in stoves, and heaters. CalEEMod was used to estimate emissions from operation of the Resumed Project after full build out. The CalEEMod operational emissions modeling outputs are provided in **Appendix C, Air Quality and Greenhouse Gas Technical Assessment**.

Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates used by CalEEMod. The earliest year the Resumed Project could possibly have completed construction and be fully occupied would be 2022. Emissions associated with build-out later than 2022 would be lower, because newer vehicles have to meet increasingly more stringent emissions standards, while older, more polluting, vehicles would be less utilized. Thus, the operational, mobile-source emissions calculated for the Resumed Project, which assume occupancy of the Resumed Project in 2022, represent a conservative scenario.

CalEEMod allows the user to enter specific vehicle trip generation rates, which were inputted into the Resumed Project model as approximately 2,032 daily trips generated by occupancy of the Resumed Project.

**Table 5.3-3, Resumed Project Operational Emissions**, shows the predicted daily operational emissions in tons per year and pounds per day for the Resumed Project.

As shown in **Table 5.3-3**, annual and daily emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> associated with operation of the Resumed Project would be below the BAAQMD significance thresholds. Project operations would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard, and are not anticipated to result in a significant increase in adverse health effects on sensitive receptors in the region. Similar to the Original Project, the impact of the Resumed Project's operational emissions on regional air quality would be less than significant. Therefore, the impact would have a similar impact as the Original Project. The Resumed Project would not result in any new or substantially more severe operational air quality impacts than those identified in the 2013 FEIR for the Original Project. No new mitigation is required.

**Table 5.3-3  
Resumed Project Operational Emissions**

Emissions Source	ROG	Estimated Emissions		
		NO <sub>x</sub>	PM <sub>10</sub> Exhaust	PM <sub>2.5</sub> Exhaust
Area Source (tons/year)	2.42	0.04	0.16	0.16
Energy Source (tons/year)	0.02	0.15	0.01	0.01
Mobile Source (tons/year)	0.50	2.31	0.02	0.01
Stationary Source (tons/year)	-	-	0	0
Annual Project Operational Emissions (tons/year)	2.94	2.51	0.19	0.18
Annual Thresholds (tons/year)	10	10	15	10
<i>Exceeds Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Average Daily Emissions (pounds/day)	16.11	13.75	1.04	0.97
Daily Thresholds (pounds/day)	54	54	82	54
<i>Exceeds Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Source: Impact Sciences, 2019

*Health Risk During Construction.* Construction period emissions for the Resumed Project were computed using CalEEMod, based upon anticipated construction activities, as described above. The CalEEMod model provided total annual PM<sub>10</sub> exhaust emissions (assumed to be diesel particulate matter [DPM]) for

the off-road construction equipment used for construction of the project and for the exhaust emissions from on-road vehicles (haul trucks, vendor trucks, and worker vehicles). Fugitive dust PM<sub>2.5</sub> emissions were also computed and included in this analysis.

The US EPA AERMOD dispersion model was used to predict concentrations of DPM and PM<sub>2.5</sub> concentrations at sensitive receptors within 1,000 feet of the project site, as recommended by the BAAQMD.<sup>7</sup> **Table 5.3-4, Nearby Sensitive Receptors**, demonstrates that the nearest sensitive receptor is a single-family residence approximately 140 feet east of the project site.

**Table 5.3-4**  
**Nearby Sensitive Receptors**

Name	Description	Distance (Feet)	Direction
Nearest Residence	Single Family Residential	140	East
Acalanes High School	High School	250	Northeast
First Stop Learning School	Day Care	1,100	East

Source: Impact Sciences, 2019.

The health risk assessment (HRA) for the Resumed Project ( was conducted following methods set forth in the Office of Environmental Health Hazard Assessment's (OEHHA) *Guidance Manual for Preparation of Health Risk Assessments* and the BAAQMD CEQA AQ Guidelines, see **Appendix C, Air Quality and Greenhouse Gas Technical Assessment**. The cancer and non-cancer risks were compared to BAAQMD's thresholds, which include:

- Increased cancer risk of >10.0 in one million;
- Increased non-cancer risk of >1.0 Hazard Index;
- Ambient PM<sub>2.5</sub> increase: >0.3 micro gram per meter cube (µg/m<sup>3</sup>).

<sup>7</sup> BAAQMD. 2017. *CEQA Guidelines*.

**Table 5.3-5**  
**Maximum Risks from Resumed Project Construction Activities (Unmitigated)**

<b>Receptor</b>	<b>Lifetime Excess Cancer Risk (per million)</b>	<b>Annual PM2.5 (<math>\mu\text{g}/\text{m}^3</math>)*</b>	<b>Hazard Index</b>
3 <sup>rd</sup> Trimester	1.32	0.367	0.022
Infant	26.6	0.367	0.022
<i>Significance Threshold</i>	10	0.3	1.0
<i>Exceeds Threshold?</i>	<i>Yes</i>	<i>Yes</i>	<i>No</i>

Source: Impact Sciences, 2019

$\mu\text{g}/\text{m}^3$ : micro gram per meter cube

\*The annual PM2.5 concentration is the sum of the DPM and fugitive PM2.5 concentrations.

As shown in **Table 5.3-5**, in the unmitigated scenario, the excess cancer risk for infant receptors and annual PM2.5 emissions for both third trimester and infant receptors from Resumed Project construction activities would exceed the BAAQMD thresholds of significance, although the excess cancer risk threshold for third trimester receptors and the hazard index threshold for both third trimester and infant receptors would not be exceeded. As stated above, **Revised MM-AQ-2a** would require the project to utilize Tier 4 final off-road construction equipment throughout the duration of construction. As shown in **Table 5.3-6**, with the implementation of **Revised MM AQ-2a**, the excess cancer risks posed to third trimester and infant receptors would be 0.14 and 2.8 in one million, respectively. Therefore, the total cancer risk posed to the most impacted sensitive receptor during the entire construction duration would be 2.94 in one million and the annual PM2.5 concentration for both third trimester and infant receptors would be 0.148  $\mu\text{g}/\text{m}^3$ , which would be below the BAAQMD thresholds of significance.

**Table 5.3-6**  
**Maximum Risks from Resumed Project Construction Activities (Mitigated)**

<b>Receptor</b>	<b>Lifetime Excess Cancer Risk (per million)</b>	<b>Annual PM2.5 (<math>\mu\text{g}/\text{m}^3</math>)*</b>	<b>Hazard Index</b>
3 <sup>rd</sup> Trimester	0.14	0.148	.002
Infant	2.8	0.148	.002
<i>Significance Threshold</i>	10	0.3	1.0
<i>Exceeds Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>

Source: Impact Sciences, 2019

$\mu\text{g}/\text{m}^3$ : micro gram per meter cube

\*The annual PM2.5 concentration is the sum of the DPM and fugitive PM2.5 concentrations.



Therefore, with implementation of the **Revised MM AQ-4** (that require implementing **Revised MM AQ-1**, and **Revised MM AQ-2a**), the Resumed Project's construction emissions would be less than significant. The Resumed Project, with mitigation, would result in a 26.5 percent decrease in the health risk posed to the nearest sensitive receptor as compared to the Original Project. Therefore, The Resumed Project would not result in any new or substantially more severe health risk impacts to nearby sensitive receptors during construction than those identified in the 2013 FEIR for the Original Project.

*Operational Health Risk Impacts.* Health risk assessments typically look at all stationery and roadway sources of TACs that can affect sensitive receptors located within 1,000 feet of a project site, using the BAAQMD's Stationary Source Screening Tool, Highway Screening Analysis Tool, and Roadway Screening Analysis Calculator. As shown in **Table 5.3-7, Cumulative Health Risk Impacts due to Project Operation**, the Resumed Project health risk on sensitive receptors during operation would be less than the BAAQMD's cumulative health risk threshold and, as a result, the risk posed to new receptors would be less than significant. The Resumed Project would not result in any new or substantially more severe health risk impacts on nearby sensitive receptors during operation than those identified in the 2013 FEIR for the Original Project.

**Table 5.3-7**  
**Cumulative Health Risk Impacts due to Project Operations**

Source	Estimated Cancer Risk (cases per million)	Non-cancer Health Risk/Hazard Index	Estimated PM2.5 Concentration (µg/m3)
Shell Oil Company	0.626	0.0009	N/A
Svensson Automotive	0	0	0
State Route 24	40.98	0.039	0.382
Pleasant Hill Road	4.01	-	0.101
Deer Hill Road	1.76	-	0.045
<b>Total</b>	<b>47.37</b>	<b>0.039</b>	<b>0.523</b>
Cumulative Threshold	100	10	0.8 µg/m <sup>3</sup>
<b>Threshold exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: Impact Sciences, 2019  
µg/m<sup>3</sup>: micro gram per meter cube

*Consistency with Clean Air Plan.* Since the release of the 2013 FEIR, the BAAQMD has prepared an updated Clean Air Plan, *Spare the Air Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area*, which was adopted in April 2017. The 2017 Plan updates the 2010 Clean Air Plan pursuant to air quality planning requirements set in the California Health & Safety Code. To fulfill state ozone planning requirements, the 2017 Plan's control strategy includes all feasible measures to reduce emissions of ozone

precursors – ROG and NO<sub>x</sub> – and reduce transport of ozone and its precursors to neighboring basins. Additionally, the 2017 Plan builds upon and enhances the BAAQMD's efforts to reduce emissions of fine particulate matter and TACs.

The proposed 315-unit Resumed Project's emissions fall below the BAAQMD's regional significance thresholds for criteria air pollutants with the implementation of the **Revised MM AQ-1, Revised MM AQ-2a, and Revised MM AQ-2b**, as discussed above. Therefore, the Resumed Project would not be considered by the BAAQMD to be a significant source of criteria air pollutants. Moreover, the Resumed Project would not exceed the level of housing or population foreseen in the City of Lafayette or regional planning efforts and would not provide any additional employment opportunities (see **Section 5.13, Population and Housing**). As a result, the Resumed Project would not substantially affect the housing, employment, or population projections in the region and would be consistent with the 2017 Clean Air Plan. Therefore, the Resumed Project would not result in any new or substantially more severe impact related to consistency with the Clean Air Plan. No new mitigation is required.

*Cumulative Construction and Operational Emissions.* Project-related construction and operational emissions under the Resumed Project would not exceed the BAAQMD project-level significance thresholds with implementation of **Revised MM AQ-1, Revised MM AQ-2a, Revised MM AQ-2b, and MM AQ-3** (**Revised Mitigation Measure AQ-5** would require implementation of all of those mitigation measures). Additionally, with implementation of **Revised MM AQ-2a and MM AQ-3**, the health risk impacts posed to both off-site receptors during construction and on-site receptors after buildout from nearby sources of TAC emissions would be less than the BAAQMD's thresholds. According to the BAAQMD *CEQA AQ Guidelines*, in developing these thresholds, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. Projects that exceed these thresholds, would be considered cumulatively considerable. Unlike the Original Project, the Resumed Project's emissions would be less than BAAQMD thresholds with mitigation, and the contribution to cumulative air quality impacts would not be considerable. Therefore, cumulative impacts of the Resumed Project related to construction and operational emissions would be less than significant.

*Health Risk to Future Site Occupants.* Sources of emissions identified for the sensitive receptors near the project site and discussed above would also affect the future occupants of the project site. 2013 FEIR **MM AQ-3**, which would require installation of high efficiency Minimum Efficiency Reporting Value (MERV) filters with a rating of 9 to 12 in the intake of the residential ventilation systems, would apply to the Resumed Project. Similar to the conclusion of the 2013 FEIR, with implementation of **MM AQ-3**, health risk impacts to future site occupants of the Resumed Project would be less than significant, and there would not be any new or substantially more severe impact related to health risk to future project site occupants. No new mitigation is required.

*Odor.* Similar to the Original Project, land uses associated with the Resumed Project would be residential, which are not typically a generator of odor emissions, and there is nothing to indicate that the Resumed Project would generate odor emissions. Therefore, the Resumed Project would not result in any new or substantially more severe odor impacts than those identified in the 2013 FEIR for the Original Project.

### ***Mitigation Measures Required for the Resumed Project***

**Revised MM AQ-1:** The Project shall comply with the following BAAQMD Basic Control Measures for reducing construction emissions of PM10:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. ~~Water all active construction areas at least twice daily.~~ Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- ~~Cover all trucks hauling soil, sand, and other loose materials or require all trucks maintain at least 24 inches of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer).~~
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- ~~Sweep streets (with water sweepers using reclaimed water if possible at the end of each day if visible soil materials is carried onto adjacent paved roads.~~
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- Suspend ground-disturbing activities when wind speeds exceed 25 miles per hour.

- Install three-sided enclosures for storage piles onsite for more than five days. The enclosures shall be designed with a maximum 50 percent porosity
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall be visible to ensure compliance with applicable regulations.

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

- ~~Large off road construction equipment with horsepower (hp) ratings of 50 hp or higher shall meet the United States Environmental Protection Agency Certified emission standard for Tier 3 off road equipment. Tier 3 engines between 50 and 750 horsepower are available for 2006 to 2008 model years.~~ The construction contractor shall use construction equipment rated by the United States Environmental Protection Agency as having Tier 4 (model year 2008 or newer) emission limits for engines between 50 and 750 horsepower. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site.
- All construction equipment shall be properly serviced and maintained to the manufacturer's standards to reduce operational emissions.

- Nonessential idling of construction equipment shall be limited to no more than five consecutive minutes.
- Construction activities shall be suspended on “Spare the Air” days.

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

- The construction contractor shall contract with haulers for soil export that use engines certified to ~~2007~~ 2010 to newer standards. Prior to construction, the Project engineer shall ensure that grading plans clearly show the requirement for ~~2007~~ 2010 engines for soil haul trucks; Or
- ~~Off site disposal of soil shall be transported in trucks that can carry a minimum of 12 cubic yards (CY) of soil and shall be limited to no more than 252 truck trips per day (1,512 CY/day) Mitigation Measure AQ-2B, Bullet 2 should be updated to say: Off-site disposal of soil shall be transported in trucks that can carry a minimum of 16 cubic years (CY) of soil. During Grading Phase 1, truck trips should be limited to no more than 341 truck trips per day for soil export (2,728 CY of soil export per day). During Grading Phase 2, trucks trips should be limited to no more than 278 truck trips day for soil export (2,223 CY of soil export per day).~~<sup>8</sup>

**MM AQ-3:** The applicant shall install high efficiency Minimum Efficiency Reporting Value (MERV) filters with a rating of 9 to 12 in the intake of the residential ventilation systems. MERV 9 to 12 filters have a Particle Size Efficiency Rating that results in a 40 percent up to 80 percent reduction of particulates in the 1.0 to 3.0 micron range, which includes PM<sub>2.5</sub>. To ensure long-term maintenance and replacement of the MERV filters in the individual units, the owner/property manager shall

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<sup>8</sup> The Original Project quantified emissions assuming 300,000 cubic yards of soil export over a nine-month period. Emissions quantification of the Resumed Project assumed grading in Phase 1 to require exporting 300,000 cubic yards over a five-month period. Grading of Phase 2 of the Resumed Project is assumed to require exporting 100,000 cubic yards over a two-month period. Therefore, the Resumed Project would require more daily grading export truck trips than the Original Project. Despite the additional haul truck trips estimated under the Resumed Project, implementation of this mitigation measure would still result in less-than-significant impact with the use of the more restrictive Tier 4 construction equipment under the Resumed Project, compared to the Tier 3 equipment considered for the Original Project.

maintain and replace the MERV 9 to 12 filters in accordance with the manufacturer's recommendations, which typically is after two or three months. The developer, sales, and/or rental representative also shall provide notification to all affected tenants/residences of the potential health risk from State Highway 24 and shall inform renters of increased risk of exposure to PM<sub>2.5</sub> from State Highway 24 when the windows are open.

**Revised MM AQ-4:** Implement Revised MM AQ-1 and Revised MM AQ-2a.

**Revised MM AQ-5:** Implement Revised MM AQ-1, Revised MM AQ-2a, Revised MM AQ-2b, and MM AQ-3.

### Changes in Circumstances and/or New Information

Since the certification of the 2013 FEIR, there have been no changes in circumstances or substantial new information that would alter the conclusions of the 2013 FEIR with respect to air quality impacts such that preparation of an SEIR would be required.

In May 2017, BAAQMD updated the BAAQMD *CEQA AQ Guidelines* in light of the final California Supreme Court ruling in *BAAQMD v. CBIA*. The updated BAAQMD *CEQA AQ Guidelines* summarize the relevant portions of the California Supreme Court decision with regard to "Receptor Thresholds," which address the analysis of exposing new receptors to existing sources of toxic air pollution and odors. The updated BAAQMD *CEQA AQ Guidelines* note that under appropriate circumstances, as set forth by the Supreme Court, the receptor thresholds may be used by lead agencies to evaluate impacts of the existing environment on the project receptors. The updated guidelines are unchanged in all other respects, and do not contain any revised thresholds of significance or methodologies for evaluation of the environmental impacts of the Resumed Project.

### Findings

The potential air quality impacts of the Resumed Project would be less than significant with mitigation, and the Resumed Project would not increase the severity of the previously reported air quality impacts in the 2013 FEIR. **MM AQ-1** was updated to reflect the BAAQMD's most recent Basic Construction Control Measures outlined in the 2017 BAAQMD *CEQA AQ Guidelines*. **MM AQ-2a** and **MM AQ-2b** were revised, requiring the use of off-road construction equipment engines with lower emissions. The remaining air quality mitigation measures that would apply to the Resumed Project are the same as those identified in the 2013 FEIR for the Original Project, except that **MM AQ-4** and **MM AQ-5** were revised to refer to **Revised MM AQ-1**, **Revised MM AQ-2a**, and **Revised MM AQ-2b**. The potential air quality

impacts of the Resumed Project are adequately analyzed in the 2013 FEIR. No new or substantially more severe significant air quality impacts would result from the Resumed Project beyond those analyzed in the 2013 FEIR. No new mitigation is required.

#### 5.4 BIOLOGICAL RESOURCES

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR. Design refinements included in the Resumed Project would avoid any filling the creek channel on the project site, with the exception of the grading activities and foundation associated with installation of the arched culvert (clear bridge span) for the driveway access. Therefore, the potential impacts of the Resumed Project related to biological resources would be similar to or less than those identified in the 2013 FEIR for the Original Project. The Resumed Project would not result in any new or substantially more severe impacts related to biological resources than those identified in the 2013 FEIR for the Original Project.

##### Summary of Analysis in the 2013 Final EIR

*Special-Status Species/Habitats:* The 2013 FEIR determined there were no special-status plant species at the project site. However, because the Original Project would have required the filling of 295 linear feet of the creek channel that traverses the northeast portion of the project site and consequent compensatory mitigation off site, the 2013 FEIR analysis noted the potential for occurrence of special-status plant species at any off site location where compensatory mitigation measures would be implemented. The 2013 FEIR concluded that the potential disturbance of off-site special-status plant species would be a significant impact. The 2013 FEIR identified **MM BIO-1** to ensure that special-status plant surveys at the selected off-site location would be conducted. In the event that any federally or state-listed species were identified, **MM BIO-1** would necessitate obtaining permits required by federal and state law and regulations for incidental take of those species. The 2013 FEIR concluded that with implementation of **MM BIO-1**, the Original Project's impact on special-status plant species would be reduced to a less-than-significant level.

The 2013 FEIR determined that although no suitable habitat for special-status animal species was present on the project site, there remained a possibility that nesting raptors and other migratory birds could be established in the future before construction of the Original Project proceeds. The 2013 FEIR determined that vegetation removal and grading associated with development of the site could result in the direct loss or disturbance of nesting raptors and other migratory birds, which would be a significant impact. The 2013 FEIR identified **MM BIO-2**, which requires that a focused survey for nesting raptors and other migratory birds be conducted within 14 days prior to the onset of vegetation removal or construction. The mitigation measure also requires establishing restricted zones for construction activities, in consultation with the California Department of Fish and Wildlife. The 2013 FEIR concluded that with

implementation of **MM BIO-2**, the Original Project's impact on nesting raptors and other migratory birds would be less than significant.

The 2013 FEIR also determined that demolition of the buildings that were present on the site and removal of mature trees could result in the direct loss of roosting bats. The 2013 FEIR identified **MM BIO-3** to avoid possible loss of bats during project construction by avoiding building demolition during winter roosting periods and critical bats' pupping periods. **MM BIO-3** also requires building surveys before demolition, and monitoring of demolition and other measures to avoid take of individual bats. **MM BIO-3** further requires a tree roost habitat assessment two weeks before tree removal and, if warranted by the assessment, additional measures such as supervision of tree removal by a qualified bat biologist. The 2013 FEIR concluded that with implementation of **MM BIO-3**, the Original Project's impact on roosting bats would be less than significant.

The 2013 FEIR determined that although no Bridge's coast range shoulder band (BCRSB) snails were present at the project site, a remote possibility still remained for the future occurrence of this subspecies at the site. The analysis found that grading and activities associated with habitat enhancement along the two segments of the creek to be retained as an open channel as part of the Original Project could result in the loss of BCRSB snail, if present on the site. The 2013 FEIR identified **MM BIO-4** to avoid possible loss of members of this subspecies. The measure requires a preconstruction survey and defines the provisions of a Protection and Relocation Program to be implemented if this subspecies were found to be present. The 2013 FEIR concluded that with implementation of **MM BIO-4**, the Original Project's impact on the BCRSB snail would be less than significant.

*Riparian Habitat or Other Sensitive Natural Community.* The 2013 FEIR determined that grading activities associated with the Original Project would eliminate the two acres of stands of blue wildrye on the site. The analysis found that adequate avoidance and replacement of the native grasslands on the site would require major adjustments to the proposed grading and development footprint. Given the high priority status of the blue wildrye association, and because adequate protection of at least some of the native grasslands on the site could not be achieved without a substantial project redesign, the 2013 FEIR determined this impact would be significant. The 2013 FEIR identified the following adjustments to the Original Project, which it concluded were not feasible, but which could reduce the impact to a less-than-significant level:

- Avoidance of a minimum 25 percent of the native grasslands on the site, particularly the largest stand on the hillside slopes to the south of the existing driveway.



- Implementation of a salvage and replacement program that provides for a minimum 1:1 replacement for any lost native grasslands as a result of grading and development, preferably on-site.
- Permanent protection, monitoring, and management of native grasslands to be retained on or off-site.

The 2013 FEIR identified **MM BIO-5**, which would require implementation of a blue wildrye Native Grassland Avoidance and Replacement Program to address the anticipated loss of native grasslands on the site, and ensure no native grasslands are destroyed or damaged as part of any off-site mitigation. The 2013 FEIR concluded that the Original Project's impact on native grasslands would remain significant and unavoidable, because avoidance of large stands of native grassland would not be possible without substantial adjustments to the limits of grading and footprint of development, making the Original Project infeasible as proposed.

*Protected Wetlands.* The Original Project would have required filling an estimated 295 linear feet of creek channel within the project site. This would result in the elimination of about half of the central portion of the intermittent creek channel and all of the tributary ephemeral drainage. The 2013 FEIR also determined that the filling of the creek channel would result in potential indirect effects related to the degradation of existing habitat functions and values of downstream Las Trampas Creek and other jurisdictional waters, as a result of accidental spills, contamination from fertilizers and other urban pollutants, and increased runoff volumes and possible erosion in waters of the U.S. and state. The 2013 FEIR determined direct and indirect impacts related to the creek channel would be significant. The 2013 FEIR identified **MM BIO-6a** to ensure authorization from the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife<sup>9</sup> would be obtained for construction activities within jurisdictional waters of the U.S. and state. In addition, the 2013 FEIR identified **MM BIO-6b**, which would require the preparation of a Wetland/Riparian Protection and Replacement Program to replace any jurisdictional waters affected by the project. The 2013 FEIR also identified **MM BIO-6c**, which would require preparation and implementation of a Stormwater Pollution Prevention Plan for controlling both construction-related erosion and sedimentation and project-related non-point discharge into waters on the site. The 2013 FEIR concluded that with implementation of **MM BIO-6a**, **BIO-6b**, and **BIO-6c**, the Original Project's impacts on protected wetlands associated with filling 295 linear feet of the creek channel would be reduced to a less-than-significant level.

*Conflict with any Applicable Land Use Plans, Policies, Regulations, or Ordinances.* The 2013 FEIR determined that the Original Project would conflict with several relevant goals and policies of the Lafayette General

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<sup>9</sup> After the 2013 FEIR was certified, the former California Department of Fish and Game was renamed and is now the California Department of Fish and Wildlife.

Plan, as well as the City's Tree Protection Ordinance. The 2013 FEIR determined that the extent of fills to the existing creek, and obstruction created by the new culvert and development, would conflict with the intent of the General Plan's Goal OS-5 and Program OS-5.1.8, which call for preserving and protecting creeks in their natural state, as well as Policy OS-1.6, which assumes adequate open space is to be provided to preserve effective wildlife corridors along watercourses.

The 2013 FEIR determined that elimination of 2 acres of native grasslands considered a sensitive natural community would represent a substantial inconsistency with General Plan Policies OS-4.3 and OS-4.4, which pertain to protecting trees, woodlands, and other native vegetation, and Program OS-4.4-1, which calls for preserving existing healthy trees and native vegetation to the "maximum extent feasible." The analysis indicated that enhancements associated with creek and wetland mitigation typically involve tree and shrub plantings that would eventually shade out and possibly eliminate any native grassland component to the enhancement plans, making long-term preservation of grasslands in these areas questionable.

The Original Project would remove 91 of the 117 existing trees on the site which qualify as "protected trees" under the City's Tree Protection Ordinance. It would eliminate about 78 percent of the trees on the site, including the 58-inch valley oak which is one of the largest trees of its kind in the City. It would also relocate nine trees on the site. The Original Project included a Landscape Plan under which approximately 700 new trees would be planted. Of these trees, 401 native trees would be planted as part of habitat enhancement improvements, consisting of 132 native oaks, 72 valley oaks, 74 California buckeye, 42 California sycamore, 41 California bay, and 40 madrone trees. This represents about 60 percent of the estimated 666 trees that would have to be planted to meet the replacement ratio specified in the City's Tree Protection Ordinance. The 2013 FEIR determined that removal of healthy trees would conflict with relevant policies and programs in the City's General Plan which call for preservation of healthy trees and native vegetation to the "maximum extent feasible." This impact was determined to be significant. The 2013 FEIR identified **MM BIO-7**, which would require compliance with City of Lafayette Tree Protection Ordinance, Chapter 6-17 of the Lafayette Municipal Code, and preparation of a Tree Protection and Replacement Program to reduce this impact. The 2013 FEIR concluded that because avoidance of the large 58-inch valley oak and other oaks to the southeast would not be feasible, this impact of the Original Project would remain significant and unavoidable.

*Movement of any Native Resident or Migratory Fish or Wildlife Species.* The 2013 FEIR determined that filling a large portion of the creek channel as part of the Original Project would alter the existing habitat on the project site. Although enhancement plantings proposed within the creek channel would increase foraging, roosting, and nesting opportunities, the Original Project's filling of portions of the creek channel would isolate two segments of the creek by separating them with two roadway crossings, parking, and

portions of a garage structure. The 2013 FEIR determined that the proposed 42-inch-diameter culvert of approximately 190 feet in length, which would separate the two open segments of the creek, would prevent light from passing through. Given its relatively small size and length, and the fact that wildlife would not be able to see through the culvert, the 2013 FEIR determined it unlikely that the culvert would be used for wildlife movement. The 2013 FEIR concluded that the impact to wildlife habitat and movement opportunities with regards to the riparian corridor and creek would be significant. However, the 2013 FEIR determined that due to the presence of existing barriers (i.e., roads and highway) to wildlife movement both on- and off-site, no major wildlife corridors would be affected by development of the Original Project, and potential impacts on wildlife movement opportunities on the remaining portion of the site would be less than significant. The 2013 FEIR concluded that **MM BIO-1** through **BIO-7** would all serve to partially reduce the potential impacts of the Original Project on wildlife habitat and wildlife movement opportunities. To further reduce the impacts of the Original Project on movement opportunities and habitat values along the existing creek to a less-than-significant level, the 2013 FEIR identified **MM BIO-8**.

*Habitat Conservation Plans.* The 2013 FEIR determined that there were no habitat conservation plans addressing the site and surrounding lands, and concluded that the Original Project would not conflict with any adopted habitat conservation plans. As a result, no impact would occur.

*Cumulative Impacts.* The 2013 FEIR found that the Original Project's contribution to cumulative biological impacts would be less than significant with implementation of the project-specific **MM BIO-1** through **MM BIO-8**.

### **2013 FEIR Mitigation Measures**

**MM BIO-1:** Confirmation surveys shall be conducted on any off-site mitigation properties prior to future development on the site to determine whether any special-status plant species are present. The surveys shall be conducted by a qualified botanist and shall be appropriately-timed to allow for detection of all species of concern (typically between March and July). In the event that confirmation surveys identify any federally- or State-listed plant species on the site that cannot be avoided, the applicant shall obtain all necessary permits and/or authorizations from the CDFG and USFWS as required by federal and State law for incidental take of those species. This shall include preparation of a mitigation program acceptable to the respective agencies depending on the State and/or federal-listing status of the species in question. The mitigation program shall define avoidance and long-term conservation measures to permanently protect and manage habitat around the occurrence(s), and provide for a minimum of five years of

monitoring following installation of mitigation improvements at the off-site location to demonstrate that the occurrence(s) has not been adversely affected during construction. If a special-status species is encountered that is not a federally- or State- listed species but is maintained on List 1B or List 2 of the California Native Plant Society's *Inventory of Rare and Endangered Plants of California* and the occurrence(s) cannot be avoided, a salvage/relocation plan shall be developed and approved by CDFG as part of the mitigation program prior to any disturbance in the vicinity. Evidence that the applicant has secured any required authorization from these agencies shall be submitted to the City's Planning & Building Services Division prior to issuance of any grading or building permits for the Project.

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

- If vegetation removal and initial construction is proposed during the nesting season (March to August), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 14 days prior to the onset of vegetation removal or construction, in order to identify any active nests on the proposed project site and in the vicinity of proposed construction. The site shall be resurveyed to confirm that no new nests have been established if vegetation removal has not been completed or if construction has been delayed or curtailed for more than 7 days during the nesting season.
- If no active nests are identified during the construction survey period, or if development is initiated during the non-breeding season (September to February), vegetation removal and construction may proceed with no restrictions.
- If bird nests are found, an adequate setback shall be established around the nest location and vegetation removal and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the CDFG, and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site.

- A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season (March to August). The report shall either confirm absence of any active nests or should confirm that any young are located within a designated no-disturbance zone and construction can proceed.

**MM BIO-3:** Measures shall be taken to avoid possible loss of bats during Project construction. This shall be accomplished using the following provisions:

- Existing buildings should be demolished between February 15 to April 15 or from August 15 to October 15 to minimize the likelihood of removal during the winter roosting period when individuals are less active and more difficult to detect, and the critical pupping period (April 16 to August 14) when young cannot disperse.
- Buildings shall be surveyed by a qualified bat biologist no more than two weeks before demolition to avoid “take” of any bats that may have begun to use the structures for day-roosting.
- If the pre-demolition survey reveals bats or bat roosting activity, all doors and windows shall be opened and left open continually until demolition. Additional recommendations may be made by the qualified bat biologist following the pre-demolition survey, including monitoring of demolition and other measures to avoid take of individual bats.
- A tree roost habitat assessment shall be conducted by a qualified bat biologist for trees to be removed as part of the Project. The habitat assessment shall be conducted no more than two weeks prior to tree removal and vegetation clearing. Additional detailed measures may be required based on the results of the habitat assessment if evidence of bat roosting is observed. This may include supervision of tree removal by the qualified bat biologist, and systematic removal of select trees and major limbs to encourage dispersal and avoid “take” of individual bats.

**MM BIO-4:** Measures shall be taken to avoid possible inadvertent loss of Bridge’s coast range shoulder band snail, if present on the site. A qualified entomologist or invertebrate biologist shall conduct a preconstruction survey to verify whether this subspecies is present or absent on the site. The survey shall be conducted during the time of year when snails are most easily detected, generally during the late winter and early spring (February through May) in advance of construction. If absent, no additional measures

shall be required. If present, a Bridge's Coast Range Shoulder band Snail Protection and Relocation Program (Program) shall be prepared by the qualified entomologist or invertebrate biologist and implemented as part of the Project. The Program shall contain the following provisions and performance standards:

- Following completion of the preconstruction surveys, a report of findings shall be prepared by the qualified entomologist/invertebrate zoologist and submitted to the City for review and approval prior to initiation of vegetation removal and construction. The report shall either confirm absence of this subspecies from the site, or if individuals are encountered, shall follow details of the Program as outlined below.
- The preserved and enhanced creek corridor shall be established as permanent secure habitat for this subspecies, with essential cover habitat (i.e. logs, loose rocks, and thick layers of duff) incorporated into the enhancement plans. A minimum 1:1 acreage of habitat shall be preserved and/or re-created on-site along the creek channel for locations occupied by this subspecies during the preconstruction survey.
- Temporary measures shall be implemented during construction to prevent this subspecies from dispersing from preserved occupied habitat into areas to be graded and disturbed during construction. A secured containment area should be created along the creek segment to be retained, with fencing surrounding the containment area to prevent dispersal into the construction zone.
- Individuals of the subspecies located within the limits of construction shall be collected and temporarily relocated by the qualified entomologist/invertebrate biologist to the temporary containment area prior to any vegetation removal or grading on the site.
- A worker training program shall be given by the qualified entomologist/invertebrate biologist to all construction personnel involved in grading, temporary construction containment structures, and creek enhancement measures. The training shall describe and include photographs of the subspecies and its vulnerability, explain the importance of avoiding inadvertent take, and instruct personnel on what to do if additional individuals of the subspecies are encountered during construction outside the temporary containment area.

- Habitat enhancement activities within the creek corridor, including the temporary containment area, shall be designed to provide essential habitat characteristics for this subspecies. The qualified entomologist/invertebrate biologist shall review and provide input into wetland and native grassland mitigation programs to ensure they do not conflict with the long-term goal of protecting essential habitat for this subspecies as well.
- Temporary construction disturbance within the temporary containment area required as part of habitat enhancement shall be overseen by the qualified biologist/invertebrate biologist to ensure activities do not adversely affect individuals of the subspecies.

**MM BIO-5:** A blue wildrye Native Grassland Avoidance and Replacement Program (Program) shall be developed by a qualified biologist to address the anticipated loss of native grasslands on the site, and ensure no native grasslands are destroyed or damaged as part of any off-site mitigation. The Program shall contain the following provisions and performance standards:

- The proposed limits of grading shall be modified to avoid additional areas of the stands of native grassland on the site to the maximum extent feasible and a compensatory mitigation component prepared and implemented to provide a minimum 1:1 replacement ratio for grasslands lost as a result of the Project. A higher replacement ratio would not be warranted because of the extent of apparent past disturbance to the remaining native grasslands on the site, and relative ease with which this particular species can be salvaged, replanted, and reestablished at alternative locations.
- Areas retained or restored as native grassland shall be permanently protected as open space and managed as native grassland by deed restriction or conservation easement, whether on-site or off-site. The Program shall define short-term construction controls and long-term maintenance requirements necessary to ensure that the native grasslands are successfully reestablished and existing and restored native grasslands remain viable. The maintenance and management requirements shall include provisions for annual invasive species removal, and control on the establishment of both native and non-native trees and shrubs that could eventually shade out the grassland to be protected.

- Areas of native grassland to be preserved shall be flagged in the field prior to any vegetation removal or grading, and temporary orange construction fencing installed under supervision of the qualified biologist around all areas to be retained.
- Construction personnel operating grading and construction equipment and/or involved in habitat restoration activities shall be trained by the qualified biologist over the sensitivity of the native grasslands, purpose of the temporary orange construction fencing, and that all construction-related disturbance should be restricted outside of the fence.
- Areas of native grassland within the limits of proposed grading and construction shall be salvaged and used in revegetation efforts implemented as part of the Program. Salvage material shall include both intact stem and root material, which shall be stored and maintained until ready for reinstallation in the late fall/early winter when conditions are optimal for successful reestablishment.
- A monitoring program shall be implemented by the qualified biologist to oversee successful establishment of any native grasslands to be restored, either on or off-site, and shall define both short-term and long-term requirements. Permanent monitoring transects shall be established as part of the program and vegetation data collected in the spring and summer months when plant identification is possible. Photo stations shall be established along each monitoring transect, and photographs taken every year during the required monitoring period. Performance standards, success criteria, and contingency measures shall be defined as part of the Program. Monitoring transects shall be established over each location to be vegetated as native grassland, and monitored on an annual basis. Within a five-year period, native grass shall be successfully established over all treatment areas and shall comprise a minimum 60 percent of the relative cover. Monitoring shall be extended where the success criteria are not met, and the minimum 1:1 replacement ratio is not reached.
- Annual monitoring reports shall be prepared by the qualified biologist and submitted to the City's Planning & Building Services Division by December 31 of each monitoring year, for a minimum of five years or until the defined success criteria are met. The annual report shall summarize the results of the monitoring effort, performance standards, and any required contingency measures, and shall include photographs of the monitoring transects and program success. Maps shall be



included in the monitoring report to show the location of monitoring transects and photo stations.

**MM BIO-6a:** Where jurisdictional waters of the United States and State are present and cannot be avoided, authorization for proposed modifications shall be obtained from the USACE, RWQCB, and CDFG. All conditions required as part of the authorizations by the USACE, RWQCB, and CDFG shall be implemented as part of the Project. Consultation or incidental take permitting may be required under the California and federal Endangered Species Acts, and all legally required permits or other authorizations for the potential “take” of species listed under the Endangered Species Acts shall be obtained. Copies of all authorizations shall be provided to the City’s Planning & Building Services Division prior to issuance of a grading or other permit for the Project to ensure that the applicant has adequately coordinated with jurisdictional agencies.

**MM BIO-6b:** A Wetland/Riparian Protection and Replacement Program (Program) shall be prepared by a qualified wetland specialist and implemented to replace any jurisdictional waters affected by the Project. The Program shall include appropriate implementation measures to prevent inadvertent loss and degradation of jurisdictional waters to be protected, and replacement for those features eliminated or modified as a result of development. This shall be accomplished as part of revegetation of the channel segment(s) disturbed during construction. The Program shall contain the following components:

- Jurisdictional waters shall be avoided to the maximum extent feasible, and where avoidance is infeasible, shall be replaced at a minimum 2:1 ratio, preferably on-site. This could be achieved by reducing the extend of fills currently proposed and expanding a low elevation wetland terrace along the bottom of the channel bottom where possible without adversely affecting existing riparian and upland trees along the creek corridor. Out-of-kind mitigation may be necessary given the limited opportunities for recreating creek channel habitat on the site.
- Cuttings from any willows removed as part of the Project shall be stored properly during construction, to be installed along the edge of the channel bottom and mid-bank to provide additional protective cover and replace willow removed as part of the Project.
- Additional native tree, shrub, and groundcover species shall be installed and maintained in areas enhanced or restored as part of the Program, and a mix of native

grassland species should be hydro-seeded throughout the area to provide temporary erosion control. Tree and shrub plantings shall be irrigated for a minimum of two years during the dry summer months to ensure successful establishment.

- Temporary construction fencing shall be installed around the boundary of all wetlands, riparian, and trees to be preserved along the creek channel so that they are not disturbed during construction. Fencing shall remain in place until construction has been completed.
- Success criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures in the Program shall be specified. Monitoring shall be conducted by the qualified wetland specialist for a minimum of five years and continue until the success criteria are met. Permanent monitoring transects shall be established as part of the program and vegetation data collected in the spring and summer months when plant identification is possible. Photo stations shall be established along each monitoring transect, and photographs taken every year during the required monitoring period.
- Annual monitoring reports shall be prepared by the qualified wetland specialist and submitted to resource agency representatives and the City's Planning & Building Services Division by December 31 of each monitoring year for a minimum of five years, or until the defined success criteria are met. The annual report shall summarize the results of the monitoring effort, performance standards, and any required contingency measures, and shall include photographs of the monitoring transects and program success. Maps shall be included in the monitoring report to show the location of monitoring transects and photo stations.

**MM BIO-6c:** A Stormwater Pollution Prevention Plan shall be prepared and implemented using Best Management Practices to control both construction-related erosion and sedimentation and Project-related non-point discharge into waters on the site.

**MM BIO-7:** The Project shall comply with City of Lafayette Tree Protection Ordinance, Chapter 6-17 of the Lafayette Municipal Code, and a Tree Protection and Replacement Program (Program) should be developed by a certified arborist and implemented to provide for adequate protection and replacement of native and planted trees larger than 6 inches dbh possibly affected by proposed improvements. A category II permit should be obtained for the removal of any "protected tree," and replacement plantings should be provided

as approved by the City. If permitted, an appropriate in-lieu fee should be paid to the City of Lafayette as compensation for “protected trees” removed by the Project, where sufficient land area is not available on-site for adequate replacement. The Program shall include the following provisions:

- Pursuant to the requirements of Section 6-1707.F of the Tree Protection and Preservation Ordinance, adequate measures should be defined to protect all trees to be preserved. This should include installation of temporary construction fencing at the perimeter of the protected area, restrictions on construction within the fenced areas unless approved as a condition of the application and performed under the supervision of the certified arborist, and prohibition on parking or storing of vehicles and other construction equipment within the protected area.
- All grading, improvement plans, and construction plans prepared for building permits should clearly indicate trees proposed to be removed, altered, or otherwise affected by development construction. The tree information on grading and development plans should indicate the number, size, species, assigned tree number and location of the dripline of all trees on the property that are to be retained/preserved.
- Details on relocation of any protected trees shall be defined as part of the Program. This shall include procedures for root system excavation, tree protection during relocation, planting bed preparation, short-term irrigation and monitoring, and compensatory mitigation if severely damaged during relocation or lost following planting.
- The Landscape Plan for the proposed project shall be revised to eliminate the planting of California bay (*Umbellularia californica*) because it is slow growing and could contribute to the establishment of SOD on the site, which could then spread to surrounding coast live oaks.
- The Landscape Plan for the proposed project shall consider the vehicle sight distance requirements for motorists at access points along Deer Hill Road and Pleasant Hill Road, and tree and shrub plantings that could impede the minimum requirements shall be prohibited in these areas. No native trees planted to meet the requirements of Section 6-1707.G of the Tree Protection and Preservation Ordinance shall be

installed in locations that would require future pruning or topping to provide adequate sight distance for motorists.

**MM BIO-8:** Mitigation Measures BIO-1 through BIO-7 would all serve to partially reduce the potential impacts of the Project on wildlife habitat and wildlife movement opportunities. The following additional measures shall be implemented to further reduce the impacts of the proposed project on movement opportunities and habitat values along the existing creek.

- The proposed project shall be revised to limit any crossing of the existing creek to a single bridge or arched culvert with as narrow a width as possible that allows for continued movement of wildlife under the structure.
- Uses on top of the new creek overcrossing shall be limited to the vehicle roadway and pedestrian sidewalk crossing to minimize the width of the structure. Parking, partial garage structures, and landscaping included in the creek crossing under the Proposed Project shall be eliminated.
- A natural area of at least 25 feet from the creek centerline shall be provided along both creek banks and enhanced as natural habitat as part of the Wetland/Riparian Protection and Replacement Program recommended in Mitigation Measure BIO-7. Detention basins and other improvements shall be restricted outside this minimum setback distance. Any detention basins located along the periphery of the creek corridor shall be enhanced as natural habitat for wildlife to the maximum extent feasible through plantings of native trees, shrubs, and ground cover species. Enhancement plantings shall also be located and designed to not interfere with minimum sight distance requirements for vehicle access along Deer Hill Road, to prevent the need for future clearing and topping.

## Analysis of the Resumed Project

*Special-Status Species/Habitats.* Similar to the conclusions of the 2013 FEIR, the Resumed Project would have no impact on special-status plant species on the project site as no occurrence of these species have been reported at the site. However, unlike the Original Project, the Resumed Project has been refined to avoid filling 295 linear feet of the creek that traverses the northeast portion of the project site, with the exception of the grading activities and foundation associated with installation of the arched culvert (clear bridge span) for the driveway access (**Figure 4-3, Proposed East Driveway Access on Deer Hill Road**). Based on the reduced extent of disturbance to the creek and jurisdictional waters, mitigation measures to

reduce potential impacts to waters of the U.S. could be implemented on-site, and no off-site mitigation would be required. Therefore, 2013 FEIR **MM BIO-1**, which requires conducting surveys of special-status plant species within off-site mitigation areas, is not applicable to the Resumed Project.

Similar to the findings of the 2013 FEIR, new nests and roosts of raptors and other migratory birds as well as roosting bats could occur at the site. Although focused surveys were conducted in 2016 in compliance with 2013 FEIR **MM BIO-2** and **MM BIO-3**, prior to the demolition of the structures and removal of 48 trees at the project site, as described in **Section 4.5**, these measures are still applicable to the Resumed Project and focused surveys for these species are required 14 days before the start of construction. Similar to the 2013 FEIR conclusion, with implementation of **MM BIO-2** and **MM BIO-3**, impacts of the Resumed Project on new nests and roosts of raptors and other migratory birds as well as roosting bats would be less than significant.

Unlike the Original Project, the Resumed Project would not include the filling of a segment of the creek channel at the project site, with the exception of the grading activities and foundation associated with installation of the arched culvert (clear bridge span) for the driveway access (**Figure 4-3, Proposed East Driveway Access on Deer Hill Road**). Grading refinements included in the Resumed Project would result in much less disturbance to the habitat of the BCRSB snail than would occur under the Original Project. As described in **Section 4.5**, focused surveys for this subspecies conducted on March 13 and 22, April 26, and May 23, 2013, found no evidence of this snail on-site (**Appendix B, Biological Resources**). However, consistent with the findings of the 2013 FEIR, there remains a remote possibility that the BCRSB snail could occur on the project site at the time of construction. Grading and construction activities could result in the potential loss of this species. 2013 FEIR **MM BIO-4** would still apply to the Resumed Project to avoid possible loss of this subspecies. Similar to the conclusion of the 2013 FEIR, with implementation of **MM BIO-4**, the Resumed Project's impact on the BCRSB snail would be less than significant.

*Riparian Habitat or Other Sensitive Natural Community.* As described in **Section 4.5, Changes to Existing Conditions Since the Certification of the 2013 FEIR**, after obtaining the City's approval and in compliance with 2013 FEIR **MM BIO-5**, the applicant salvaged the existing native blue wildrye from the site in 2016. The plants are currently held at a qualified nursery and routinely monitored in preparation for re-establishment on-site (**Appendix B, Biological Resources**). As required by 2013 FEIR **MM BIO-5**, the salvaged native blue wildrye would be re-propagated on 2.1 acres of the project site and would provide a 1:1 compensatory replacement ratio for the acreage of native grasslands impacted by the Resumed Project. Requirements of 2013 FEIR **MM BIO-5** that have not already been fulfilled would still apply to the Resumed Project to ensure proper implementation of the blue wildrye Native Grassland Avoidance and Replacement Program. This would include post-propagation monitoring to oversee

successful establishment of any native grasslands to be restored. **MM BIO-5** has been revised and updated to reflect the fact that certain requirements of 2013 MM BIO-5 have already been completed. Consistent with the findings of the 2013 FEIR, and although the Resumed Project would restore the native grasslands on a 1:1 ratio, because avoidance of large stands of native grassland would not be possible, this impact would remain significant and unavoidable even with implementation of **Revised MM BIO-5**.

*Protected Wetlands.* Unlike the Original Project, the Resumed Project would not include filling 295 linear feet of the creek channel on the project site, with the exception of the grading activities and foundation associated with installation of the arched culvert (clear bridge span) for the driveway access. Based on the reduced extent of disturbance to the creek and jurisdictional waters, mitigation measures to reduce potential impacts to waters of the U.S. could be implemented on-site and no off-site mitigation would be required. **MM BIO-6a** and **BIO-6b** which require obtaining authorization from regulatory agencies for construction within jurisdictional waters and Preparation of wetland/Riparian Protection Program, respectively, would still apply to the Resumed Project. **MM BIO-6b** has been revised for the Resumed Project to ensure only in-kind and on-site mitigation. Similar to the Original Project, the Resumed Project may result in potential indirect impacts to the degradation of the downstream habitat functions and values, as a result of accidental spills, contamination from fertilizers and other urban pollutants, and increased runoff volumes and possible erosion in waters of the U.S. and State. Therefore, 2013 FEIR **MM BIO-6c**, which requires preparation and implementation of a Stormwater Pollution Prevention Plan, would apply to the Resumed Project. Consistent with the findings of the 2013 FEIR, with implementation of **MM BIO-6a**, **Revised MM BIO-6b**, and **MM BIO-6c**, indirect impacts of the Resumed Project on downstream habitat would be less than significant.

*Conflict with any Applicable Land Use Plans, Policies, Regulations, or Ordinances.* As described in **Section 4.5, Changes to Existing Conditions since the Certification of the 2013 FEIR**, since the certification of the 2013 FEIR, the applicant obtained a tree permit, under the Homes at Deer Hill project, that authorized the removal of 48 trees of the 117 inventoried at the site. In compliance with 2013 FEIR **MM BIO-7**, the tree permit included a tree preservation plan that outlined tree protection measures for the remaining 69 trees in compliance with the City of Lafayette's Tree Protection Ordinance Chapter 6-17. The tree protection measures outlined in the plan would retain the "Grand Oak" at the site. Similar to the Original Project, the Resumed Project would require removal of 53 additional trees for a total removal of 101 trees, including the "Grand Oak." The 2013 FEIR estimated that a total of 666 15-gallon trees would have to be planted as replacements for the 91 trees to be removed, in compliance with the City's Tree Protection Ordinance. As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the Original Project included planting 700 trees including 401 native trees on the project site. In compliance with the Tree Protection Ordinance, the Resumed Project has been refined to include planting 768 new

trees on the project site,<sup>10</sup> for a total number of 784 trees at project buildout.<sup>11,12</sup> Similar to the Original Project, tree replacement under the Resumed Project would include approximately 401 native trees, such as native coast live oak, valley oak, arroyo willow, or black walnut. However, as described **Section 4.6, Refinements Incorporated into the Resumed Project**, the proposed landscape plan for the Resumed Project incorporates one of the requirements identified under **MM BIO-7** and does not include the planting of California bay (*Umbellularia californica*) because of its slow growth and potential contribution to the establishment of sudden oak death on the site, which could then spread to surrounding coast live oaks. The 2013 FEIR **MM BIO-7** would still apply to the Resumed Project to ensure adequate implementation of the Tree Replacement and Implementation Program, and has been revised to reflect the changes that have already been made to the landscaping plan. With implementation of **Revised MM BIO-7**, impacts on tree resources would be similar to those identified in the 2013 FEIR. The Resumed Project would not introduce any new or result in any substantially more severe significant environmental impacts that would conflict with any applicable land use plans, policies or ordinance associated with biological resources, and this impact would be remain significant and unavoidable even with implementation of **MM BIO-7**.

*Movement of any Native Resident or Migratory Fish or Wildlife Species.* Unlike the Original Project, the Resumed Project would not include filling in the creek channel at the project site, with the exception of the grading activities and foundation associated with installation of the arched culvert (clear bridge span) for the driveway access. Consistent with 2013 FEIR **MM BIO-8**, the arched culvert would not prevent light from passing through and therefore would not obstruct the movement within the creek channel. Therefore, the Resumed Project would have less impacts than the Original Project to wildlife movement opportunities within the riparian corridor and creek. In addition, as explained in the 2013 FEIR, existing barriers, such as roads and highway, restrict wildlife movement both on- and off-site. Therefore, potential impacts on wildlife movement opportunities on the remaining portions of the site would be less than significant. **MM BIO-2** through **MM BIO-8**, revised as applicable to the Resumed Project and presented below, would reduce the potential impacts of the Resumed Project on wildlife habitat and wildlife movement opportunities to a less-than-significant level.

*Habitat Conservation Plans.* Similar to the findings of the 2013 FEIR, there are no habitat conservation plans addressing the site and surrounding lands and the Resumed Project would not conflict with any adopted habitat conservation plans. As a result, no impact related to habitat conservation plans would occur.

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<sup>10</sup> For the 101 trees to be removed, the total tree diameter at breast height or 4.5 feet above the ground (dbh) is estimated at 2,303.5 inches. Using the replacement ratio specified in the Tree Protection Ordinance that calls for two 15-gallon trees for every six inches of dbh removed, that equals a total of 768 replacement tree plantings.

<sup>11</sup> Traverso Tree Service, March 15, 2011. *Tree Inventory and Assessment for the Deer Hill and Pleasant Hill Road Project*.

<sup>12</sup> BKF, 2020. Tree Removal Summary. Email Communication from Dave Baker. April 28.

*Cumulative Impacts.* Similar to the findings of the 2013 FEIR, the Resumed Project's contribution to cumulative biological impacts would be less than significant with implementation of **MM BIO-2** through **MM BIO-8**, revised as applicable to the Resumed Project and presented below.

### ***Mitigation Measures Required for the Resumed Project***

2013 FEIR **MM BIO-1** would not apply to the Resumed Project and therefore is not presented below.

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

- If vegetation removal and initial construction is proposed during the nesting season (March to August), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of vegetation removal or construction, in order to identify any active nests on the proposed project site and in the vicinity of proposed construction. The site shall be resurveyed to confirm that no new nests have been established if vegetation removal has not been completed or if construction has been delayed or curtailed for more than 7 days during the nesting season.
- If no active nests are identified during the construction survey period, or if development is initiated during the non-breeding season (September to February), vegetation removal and construction may proceed with no restrictions.
- If bird nests are found, an adequate setback shall be established around the nest location and vegetation removal and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the ~~CDFG~~ California Department of Fish and Wildlife (CDFW), and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site.
- A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season (March to August). The report shall



either confirm absence of any active nests or should confirm that any active young are located within a designated no-disturbance zone and construction can proceed.

**Revised MM BIO-3:** Measures shall be taken to avoid possible loss of bats during project construction.

This shall be accomplished using the following provisions:

- ~~• Existing buildings should be demolished between February 15 to April 15 or from August 15 to October 15 to minimize the likelihood of removal during the winter roosting period when individuals are less active and more difficult to detect, and the critical pupping period (April 16 to August 14) when young cannot disperse.~~
- ~~• Buildings shall be surveyed by a qualified bat biologist no more than two weeks before demolition to avoid "take" of any bats that may have begun to use the structures for day roosting.~~
- ~~• If the pre demolition survey reveals bats or bat roosting activity, all doors and windows shall be opened and left open continually until demolition. Additional recommendations may be made by the qualified bat biologist following the pre demolition survey, including monitoring of demolition and other measures to avoid take of individual bats.~~
- A tree roost habitat assessment shall be conducted by a qualified bat biologist for trees to be removed as part of the project. The habitat assessment shall be conducted no more than two weeks prior to tree removal and vegetation clearing. Additional detailed measures may be required based on the results of the habitat assessment if evidence of bat roosting is observed. This may include supervision of tree removal by the qualified bat biologist, and systematic removal of select trees and major limbs to encourage dispersal and avoid "take" of individual bats.

**MM BIO-4:** Measures shall be taken to avoid possible inadvertent loss of Bridges' coast range shoulder band snail, if present on the site. A qualified entomologist or invertebrate biologist shall conduct a preconstruction survey to verify whether this subspecies is present or absent on the site. The survey shall be conducted during the time of year when snails are most easily detected, generally during the late winter and early spring (February through May) in advance of construction. If absent, no additional measures shall be required. If present, a Bridges' Coast Range Shoulderband Snail Protection and Relocation Program (Program) shall be prepared by the qualified entomologist or

invertebrate biologist and implemented as part of the project. The Program shall contain the following provisions and performance standards:

- Following completion of the preconstruction surveys, a report of findings shall be prepared by the qualified entomologist/invertebrate zoologist and submitted to the City for review and approval prior to initiation of vegetation removal and construction. The report shall either confirm absence of this subspecies from the site, or if individuals are encountered, shall follow details of the Program as outlined below.
- The preserved and enhanced creek corridor shall be established as permanent secure habitat for this subspecies, with essential cover habitat (i.e. logs, loose rocks, and thick layers of duff) incorporated into the enhancement plans. A minimum 1:1 acreage of habitat shall be preserved and/or re-created on-site along the creek channel for locations occupied by this subspecies during the preconstruction survey.
- Temporary measures shall be implemented during construction to prevent this subspecies from dispersing from preserved occupied habitat into areas to be graded and disturbed during construction. A secured containment area should be created along the creek segment to be retained, with fencing surrounding the containment area to prevent dispersal into the construction zone.
- Individuals of the subspecies located within the limits of construction shall be collected and temporarily relocated by the qualified entomologist/invertebrate biologist to the temporary containment area prior to any vegetation removal or grading on the site.
- A worker training program shall be given by the qualified entomologist/invertebrate biologist to all construction personnel involved in grading, temporary construction containment structures, and creek enhancement measures. The training shall describe and include photographs of the subspecies and its vulnerability, explain the importance of avoiding inadvertent take and instruct personnel on what to do if additional individuals of the subspecies are encountered during construction outside the temporary containment area.
- Habitat enhancement activities within the creek corridor, including the temporary containment area, shall be designed to provide essential habitat characteristics for this subspecies. The qualified entomologist/invertebrate biologist shall review and

provide input into wetland and native grassland mitigation programs to ensure they do not conflict with the long-term goal of protecting essential habitat for this subspecies as well.

- Temporary construction disturbance within the temporary containment area required as part of habitat enhancement shall be overseen by the qualified biologist/invertebrate biologist to ensure activities do not adversely affect individuals of the subspecies.

**Revised MM BIO-5:** A blue wildrye Native Grassland ~~Avoidance and~~ Replacement Program (Program) shall be developed by a qualified biologist to address the anticipated loss of native grasslands on the site, and ensure no native grasslands are destroyed or damaged during off-site storage or re-propagation of salvaged grass as part of any off-site mitigation. The Program shall contain the following provisions and performance standards:

- ~~The proposed limits of grading shall be modified to avoid additional areas of the stands of native grassland on the site to the maximum extent feasible and~~ A compensatory mitigation component shall be prepared and implemented to provide a minimum 1:1 replacement ratio for grasslands lost as a result of the project. A higher replacement ratio would not be warranted because of the extent of apparent past disturbance to the remaining native grasslands on the site, and relative ease with which this particular species can be salvaged, replanted, and reestablished at alternative locations. The compensatory mitigation component shall include protection and monitoring measures for the salvaged grass, currently stored at an off-site nursery. These measures shall identify the methods and conditions of maintaining the salvaged grass off-site for the duration of construction activities and until being established on-site.
- Areas ~~retained or~~ restored as native grassland shall be permanently protected as open space and managed as native grassland by deed restriction or conservation easement ~~whether on-site or off-site~~. The Program shall define ~~short-term construction controls and~~ long-term maintenance requirements necessary to ensure that the native grasslands are successfully reestablished ~~and existing~~ and restored native grasslands remain viable. The maintenance and management requirements shall include provisions for annual invasive species removal, and control on the establishment of both native and non-native trees and shrubs that could eventually shade out the grassland to be protected.

- ~~Areas of native grassland to be preserved shall be flagged in the field prior to any vegetation removal or grading, and temporary orange construction fencing installed under supervision of the qualified biologist around all areas to be retained. within the limits of proposed grading and construction shall be salvaged and used in revegetation efforts implemented as part of the Program. Salvage material shall include both intact stem and root material, which shall be stored and maintained until ready for reinstallation in the late fall/early winter when conditions are optimal for successful reestablishment.~~
- ~~Construction personnel operating grading and construction equipment and/or involved in habitat restoration activities shall be trained by the qualified biologist over the sensitivity of the native grasslands, purpose of the temporary orange construction fencing, and that all construction related disturbance should be restricted outside of the fence.~~
- ~~Areas of native grassland within the limits of proposed grading and construction shall be salvaged and used in revegetation efforts implemented as part of the Program. Salvaged native grasslands material shall include both intact stem and root material, which shall be stored and maintained until ready for reinstallation in the late fall/early winter when conditions are optimal for successful reestablishment.~~
- A monitoring program shall be implemented by the qualified biologist to oversee successful establishment of any native grasslands to be restored, either on- ~~or off~~ site, and shall define both short-term and long-term requirements. Permanent monitoring transects shall be established as part of the program and vegetation data collected in the spring and summer months when plant identification is possible. Photo stations shall be established along each monitoring transect, and photographs taken every year during the required monitoring period. Performance standards, success criteria, and contingency measures shall be defined as part of the Program. Monitoring transects shall be established over each location to be vegetated as native grassland, and monitored on an annual basis. Within a 5-year period, native grass shall be successfully established over all treatment areas and shall comprise a minimum 60 percent of the relative cover. Monitoring shall be extended where the success criteria are not met, and the minimum 1:1 replacement ratio is not reached. The Program and its requirements may be modified to require further measures if monitoring shows that performance standards are not being met.

- Annual monitoring reports shall be prepared by the qualified biologist and submitted to the City's Planning and Building Services Division by December 31 of each monitoring year, for a minimum of 5 years or until the defined success criteria are met. The annual report shall summarize the results of the monitoring effort, performance standards, and any required contingency measures, and shall include photographs of the monitoring transects and program success. Maps shall be included in the monitoring report to show the location of monitoring transects and photo stations.

**Revised MM BIO-6a:** In coordination with the U.S. Army Corps of Engineers (USACE), a jurisdictional Wetland Delineation shall be prepared to identify the boundaries of waters of the U.S. within the project site. Where jurisdictional waters of the United States and State are present and cannot be avoided, authorization for proposed modifications shall be obtained from the USACE, RWQCB, and CDFW, as applicable. All conditions required as part of the authorizations by the USACE, RWQCB, and CDFW shall be implemented as part of the Project. Consultation or incidental take permitting may be required under the California and federal Endangered Species Acts, and all legally required permits or other authorizations for the potential "take" of species listed under the Endangered Species Acts shall be obtained. Copies of all authorizations shall be provided to the City's Planning and Building Services Division prior to issuance of a grading or other permit for the Project to ensure that the applicant has adequately coordinated with jurisdictional agencies.

**Revised MM BIO-6b:** A Wetland/Riparian Protection and Replacement Program (Program) shall be prepared by a qualified wetland specialist and implemented to replace or protect any jurisdictional waters affected by the Project. The Program shall include appropriate implementation measures to prevent inadvertent loss and degradation of jurisdictional waters to be protected, and replacement for those features eliminated or modified as a result of development. This shall be accomplished as part of revegetation of the channel segment(s) disturbed during construction. The Program shall contain the following components:

- Jurisdictional waters shall be avoided to the maximum extent feasible, and where avoidance is infeasible, shall be replaced on-site at a minimum 2:1 ratio. ~~preferably on site. This could be achieved by reducing the extent of fills currently proposed and expanding a low elevation wetland terrace along the bottom of the channel bottom where possible without adversely affecting existing riparian and upland trees along~~

~~the creek corridor. Out of kind mitigation may be necessary given the limited opportunities for recreating creek channel habitat on the site.~~

- Cuttings from any willows removed as part of the project shall be stored properly during construction, to be installed along the edge of the channel bottom and mid-bank to provide additional protective cover and replace willow removed as part of the project.
- Additional native tree, shrub, and groundcover species shall be installed and maintained in areas enhanced or restored as part of the Program, and a mix of native grassland species should be hydro-seeded throughout the area to provide temporary erosion control. Tree and shrub plantings shall be irrigated for a minimum of 2 years during the dry summer months to ensure successful establishment.
- Temporary construction fencing shall be installed around the boundary of all wetlands, riparian, and trees to be preserved along the creek channel so that they are not disturbed during construction. Fencing shall remain in place until construction has been completed.
- Success criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures in the Program shall be specified. Monitoring shall be conducted by the qualified wetland specialist for a minimum of 5 years and continue until the success criteria are met. Permanent monitoring transects shall be established as part of the program and vegetation data collected in the spring and summer months when plant identification is possible. Photo stations shall be established along each monitoring transect, and photographs taken every year during the required monitoring period.
- Annual monitoring reports shall be prepared by the qualified wetland specialist and submitted to resource agency representatives and the City's Planning and Building Services Division by December 31 of each monitoring year for a minimum of 5 years, or until the defined success criteria are met. The annual report shall summarize the results of the monitoring effort, performance standards, and any required contingency measures, and shall include photographs of the monitoring transects and program success. Maps shall be included in the monitoring report to show the location of monitoring transects and photo stations.

**MM BIO-6c:** A SWPPP shall be prepared and implemented using BMPs to control both construction-related erosion and sedimentation and project-related non-point discharge into waters on the site.

**Revised MM BIO-7:** The project shall comply with City of Lafayette Tree Protection Ordinance, Chapter 6-17 of the Lafayette Municipal Code, and a Tree Protection and Replacement Program (Program) should be developed by a certified arborist and implemented to provide for adequate protection and replacement of native and planted trees larger than 6 inches dbh (diameter at breast height) possibly affected by proposed improvements. A category II permit should be obtained for the removal of any “protected tree,” and replacement plantings should be provided as approved by the City. If permitted, an appropriate in-lieu fee should be paid to the City of Lafayette as compensation for “protected trees” removed by the Project, where sufficient land area is not available on-site for adequate replacement. The Program shall include the following provisions:

- Pursuant to the requirements of Section 6-1707.F of the Tree Protection and Preservation Ordinance, adequate measures should be defined to protect all trees to be preserved. This ~~should~~ shall include installation of temporary construction fencing at the perimeter of the protected area, restrictions on construction within the fenced areas unless approved as a condition of the application and performed under the supervision of the certified arborist, and prohibition on parking or storing of vehicles and other construction equipment within the protected area.
- All grading, improvement plans, and construction plans prepared for building permits ~~should~~ shall clearly indicate trees proposed to be removed, altered, or otherwise affected by development construction. The tree information on grading and development plans ~~should~~ shall indicate the number, size, species, assigned tree number and location of the dripline of all trees on the property that are to be retained/preserved.
- Details on relocation of any protected trees shall be defined as part of the Program. This shall include procedures for root system excavation, tree protection during relocation, planting bed preparation, short-term irrigation and monitoring, and compensatory mitigation if any protected trees are severely damaged during relocation or lost following planting.

- ~~The Landscape Plan for the Project shall be revised to eliminate the planting of California bay (Umbellularia californica) because it is slow growing and could contribute to the establishment of sudden oak death on the site, which could then spread to surrounding coast live oaks~~ The Landscape Plan for the project shall consider the vehicle sight distance requirements for motorists at access points along Deer Hill Road and Pleasant Hill Road, and tree and shrub plantings that could impede the minimum requirements shall be prohibited in these areas. No native trees planted to meet the requirements of Section 6-1707.G of the Tree Protection and Preservation Ordinance shall be installed in locations that would require future pruning or topping to provide adequate sight distance for motorists.

**Revised MM BIO-8:** Mitigation Measure BIO-~~42~~ through Mitigation Measure BIO-7 would all serve to partially reduce the potential impacts of the project on wildlife habitat and wildlife movement opportunities. The following additional measures shall be implemented to further reduce the impacts of the project on movement opportunities and habitat values along the existing creek.

- ~~The proposed project shall be revised to limit any crossing of the existing creek to a single bridge or arched culvert with as narrow a width as possible that allows for continued movement of wildlife under the structure.~~
- ~~Uses on top of the new creek overcrossing shall be limited to the vehicle roadway and pedestrian sidewalk crossing to minimize the width of the structure. Parking, partial garage structures, and landscaping included in the creek crossing under the project shall be eliminated.~~
- A natural area of at least 25 feet from the creek centerline shall be provided and enhanced as natural habitat as part of the Wetland/Riparian Protection and Replacement Program recommended in Mitigation Measure BIO-6. Detention basins and other improvements shall be restricted outside this minimum setback distance. Any detention basins located along the periphery of the creek corridor shall be enhanced as natural habitat for wildlife to the maximum extent feasible through plantings of native trees, shrubs, and ground cover species. Enhancement plantings ~~should~~ shall also be located and designed to not interfere with minimum sight distance requirements for vehicle access along Deer Hill Road, to prevent the need for future clearing and topping.



## Changes in Circumstances and/or New Information

Since certification of the 2013 FEIR, there have been no changes in circumstances at the project site or any new substantial information that would alter the conclusions of the 2013 FEIR with respect to biological resource impacts such that preparation of an SEIR would be required.

## Findings

The potential biological resource impacts of the Resumed Project would be comparable to or less than those analyzed in the 2013 FEIR. 2013 FEIR **MM BIO-1**, which would require conducting surveys of off-site mitigation areas for special-status plant species, is not applicable to the Resumed Project. **MM BIO-3, BIO-5, BIO-6a, BIO-6b, BIO-7, and BIO-8** have been revised to apply to the Resumed Project, and **MM BIO-2, BIO-4** and **BIO-6c** also would continue to apply to the Resumed Project. No new mitigation is required. For the reasons stated above, the potential biological impacts of the Resumed Project are adequately analyzed in the 2013 FEIR. No new or substantially more severe significant impacts related to biological resources would result from the Resumed Project beyond those analyzed in the 2013 FEIR.

## 5.5 CULTURAL RESOURCES

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR. Therefore, the potential impacts of the Resumed Project related to cultural resources would be similar to those identified for the Original Project, and similar mitigation measures would apply to the Resumed Project. The Resumed Project would not result in any new or substantially more severe significant impacts related to cultural resources than those identified in the 2013 FEIR for the Original Project.

### Summary of Analysis in the 2013 Final EIR

*Historical Resources.* The 2013 FEIR determined that the buildings that were previously present at the site (and which have since been demolished) were not eligible for the California Register of Historical Resources either individually or as a group. The analysis determined that although the likelihood of unearthing as-yet undiscovered archeological resources is low, the potential still exists for unknown archaeological sites to be affected by grading activities. The 2013 FEIR identified **MM CULT-1** to reduce potential impacts of the Original Project to historical resources to a less-than-significant level.

*Archaeological Resources.* The 2013 FEIR determined that the potential of unearthing undiscovered archaeological resources is minimal considering previous quarrying activities at the project site. Because no archaeological resources are known to be present at the project site, the 2013 FEIR concluded that the Original Project would not change the significance of a known archaeological resource and impacts to

known archaeological resources would be less than significant. The 2013 FEIR also concluded that implementation of **MM CULT-1** would reduce potential impacts of the Original Project to unknown archaeological resources to a less-than-significant level.

*Paleontological Resources.*<sup>13</sup> The 2013 FEIR determined that the Pleistocene sediments that underlie the project site have the potential to contain paleontological resources, which could be disturbed during grading activities for the Original Project. The 2013 FEIR identified **MM CULT-2** to ensure identification and protection of unique paleontological resources in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the *CEQA Guidelines*. The 2013 FEIR concluded that with implementation of **MM CULT-2**, the Original Project's impacts to paleontological resources would be less than significant.

*Human Remains.* The 2013 FEIR determined there was a potential for the presence of human remains at the site, because Native Americans have historically inhabited the Lafayette area. The analysis concluded that this impact of the Original Project would be significant, and identified **MM CULT-3** to ensure protection of human remains in the event they are encountered during project construction. The 2013 FEIR determined that implementation of **MM CULT-3** would reduce the Original Project's impacts on human remains to a less-than-significant level.

*Cumulative Impacts.* The 2013 FEIR determined that, given that the Original Project's cultural resources impacts would be less than significant with mitigation; the Original Project's impacts to cultural resources would not be considered cumulatively considerable. The 2013 FEIR concluded that the Original Project's cumulative impacts to cultural resources would be less than significant.

### **2013 FEIR Mitigation Measures**

**MM CULT-1:** In the event that archaeological materials are discovered during project construction activities, the applicant shall inform its contractor(s) of the archaeological sensitivity of the project site by including the following italicized measures in contract documents. The City shall verify that the following language is included in the appropriate contract documents:

*"If prehistoric or historical archaeological deposits are discovered during Project activities, all work within 25 feet of the discovery must stop and the City shall be notified. A qualified archeologist shall inspect the findings within 24 hours of discovery, consult with agencies as*

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<sup>13</sup> The updated checklist in Appendix G of the *CEQA Guidelines* includes the criteria related to paleontological resources under the geology and soils resources topic. This addendum maintains the discussion related to paleontological resources under the cultural resources topic to facilitate the examination of any changes in impact analysis between the Original Project and Resumed Project.

appropriate, and make recommendations regarding the treatment of the discovery. Project personnel should not collect or move any archaeological materials or human remains and associated materials. Archaeological resources can include flaked-stone tools (e.g. projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e. midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g. mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse. Cultural resources shall be recorded on California Department of Parks and Recreation (DPR) Form 523 (Historic Resource Recordation form). If it is determined that the proposed project could damage unique archaeological resources, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not feasible, the Project applicant shall pay in lieu fees to mitigate significant effects. Excavation as mitigation shall be limited to those parts of resources that would be damaged or destroyed by the Project. Possible mitigation under CEQA emphasizes preservation in place measures, including planning construction avoid **MM CULT-1** In the event that archaeological materials are discovered during project construction activities, the applicant shall inform its contractor(s) of the archaeological sensitivity of the project site by including the following italicized measures in contract documents. The City shall verify that the following language is included in the appropriate contract documents:

*“If prehistoric or historical archaeological deposits are discovered during Project activities, all work within 25 feet of the discovery must stop and the City shall be notified. A qualified archeologist shall inspect the findings within 24 hours of discovery, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel should not collect or move any archaeological materials or human remains and associated materials. Archaeological resources can include flaked-stone tools (e.g. projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e. midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g. mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse. Cultural*

*resources shall be recorded on California Department of Parks and Recreation (DPR) Form 523 (Historic Resource Recordation form). If it is determined that the proposed project could damage unique archaeological resources, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not feasible, the Project applicant shall pay in lieu fees to mitigate significant effects. Excavation as mitigation shall be limited to those parts of resources that would be damaged or destroyed by the Project. Possible mitigation under CEQA emphasizes preservation in place measures, including planning construction to 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."*

**MM CULT-2:** In the event that fossils are discovered during project activities, the applicant shall inform its contractor(s) of the paleontological sensitivity of the project site by including the following italicized language in contract documents. The City shall verify that the following language is included in the appropriate contract documents:

*"The subsurface at the construction site may be sensitive for paleontological resources. If paleontological resources are encountered during project subsurface construction, all ground-disturbing activities within 25 feet must stop and the City shall be notified. A qualified paleontologist shall inspect the findings within 24 hours of discovery, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Paleontological resources also include plant imprints, petrified wood, and animal tracks. If it is determined that the proposed project could damage unique paleontological resources, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not feasible, the Project applicant shall pay in lieu fees to mitigate significant effects. Excavation as mitigation shall be limited to those parts of resources that would be damaged or destroyed by the Project. Possible mitigation under CEQA emphasizes preservation in place measures, including planning construction avoid archaeological sites, incorporating sites*

*into parks and other open spaces, covering sites with stable soil, and deeding the site into a permanent conservation easement."*

**MM CULT-3:** Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Contra Costa County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reintern the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

## Analysis of the Resumed Project

*Historical Resources and Prehistoric Archaeological Deposits that Qualify as "Historical Resources" under CEQA.* No structures are currently present at the project site. The 2013 FEIR determined that the buildings that were previously present at the site and were demolished were not eligible for the California Register of Historical Resources either individually or as a group. Similar to the findings of the 2013 FEIR, although the likelihood of unearthing as-yet undiscovered archeological resources is low, the potential still exists for unknown archaeological sites to be affected by grading activities associated with the Resumed Project. Therefore, 2013 FEIR Mitigation Measure CULT-1 applies to the Resumed Project and would reduce potential impacts to historical resources to a less-than-significant level. No new mitigation is required.

*Archaeological Resources.* Similar to the findings of the 2013 FEIR, no archaeological resources are known to be present at the project site and the Resumed Project would not change the significance of a known archaeological resource. Impacts of the Resumed Project to known archaeological resources would be less than significant. Similar to the findings of the 2013 FEIR, impacts of the Resumed Project to unknown archaeological resources would be less than significant through implementation of Mitigation Measure CULT-1.

*Paleontological Resources.* Grading activities associated with the Resumed Project would have a potential to disturb the Pleistocene sediments underlying the project site. Mitigation Measure CULT-2 identified in the 2013 FEIR would apply to the Resumed Project and would reduce impacts to paleontological resources to a less-than-significant level. No new mitigation is required.

*Human Remains.* As determined in the 2013 FEIR, there is a potential for the presence of human remains at the project site. Mitigation Measure CULT-3 would apply to the Resumed Project and would reduce potential impacts on human remains to a less-than-significant level. No new mitigation is required.

*Cumulative Impacts.* Impacts to cultural resources associated with the Resumed Project would not be considered cumulatively considerable. Similar to the conclusions of the 2013 FEIR, cumulative impacts of the Resumed Project to cultural resources would be less than significant. No new mitigation is required.

### ***Mitigation Measures Required for the Resumed Project***

**MM CULT-1:** In the event that archaeological materials are discovered during project construction activities, the applicant shall inform its contractor(s) of the archaeological sensitivity of the project site by including the following italicized measures in contract documents. The City shall verify that the following language is included in the appropriate contract documents:

*“If prehistoric or historical archaeological deposits are discovered during Project activities, all work within 25 feet of the discovery must stop and the City shall be notified. A qualified archeologist shall inspect the findings within 24 hours of discovery, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel should not collect or move any archaeological materials or human remains and associated materials. Archaeological resources can include flaked-stone tools (e.g. projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e. midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g. mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse. Cultural resources shall be recorded on California Department of Parks and Recreation (DPR) Form 523 (Historic Resource Recordation form). If it is determined that the proposed project could damage unique archaeological resources, mitigation shall be implemented in accordance with Public*

*Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not feasible, the Project applicant shall pay in lieu fees to mitigate significant effects. Excavation as mitigation shall be limited to those parts of resources that would be damaged or destroyed by the Project. Possible mitigation under CEQA emphasizes preservation in place measures, including planning construction to 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."*

**MM CULT-2:** In the event that fossils are discovered during project activities, the applicant shall inform its contractor(s) of the paleontological sensitivity of the project site by including the following italicized language in contract documents. The City shall verify that the following language is included in the appropriate contract documents:

*"The subsurface at the construction site may be sensitive for paleontological resources. If paleontological resources are encountered during project subsurface construction, all ground-disturbing activities within 25 feet must stop and the City shall be notified. A qualified paleontologist shall inspect the findings within 24 hours of discovery, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Paleontological resources also include plant imprints, petrified wood, and animal tracks. If it is determined that the proposed project could damage unique paleontological resources, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not feasible, the Project applicant shall pay in lieu fees to mitigate significant effects. Excavation as mitigation shall be limited to those parts of resources that would be damaged or destroyed by the Project. Possible mitigation under CEQA emphasizes preservation in place measures, including planning construction avoid archaeological sites, incorporating sites into parks and other open spaces, covering sites with stable soil, and deeding the site into a permanent conservation easement."*

**MM CULT-3:** Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Contra Costa County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

### **Changes in Circumstances and/or New Information**

There are no changes in circumstances in which the Resumed Project would be undertaken that would affect the analysis of cultural resources in the 2013 FEIR. No new information has become available and no new regulations related to cultural resources have come into effect since the certification of the 2013 FEIR that would alter the previous analysis and change its conclusions regarding environmental impacts related to cultural resources such that preparation of an SEIR would be required.

### **Findings**

The potential impacts of the Resumed Project to cultural resources would be similar to those analyzed in the 2013 FEIR. For reasons stated above, the Resumed Project's potential impacts related to cultural resources would be less than significant with the implementation of 2013 FEIR **MM CULT-1** through **CULT-3**. The Resumed Project's potential impacts to cultural resources are adequately analyzed in the 2013 FEIR. No new or substantially more severe significant cultural resource impacts would result from the Resumed Project beyond those analyzed in the 2013 FEIR. No new mitigation is required.

## **5.6 GEOLOGY AND SOILS**

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR. Therefore, the potential impacts of the Resumed Project related to geology and soils would be similar to those identified



for the Original Project. Mitigation measures identified for the Original Project would apply to the Resumed Project. The Resumed Project would not result in any new or substantially more severe significant impacts related to geology and soils than those identified in the 2013 FEIR for the Original Project.

### Summary of Analysis in the 2013 Final EIR

*Rupture of a Known Earthquake Fault.* The 2013 FEIR determined that the City of Lafayette is not within affected Alquist-Priolo Fault Zones. Las Trampas fault and the Reliez fault were found to be the closest faults to the project site. However, these faults are not considered to be active and do not cross the project site. The closest active fault to the project site was found to be the Calaveras fault, located 1.4 miles to the south. With no active fault located directly beneath or projecting toward the site, the 2013 FEIR concluded that the Original Project's seismic hazards impacts associated with the rupture of a known earthquake fault would be less than significant.

*Strong Seismic Ground Shaking.* The 2013 FEIR determined that mandatory compliance with the California Building Code requirements in the design of the Original Project's buildings would ensure that major damage would be avoided from earthquakes such as the 4.2 magnitude earthquake in 2007 that originated from the project site and was not attributable to any specific fault, as well as from much larger earthquakes occurring on the nearby Calaveras and Hayward faults. The FEIR concluded that the Original Project's impacts associated with ground shaking would be less than significant.

*Liquefaction.* The 2013 FEIR determined the area of the project site near the intersection of Pleasant Hill Road and Deer Hill Road to be susceptible to liquefaction. However, soils encountered during test pit drilling identified stiff to very stiff clay to the depth explored, and subsequently, the potential for liquefaction at the site was determined to be low. The 2013 FEIR concluded that the Original Project's impacts associated with liquefaction would be less than significant.

*Landslides.* The 2013 FEIR determined there was no evidence of past deep-seated landslides or slope instability at the project site. However, exposed soil on steeper slopes was determined to be susceptible to instability that could result in landslides following heavy rains or excavation. The 2013 FEIR identified **MM GEO-1**, which requires coordination with a City-approved Geotechnical Engineer and Engineering Geologist prior to issuing grading permits. The 2013 FEIR concluded that with implementation of **MM GEO-1**, the Original Project's impact associated with landslides would be less than significant.

*Soil Erosion.* The 2013 FEIR determined that the Original Project's grading and excavation could result in erosion of soils, and that the sloping topography of the project site could increase the potential for erosion. The 2013 FEIR concluded that with compliance with City Municipal Code Section 5-409, which

requires the implementation of an approved Stormwater Pollution Prevention Plan (SWPPP), impacts on soil erosion and loss of topsoil during construction and operation of the Original Project would be less than significant.

*Unstable Geologic Unit.* The 2013 FEIR determined that locations within the project site with existing fill have the potential for moderate settlement or ground cracking. In addition, relatively shallow groundwater of 4 feet below ground surface (bgs) was found at the site. The 2013 FEIR identified significant impacts associated with soil instability resulting from fill and shallow groundwater. The 2013 FEIR concluded that with implementation of **MM GEO-1**, the Original Project's impacts related to hazards associated with soil instability would be reduced to a less-than-significant level.

*Expansive Soil.* Based on geotechnical investigation, the 2013 FEIR determined that the presence of moderately expansive soils at the project site would be a significant impact of the Original Project. The 2013 FEIR concluded that with implementation of **MM GEO-1**, the Original Project's impacts related to hazards associated with expansive soils would be reduced to a less-than-significant level.

*Septic Tanks.* The 2013 FEIR determined that the project site is served by the Contra Costa County Sanitary District, and no septic tanks or alternative wastewater disposal systems would be required to serve the Original Project. The 2013 FEIR concluded that the Original Project would have no impact associated with septic tanks.

*Cumulative Impacts.* The 2013 FEIR determined that similar to the Original Project, other new construction in the City overall would be required to meet the latest standards set forth in the California Building Code (CBC). The 2013 FEIR concluded that the Original Project's cumulative impacts related to geology and soils would be less than significant.

### ***2013 FEIR Mitigation Measures***

**MM GEO-1:** Prior to issuance of the grading permits, development of the final grading plans shall be coordinated with a City approved Geotechnical Engineer and Engineering Geologist in order to tailor the plans to accommodate known soil and geologic hazards and to improve the overall stability of the site. The final 40-scale grading plans for the Project shall be reviewed by the City-approved Geotechnical Engineer. Grading operations shall meet the requirements of the Guide Contract Specifications included in Appendix D of the *Geotechnical Exploration: The Terraces of Lafayette*, prepared by ENGEO Incorporated on August 18, 2011 and revised September 2, 2011, and shall be observed and tested by the City-approved Geotechnical Engineer.

## Analysis of the Resumed Project<sup>14</sup>

*Rupture of a Known Earthquake Fault.* As determined in the 2013 FEIR, the project site is not located within an Alquist-Priolo Fault Zone. The Lafayette fault, which extends from Las Trampas Creek, is located near the western boundaries of the project site. The Reliez fault is adjacent to Pleasant Hill Road on the project site's eastern boundary. Both the Lafayette and Reliez faults are not considered to be active and do not cross the project site. No studies have documented that either the Reliez Valley or Lafayette Faults are Holocene-age faults<sup>15</sup> and California has not established Earthquake Fault Hazard Zones around their surface traces.<sup>16</sup> With no active fault located directly beneath or projecting toward the site, similar to the 2013 FEIR conclusion, seismic hazards impacts of the Resumed Project associated with the rupture of a known earthquake fault would be less than significant. No new mitigation is required.

*Strong Seismic Ground Shaking.* The Resumed Project would comply with all California Building Code requirements for the design of buildings to ensure that major seismic ground shaking is reduced. Similar to the conclusions of the 2013 FEIR, the Resumed Project's impacts associated with ground shaking would be less than significant.

*Liquefaction.* Similar to the determinations of the 2013 FEIR, the potential for liquefaction at the project site remains low. The Resumed Project's impact associated with liquefaction would be less than significant. No new mitigation is required.

*Landslides.* Similar to the determinations of the 2013 FEIR, exposed soil on steeper slopes within the project site is susceptible to instability and could result in landslides following heavy rains or excavation. 2013 FEIR **MM GEO-1** would apply to the Resumed Project and has been revised, as set forth below, to refer to an updated geotechnical investigation prepared after the certification of the 2013 FEIR. With implementation of **Revised MM GEO-1**, the Resumed Project's impacts associated with landslides would be less than significant. No new mitigation is required.

*Soil Erosion.* Construction activity associated with the Resumed Project could result in soil erosion. Similar to the Original Project, as analyzed in the 2013 FEIR, the Resumed Project would be required to prepare a

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<sup>14</sup> The updated *CEQA Guidelines* Appendix G Checklist includes the criteria related to paleontological resources under the geology and soils resources topic. This addendum maintains the discussion related to paleontological resources under the cultural resources topic to facilitate the examination of the changes in impact analysis between the Original Project and Resumed Project.

<sup>15</sup> An active fault is defined by the California Geological Survey as one that has had surface displacement within Holocene time (about the last 11,000 years)

<sup>16</sup> An Updated Geotechnical Report prepared for the project site in 2014 is included in **Appendix E, Geotechnical Study**, of this document. In addition, other geology and soils studies prepared by the project applicant between 2011 and 2019 are included in **Appendix E**.

SWPPP in compliance with the City Municipal Code Section 5-409. Therefore, the Resumed Project would not introduce any new significant environmental impacts or substantially increase the severity of previously analyzed significant environmental impacts related to soil erosion. No new mitigation is required.

*Unstable Geologic Unit.* Consistent with the determinations of the 2013 FEIR regarding the Original Project, the Resumed Project, without mitigation, would result in significant impacts associated with soil instability. **Revised MM GEO-1** would apply to the Resumed Project and would reduce impacts related to hazards associated with soil instability to a less-than-significant level. No new mitigation is required.

*Expansive Soil.* Consistent with the determination of the 2013 FEIR regarding the Original Project, the presence of moderately expansive soils at the project site would be a significant impact of the Resumed Project, without mitigation. **Revised MM GEO-1** would apply to the Resumed Project and would reduce impacts related to hazards associated with expansive soils to a less-than-significant level. No new mitigation is required.

*Septic Tanks.* No septic tanks or alternative wastewater disposal systems would be required to serve the Resumed Project. Consistent with the conclusions of the 2013 FEIR, the Resumed Project would have no impact associated with septic tanks. No new mitigation is required.

*Cumulative Impacts.* Similar to the Resumed Project, other development projects in the City would be required to meet the latest design standards set forth in the CBC to reduce potential hazards associated with geological conditions and soils characteristics. Consistent with the conclusions of the 2013 FEIR regarding the Original Project, cumulative impacts of the Resumed Project related to geology and soils would be less than significant.

### ***Mitigation Measures Required for the Resumed Project***

**Revisions to MM GEO-1** are shown in “underlined” text below.

**Revised MM GEO-1:** Prior to issuance of the grading permits, development of the final grading plans shall be coordinated with a City approved Geotechnical Engineer and Engineering Geologist in order to tailor the plans to accommodate known soil and geologic hazards and to improve the overall stability of the site. The final 40- scale grading plans for the Project shall be reviewed by the City-approved Geotechnical Engineer. Grading operations shall meet the requirements of the Guide Contract Specifications included in Appendix D E of the *Geotechnical Exploration: The Terraces of Lafayette*, prepared by

ENGEO Incorporated on ~~August 18, 2011, and revised September 2, 2011~~April 3, 2014, and shall be observed and tested by the City-approved Geotechnical Engineer.

### Changes in Circumstances and/or New Information

There are no changes in the circumstances in which the Resumed Project would be undertaken that would affect the analysis in the 2013 FEIR of impacts related to geology or soils. No new regulations related to geology and soils have come into effect since the certification of the 2013 FEIR that would alter the previous analysis or change its conclusions regarding environmental impacts such that preparation of an SEIR would be required.

Updated geotechnical analyses prepared by the project applicant and submitted to the City after the certification of the 2013 FEIR did not identify new findings that would change the conclusions of the previous analysis.

### Findings

The potential impacts of the Resumed Project associated with geology and soils would be comparable to those analyzed in the 2013 FEIR. For the reasons stated above, the Resumed Project's potential impacts related to geology and soils would be less than significant with the implementation of **Revised MM GEO-1**. The Resumed Project's potential impacts associated with geology and soils are adequately analyzed in the 2013 FEIR. No new or substantially more severe significant impacts related to geology and soils would result from the Resumed Project beyond those analyzed in the 2013 FEIR. No new mitigation is required.

## 5.7 GREENHOUSE GAS EMISSIONS

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR. With the implementation of identified mitigation, the potential impacts of the Resumed Project related to greenhouse gas emissions would be similar to those identified for the Original Project. The Resumed Project would not result in any new or substantially more severe impacts related to greenhouse gas emissions than those identified in the 2013 FEIR for the Original Project.

### Summary of Analysis in the 2013 FEIR

*Greenhouse Gas Emissions.* The 2013 FEIR determined that the Original Project would emit approximately 4,961 metric tons of carbon dioxide (MT CO<sub>2</sub>e) over the duration of project construction. The 2013 FEIR determined that construction emissions are short term and would cease upon completion, and greenhouse gas (GHG) emissions from construction activities would only nominally contribute to GHG

emissions impacts. Therefore, the 2013 FEIR concluded that GHG emissions generated by construction activities related to the Original Project would be less than significant.

The 2013 FEIR determined that operation of the Original Project would emit approximately 3,351 MT CO<sub>2</sub>e per year (CO<sub>2</sub>e/yr), which would exceed the BAAQMD's total annual emissions significance threshold of 1,100 MT CO<sub>2</sub>e/yr. Divided by the Original Project's population of 658, the per service population emissions would equal 5.1 MT CO<sub>2</sub>e per service population per year (MT/SP/yr), which would also exceed BAAQMD's then-applicable service population threshold of 4.6 CO<sub>2</sub>e MT/SP/yr. The 2013 FEIR concluded that with implementation of **MM GHG-1a** and **MM GHG-1b**, described below, the per capita emissions of GHG would be reduced to 4.5 CO<sub>2</sub>e MT/SP/yr, below the significance threshold. Therefore, the 2013 FEIR concluded that implementation of the identified mitigation measures would reduce the Original Project's impacts related to generation of GHG emissions to a less-than-significant level.

*Consistency with Applicable Plans.* The 2013 FEIR determined that the Original Project would be consistent with the existing regulations adopted for the purpose of reducing GHG emissions. The 2013 FEIR explained that the Original Project would be built in conformance with the CALGreen green building standards code, which requires high-efficiency water fixtures for indoor plumbing and water efficient irrigation systems. In addition, the distance of approximately 1 mile from the project site to the BART station was determined to make alternative modes of transportation available to the future residences. Therefore, this impact was found to be less than significant.

### ***2013 FEIR Mitigation Measures***

**MM GHG-1a:** The City shall verify that residential units/buildings comply with one of the following:

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

**MM GHG 1b:** Implement Mitigation Measure TRAF-14. The Project applicant shall provide subsidized, frequent shuttle service between the Project site and the Lafayette BART station during the AM and PM peak commute peak periods, until such time that a bus route on Pleasant Hill Road serving the BART station is implemented (as called for in the Lamorinda Action Plan), at which point the Project applicant may provide transit vouchers in lieu of a shuttle.

## Analysis of the Resumed Project

Using CalEEMod, GHG emissions throughout the construction phase of the Resumed Project were calculated based on anticipated off-road equipment usage, hauling vehicles, delivery, and worker vehicle trips to and from the project site. As shown in **Table 5.7-1, Resumed Project GHG Emissions – Construction Phase**, the total GHG construction emissions over the approximately two-year construction duration of the Resumed Project would be approximately 2,539 MT CO<sub>2</sub>e. As a result, the Resumed Project's GHG emissions would be 2,422 MT CO<sub>2</sub>e/yr, or 49 percent, lower than the emissions from the construction of the Original Project. Lower emissions would result from the 2020 vehicle fleet emissions being lower than the 2013 vehicle fleet emissions assumed in the 2013 FEIR analysis.<sup>17</sup>

Since GHG emissions are cumulative, and construction emissions are temporary and short term, it is common practice to amortize the total construction GHG emissions over 30 years to create an annual emissions rate that is combined with the operational GHG emissions for determining significance. As presented in **Table 5.7-1, Resumed Project GHG Emissions – Construction Phase**, the Resumed Project's construction emissions amortized over a 30-year period, representing the potential operational lifetime of the Resumed Project, are approximately 84.63 MT CO<sub>2</sub>e/yr.

**Table 5.7-1**  
**Resumed Project GHG Emissions – Construction Phase**

Source	Emissions (MT CO <sub>2</sub> e)
Total Construction Emissions	2,539
30-year Amortized Construction Emissions	84.63/yr

Source: Impact Sciences, 2019

<sup>17</sup> Mobile source emissions have been decreasing over time due to vehicle fleet turnover and implementation of regulations imposing more stringent emissions controls on new vehicles.

Neither the BAAQMD nor the City of Lafayette have established construction thresholds of significance. Therefore, similar to the analysis of the Original Project in the 2013 FEIR, the amortized annual emissions associated with the Resumed Project have been added to the annual operational emissions.

CalEEMod modeling estimated that the Resumed Project's operational GHG emissions would be approximately 2,674 MT CO<sub>2</sub>e/yr, which would be approximately 319 MT CO<sub>2</sub>e/yr less than the Original Project's operational GHG emissions. Similar to the Original Project, the Resumed Project would continue to exceed the BAAQMD's 1,100 MT CO<sub>2</sub>e/yr annual threshold.

The BAAQMD developed the 2020 GHG thresholds used in the 2013 FEIR considering the Bay Area GHG inventory and the effects of AB 32 scoping plan measures that would reduce regional emissions. By using these thresholds, the BAAQMD intended to achieve GHG reductions from new land use developments to close the gap between projected regional emissions and the AB 32 emission reduction targets for 2020. In 2016, California approved Senate Bill (SB) 32, which requires the state emissions to be 40 percent below 1990 levels by 2030. As such, BAAQMD has recommended that for projects that would become operational after 2020, lead agencies should consider developing additional thresholds to evaluate a project's GHG impact. In establishing those thresholds, a lead agency may appropriately look to thresholds developed by other public agencies, or suggested by other experts, as long as any threshold chosen is supported by substantial evidence (See *CEQA Guidelines* Section 15064.7(c)), (BAAQMD *CEQA AQ Guidelines*, 2017). In the case of the Resumed Project, the City of Lafayette is using the Bay Area's SB 32 target of 2.77 MT/SP/yr, as calculated below, as the threshold to assess GHG emissions impact of project operation.

Based on the current schedule, the Resumed Project is anticipated to be fully constructed and occupied by 2022. The Resumed Project's emissions would essentially occur in the years after 2020. In order to evaluate the project's impact, a new efficiency metric was developed to calculate the 2030 threshold in compliance with SB (32).

The methodology used to calculate the 2030 threshold is similar to the one used by BAAQMD to calculate the 2020 threshold (BAAQMD 2017). As presented below in **Table 5.7-2, 2030 GHG Efficiency Threshold**, the estimated 2030 statewide emissions target of approximately 179 million MT CO<sub>2</sub>e/yr is based on a 40 percent reduction of the 1990 state emissions of 563.5 million MT CO<sub>2</sub>e/yr, and adjusted for the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report (AR4) global warming potentials (GWP) for consistency, with the rest of the state GHG inventory. Global warming potential is a measure of how much heat a GHG traps in the atmosphere in relation to carbon dioxide. CARB's most recent state GHG inventory uses the 2007 IPCC AR4 GWP to calculate the annual emissions (CARB, 2019).



The state of California's 2030 service population was calculated by adding the 2030 projected population and 2030 projected employment, consistent with the BAAQMD methodology previously used to calculate 2020 thresholds. As shown in **Table 5.7-2, 2030 GHG Efficiency Threshold**, the estimated 2030 GHG emission threshold of 2.77 CO<sub>2</sub>e MT/SP/yr is the ratio of the 2030 California emissions target and service population. GHG emissions of the Resumed Project above this threshold would be considered significant.

**Table 5.7-2**  
**2030 GHG Efficiency Threshold**

<b>2020 BAAQMD Threshold</b>	<b>Year 2020</b>
Land Use Sectors Greenhouse Gas Emissions Target (MT CO <sub>2</sub> e/yr)	295,530,000
Population	44,135,923
Employment	20,194,661
California Service Population	64,330,584
<b>SB 32 Goal (MT/SP/yr)</b>	<b>4.59</b>
<b>Estimated 2030 Statewide Data</b>	<b>Year 2030</b>
Land Use Sectors Greenhouse Gas Emissions Target (MT CO <sub>2</sub> e/yr - Emissions adjusted by AR4 GWP and reduction target for 2030)	178,979,059
Population <sup>a</sup>	43,631,295
Employment <sup>b</sup>	20,879,672
California Service Population	64,510,967
<b>SB 32 Goal (MT/SP/yr)</b>	<b>2.77</b>

Source:

<sup>a</sup> Department of Finance. Report P-1 (County): State and County Table Population Projects, 2010-2060. Available online at: <http://www.dof.ca.gov/Forecasting/Demographics/Projections/>.

<sup>b</sup> California's total employment is projected to increase by approximately 10.7% from 2016 to 2026, resulting in a total employment level of 20,022,700 people by 2026. Assuming the same annual average growth rate (1.07% per year) from 2026 to 2030, there will be an estimated 20,879,672 employees across California.

California Employment Development Department. Employment Projections: Long-Term Projections (Ten-Years). Available online at: <https://www.labormarketinfo.edd.ca.gov/data/employment-projections.html>, accessed November 25, 2019.

As stated above, BAAQMD-recommended CalEEMod was used to calculate the annual GHG emissions generated by the Resumed Project during operation. Sources of GHG emissions during operation include emissions from area sources, electricity, mobile sources, waste, and water. Amortized yearly construction emissions were added to operational GHG emissions to calculate the Resumed Project's total annual GHG emissions.

Emissions from area sources are based on land use sizes, GHG emission factors for fuel combustion, and the global warming potential (GWP) values of the GHGs emitted. Electricity usage emissions are based on the land uses, default demand factors for the land use, GHG emission factors for the utility provider, and the GWP values of the GHGs emitted. Mobile-source GHG emissions are determined based on the Resumed Project's estimated daily trip rate calculated in the Traffic Impact Study Report prepared for the

Resumed Project (TJKM January 7, 2020), see **Appendix D, Traffic Impact Study**. Water emissions are derived from the anticipated water usage and wastewater generated based on the Resumed Project's proposed land uses and the associated water demand factors.

As shown in **Table 5.7-3, Resumed Project – Annual Operational GHG Emissions, Unmitigated**, the Resumed Project's GHG operational emissions would be 2,674 MT CO<sub>2</sub>e/yr. With an estimated project service population of 901 residents,<sup>18</sup> GHG emissions of the Resumed Project per service population would be approximately 2.97 MT/SP/yr. Therefore, the Resumed Project's GHG emissions during the operation phase would be above the estimated 2030 GHG emissions threshold of 2.77 MT/SP/yr.

**Table 5.7-3**  
**Resumed Project – Annual Operational GHG Emissions, Unmitigated**

Source	Emissions (in MTCO <sub>2</sub> e)
Construction Amortized	85
Area	25
Energy	595.7
Mobile	1,821
Solid Waste	72.9
Water	73.6
<b>Total Operational Emissions (2022)</b>	<b>2,674</b>
Per Capita Emissions <sup>1</sup>	2.97 MT/SP/yr
BAAQMD 2020 Efficiency Threshold	4.6 MT/SP/yr
<i>Exceed Threshold?</i>	<i>No</i>
SB 32-based 2030 Efficiency Threshold	2.77 MT/SP/yr
<i>Exceed Threshold?</i>	<i>Yes</i>

Source: Impact Sciences, 2019.

<sup>1</sup> Based on a project service population of 901 residents.

The mitigation measures identified for the Original Project, **MM GHG-1a** and **MM GHG-1b**, would continue to apply to the Resumed Project, and new mitigation measures **MM GHG-2** through **MM**

<sup>18</sup> The number of residents is based on the CalEEMod modeling provided in **Appendix C, Air Quality and Greenhouse Gas Technical Assessment**. As the Resumed Project is a residential development, it is not anticipated to generate any employees. As a result, the service population only includes the anticipated number of residents. Note that the number of the Resumed Project's residents was estimated to be 863 residents under **Section 5.13, Population and Housing**, below, based on the estimated number of people in households in the City of Lafayette in 2019. The use of the CalEEMod default estimate in the GHG analysis is, therefore, more conservative.

**GHG-6**, described below, have been identified through the updated analysis for the Resumed Project. **MM GHG-1a** through **GHG-6** require the applicant to implement measures aimed at reducing on-site GHG emissions. Many of these measures can be quantified within the CalEEMod model in order to determine the mitigated GHG emissions for the Resumed Project. In order to calculate a project-specific reduction for **MM GHG-4**, which requires the Resumed Project to incorporate 56 electric vehicle (EV) parking spaces, emission reductions were calculated based on a technical analysis produced by the California Air Resources Board (CARB) in 2018 to study the effectiveness of EV charging stations.

This estimate of annual GHG emissions reductions for residential EV charging units conservatively assumes that each unit will be used to charge one electric vehicle that travels the average number of miles per year for vehicles in the BAAQMD's jurisdiction, based on CARB's EMFAC2017 Web Database for the year 2022 (the earliest operational year of the Resumed Project), and that 80% of electric vehicle charging activity occurs at home, based on a study of electric vehicle use prepared by an industry expert in 2018.<sup>19</sup> Since an EV charging station will indirectly produce GHG emissions through electrical production and transfer, the net reductions per residential EV charging unit were calculated by taking into consideration the amount of GHG emissions produced per MWh of electrical production, according to Pacific Gas and Electric.<sup>20</sup>

**Table 5.7-4, Estimated GHG Reduction from EV Parking**, demonstrates that **MM GHG-4** would result in an annual reduction of 120 MT CO<sub>2</sub>e/yr. See **Appendix C, Air Quality and Greenhouse Gas Technical Assessment**, for assumptions and calculations.

**Table 5.7-4**  
**Estimated GHG Reductions from EV Parking**

Number of Units	Emissions (MT CO <sub>2</sub> e/yr)
Net GHG Emissions Reductions per Residential EV Charging Unit <sup>a</sup>	2.15
Total Reductions (56 Units)	120

Source: CARB. 2018. *Electric Vehicle (EV) Charging Infrastructure: Multifamily Building Standards*. Available: <https://www3.arb.ca.gov/cc/greenbuildings/pdf/tcac2018.pdf>; CARB. EMFAC2017 Web Database. Available: <https://www3.arb.ca.gov/emfac/2017/>; CARB. 2018. *Emfac2017 Volume III – Technical Documentation*. Available: <https://www3.arb.ca.gov/msei/downloads/emfac2017-volume-iii-technical-documentation.pdf>.

<sup>19</sup> Electric Power Research Institute, *Electric Vehicle Driving, Charging, and Load Shape Analysis Report* (July 2018), available at: <https://www.epri.com/#/pages/product/3002013754/?lang=en-US>.

<sup>20</sup> Pacific Gas and Electric. *Climate Change*. Available at: [http://www.pgecorp.com/corp\\_responsibility/reports/2017/en02\\_climate\\_change.html](http://www.pgecorp.com/corp_responsibility/reports/2017/en02_climate_change.html).

As shown in **Table 5.7-5, Resumed Project GHG Emissions – Annual Operational Emissions, Mitigated**,<sup>21</sup> the Resumed Project's annual GHG operational emissions would be 2,291 MT CO<sub>2</sub>e/yr. These calculations take into account 700 new trees that would be planted at the site as part of the proposed landscape plan of the Resumed Project. With an estimated service population of 901 residents, GHG emissions of the Resumed Project per service population would be approximately 2.54 MT/SP/yr. Therefore, with mitigation, the Resumed Project's GHG emissions during the operational phase would be below the BAAQMD's 2020 efficiency threshold of 4.6 MT CO<sub>2</sub>e/SP/yr as well as the estimated 2030 GHG emissions threshold of 2.77 CO<sub>2</sub>e/SP/yr. With implementation of **MM GHG-1a** through **MM GHG-6**, the Resumed Project's impacts related to GHG emissions would be less than significant.

**Table 5.7-5**  
**Resumed Project GHG Emissions – Annual Operational Emissions, Mitigated**

Source	Emissions (in MTCO <sub>2</sub> e)
Construction Amortized	85
Area	25
Energy	345
Mobile	1,821
Solid Waste	72.9
Water	61.5
Reduction from <b>MM-GHG-4</b>	-120
<b>Total Operational Emissions (2022)</b>	<b>2,291</b>
Per Capita Emissions <sup>1</sup>	2.54 MT/capita/year
BAAQMD 2020 Efficiency Threshold	4.6 MT/capita/year
<i>Exceed Threshold?</i>	<i>No</i>
SB 32 based 2030 Efficiency Threshold	2.77 MT/capita/year
<i>Exceed Threshold?</i>	<i>No</i>

Source: Impact Sciences, 2019.

<sup>1</sup> Based on a Resumed Project service population of 901 residents

<sup>21</sup> The quantification of GHG emissions with the implementation of mitigation measures did not account for **MM TRAF-14**, identified in **Section 5.15, Transportation**, which requires the applicant to provide subsidized, frequent shuttle service between the project site and the Lafayette BART station during the AM and PM peak commute periods. It should be noted that implementation of **MM TRAF-14** would further reduce GHG emissions associated with operations of the Resumed Project.

### ***Mitigation Measures Required for the Resumed Project***

**MM GHG-1a:** The City shall verify that residential units/buildings comply with one of the following:

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

**MM GHG-1b:** Implement **MM TRAF-14**. The Project applicant shall provide subsidized, frequent shuttle service between the Project site and the Lafayette BART station during the AM and PM peak commute peak periods, until such time that a bus route on Pleasant Hill Road serving the BART station is implemented (as called for in the Lamorinda Action Plan), at which point the Project applicant may provide transit vouchers in lieu of a shuttle.

**MM GHG-2:** The project shall install ENERGY STAR rated appliances including clothes washers, dishwashers, fans, and refrigerators in order to reduce the project's natural gas combustion and energy demand.

**MM GHG-3:** The project shall install low-flow water fixtures including faucets, toilets, and showers, in order to reduce water demand, energy demand, and associated indirect GHG emissions.

**MM GHG-4:** Consistent with CARB recommendations that multi-family projects should install EV parking in at least 10% of their parking stalls, the project shall install 56 EV parking stalls.

**MM GHG-5:** The project shall achieve an energy efficiency 25 percent greater than required in Title 24.

**MM GHG-6:** The project shall install solar panels on the carports and fourteen residential buildings that shall generate over half the energy required by the project.

## Changes in Circumstances and/or New Information

In May 2017, the BAAQMD issued the updated BAAQMD *CEQA AQ Guidelines* in light of the final ruling in *BAAQMD v. CBIA*. However, the updated guidelines do not contain any revised thresholds of significance or methodologies for evaluation of GHG impacts, and the City of Lafayette also has not adopted any revised thresholds. Since the release of the 2013 FEIR, the California legislature passed Senate Bill 32 (SB 32) in 2016, which codifies the 2030 GHG emission reduction target of 40 percent below 1990 levels established by Governor Jerry Brown in Executive Order B-30-15. The SB 32 reduction target was used to calculate the 2030 per capita GHG threshold used for this analysis (see **Tables 5.7-2 and 5.7-3**).

Therefore, the impacts of the Resumed Project are evaluated above using available thresholds, and the analysis appropriately concludes that the Resumed Project would not result in any new or substantially more severe significant impacts related to GHG emissions, with implementation of **MM GHG-1a** through **MM GHG-6**.

There are no changes in the circumstances in which the Resumed Project would be undertaken that would affect the 2013 FEIR analysis of GHG impacts. With the exception of the passage of SB 32 and the updated BAAQMD *CEQA AQ Guidelines*, which have been addressed as described above, no new information related to the Resumed Project's GHG impacts has become available since the certification of the 2013 FEIR that would alter the previous analysis and change its conclusions regarding environmental impacts. Preparation of an SEIR is not required.

## Findings

For the reasons stated above, the potential impacts from GHG emissions generated by the Resumed Project would be similar to those analyzed in the 2013 FEIR and would be less than significant with the implementation of mitigation. No new or substantially more severe significant impacts related to GHG emissions would result from the Resumed Project beyond those discussed in the 2013 FEIR. No new mitigation is required.

## 5.8 HAZARDS AND HAZARDOUS MATERIALS

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR. The buildings that were present at the project site at the time the 2013 FEIR was prepared have been demolished. The potential impacts of the Resumed Project related to hazards and hazardous materials would be similar to or less than those identified for the Original Project. The Resumed Project would not result in any new

or substantially more severe significant impacts related to hazards and hazardous materials than those identified in the 2013 FEIR for the Original Project.

### ***Summary of Analysis in the 2013 Final EIR***

*Routine Transport, Use, or Disposal of Hazardous Materials.* The 2013 FEIR determined that construction and operation of the Original Project would involve the routine transport, use, and handling of small amounts of hazardous materials at the project site. The 2013 FEIR concluded that potentially hazardous materials would not be of a type or occur in sufficient quantities on-site to pose a significant hazard to public health and safety or the environment. Therefore, the 2013 FEIR concluded that the Original Project's impacts associated with transport, use, and disposal of hazardous material would be less than significant.

*Accident Conditions Involving the Release of Hazardous Materials.* Based on the historical uses of the site as a quarry and residence, the 2013 FEIR determined that the potential for pesticide, herbicide, or fertilizer accumulation at the project site would be negligible. The analysis explained that the Original Project's use of landscaping chemicals would be common to the area and would not produce significant environmental hazards to users of the site.

The 2013 FEIR found the potential for occurrence of asbestos-containing materials (ACMs) and lead-based paints (LBPs) in the buildings that were present at the site, based on their construction dates, which ranged from 1941 to 1974. The 2013 FEIR concluded that impacts associated with ACMs and LBPs would be significant without mitigation, and identified **MM HAZ-1a** and **MM HAZ-1b**, which would require surveys for ACMs and LBPs and abatement of identified materials in compliance with applicable regulations. The 2013 FEIR concluded that with implementation of **MM HAZ-1a** and **MM HAZ-1b**, the Original Project's impacts related to ACM and LBPs would be less than significant.

*Hazardous Emissions Near Schools.* The 2013 FEIR identified one school—Acalanes High School at 1200 Pleasant Hill Road—within one-quarter mile of the project site. The 2013 FEIR determined that implementation of the Original Project would not generate hazardous emissions or result in the type of handling or material storage that could affect the nearby school. The 2013 FEIR concluded that the Original Project's impacts on the nearby school from hazardous emissions or accidents involving hazardous materials would be less than significant.

*Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5.* The 2013 FEIR determined that the project site was not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. and concluded that no related impact would occur. The 2013 FEIR also concluded that nearby sites known to contain hazardous materials are monitored by relevant

regulatory agencies. Therefore, the potential impact from future development on any location containing hazardous materials near the project site would be less than significant.

*Airport Vicinity.* The 2013 FEIR determined that there were no public or private airports near the project site and concluded that the Original Project would have no safety hazard impacts related to airports.

*Emergency Response Plan.* The 2013 FEIR determined that the Original Project's internal roadway system would provide residential and emergency access. The 2013 FEIR concluded that the Original Project would not impair implementation or physically interfere with the City of Lafayette's Emergency Operations Plan, and its impact related to emergency response plans would be less than significant.

*Wildland Fires Risk.* The 2013 FEIR identified that the City of Lafayette is on the CALFIRE list of cities that contain Very High Fire Hazard Severity Zones. The project site is designated as a "High" risk zone on the CALFIRE map. The Contra Costa County Fire Protection District (CCCFPD) provides fire protection services to Lafayette and surrounding unincorporated areas of Contra Costa County, including areas of potential wildland fire hazard. The CCCFPD also works with the California Department of Forestry, Mount Diablo State Park, and the San Ramon Valley Fire District in addressing wildland fire hazards. The 2013 FEIR concluded that with mandatory requirements for the Original Project to comply with State and local building code requirements (e.g. sprinkler systems), the CCCFPD's plan review, and implementation of a City-approved Vegetation Management Plan, the Original Project's impacts associated with wildland fire risk would be less than significant.

*Cumulative Impacts.* The 2013 FEIR determined that projects in the City of Lafayette would be required to be consistent with the applicable fire protection and safety policies identified in the General Plan and construct buildings pursuant to the standards set forth in the current California Building Code. These regulatory requirements would ensure any cumulative impacts from wildfire hazards would be reduced to less-than-significant levels. The 2013 FEIR concluded that with implementation of **MM HAZ-1a** and **HAZ-1b**, construction and operation of the Original Project would not contribute to any potential cumulative impacts, and cumulative impacts related to hazards and hazardous materials would be less than significant.

### ***2013 FEIR Mitigation Measures***

**MM HAZ-1a:** Hire the services of a CalOSHA certified qualified asbestos abatement consultant to conduct a pre-construction assessment for asbestos containing materials. Prior to the issuance of the demolition permit, the applicant shall provide a letter to the City Planning & Building Services Division from a qualified asbestos abatement consultant that no ACMs are present in the buildings. If ACMs are found to be present, the



hazardous materials shall be properly removed and disposed prior to demolition of buildings on the Project site in compliance with applicable federal, State, and local regulations, such as the U.S. EPA's NESHAP regulation, BAAQMD Regulation 11, Title 8 of the California Codes of Regulations, the Unified Program, and the City's General Plan Policies, as described in Section A.

**MM HAZ-1b:** Hire the services of a qualified lead paint abatement consultant to conduct a pre-construction assessment of lead based paints. Prior to the issuance of the demolition permit, the applicant shall provide a letter to the City Planning & Building Services Division from a qualified lead paint abatement consultant that no lead paint is present in onsite buildings. If lead paint is found to be present on buildings to be demolished or renovated, the hazardous materials shall be properly removed and disposed in compliance with applicable federal, State, and local regulations, including the U.S. EPA's NESHAP regulation, Title 40 of the Code of Federal Regulations, Title 8 of the California Codes of Regulations, the Unified Program, and the City's General Plan Policies, as described in Section A.

### Analysis of the Resumed Project

*Routine Transport, Use, or Disposal of Hazardous Materials.* The Resumed Project would involve the same routine use and transport of hazardous materials during construction and operation as the Original Project. Potentially used hazardous materials would not be of a type or occur in sufficient quantities on-site to pose a significant hazard to public health and safety or the environment. Therefore, consistent with the conclusion of the 2013 FEIR, the Resumed Project's impact associated with transport, use, and disposal of hazardous material would be less than significant. No new mitigation is required.

*Accident Conditions Involving the Release of Hazardous Materials.* As discussed in **Section 4.5**, in 2016, the project applicant obtained the needed permit and demolished the buildings that previously were present at the project site. The demolition permit required implementation of **MM HAZ-1a** and **MM HAZ-1b**. Documents associated with the demolition permit, including related survey reports and agency inspections and approvals, are included in **Appendix A, On-site Structures Survey and Demolition Permit**. No buildings are currently present at the project site. Therefore, **MM HAZ-1a** and **MM HAZ-1b** do not apply to the Resumed Project, and this impact would be less than significant. No new mitigation is required.

*Hazardous Emissions Near Schools.* Consistent with the 2013 FEIR, implementation of the Resumed Project would not generate hazardous emissions or result in the type of handling or material storage that could

affect nearby schools. Similar to the findings of the 2013 FEIR, the Resumed Project's impacts on the nearby schools from emissions or hazardous materials accidents would be less than significant. No new mitigation is required.

*Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5.* The project site is not listed on a hazardous materials sites compiled pursuant to Government Code Section 65962.5.<sup>22</sup> Consistent with the findings of the 2013 FEIR, hazardous materials sites located near the project site would be monitored by relevant government agencies. Consistent with the conclusion of the 2013 FEIR, this impact of the Resumed Project would be less than significant. No new mitigation is required.

*Airport Vicinity.* Consistent with the findings of the 2013 FEIR, the project site is not located within an area subject to an airport land use plan, or within the vicinity of a public airport or private airstrip. Consistent with the conclusion of the 2013 FEIR, the Resumed Project's impact related to safety hazards related to airports or airstrips would be less than significant. No new mitigation is required.

*Emergency Response Plan.* As described under **Section 4.6, Refinements Incorporated into the Resumed Project**, the Resumed Project would incorporate 2013 FEIR **MM TRAF-8**, which would provide adequate truck turning radii at on-site driveway intersections by providing a minimum inside turning radius of 25 feet and a minimum outside turning radius of 45 feet, in compliance with CCCFPD requirements. With the incorporation into the Resumed Project of 2013 FEIR **MM TRAF-8**, the Resumed Project would not interfere with the City Emergency Operations Plan. Therefore, like the Original Project, the Resumed Project's impact related to implementation of an adopted emergency response plan or emergency evacuation plan would be less than significant. Because it has already been incorporated as part of the Resumed Project, 2013 FEIR **MM TRAF-8** is no longer required for the Resumed Project. No new mitigation is required.

As discussed under Wildland Fires Risk below, and under **Section 5.17-3, Wildfire**, the Resumed Project would not interfere with evacuation plans and evacuation routes near the project site and this impact would be less than significant. No new mitigation is required.

*Wildland Fires Risk.* Unlike the findings of the 2013 FEIR, the project site is not currently located in a "High" risk zone on the CALFIRE map.<sup>23</sup> However, the project site is depicted within Very High Fire Hazard Severity Zones on the City of Lafayette adopted map that depicts compiled data from the Contra

<sup>22</sup> California Department of Toxic Substances. 2019. EnviroStor. Hazardous Waste and Substances Site List. <https://www.envirostor.dtsc.ca.gov/public/search.asp>. Accessed December 21, 2019.

<sup>23</sup> At the time of the preparation of the 2013 FEIR, CAL FIRE map for fire hazard severity zones identified the project site within areas of "High" risk zones (Figure 4.7-1 of the 2013 FEIR)

Costa County Fire Protection District fire hazards map and CAL FIRE.<sup>24</sup> Impacts related to wildfire are analyzed in **Section 5.17.3, Wildfire**, below.

The project site is located along the eastern limits of Zone 3 of the City of Lafayette Emergency Operation Plan.<sup>25</sup> Zone 3 is designated in the plan as a residential neighborhood that is heavily wooded, surrounded with low rolling hills and vegetation. Happy Valley Road also serves as the only point of entry for emergency responders into the neighborhood. Happy Valley Road is susceptible to closure due to the impact of the fire itself and the encroachment of vegetation into that area.<sup>26</sup> The Upper Happy Valley Road towards Mount Diablo Boulevard is the designated evacuation route for Zone 3. The area to the east of the project site across Pleasant Hill Road is designated by the City's Emergency Operation Plan as Zone 6. The Quandt Road towards Pleasant Hill Road is the designated evacuation route for this zone. Because the project site is along the eastern limit of Zone 3 and adjacent to Zone 6, the evacuation route for the Resumed Project would be Pleasant Hill Road. Depending on the road conditions during the emergency event, Deer Hill Road may alternatively be used as an evacuation route.<sup>27</sup> The Resumed Project would not result in any changes that would affect the operations and emergency responses of Lafayette Police Department and Contra Costa County Fire Protection District.<sup>28</sup> Access to the residences north of the intersection of Deer Hill Road and Pleasant Hill Road would not be affected by the operations of the Resumed Project.<sup>29</sup>

Consistent with the findings of the 2013 FEIR, the Contra Costa County Fire Protection District (CCCYPD) provides fire protection services to Lafayette and surrounding unincorporated areas of Contra Costa County including areas of potential wildland fire hazard. The CCCYPD also works with the California Department of Forestry, Mount Diablo State Park, and the San Ramon Valley Fire District in addressing wildland fire hazards. Similar to the Original Project, the Resumed Project would comply with

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<sup>24</sup> City of Lafayette. 2013. Very High Fire Hazard Severity Zones. Data Source: Contra Costa County Fire & Cal Fire. <https://www.lovelafayette.org/home/showdocument?id=2490>. June.

<sup>25</sup> City of Lafayette. 2016. Emergency Operations Plan. <https://www.lovelafayette.org/home/showdocument?id=4054>. Revised: August.

<sup>26</sup> City of Lafayette. 2016. Emergency Operations Plan. <https://www.lovelafayette.org/home/showdocument?id=4054> Revised: August.

<sup>27</sup> Aaron McAlister, Deputy Fire Chief - Contra Costa County Fire Protection District, Chris Bachman - Assistant Chief, Contra Costa County Fire Protection District, and Benjamin Alldritt - Chief of Police, City of Lafayette. 2020. Personal Communication. February 11.

<sup>28</sup> Aaron McAlister, Deputy Fire Chief - Contra Costa County Fire Protection District, Chris Bachman - Assistant Chief, Contra Costa County Fire Protection District, and Benjamin Alldritt - Chief of Police, City of Lafayette. 2020. Personal Communication. February 11.

<sup>29</sup> Aaron McAlister, Deputy Fire Chief - Contra Costa County Fire Protection District, Chris Bachman - Assistant Chief, Contra Costa County Fire Protection District, and Benjamin Alldritt - Chief of Police, City of Lafayette. 2020. Personal Communication. February 11.

mandatory State and local building code requirements (e.g., sprinkler systems), the CCCFPD's plan review, and implementation of a City-approved Vegetation Management Plan. Therefore, consistent with the conclusions of the 2013 FEIR, the Resumed Project would result in a less-than-significant wildfire risk impact. No new mitigation is required. Additional discussion of wildfire risk is provided in **Section 5.17-3, Wildfire**.

*Cumulative Impacts.* Consistent with the findings of the 2013 FEIR, other projects in Lafayette would be required to comply with the applicable fire protection and safety policies identified in the General Plan and construct buildings pursuant to the standards set forth in the current CBC. The Resumed Project would not contribute to any potential cumulative impacts, and cumulative impacts related to hazards and hazardous materials would be less than significant.

### **Changes in Circumstances and/or New Information**

With the exception of the demolition of the buildings that were present at the site and associated implementation of 2013 FEIR **MM HAZ-1a** and **HAZ-1b**, as discussed above, there are no changes in circumstances in which the Resumed Project would be undertaken that would affect the analysis in the 2013 FEIR of impacts related to hazards and hazardous materials. No new information has become available and no new regulations related to hazards and hazardous materials have come into effect since the certification of the 2013 FEIR that would alter the previous analysis and change its conclusions regarding environmental impacts such that preparation of an SEIR would be required.

### **Findings**

For the reasons stated above, the potential hazards and hazardous materials impacts of the Resumed Project would be comparable to or less than those analyzed in the 2013 FEIR. The potential hazards and hazardous materials impacts of the Resumed Project are adequately analyzed in the 2013 FEIR. No new or substantially more severe significant impacts associated with hazards and hazardous materials would result from the Resumed Project, beyond those discussed in the 2013 FEIR. No new mitigation is required.

## **5.9 HYDROLOGY AND WATER QUALITY**

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR. The potential impacts of the Resumed Project related to hydrology and water quality would be similar to those identified for the Original Project. The Resumed Project would not result in any or substantially more severe significant impacts related to hydrology and water quality than those identified in the 2013 FEIR for the Original Project.

## Summary of Analysis in the 2013 Final EIR

*Water Quality Standards or Discharge Requirements.* The 2013 FEIR determined that runoff associated with the Original Project's construction and operational activities could have the potential to impact water quality and the degradation of downstream receiving water bodies, such as Suisun Bay.

*Construction.* The 2013 FEIR determined that clearing, grading, excavation, and construction activities associated with the Original Project could impact water quality through sheet erosion of exposed soils and subsequent deposition of particles and pollutants in drainage areas. The use of materials such as fuels, solvents, and paints would also present a risk to surface water quality due to an increased potential of nonvisible pollutants that could enter the storm drain system. The 2013 FEIR stated that the Original Project would comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Construction Permit No. CA000037648, including submittal of a Notice of Intent (NOI) to the State Water Regional Control Board (SWRCB) and the preparation of a SWPPP. The 2013 FEIR concluded that with implementation of best management measures (BMPs) outlined in the SWPPP, the Original Project's construction activities would not result in substantial erosion, siltation, or flooding, and associated impacts would be less than significant.

*Operation.* The 2013 FEIR determined that during its operational phase, the Original Project would indirectly discharge into Suisun Bay and the Pacific Ocean via the existing storm drain system. Therefore, long-term operation would necessitate the implementation of post-construction/ operational BMPs to mitigate and abate pollutants that may compromise the Pacific Ocean's beneficial uses and water quality. The 2013 FEIR stated that post-construction BMPs should be outlined in the SWPPP submitted to the SWRCB. In addition, BMPs should be outlined in a Stormwater Control Plan (SWCP), hydrology/hydraulic report, grading plan, and erosion control plan submitted to the City of Lafayette's Engineering Services Division. In addition, the 2013 FEIR analysis required the submittal of a Storm Water Control Operation and Maintenance (O&M) Plan to the City and an Operations and Maintenance Agreement be recorded prior to issuance of a building permit. The property owner would be required to incorporate, through the Homeowner's Association (HOA) fees, a financial mechanism to ensure that the BMPs would be maintained in perpetuity.

The Original Project proposed 18 bioretention areas as Integrated Management Practices (IMPs) to be located adjacent to and behind buildings and roads in flat areas of the site. The 2013 FEIR analysis determined that onsite bioretention basins would meet the treatment-control BMP requirements and the Provision C.3 flow-control (hydromodification) requirements. The analysis concluded that site-design as well as source- and treatment-control project design features would address the anticipated and expected pollutants of concern from the operational phase of the Original Project. The 2013 FEIR concluded that

with implementation of BMPs and compliance with all applicable federal, State, and local water quality regulations, impacts related to water quality during operation of the Original Project would be less than significant.

*Groundwater Supplies.* The 2013 FEIR determined that although the Original Project's increase in impervious surface would prevent the infiltration of runoff into the underlying soil, the project site is not located over any significant groundwater basin as identified by the San Francisco Regional Water Quality Control Board (RWQCB). The 2013 FEIR explained that the Original Project would not use groundwater for irrigation or drinking, and therefore would not deplete groundwater or interfere with its recharge. The 2013 FEIR further explained that the Original Project would be required to obtain a site-specific NPDES dewatering permit from the RWQCB and a Waste Discharge Authorization (WDA), if groundwater dewatering were required as part of construction of the Original Project, and groundwater would need to be discharged offsite to a storm drain or receiving water body. The 2013 FEIR concluded that the Original Project's impact related to groundwater would be less than significant.

*Altering Drainage Patterns.* The 2013 FEIR determined that the increase in impervious surfaces resulting from development of the Original Project would increase peak runoff rates at downstream drainage facilities and could potentially alter downstream drainage and result in erosion impacts. The 2013 FEIR determined that the Original Project's IMPs had been designed in accordance with low-impact development (LID)<sup>30</sup> site design procedures and facility sizing tools, as defined in the Stormwater C.3 guidebook. The 18 bioretention basins had been designed to attenuate the flow from a 10-year storm to pre-development levels. The 2013 FEIR explained that a Storm Water Control Operation & Maintenance Plan would be prepared for review by the City and a Stormwater Management Facility Operation and Maintenance Agreement would be signed indicating the property owner would accept responsibility for the operation and maintenance of the stormwater facilities in perpetuity. The 2013 FEIR concluded that the Original Project has the potential to alter surface runoff rates and drainage patterns from the site and increase in surface runoff rates, peak flows, and sediment transport downstream would still be significant without mitigation. The 2013 FEIR identified **MM HYDRO-1a**, which requires additional hydrologic analyses and detailed drainage design drawings for the bioretention basins to be submitted in a Final Stormwater Control Plan to the City for review and approval prior to the issuance of grading permit. The 2013 FEIR also identified **MM HYDRO-1b**, which requires an Operation and Maintenance (O&M) Plan and Schedule to be prepared as part of the Final Stormwater Control Plan that would be submitted to the City of Lafayette. The 2013 FEIR concluded that with implementation of **MM HYDRO-1a** and **MM**

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<sup>30</sup> Low impact development (LID) refers to systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat.

**HYDRO-1b**, the Original Project's impacts associated with altering drainage patterns would be less than significant.

*Runoff Water.* The 2013 FEIR found that the installation of 18 bioretention areas as part of the Original Project would not change net surface runoff volumes leaving the site. The retention basins would treat runoff so that downstream pollution potential would be minimized. The 2013 FEIR explained that the planned detention ponds would be designed to contain site drainage flows from 10-year runoff events, and that there had been no reported significant deficiencies in the existing off-site storm drain system in the vicinity of the project site. However, the 2013 FEIR determined that site drainage flows from 10-year and 100-year storm events may not be safely conveyed through the existing off-site storm drain system, which would be a significant impact, without mitigation. The 2013 FEIR identified **MM HYDRO-2**, which would require the Final Stormwater Control Plan to demonstrate that peak discharge from the project site for the 10-year and 100- year storm could be safely conveyed through the existing off-site storm drain system. The 2013 FEIR concluded that with implementation of **MM HYDRO-2**, the Original Project's impacts related to peak runoff at downstream drainage facilities would be less than significant.

*Flood Hazard.* The 2013 FEIR indicated that the project site is not shown within a 100-year or 500-year flood zone on the Federal Emergency Management Agency flood risk maps. The 2013 FEIR concluded that no flood impact would occur as a result of the Original Project.

*Seiche, Tsunami, or Mudflow.* The 2013 FEIR determined that the Original Project would have no potential seiche or tsunami impacts because the project site is located 10 miles inland from San Francisco Bay. However, the 2013 FEIR determined that the project site is located on a hillside that is susceptible to landslides that would result in potential mudflows. The 2013 FEIR concluded that with implementation of **MM GEO-1**, which would require the preparation of a detailed geotechnical study, the Original Project's impact related to mudflows would be less than significant.

*Cumulative Impacts.* The 2013 FEIR determined that the Original Project's impacts with respect to surface runoff and groundwater would be minimal, but that the Original Project would incrementally contribute to the increase in stormwater runoff and pollutant loading to the nearby storm drains. The 2013 FEIR explained that, similar to the Original Project, other projects would have to comply with drainage and grading regulations and ordinances that control runoff and regulate water quality at each development site. Therefore, the 2013 FEIR concluded that in combination with other reasonably foreseeable development in Lafayette, the Original Project would result in a less-than-significant cumulative impact with respect to hydrology and water quality.

## ***2013 FEIR Mitigation Measures***

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

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

**MM HYDRO-1b:** An Operation and Maintenance (O&M) Plan and Schedule shall be prepared as part of the Final Stormwater Control Plan and submitted to the City of Lafayette. The property owner (or Homeowners Association) shall enter into a standard stormwater O&M agreement with the City, codifying their responsibility for O&M performance and reporting. An O&M Manual shall be prepared and submitted to the City prior to the issuance of grading permits. The O&M Manual shall specify that the design storage capacity of the basins will be maintained and that accumulated residual sediment and other material will be cleaned out. The detention basins shall be inspected at least once per year prior to the start of the rainy season and debris removal shall occur on an as needed basis.

**MM HYDRO-2:** As part of the Final Stormwater Control Plan, the Project applicant shall provide to the City an analysis that shows the peak discharge from the Project site for the 10-year and 100-year storm and demonstrate that this discharge can be safely conveyed through the existing off-site storm drain system.

## **Analysis of the Resumed Project**

### ***Water Quality Standards or Discharge Requirements***

*Construction.* Similar to the Original Project, the Resumed Project would comply with the requirement of the NPDES General Construction Permit No. CA000037648, which requires submitting an NOI to the SWRCB and the preparation of a SWPPP. The SWPPP would include construction BMPs similar, but not limited to, those outlined in the 2013 FEIR. Consistent with the conclusions of the 2013 FEIR, construction



activities of the Resumed Project would not result in substantial erosion, siltation, or flooding, and associated construction impacts would be less than significant. No new mitigation is required.

*Operation.* The Resumed Project would be required to prepare and implement post-construction BMPs as part of the SWPPP that would be submitted to the SWRCB, and a Stormwater Control Plan (SWCP), hydrology/hydraulic report, grading plan, and erosion control plan that would be submitted to the City of Lafayette's Engineering Services Division, similar to the Original Project as analyzed in the 2013 FEIR. In addition, the Resumed Project would be required to submit an O&M Plan to the City and to record an Operations and Maintenance Agreement prior to issuance of a building permit. The property owner would be required to create a financial mechanism to ensure that the BMPs would be maintained in perpetuity. Similar to the Original Project, the Resumed Project would include 18 onsite bioretention basins that would meet the treatment-control BMP requirements and the Provision C.3 flow-control requirements. Consistent with the conclusions of the 2013 FEIR, with implementation of post-construction BMPs and compliance with all applicable federal, state, and local water quality regulations, the Resumed Project's impacts to water quality during operation would be less than significant. No new mitigation is required.

*Groundwater Supplies.* Consistent with the determinations of the 2013 FEIR, the project site is not located over any significant groundwater basin identified by the RWQCB. Similar to the Original Project, the Resumed Project would be required to obtain a site-specific NPDES dewatering permit and a WDA if groundwater dewatering is required as part of the project construction. Consistent with the conclusions of the 2013 FEIR, the Resumed Project would result in a less-than-significant impact with respect to groundwater. No new mitigation is required.

*Altering Drainage Patterns.* Similar to the Original Project, the Resumed Project would result in increases in peak runoff rates at downstream drainage facilities and could potentially alter downstream drainage and result in erosion impacts. Similar to the Original Project, the Resumed Project would include IMPs designed in accordance with the program's LID site design procedures and facility sizing tools, as defined in the Stormwater C.3 Guidebook. The Resumed Project also includes 18 bioretention basins to attenuate the flow from a 10-year storm to pre-development levels. Similar to the conclusions of the 2013 FEIR, the potential for the Resumed Project to alter surface runoff rates and drainage patterns from the site and increase surface runoff rates, peak flows, and sediment transport downstream would be significant, without mitigation. Similar to the conclusions of the 2013 FEIR, **MM HYDRO-1a** and **MM HYDRO-1b** would apply to the Resumed Project and their implementation would reduce the impact related to altering drainage patterns to a less-than-significant level. No new mitigation is required.

*Runoff Water.* Similar to the Original Project, planned detention ponds under the Resumed Project would prevent 10-year runoff events. However, site drainage flows from 10-year and 100-year storm events may not be safely conveyed through the existing off-site storm drain system. Consistent with the conclusions of the 2013 FEIR, this impact would be significant, without mitigation. Consistent with the conclusions of the 2013 FEIR, **MM HYDRO-2** would apply to the Resumed Project and its implementation would reduce this impact to a less-than-significant level. No new mitigation is required.

*Flood Hazard.* Consistent with the determinations of the 2013 FEIR, the project site is not shown within a 100-year or 500-year flood zone on the Federal Emergency Management Agency Flood Insurance Rate Map.<sup>31</sup> No flood impact would occur as a result of the Resumed Project. No new mitigation is required.

*Seiche, Tsunami, or Mudflow.* Consistent with the determinations of the 2013 FEIR, the Resumed Project would result in no impacts related to a seiche or tsunami event at the project site. However, there is potential for mudflows that could result from landslides, which would be a significant impact of the Resumed Project, without mitigation. Consistent with the conclusions of the 2013 FEIR, **Revised MM GEO-1** would apply to the Resumed Project and its implementation would reduce impacts related to mudflows to a less-than-significant level. No new mitigation is required.

*Cumulative Impacts.* Consistent with the conclusions of the 2013 FEIR, because other projects would comply with required regulations related to hydrology and water quality, similar to the Resumed Project, cumulative impacts of the Resumed Project with respect to hydrology and water quality would be less-than-significant.

### ***Mitigation Measures Required for the Resumed Project***

The 2013 FEIR **MM HYDRO-1a**, **MM HYDRO-1b**, and **MM HYDRO-2**, and **Revised MM GEO-1**, presented above would apply to the Resumed Project. No new mitigation measures are needed.

### **Changes in Circumstances and/or New Information**

There are no changes in circumstances in which the Resumed Project would be undertaken that would affect the 2013 FEIR analysis of hydrology and water quality impacts. No new information has become available and no new regulations related to hydrology and water quality have come into effect since the certification of the 2013 FEIR that would alter the previous analysis and change its conclusions regarding environmental impacts related to hydrology and water quality such that preparation of an SEIR would be required.

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<sup>31</sup> FEMA. 2009. Flood Insurance Program. Contra Costa County, California and Incorporated Areas. Panel 288 of 602. Map Number 06013C0288F. Effective Date: June 16, 2009.

## Findings

The potential hydrology and water quality impacts of the Resumed Project are similar to those analyzed in the 2013 FEIR. **MM HYDRO-1a**, **MM HYDRO-1b**, and **MM HYDRO-2** identified in the 2013 FEIR, and **Revised MM GEO-1**, presented above, apply to the Resumed Project. The potential impacts of the Resumed Project related to hydrology and water quality are adequately analyzed in the 2013 FEIR. No new or substantially more severe significant impacts related to hydrology and water quality would result from the Resumed Project beyond those discussed in the 2013 FEIR. No new mitigation is required.

### 5.10 LAND USE AND PLANNING

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR. As described below, new studies that became available after the certification of the 2013 FEIR would not change the conclusions of the 2013 FEIR with respect to land use and planning impacts. The potential impacts of the Resumed Project related to land use and planning would be similar to or less than those identified for the Original Project. The Resumed Project would not result in any new or substantially more severe significant impacts related to land use and planning than those identified in the 2013 FEIR for the Original Project.

#### Summary of Analysis in the 2013 Final EIR

*Physically Divide an Established Community.* The 2013 FEIR determined that the project site is a single parcel, and therefore concluded that the Original Project would have no impact related to physically dividing an established community.

*Conflict with Applicable Land Use Plan, Policy, or Regulation.* The determinations of the 2013 FEIR related to the consistency or inconsistency of the Original Project with specific General Plan (GP) goals and policies and other regulations is presented below:

**GP Policies LU-2.1 and LU-2.3:** The 2013 FEIR determined that although the project site is highly disturbed, the Original Project's residential density would adversely affect the natural appearance of the project site and as such, construction of the Original Project would not be consistent with Policy LU-2.1, regarding density of hillside development. The 2013 FEIR determined that although the ridgelines of the project site would appear generally undeveloped after development of the Original Project, the hillside of the project site would appear substantially developed. The 2013 FEIR concluded that the Original Project would be inconsistent with Policies LU-2.1 and LU-2.3, regarding preservation of views.

Because no feasible mitigation measures were identified to reduce this impact, the 2013 FEIR concluded that the Original Project's impact related to inconsistency with Policies LU-2.1 and LU-2.3 would be significant and unavoidable.

**GP Policy LU-2.2:** The 2013 FEIR determined that the Original Project would not be consistent with Policy LU-2.2, regarding clustering of development to preserve important visual and functional open space, because the residential buildings generally would be spread throughout the project site and, after buildout of the Original Project, substantial contiguous open space would not remain. Because no feasible mitigation measures were identified to reduce this impact, the 2013 FEIR concluded that the Original Project's impact related to inconsistency with Policy LU-2.2 would be significant and unavoidable.

**GP Goal LU-2:** The 2013 FEIR determined that because the Original Project would eliminate 2 acres of native blue wildrye and 78 percent of the trees on site, it would be inconsistent with General Plan Goal LU-2, regarding ensuring that development respects the natural environment and preserving the scenic quality of ridgelines, hills, creek areas, and trees. Because no feasible mitigation measures were identified to reduce this impact, the 2013 FEIR concluded that the Original Project's impact related to inconsistency with Goal LU-2 would be significant and unavoidable.

**GP Policy LU-20.1:** The 2013 FEIR determined that the Original Project would be inconsistent with Policy LU-20.1, regarding consideration of level of service (LOS) traffic standards when evaluating development proposals, because the 2013 FEIR identified an LOS traffic impact under Existing plus Project conditions at the Deer Hill Road – Stanley Boulevard/Pleasant Hill Road intersection. Because no feasible mitigation measures were identified to reduce the LOS impact, the 2013 FEIR concluded that the Original Project's impact related to inconsistency with Policy LU-20.1 would be significant and unavoidable.

**GP Goal LU-13:** The 2013 FEIR determined that the Original Project would be inconsistent with Goal LU-13, which requires the eastern Deer Hill Road area near the intersection of Pleasant Hill Road to be developed in a manner consistent with Lafayette's community identity, because construction of the Original Project's 2- and 3-story buildings would change the semi-rural character of the project site and its

vicinity. The 2013 FEIR concluded that the Original Project's impact related to inconsistency with Goal LU-13 would be significant and unavoidable.

**Zoning Regulations:** The 2013 FEIR determined that the Original Project would be consistent with the City's zoning regulations related to use, building height, setback, and landscaping requirements. The 2013 FEIR concluded that this impact would be less than significant.

**Hillside Development Permit Requirements:** The 2013 FEIR determined that the Original Project would not be consistent with the following Hillside Development Permit requirements set forth in the Municipal Code:

- The development is consistent with the applicable goals and policies of the General Plan and is in conformance with applicable zoning regulations.
- The development will preserve open space and physical features, including rock outcroppings and other prominent geological features, streams, streambeds and ponds, native vegetation, native riparian vegetation, animal habitats and other natural features.
- The development and each associated improvement is located and designed to complement the natural terrain and landscape of the site and surrounding properties, and relates to the development pattern, including density and distribution, of the surrounding neighborhood.
- Development grading will be minimized to reduce cut and fill, preserve existing geologic features, topographic conditions and existing vegetation, reduce short and long-term erosion, slides, and flooding, and abate visual impacts.
- When within a L-R-10 or L-R-5 district, within 100 feet of a restricted ridgeline area, or when an exception to a ridgeline setback has been granted, the development will result in each structure being substantially concealed when viewed from lower elevations from publicly owned property (including freeways, roadways, open space, parks and trails), using the viewing evaluation map as a guide to establish locations from which views are considered.

- The development uses site planning techniques to the extent feasible to preserve hillsides, knolls, and ridgelines and open space, minimize grading and impacts to habitat, and preserve on-site open space and vegetation, terrain, scenic vistas, streams or other courses, or other areas of ecological significance.
- The development provides adequate emergency vehicle access, including turn-around space, to the building site and surrounding on-site undeveloped or isolated areas while protecting trees, minimizing grading, and preserving to the extent feasible the natural hillside character of the site.
- The development, including site design and the location and massing of all structures and improvements will, to the extent feasible:
  - Preserve the open space and uncluttered topography of the city;
  - Minimize the loss of privacy to surrounding residents;
  - Not have a significant visual impact when viewed from lower elevations from publicly owned properties (including freeways, roadways, open space, parks and trails), using the viewing evaluation map as a guide; and
  - Not interfere with a ridgeline trail corridor or compromise the open space or scenic character of the corridor.

The 2013 FEIR concluded that the Original Project's inconsistency with the Hillside Development Permit requirements identified above would be a significant impact. Because no feasible mitigation measures were identified to reduce this impact, and consistency with the above Hillside Development Permit requirements would not be possible without substantial adjustments to the proposed extent of grading and footprint of development, making the Original Project infeasible as proposed, the 2013 FEIR concluded that the Original Project's impact related to inconsistency with the Hillside Development Permit requirements would be significant and unavoidable.

**Creek Setback Requirements:** The 2013 FEIR explained that to comply with Creek Setback Requirements, development should be setback 12 feet from the top of the creek

bank on each side. Under the Original Project, a portion of the creek corridor immediately south of Deer Hill Road on-site would be preserved; however, the remainder of the creek corridor would be filled and water from the creek would have been collected in a treated storm drain pipe and directed to a detention basin. The 2013 FEIR concluded that with implementation of **MM BIO-6a**, **MM BIO-6b**, **MM BIO-6c**, and **MM BIO-8**, the Original Project's impacts to the creek would be mitigated to less-than-significant levels.

*Habitat Conservation Plan.* The 2013 FEIR determined that no habitat conservation plans or natural community conservation plans were applicable to the project site, and concluded that buildout of the Original Project would have no impact with respect to conflicts with habitat conservation plans or natural community conservation plans.

*Land Use Conflict with Surrounding Land Uses.* The 2013 FEIR determined that the Original Project's residential uses would be consistent with the residential neighborhoods surrounding the project site. Recreational amenities and parking facilities of the Original Project would be located within the project site, which would be consistent with nearby recreational uses at Briones Regional Park and Acalanes High School, and would not directly abut any adjacent properties. The 2013 FEIR concluded that the Original Project's impacts related to land use compatibility with surrounding land uses would be less than significant.

*Cumulative Impacts.* The 2013 FEIR determined that the inconsistencies with goals, policies, and requirements identified above were specific to the Original Project and would not result in adverse physical impacts on the environment. Therefore, the Original Project's inconsistencies would not be considered cumulatively significant impacts. The 2013 FEIR concluded that the Original Project would not contribute to any cumulative land use impacts and such impacts would be less than significant.

## **Analysis of the Resumed Project**

*Physically Divide an Established Community.* Similar to the Original Project, the Resumed Project would be contained within a single parcel. Therefore, similar to the conclusion of the 2013 FEIR, the Resumed Project would have no impact related to dividing an established community.

*Conflict with Applicable Land Use Plan, Policy, or Regulation.* The Resumed Project would be consistent with all General Plan (GP) goals and policies and other regulations with which the Original Project was determined to be consistent in the 2013 FEIR. Conflict or consistency of the Resumed Project with the goals and policies with which the 2013 FEIR determined that the Original Project would be inconsistent are discussed below.

**GP Policies LU-2.1 and LU-2.3:** Similar to the Original Project, the Resumed Project would affect the natural appearance of the project site, and therefore would be inconsistent with GP Policy LU-2.1, regarding density of hillside development. Similar to the Original Project, the Resumed Project's buildings would be screened from view and would not obstruct the view of the ridgelines. However, the hillside of the project site would appear substantially developed.<sup>32</sup> Therefore, the Resumed Project would not be consistent with Policy LU-2.3, regarding preservation of views, similar to the Original Project. No new feasible mitigation measures have been identified that would reduce this impact. Therefore, similar to the conclusion of the 2013 FEIR, the Resumed Project's impacts related to inconsistency with Policies LU-2.1 and LU-2.3 would be significant and unavoidable.

**GP Policy LU-2.2:** The Resumed Project would use the existing terraces on the project site to locate the 14 residential buildings and would not fill the on-site creek channel, with the exception of the grading activities and foundation associated with installation of the arched culvert (clear bridge span) for the driveway access, which would reduce grading compared to the Original Project. The Resumed Project would also include planting 768 new trees, which would reduce the visual impact of the new buildings at the project site. However, the Resumed Project would remain inconsistent with GP Policy LU-2.2, regarding clustering of development to preserve important visual and functional open space, because the residential buildings generally would be spread throughout the project site and, after buildout of the Resumed Project, substantial contiguous open space would not remain. No new feasible mitigation that would reduce this impact has been identified. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project's impacts related to inconsistency with Policy LU-2.2 would be significant and unavoidable.

**GP Goal LU-2:** As discussed in **Section 5.4, Biological Resources**, the Resumed Project would remove 53 trees within the project site in addition to the removed 48 trees, for a

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<sup>32</sup> As described in the discussion below regarding the Resumed Project's consistency with Hillside Development Permit requirements, new studies submitted by the project application after the certification of the 2013 FEIR and an independent peer review of those studies determined that the ridgeline at the project site is a Class II rather than Class I ridge. However, this new determination would not change the conclusion of the 2013 FEIR regarding consistency with these policies, and would not result in any new or substantially more severe significant environmental impact.



total tree removal of 101 trees. However, the Resumed Project would include planting 768 new trees at the project site. Although the Resumed Project would include planting more trees than the Original Project, it would remove 10 more healthy trees at the project site than the Original Project. The Resumed Project would replace the removed trees in compliance with the Tree Protection Ordinance with two 15-gallon trees for every six inches of dbh removed. However, tree removal under the Resumed Project would result in similar inconsistency with the General Plan Goal LU-2, as those identified for the Original Project, regarding ensuring that development respects the natural environment and preserving the scenic quality of ridgelines, hills, creek areas, and trees. Furthermore, although the Resumed Project would restore the native grasslands at a 1:1 ratio as required under Revised MM BIO-5, because avoidance of large stands of native grassland would not be possible, this impact would remain significant and unavoidable. Therefore, the Resumed Project would be inconsistent with General Plan Goal LU-2. No new feasible mitigation measures have been identified that would reduce this impact. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project's impacts related to consistency with Goal LU-2 would remain significant and unavoidable.

**GP Policy LU-20.1:** GP Policy LU-20.1 calls for consideration of the traffic level of service (LOS) goals and standards as set forth in the General Plan Circulation Chapter, which considers an LOS below LOS D (delay that exceeds 25 to 33 seconds) as an unacceptable condition, in evaluating development proposals. Unlike the Original Project, as discussed in **Section 5.15, Transportation**, and **Appendix D, Traffic Impact Study**, the Resumed Project would not result in any significant unavoidable impacts related to LOS, and the Original Project's LOS impact, identified in the 2013 FEIR, at the Deer Hill Road – Stanley Boulevard/Pleasant Hill Road intersection would not occur under the Resumed Project.<sup>33</sup> However, as explained in **Section 5.15, Transportation**, **MM TRAF-22**, the Resumed Project could have a significant and unavoidable secondary impact related to LOS, because it is possible that the Project Variant may need to be implemented under that mitigation measure. As explained in **Section 5.18, Project Variant Analysis**, similar to Impact TRAF-1 identified in the 2013 FEIR for the Original Project, the

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<sup>33</sup> As documented in **Section 5.15, Transportation**, and in **Appendix D, Traffic Impact Study**, the Resumed Project would eliminate the significant unavoidable LOS impact identified for the Deer Hill Road – Stanley Boulevard/Pleasant Hill Road intersection under the Original Project.

Project Variant would result in an impact related to delay in the AM peak hour at the intersection of Pleasant Hill Road and Deer Hill Road. Under the Project Variant, this impact would occur in Cumulative Year 2040 plus Project Variant conditions, which would be later than Impact TRAF-1 identified in the 2013 FEIR for the Original Project. As also explained in **Section 5.18, Project Variant Analysis**, due to this traffic delay impact the Project Variant would also have a significant and unavoidable impact with respect to consistency with GP Policy LU-20.1, which would also be a secondary impact of **MM TRAF-22**, and would be similar to the significant and unavoidable impact of the Original Project with respect to consistency with Policy LU-20.1, as identified in the 2013 FEIR. Because this secondary impact of **MM TRAF-22** would be similar to the impact identified for the Original Project, but would occur later, it is not a new or substantially more severe environmental impact. No feasible mitigation measures have been identified to reduce this impact, other than the additional through lane proposed as part of the Resumed Project, which, as explained in **Section 5.15, Transportation**, would result in the conflict with the Gateway Constraint Policy identified as Impact TRAF-22, which would require implementation of **MM TRAF-22**.

**GP Goal LU-13:**

Although the Resumed Project would include planting 768 trees with a rustic landscaping similar to the rural open space within the project vicinity, construction of the proposed 2- and 3-story buildings would alter the semi-rural character of the project site and its vicinity. Therefore, the Resumed Project would be inconsistent with GP Goal LU-13, which requires the eastern Deer Hill Road area near the intersection of Pleasant Hill Road to be developed in a manner consistent with Lafayette's community identity. No new feasible mitigation measures have been identified that would reduce this impact. Similar to the conclusions of the 2013 FEIR, the Resumed Project's impact related to inconsistency with Goal LU-13 would be significant and unavoidable.

**Zoning Regulations:**

Because the Resumed Project is a "housing development project," as defined in the Housing Accountability Act (California Government Code Section 65589.5), "a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project." (Cal. Gov't Code Sec. 65589.5(d)(5)). Therefore, the pending application

for the Resumed Project must be processed under the original Administrative/Professional Office (APO) zoning that applied at the time the application was deemed complete in July 2011. The APO zoning allows up to 35 dwelling units per acre, which would allow a maximum of up to 779 units on the approximately 22.27-acre project site. Similar to the Original Project, the Resumed Project would be consistent with the City's zoning regulations related to use, building height, setback, and landscaping requirements, as they existed at the time the project application was deemed complete in 2011. Similar to the conclusions of the 2013 FEIR, the Resumed Project's impact with respect to consistency with the City's zoning regulations would be less than significant.

**Hillside Development Permit Requirements:** Conflicts of the Resumed Project with the Hillside Development Permit requirements set forth in the Municipal Code are described below:

- **The development is consistent with the applicable goals and policies of the General Plan and is in conformance with applicable zoning regulations.** As described above, similar to the Original Project, the Resumed Project would be inconsistent with GP Policies LU-2.1, LU-2.2, LU-2.3, and LU-20.1, and GP Goals LU-2 and LU-13.
- **The development will preserve open space and physical features, including rock outcroppings and other prominent geological features, streams, streambeds and ponds, native vegetation, native riparian vegetation, animal habitats and other natural features.** Unlike the Original Project, the Resumed Project would re-establish all salvaged native grasslands at the project site (rather than partially off-site), and would avoid filling the creek channel that traverses the project site, with the exception of the grading activities and foundation associated with installation of the arched culvert (clear bridge span) for the driveway access. However, the Resumed Project would not preserve existing native vegetation at the site. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project would be inconsistent with this requirement.
- **The development and each associated improvement is located and designed to complement the natural terrain and landscape of the site and surrounding properties, and relates to the development pattern, including**

**density and distribution, of the surrounding neighborhood.** The Resumed Project would not include filling the creek channel that traverses the project site, with the exception of the grading activities and foundation associated with installation of the arched culvert (clear bridge span) for the driveway access, and therefore would require less grading activities than the Original Project. The Resumed Project's buildings would be sited on the four terraces of the site terrain. However, the Resumed Project would develop the site with 14 residential buildings and associated infrastructure and would involve a large amount of grading, which would not complement the natural terrain to the north. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project would be inconsistent with this requirement.

- **Development grading will be minimized to reduce cut and fill, preserve existing geologic features, topographic conditions and existing vegetation, reduce short and long-term erosion, slides, and flooding, and abate visual impacts.** As noted above, the Resumed Project would require less grading than the Original Project. In addition, the Resumed Project would include planting 768 native trees which would result in substantially more trees at the project site, compared to existing conditions. However, the Resumed Project would still include extensive grading, and would result in visual impacts (as discussed in **Section 5.1, Aesthetics**) and the loss of existing vegetation. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project would be inconsistent with this requirement.
- **When within a L-R-10 or L-R-5 district, within 100 feet of a restricted ridgeline area, or when an exception to a ridgeline setback has been granted, the development will result in each structure being substantially concealed when viewed from lower elevations from publicly owned property (including freeways, roadways, open space, parks and trails), using the viewing evaluation map as a guide to establish locations from which views are considered.** Similar to the Original Project, as shown by the visual simulations in the 2013 FEIR, not all of the structures would be substantially concealed and some of the Resumed Project's buildings would be visible when viewed from lower elevations from publicly owned properties. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project would be inconsistent with this requirement.

- **The development uses site planning techniques to the extent feasible to preserve hillsides, knolls, and ridgelines and open space, minimize grading and impacts to habitat, and preserve on-site open space and vegetation, terrain, scenic vistas, streams or other courses, or other areas of ecological significance.** The Resumed Project would result in less grading activities and more vegetation than the Original Project, as described above. However, the Resumed Project site plan would result in the loss of open space and vegetation, and would involve extensive grading and impacts to habitat. In addition, as discussed in **Section 5.1, Aesthetics**, the Resumed Project would result in significant unavoidable impacts to scenic vistas. With respect to ridgelines, the City of Lafayette engaged a geotechnical consultant to conduct a geologic peer review of the following studies submitted by the project applicant since the certification of the 2013 FEIR:
  - BKF Engineers, Grading and Drainage Plans, Terraces of Lafayette, dated 24 April 2019;
  - Quantum Geotechnical, Inc. letter-report titled Ridge Line and Site Disturbance Assessment, AMD Trust Property, The Terraces, Deer Hill Road, Lafayette, California, dated 16 May 2019;
  - ENGEO letter-report titled Discussion of BART Fault Displacement Report, The Terraces, Lafayette, California, dated 24 May 2019; and
  - Ryan Geological Consulting report titled Geomorphic Evaluation of Ridgeline Classification, Former Rock Quarry Site, AMD Land Trust Property, Deer Hill Road, Lafayette, California, dated 30 June 2019.

These studies, as confirmed by the geologic peer review, affirmed that the topography at the project site has been altered by past quarry operations and historical aerial photographs do not reveal visual evidence of a Class I ridgeline. The peer review concluded that the prior ridgeline on the property was not continuous with the main Lafayette Ridge on the west side of the Lafayette fault, and should be considered a spur-ridge, or Class II ridge.

The geologic peer review found that the recent studies listed above rely on additional historical aerial photographs (from 1928-1968) obtained from the U.C. Santa Barbara on-line archive library, as well as 1939 photographs and a digital

terrain model available on Google Earth. The peer review determined that these additional resources may not have been readily available at the time of the preparation of the 2013 FEIR and associated geological studies. The review determined that previous studies may have resulted in similar conclusions to the studies listed above, if the relevant information had been available at that time.

Based on the findings of the new studies and the associated peer review, the classification of the ridgeline at the project site should change from Class I to Class II. Therefore, the restricted ridgeline area within which development is prohibited without a hillside development permit would be within 250 feet instead of 400 feet of the ridgeline, pursuant to Chapter 6-20 of the Lafayette Municipal Code (the Hillside Development Ordinance). Construction of the Resumed Project within the ridgeline restricted area would still result in significant and unavoidable impacts. Therefore, updated studies and new findings would not change the conclusion of the previous analysis in the 2013 FEIR, except that although impact associated with inconsistency with the Hillside Development Permit would remain significant and unavoidable, it would be less severe than the significant and unavoidable impact identified in the 2013 FEIR because the ridgeline should be classified as a Class II rather than Class I ridgeline.

Similar to the conclusions of the 2013 FEIR regarding the Original Project, the Resumed Project would remain inconsistent with this requirement.

- **The development provides adequate emergency vehicle access, including turn-around space, to the building site and surrounding on-site undeveloped or isolated areas while protecting trees, minimizing grading, and preserving to the extent feasible the natural hillside character of the site.** As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the Resumed Project would include adequate truck turning radii at on-site driveway intersections by providing minimum inside turning radius of 25 feet and a minimum outside turning radius of 45 feet, in compliance with Contra Costa County Fire Protection District (CCCFPD) requirements. In addition, the Resumed Project would require less grading activity than the Original Project. However, while the Resumed Project would provide adequate emergency access, it would do so by removing trees

and with extensive grading. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project would be inconsistent with this requirement.

- **The development, including site design and the location and massing of all structures and improvements will, to the extent feasible:**
  - Preserve the open space and uncluttered topography of the city;
  - Minimize the loss of privacy to surrounding residents;
  - Not have a significant visual impact when viewed from lower elevations from publicly owned properties (including freeways, roadways, open space, parks and trails), using the viewing evaluation map as a guide; and
  - Not interfere with a ridgeline trail corridor or compromise the open space or scenic character of the corridor.

Similar to the Original Project, as discussed in **Section 5.1, Aesthetics**, the Resumed Project would have significant unavoidable visual impacts and therefore would remain inconsistent with this requirement.

Based on the analysis presented above, and similar to the conclusions of the 2013 FEIR, the Resumed Project's impacts related to inconsistency with the Hillside Development permit requirements would be significant and unavoidable.

**Creek Setback Requirements:** Unlike the Original Project, the Resumed Project would not include filling of the on-site creek channel, with the exception of the grading activities and foundation associated with installation of the arched culvert (clear bridge span) for the driveway access. In addition, retention basins would be built as part of the Resumed Project to treat stormwater on-site. Similar to the Original Project, the Resumed Project would implement **Revised MM BIO-6a, Revised MM BIO-6b, MM BIO-6c, and Revised MM BIO-8**, as described in **Section 5.4, Biological Resources**. Similar to the conclusions of the 2013 FEIR, the Resumed Project's impacts related to the creek would be mitigated to a less-than-significant level.

*Habitat Conservation Plan.* Similar to the findings of the 2013 FEIR, no habitat conservation plans or natural community conservation plans are applicable to the project site. Therefore, similar to the

conclusion of the 2013 FEIR, the Resumed Project would have no impact related to conflicts with conservation plans.

*Land Use Conflict with Surrounding Land Uses.* Similar to the determinations of the 2013 FEIR, the Resumed Project's residential uses would be consistent with the residential neighborhoods surrounding the project site. Proposed recreational amenities and parking facilities located within the project site would be consistent with nearby recreational uses at Briones Regional Park and Acalanes High School, and would not directly abut any adjacent properties. Similar to the conclusions of the 2013 FEIR, the Resumed Project's impacts related to land use conflicts with surrounding land uses would be less than significant.

*Cumulative Impacts.* Similar to the findings of the 2013 FEIR, inconsistencies with the goals, policies, and requirements identified above would be specific to the Resumed Project and would not result in adverse physical impacts on the environment. Therefore, impacts related to such inconsistencies would not be considered cumulatively significant impacts. Similar to the conclusions of the 2013 FEIR, the Resumed Project would not contribute considerably to any cumulative land use impacts, and its cumulative impacts related to land use and planning would be less than significant.

### **Changes in Circumstances and/or New Information**

There are no changes in circumstances in which the Resumed Project would be undertaken that would affect the 2013 Final EIR analysis of impacts related to land use and planning. As described in **Section 5.6, Geology and Soils**, new studies that became available after the certification of the 2013 FEIR and a peer review of these studies determined that the ridgeline at the project site is a Class II, rather than Class I, ridgeline. However, this new finding would not change the conclusions of the 2013 FEIR regarding land use and planning impacts, and if anything, would decrease the degree of impacts, although not to a less-than-significant level. No new regulations related to land use and planning that are applicable to the Resumed Project have come into effect since the certification of the 2013 FEIR that would alter the previous analysis and change its conclusions regarding impacts related to land use and planning such that preparation of an SEIR would be required.

### **Findings**

The potential land use and planning impacts of the Resumed Project are adequately analyzed in the 2013 FEIR. No new or substantially more severe significant impacts would result from the Resumed Project beyond those discussed in the 2013 FEIR. No new mitigation is required.



## 5.11 MINERAL RESOURCES

The Resumed Project would not result in any new or substantially more severe significant impacts related to mineral resources than those identified in the 2013 FEIR for the Original Project.

### **Summary of Analysis in the 2013 Final EIR**

Mineral resources were scoped out of the 2013 FEIR during the preparation of the NOP for the EIR. The Initial Study prepared in connection with the NOP determined that there were no known mineral resources in the City of Lafayette, and concluded that the Original Project would have no impacts related to mineral resources.

### **Analysis of the Resumed Project**

The project site is not designated as a mineral resource zone, and no known or potential mineral resources are located on the project site. Consistent with the conclusions of the 2013 FEIR, the Resumed Project would not result in the loss of availability of known mineral resources nor would it result in the loss of a locally important mineral resource recovery site. Therefore, the Resumed Project would have no impacts related to mineral resources.

### **Changes in Circumstances and/or New Information**

There are no changes in circumstances in which the Resumed Project would be undertaken that would affect the Initial Study's analysis of mineral resources impacts. No new information has become available and no new regulations related to mineral resources have come into effect that would alter the previous analysis or change its conclusions regarding impacts related to mineral resources such that preparation of an SEIR would be required.

### **Findings**

The potential mineral resource impacts of the Resumed Project are similar to those analyzed in the Initial Study prepared prior to the preparation of the 2013 FEIR. For reasons stated above, no new impacts to mineral resources would result with implementation of the Resumed Project. The potential impacts of the Resumed Project associated with mineral resources are adequately analyzed in the 2013 FEIR and associated Initial Study. No new or substantially more severe significant impacts related to mineral resources would result from the Resumed Project beyond those discussed in the Initial Study prepared in connection with the preparation of the 2013 FEIR. No new mitigation is required.

## 5.12 NOISE

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR. As described below, new noise studies conducted at the project site after the certification of the 2013 FEIR would not change the conclusions of the 2013 FEIR with respect to noise impacts. The potential noise impacts of the Resumed Project would be similar to or less than those identified in the 2013 FEIR for the Original Project. The Resumed Project would not result in any new or substantially more severe significant noise impacts than those identified in the 2013 FEIR for the Original Project.

### Summary of Analysis in the 2013 Final EIR

*Noise Levels in Excess of Established Standards.* The 2013 FEIR determined that, given the relatively dense spacing between most of the Original Project's housing units, sufficient shielding from traffic noise would be expected for open areas between the Original Project's buildings and on interior portions of the project site such that outdoor exposures to noise would be less than the 60 Day-Night Average Sound Level ( $L_{dn}$ ). The 2013 FEIR concluded that the Original Project would comply with the land use compatibility standards of the Noise Element for outdoor spaces, resulting in a less-than-significant impact.

The 2013 FEIR determined that indoor noise levels at the project site would exceed the Lafayette Land Use Compatibility Standard and Title 24 requirements of 45  $L_{dn}$  for all new residential development. Standard construction materials and methods were not found to provide sufficient exterior-to-interior noise attenuation to meet the noise threshold 45 dBA  $L_{dn}$  for interior rooms. The 2013 FEIR concluded that implementation of special noise control treatments identified in **MM NOISE-1**, including sound-rated windows and doors, plus a suitable form of ventilation, would reduce interior noise levels to below the threshold of 45 A-Weighted Decibel (dBA)<sup>34</sup>  $L_{dn}$ , and therefore would reduce the Original Project's interior impacts resulting from exterior noise levels to a less-than-significant level.

*Groundborne vibration.* The 2013 FEIR determined that operation of heavy construction equipment as part of the Original Project could generate high ground vibration levels which would have the potential to cause structural damage and/or annoyance to nearby sensitive receptors. The 2013 FEIR identified the nearest existing structures to the project site as a ranch with outdoor classes and a summer camp for children directly north of the project site across Deer Hill Road. The threshold at which there is a risk of "architectural" damage (visible cracks) to normal dwellings, such as plastered walls or ceilings, is 0.2 inches per second peak particle velocity (PPV), as defined by the Federal Transportation Agency (FTA). For other existing structures that are more distant from the project site, such as the single-family

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<sup>34</sup> A-weighted decibels, abbreviated dBA, are an expression of the relative loudness of sounds in air as perceived by human ears.

residential land uses east of Pleasant Hill Road, the day care center along Stanley Boulevard, and several schools in the area, the 2013 FEIR determined that groundborne vibration from construction of the Original Project would be significantly reduced by the relatively long propagation pathways and would be considerably below the FTA's 0.2 PPV inches/second criteria for vibration-induced architectural damage. The 2013 FEIR concluded that architectural damage related to vibration impacts from construction of the Original Project would be less than significant and no mitigation measures were required.

With respect to the potential for construction activities associated with the Original Project to create vibration-related annoyance responses at the nearest sensitive receptors, the 2013 FEIR determined that average vibration levels for large off-road construction equipment would not exceed 60 Vibration Velocity Level (VdB) at the nearest off-site land uses, and would not exceed the FTA criterion for vibration annoyance of 75 VdB. Therefore, the 2013 FEIR concluded that impacts related to vibration annoyance would be less than significant and no mitigation measures were required.

*Permanent Increase in Ambient Noise Levels.* The 2013 FEIR determined that the Original Project would involve the development of residential uses with no major stationary sources of noise. The 2013 FEIR determined that minor stationary source-related noise from the operation of air conditioning units and vehicles in the parking lots within the Original Project would be masked by traffic noise on Deer Hill Road and Pleasant Hill Road. Further, the Original Project would be required to comply with applicable noise ordinance standards. Therefore, the 2013 FEIR concluded that the Original Project's operational, stationary source-related noise impacts to off-site uses would be less than significant, and no mitigation was required.

The 2013 FEIR evaluated the potential noise level increases from project-related traffic based on the traffic forecast calculated for the Original Project. The 2013 FEIR determined that the increase in traffic along the highest traffic flow segment, Pleasant Hill Road, resulting from the Original Project would be less than 5 percent. The 2013 FEIR determined that this incremental increase in traffic flow would equate to an associated noise level increase of less than 0.2 decibels (dB), which is well below the most restrictive significance criterion of a 2 dB increase. Therefore, the 2013 FEIR concluded that operational traffic noise impacts of the Original Project on off-site uses would be less than significant, and no mitigation was required.

*Temporary or Periodic Increase in Ambient Noise Levels.* The 2013 FEIR determined that construction vehicles associated with the Original Project would incrementally increase noise levels along site access roadways. However, the 2013 FEIR determined that the expected construction worker trips (below 50 daily trips) and haul truck trips (approximately 300 daily trips) would be negligible relative to the existing traffic

flows, and truck trips would be spread throughout the workday and primarily during non-peak traffic periods. The 2013 FEIR concluded that the Original Project's noise impacts associated with construction vehicles would be less than significant at noise receptors along the construction routes.

The 2013 FEIR estimated the average noise level from construction equipment at the closest residential land uses to the north and northwest to be in the range of 67 to 74 dBA Leq for periods during the highest levels of construction activity. The 2013 FEIR explained that construction activity would have to comply with the Municipal Code limits related to the hours of permitted construction activities, as well as the noise emissions of construction equipment. The 2013 FEIR concluded that with implementation of **MM NOISE-2**, which requires selection of appropriate construction equipment and operating techniques and adherence to the City of Lafayette time-of-day restrictions, the Original Project's impacts related to construction noise levels would be reduced to a less-than-significant level.

*Cumulative Impacts.* The 2013 FEIR determined that the Original Project would not result in a cumulatively considerable increase in noise (1 dB or more in  $L_{dn}$ ) to cumulative noise level increases of 3 dBA  $L_{dn}$  or more. The 2013 FEIR concluded that permanent increases in ambient noise levels resulting from the Original Project, in combination with expected growth in the general area, would result in a less-than-significant cumulative noise impact.

### ***2013 FEIR Mitigation Measures***

**MM NOISE-1:** The exterior glazing, entry doors, exterior wall, and supplemental ventilation design features shall be designed to achieve a 45 dBA  $L_{dn}$  interior noise standard. These features are summarized below and additional details are provided in the WIA report that is included in Appendix I.

- Two classes of exterior glazing are indicated for windows, sliding glass doors, and entry doors:
  - Class I elements shall have a minimum OITC 24/STC 28 rating
  - Class II elements shall have a minimum OITC 21/STC 25 rating

(Note: The different classes are based on the location of proposed buildings on the Project site, per Figures 12 and 13 of the WIA report. Also note that the recommended OITC/STC ratings are for full window assemblies (glass and frame), rather than just for the glass itself.)

- If hard floor surfaces (such as hardwood or ceramic tile) are used, then the minimum recommended glazing rating (above) shall be increased by two OITC/STC points for windows serving those rooms.
- Entrance doors, together with their perimeter seals, shall have STC ratings not less than 26. Such tested doors shall operate normally with commercially available seals. Solid-core wood-slab doors 1-3/8 inches (35 mm) thick minimum or 18 gage insulated steel-slab doors with compression seals all around, including the threshold, may be considered adequate without other substantiating information.
- Acceptable acoustical caulking, applied per the manufacturer's directions, shall be used to properly seal windows, doorways, electrical outlets (in exterior walls), and the indicated intersections of interior gypsum wall board (GWB) installations throughout the affected buildings.
- Potential architectural element suppliers shall verify the acoustical performance ratings by providing laboratory test data for the specific assembly type submitted for the Project.
- Exterior wall assemblies shall have a minimum OITC 38 (comparable to STC 50) rating. This can be achieved with 'typical' assembly designs for this type of multi-family development, which were assumed to consist of 7/8-inch stucco over plywood shear sheathing, 4- to 6-inch deep studs, fiberglass batt insulation in the stud cavity, and at least one layer of 5/8-inch gypsum board on the interior face of the wall.
- Supplemental ventilation shall be provided in the architectural design so as to allow for closed windows as well as the adequate supply of fresh air per applicable building codes.

**MM NOISE-2:** The construction contractor shall adhere to the following measures during construction activities:

- Use of construction equipment shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday.
- Material deliveries and haul-off truck trips shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. Monday through Friday. Further, all such construction trips shall avoid, to the extent reasonably feasible, peak traffic periods along Pleasant Hill Road and

Deer Hill Road (i.e. morning rush hour, midafternoon school pick-up time, and afternoon rush hour).

- Prior to the start of and for the duration of construction, the contractor shall properly maintain and tune all construction equipment in accordance with the manufacturer's recommendations to minimize noise emissions.
- Prior to use of any construction equipment, the contractor shall fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.
- During construction, the construction contractor shall place stationary construction equipment and material delivery (loading/unloading) areas so as to maintain the greatest distance from the nearest residences.
- The construction contractor shall post a sign at the work site that is clearly visible to the public, providing a contact name and telephone number for lodging a noise complaint.

These measures shall be listed on the grading plan and monitored by the City during construction.

## Analysis of the Resumed Project

*Noise Levels in Excess of Standards.* Existing ambient noise environment was documented through a long-term ambient noise measurement conducted from 12:18 p.m., August 28, 2018, to 12:38 p.m., August 30, 2018. The long-term measurement was taken on the northeastern boundary of the project site, approximately 75-feet west of Pleasant Hill Road. This location corresponds with the noise measurement location of the previous noise study prepared for the 2013 FEIR (Figure 4.10-1 of the 2013 FEIR). The results show that current weekday 24-hour average day/night noise levels at this location were up to 68.5 dBA  $L_{dn}$ . The documented daytime hourly average noise level was 65.1 Leq with a nighttime hourly average noise level of 61.3 Leq. The noise measurement data and survey sheets are provided in **Appendix F, Noise Collection Data and Analysis**, of this Addendum. The noise measurements captured all noise sources in the project vicinity, including noise levels from traffic sources. The noise levels documented by the LT-N noise measurement conducted for the 2013 FEIR show that ambient noise levels were found to range from 71 dBA to 74 dBA  $L_{dn}$  at this location. Therefore, current ambient noise conditions on the project site have not changed substantially since the analysis performed for the 2013 FEIR. Consistent with the 2013 FEIR, indoor noise levels at the project site would exceed the Lafayette Land Use

Compatibility Standard and Title 24 requirements of 45 L<sub>dn</sub> for all new residential development. **MM NOISE-1**, as revised and presented below, would apply to the Resumed Project and would reduce this impact to a less-than-significant level.

*Groundborne Vibration.* Consistent with the findings of the 2013 FEIR, groundborne vibration generated by construction activities associated with the Resumed Project would affect both on- and off-site sensitive receptors located in close proximity to the project site. The vibration velocities estimated to occur at the nearest off-site sensitive receptors would be 0.007 in/sec PPV at the residences east of the project site. The nearest residence is considered to be a non-engineered timber and masonry building, and would not experience a PPV groundborne vibration level that exceeds the FTA's 0.2 in/sec PPV threshold, or the Caltrans 0.3 in/sec PPV threshold for older residences. Each of the other receptors is a further distance from the project site, and would therefore experience a lessened vibration impact. Therefore, consistent with the 2013 FEIR conclusions, vibration impacts associated with building damage due to construction activities of the Resumed Project would be less than significant.

Off-site operational groundborne vibration in the project vicinity would be generated by vehicular travel on the local roadways. Project-related traffic would expose residential land uses during long-term operations to a vibration and noise level of far less than the FTA's 80 VdB threshold for residential uses and would be considered less than significant.

*Permanent Increase in Ambient Noise Levels.* Permanent increases in ambient noise levels would mostly result from traffic associated with the Resumed Project. The largest increase in vehicle traffic associated with the Resumed Project would occur at the intersection of Deer Hill Road at Miller Drive/Brown Avenue with a 2.23 percent increase in traffic volumes (**Appendix D, Traffic Impact Study**). According to the Caltrans Technical Noise Supplement, a 3 dB(A) increase in roadway noise levels requires an approximate doubling (100 percent increase) of roadway traffic volume, assuming that travel speeds and fleet mix remain constant.<sup>35</sup> Therefore, consistent with the conclusion of the 2013 FEIR, the Resumed Project would not result in a substantial permanent increase in traffic noise, and impacts related to a permanent increase in ambient noise levels would be less than significant.

*Temporary or Periodic Increase in Ambient Noise Levels.* Additional noise measurements were taken in August 2019 near sensitive receptors that included residences surrounding the project site and Acalanes High School (**Appendix F, Noise Collection Data and Analysis**). Noise levels associated with Resumed Project construction activities were calculated and combined with existing ambient noise level readings to determine new ambient noise levels with construction activities. The California Emissions Estimator

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<sup>35</sup> Caltrans, *Technical Noise Supplement*. 2013.

Model (CalEEMod) default construction equipment assumptions for site grading were used to develop a construction equipment list used for the noise model input. Traffic noise in the project area was estimated using peak-hour traffic obtained from the traffic study prepared for the Resumed Project.

Ground clearing, grading, construction, and other noise-generating activities would occur between 7:00 a.m. and 10:00 p.m. in accordance with the City of Lafayette Municipal Code (LMC). Construction activities would vary over several phases of development and would include large off-road equipment such as tractors, loaders, and smaller equipment such as saws, hammers, and pneumatic tools. As shown in **Table 5.12-1, Construction Noise Levels**, construction noise levels at each sensitive receptor identified above would not exceed the LMC 80 dB(A) limit for construction equipment. Construction activities would elevate ambient noise levels, but these noise levels would remain below the threshold adopted from the LMC. Similar to the conclusions of the 2013 FEIR, the Resumed Project would have to comply with the LMC limits related to the hours of permitted construction activities and the noise emissions of construction equipment, and the Resumed Project would result in a less-than-significant impact related to on-site construction equipment noise. Revised **MM NOISE-2** would apply to the Resumed Project to further reduce the less-than-significant noise impacts related to on-site construction equipment noise.

**Table 5.12-1**  
**Construction Noise Levels**

<b>Sensitive Receptor</b>	<b>Distance from Site (feet)</b>	<b>Maximum Construction Noise Level (dB(A))</b>	<b>Existing Ambient Noise (dB(A), Leq)</b>	<b>Ambient Noise with Project Construction (dB(A), Leq)</b>
Acalanes High School	400	70.1	68.4	72.4
Lot Adjacent to Single-Family Residences (Near Pleasant Hill Circle and Acalanes Avenue)	140	79.3	54.9	79.3
Sienna Ranch	180	77.1	68.0	77.6
Deer Hill Road Residence (Southwest of Site)	220	75.3	71.0	76.7

Source: Impact Sciences, 2019.

Construction vehicles including haul trucks and worker vehicles would generate noise off-site during demolition, site preparation, and construction. While this vehicle activity would increase ambient noise levels along the haul route, ambient noise levels would not be expected to increase ambient noise levels by 3 dB(A) or greater at any noise sensitive land use. According to the Caltrans Technical Noise Supplement, a 3 dB(A) increase in roadway noise levels requires an approximate doubling (100 percent



increase) of roadway traffic volume, assuming that travel speeds and fleet mix remain constant.<sup>36</sup> Though the addition of haul trucks would alter the fleet mix of the anticipated haul route, their addition to local roadways would not nearly double roadway traffic volumes, or increase their traffic to levels capable of producing 3 dBA ambient noise increases. As a result, the Resumed Project's impacts related to off-site construction activity noise would be less than significant.

*Cumulative Impacts.* Consistent with the conclusions of the 2013 FEIR, the Resumed Project would not result in a cumulatively considerable increase in noise (1 dB or more in  $L_{dn}$ ) to cumulative noise level increases of 3 dBA  $L_{dn}$  or more. Therefore, increases in ambient noise levels resulting from the Resumed Project, in combination with expected growth in the general area, would result in a less-than-significant cumulative noise impact.

### ***Mitigation Measures Required for the Resumed Project***

**Revised MM NOISE-1:** The exterior glazing, entry doors, exterior wall, and supplemental ventilation design features shall be designed to achieve a 45 dBA  $L_{dn}$  interior noise standard. These features are summarized below and additional details are provided in the WIA report that is included in Appendix I of the 2013 FEIR.

- Two classes of exterior glazing are indicated for windows, sliding glass doors, and entry doors:
  - Class I elements shall have a minimum OITC 24/STC 28 rating
  - Class II elements shall have a minimum OITC 21/STC 25 rating

(Note: The different classes are based on the location of proposed buildings on the Project site, per Figures 12 and 13 of the WIA report. Also note that the recommended OITC/STC ratings are for full window assemblies (glass and frame), rather than just for the glass itself.)

- If hard floor surfaces (such as hardwood or ceramic tile) are used, then the minimum recommended glazing rating (above) shall be increased by two OITC/STC points for windows serving those rooms.
- Entrance doors, together with their perimeter seals, shall have STC ratings not less than 26. Such tested doors shall operate normally with commercially available seals.

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<sup>36</sup> Caltrans, *Technical Noise Supplement*. 2013.

Solid-core wood-slab doors 1-3/8 inches (35 mm) thick minimum or 18 gage insulated steel-slab doors with compression seals all around, including the threshold, may be considered adequate without other substantiating information.

- Acceptable acoustical caulking, applied per the manufacturer's directions, shall be used to properly seal windows, doorways, electrical outlets (in exterior walls), and the indicated intersections of interior gypsum wall board (GWB) installations throughout the affected buildings.
- Potential architectural element suppliers shall verify the acoustical performance ratings by providing laboratory test data for the specific assembly type submitted for the Project.
- Exterior wall assemblies shall have a minimum OITC 38 (comparable to STC 50) rating. This can be achieved with 'typical' assembly designs for this type of multi-family development, which were assumed to consist of 7/8-inch stucco over plywood shear sheathing, 4- to 6-inch deep studs, fiberglass batt insulation in the stud cavity, and at least one layer of 5/8-inch gypsum board on the interior face of the wall.
- Supplemental ventilation shall be provided in the architectural design so as to allow for closed windows as well as the adequate supply of fresh air per applicable building codes.

**Revised MM NOISE-2:** The construction contractor shall adhere to the following measures during construction activities:

- Use of construction equipment shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday.
- ~~M~~ Subject to the additional restrictions set forth in MM TRAF-7, material deliveries and haul-off truck trips shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. Monday through Friday. Further, all such construction trips shall avoid, to the extent reasonably feasible, peak traffic periods along Pleasant Hill Road and Deer Hill Road (i.e. morning rush hour, midafternoon school pick-up time, and afternoon rush hour).

- Prior to the start of and for the duration of construction, the contractor shall properly maintain and tune all construction equipment in accordance with the manufacturer's recommendations to minimize noise emissions.
- Prior to use of any construction equipment, the contractor shall fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.
- During construction, the construction contractor shall place stationary construction equipment and material delivery (loading/unloading) areas so as to maintain the greatest distance from the nearest residences.
- The construction contractor shall post a sign at the work site that is clearly visible to the public, providing a contact name and telephone number for lodging a noise complaint.

These measures shall be listed on the grading plan and monitored by the City during construction.

### **Changes in Circumstances and/or New Information**

There are no changes in circumstances in which the Resumed Project would be undertaken that would affect the analysis of noise impacts in the 2013 FEIR. No new information has become available and no new regulations related to noise have come into effect since the certification of the 2013 FEIR that would alter the previous analysis and change its conclusions regarding environmental impacts such that preparation of an SEIR would be required.

### **Findings**

For the reasons stated above, with the implementation of identified mitigation measures, the Resumed Project would result in less-than-significant noise impacts. The potential noise impacts of the Resumed Project are adequately analyzed in the 2013 FEIR. Revised **MM NOISE-1** and Revised **MM NOISE-2** would apply to the Resumed Project. No new or substantially more severe significant impacts related to noise would result from the Resumed Project beyond those analyzed in the 2013 FEIR. No new mitigation is required.

### 5.13 POPULATION AND HOUSING

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR. The potential impacts of the Resumed Project related to population and housing would be similar to those identified for the Original Project. The Resumed Project would not result in any new or substantially more severe significant environmental impacts related to population and housing than those identified in the 2013 FEIR for the Original Project.

#### Summary of Analysis in the 2013 Final EIR

*Population Growth.* The 2013 FEIR determined that the Original Project would add 658 residents, which would represent approximately 60 percent of the 1,100 new residents forecast for Lafayette by 2020 in the Association of Bay Area Government's (ABAG) 2009 projections. The 2013 FEIR determined that the Original Project's maximum 315 residential units would represent 59 percent fewer residential units than allowed under the City's APO zoning classification (779 residential units<sup>37</sup>). The 2013 FEIR calculated that this would result in 30 percent of the 1,026 new residential units forecasted by 2020 in the City's General Plan EIR. The 2013 FEIR determined that the Original Project would be consistent with buildout of existing planning designations as well as regional projections. Therefore, the 2013 FEIR concluded that impacts related to increases in population resulting from the Original Project would be less than significant.

The 2013 FEIR determined that the proposed on-site utilities and roadway infrastructure would serve only the future residents of the Original Project and would not facilitate additional development as a result of increased infrastructure. Therefore, the 2013 FEIR concluded that the Original Project's population and housing impacts associated with new infrastructure would be less than significant.

*Housing.* The 2013 FEIR determined that the since-demolished housing unit that was present at the project site was vacant, and therefore the 2013 FEIR concluded that the Original Project would result in no impact related to displacing people or requiring the construction of new housing.

*Cumulative Impacts.* The 2013 FEIR determined that although the population buildout of the cumulative projects would exceed regional projections, the number of housing units would be within the amount planned for by the General Plan and would be consistent with the General Plan's direction to focus new growth in the downtown. Therefore, the 2013 FEIR concluded that the Original Project's cumulative impact related to induced population growth would be less than significant. The 2013 FEIR determined that, as no existing residents were on the project site, buildout of the Original Project would not in and of

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<sup>37</sup> 22.27 acres x 35 dwelling units/acre = 779

itself displace housing units or people. The 2013 FEIR determined that cumulative projects would be infill projects in downtown Lafayette that would provide additional housing opportunities within the City and increase the housing supply in Lafayette. Therefore, the 2013 FEIR concluded that cumulative projects in combination with the Original Project would not displace people or housing units from Lafayette, and the Original Project's cumulative impact related to population and housing would be less than significant.

## Analysis of the Resumed Project

*Population Growth.* The Resumed Project would add 315 new multifamily units to the City. Based on the 2017 U.S. Census (the latest data available at the time of the preparation of this analysis), the average household in the City of Lafayette for renter occupied housing is 2.41.<sup>38</sup> Therefore, the Resumed Project is estimated to result in approximately 760 new residents.<sup>39</sup> Based on the ABAG 2040 projection, the population of the City of Lafayette is estimated to increase by 1,915 residents—from a population of 24,705 in 2020 to 26,620 in 2040.<sup>40</sup> Therefore, the Resumed Project would accommodate approximately 40 percent of the estimated new City population.

The applicable General Plan land use designation for the Resumed Project site is Administrative/Professional Office/Multifamily Residential and the applicable zoning is the Administrative/Professional Office (APO) district.<sup>41</sup> Based on the APO zoning, the Resumed Project would generate 59 percent fewer residential units than permitted under the applicable zoning (779 residential units versus 315 residential units). Therefore, the Resumed Project would be consistent with buildout of applicable planning designations as well as regional projections.

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<sup>38</sup> U.S. Census Data. 2017. Selected Housing Characteristics. 2013-2017 American Community Survey 5-Year Estimates. <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>. Accessed March 2020.

<sup>39</sup> The 2013 FEIR calculated the estimated number of residents of the Original Project based on the average household of 2.09 from the 2010 U.S. Census for the City of Lafayette. The average household based on the 2017 U.S. Census data is 2.41.

<sup>40</sup> ABAG and Metropolitan Transportation Commission. 2018. Plan Bay Area Projections 2040. November.

<sup>41</sup> Because the Resumed Project is a "housing development project" as defined in the Housing Accountability Act (California Government Code Section 65589.5), "a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project." (Cal. Gov't Code Sec. 65589.5(d)(5)). Therefore, the pending application for the Resumed Project must be processed under the original Administrative/Professional Office/Multifamily Residential General Plan land use designation and the original Administrative/Professional Office (APO) District zoning that applied at the time the application for the Resumed Project was deemed complete in July 2011. The APO zoning allows up to 35 dwelling units per acre, which would allow a maximum of up to 779 units on the approximately 22.27-acre project site (22.27 acres x 35 dwelling units/acre = 779).

Similar to the analysis in the 2013 FEIR, it is expected that some of the Resumed Project's residents may relocate to the project site from other locations within Lafayette and others may move to Lafayette to occupy the Resumed Project's housing units. Therefore, not all of the Resumed Project's 760 anticipated residents would represent new residents for the City. Similar to the conclusions of the 2013 FEIR, because the Original Project would be consistent with the applicable planning designations as well as regional projections, the increases in population related to the Resumed Project would be less than significant.

In addition, consistent with the analysis in the 2013 FEIR, all roads and infrastructure would be designed to serve only the project site and would not facilitate additional development or remove a physical barrier to growth. Therefore, similar to the conclusion of the 2013 FEIR, the Resumed Project's population and housing impacts associated with new infrastructure would be less than significant.

*Housing.* Since the certification of the 2013 FEIR, the vacant residence and structures at the project site have been demolished (Demolition permits are included in **Appendix A**). Consistent with the conclusions of the 2013 FEIR, the Resumed Project would have no impact related to displacing people or housing.

*Cumulative Impact.* ABAG Population projections estimate an increase of 1,915 City residents between 2020 and 2040, an overall increase of approximately 0.7 percent, or 0.03 percent per year. The Resumed Project-induced population increase of 760 persons would represent 40 percent of the projected population growth in the City between 2020 and 2040. Other developments within the project area would add approximately 1,230 dwelling units (**Table 5.0-1, Cumulative Projects**), and therefore, would result in a population increase of approximately 2,965 persons or 11 percent of the forecasted 2040 population of the City of Lafayette.<sup>42</sup>

Similar to the Resumed Project, future residents of other developments may relocate to the new dwellings from other locations within Lafayette and others may move to Lafayette to occupy the new housing units. Therefore, not all of the estimated 2,965 residents of other developments would represent new residents for the City. In addition, similar to Resumed Project, other developments would be consistent with the applicable planning designations. Therefore, when considered in combination with the other projects anticipated in the project area, cumulative impacts related to the population and housing growth associated with the Resumed Project and other major projects would be less than significant.

## Changes in Circumstances and/or New Information

Since the certification of the 2013 FEIR, ABAG has updated its population projections for the region. These estimates show an increasing population trend through 2040. These population estimate updates

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<sup>42</sup> Based on an average household of 2.41.

would not alter the previous analysis or change its conclusions regarding environmental impacts related to population and housing such that preparation of an SEIR would be required.

## Findings

The potential population and housing impacts of the Resumed Project are adequately analyzed in the 2013 FEIR. The Resumed Project would not result in any new or substantially more severe significant environmental impacts related to population and housing beyond those discussed in the 2013 FEIR. No new mitigation is required.

### 5.14 PUBLIC SERVICES

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR. Therefore, the potential impacts of the Resumed Project related to public services would be similar to those identified for the Original Project. The Resumed Project would not result in any new or substantially more severe environmental impacts related to public services than those identified in the 2013 FEIR for the Original Project.

#### Summary of Analysis in the 2013 Final EIR

*Fire Protection and Emergency Medical Response.* The 2013 FEIR determined that the Original Project would result in new development, with an estimated 658 new residents, on an undeveloped site and would represent a more intense use of the project site when compared to existing conditions. The 2013 FEIR determined that the Original Project would create an increased demand for fire protection services and add to the workload of the CCCFPD, which was not meeting the 5-minute response time standard established in the General Plan. The 2013 FEIR indicated that CCCFPD had determined that construction of the Original Project would not require the construction or expansion of CCCFPD facilities. Nonetheless, the Original Project would require the payment of development impact fees to help maintain the CCCFPD facilities. The 2013 FEIR concluded that impacts related to the provision of fire protection services resulting from construction of the Original Project would be less than significant.

*Cumulative Impacts Related to Fire Protection and Emergency Medical Response.* The 2013 FEIR stated that the CCCFPD had improved response times in recent years. The 2013 FEIR also explained that, similar to the Original Project, other new residential and commercial development in the CCCFPD service area would be required to pay mandatory development impact fees, which would defray the cost of additional facilities and equipment as needed to accommodate the increase in service population. The 2013 FEIR concluded that construction of the Original Project, in combination with other past, present, and

reasonably foreseeable projects in the CCCFPD service area would result in a less-than-significant cumulative impact related to fire protection services.

*Law Enforcement.* The 2013 FEIR determined that the additional number of people and activity on the project site resulting from the Original Project would increase the need for police services in the service area of Lafayette Police Service Department (LPSD). The 2013 FEIR determined that the Original Project would increase calls for service by three percent, based on the crime rate in the City. The 2013 FEIR determined that with an estimated increase of 658 residents at the project site, LPSD staffing levels would be 0.6524 officers per 1,000 persons in the service area. The 2013 FEIR explained that, in compliance with General Plan Policy S-7.1, the City would prepare a nexus study to determine the appropriate fee that could support the LPSD's additional personnel and associated equipment. The 2013 FEIR concluded that construction of the Original Project would increase the volume of calls for police services in the project area and exacerbate response times. The 2013 FEIR concluded that with implementation of **MM PS-1a** through **MM PS-1d**, presented below, the Original Project's impact related to police services would be reduced to a less-than-significant level.

The 2013 FEIR analysis determined that, while the Original Project's site plan appeared to conform to LPSD's requirements for emergency access, the Original Project's introduction of additional traffic at the Pleasant Hill Road and Deer Hill Road intersection could significantly impact LPSD response times. The 2013 FEIR concluded that the Original Project's impacts related to emergency access in the project site vicinity would be reduced to less-than-significant levels through the installation of detection equipment for emergency vehicles, as required by **MM TRAF-2**, described below in **Section 5.15, Transportation**.

*Cumulative Law Enforcement Impacts.* The 2013 FEIR determined that cumulative projects would require additional personnel and equipment to maintain or improve police response times. The 2013 FEIR explained that, similar to the Original Project, the applicants for the cumulative projects would be required to pay police impact fees to offset their impacts to the LPSD and to implement project-specific crime prevention design features. The 2013 FEIR concluded that, with the implementation of **MM PS-1a** through **MM PS-1d**, the Original Project's cumulative impacts related to law enforcement would be less than significant.

*Schools.* The 2013 FEIR explained that the Acalanes Union High School District (AUHSD) anticipated the Original Project to generate an additional 53 to 78 high school students, based on the student yield rates for residential units ranging from 0.17 to 0.25. The 2013 FEIR determined that although the additional 53 students would exceed AUHSD's capacity, given the declining enrollment trend, excess enrollment at Acalanes High School could likely be accommodated through transfers. The 2013 FEIR concluded that the Original Project would not require the construction or expansion of AUHSD facilities. In addition, the



Original Project would pay a parcel tax to the AUHSD under Measure G. Therefore, the 2013 FEIR concluded that the Original Project's impacts related to the AUHSD would be less than significant.

The 2013 FEIR determined that the Original Project would generate approximately 63 grade K-5 students and 63 grade 6-9 students, which would not exceed the capacity of Springhill Elementary School and Stanley Middle School. The 2013 FEIR determined that the Original Project would not result in the need for the construction or expansion of Lafayette School District (LAFSD) facilities. The 2013 Final EIR concluded that, with payment of the LAFSD developer impact fee in compliance with California Education Code Section 17620(a)(1), the Original Project's impacts related to the LAFSD would be less than significant.

*Cumulative Impacts to Schools.* The 2013 FEIR explained that similar to the Original Project, the developers of the other cumulative projects would be responsible for paying the parcel tax to the AUHSD under Measure G, and the LAFSD developer impact fees. The analysis concluded that in combination with past, present, and reasonably foreseeable projects in the LAFSD and AUHSD, the Original Project would result in less-than-significant cumulative impacts related to schools.

*Libraries.* The 2013 FEIR determined that the Original Project may increase the use of library services within Lafayette and the need for library facilities. However, the 2013 FEIR reported that the Lafayette Library and Learning Center (LLLC) did not experience any deficiencies at the time of preparation of the 2013 FEIR. Furthermore, given physical and online access to 26 libraries in Contra Costa County, the 2013 FEIR noted that the Original Project would not require the LLLC to hire more staff or to expand existing facilities. Therefore, the 2013 FEIR concluded that the Original Project's impact related to libraries would be less than significant.

*Cumulative Impacts to Libraries.* The 2013 FEIR determined that implementation of the Original Project in conjunction with the cumulative projects would further increase demands on library services. However, the 2013 FEIR determined that, given physical and online access to 26 libraries in the Contra Costa County, cumulative projects in combination with the Original Project would not require the LLLC to hire more staff or to expand existing facilities in order to accommodate the cumulative demand for library services. The 2013 FEIR concluded that the Original Project would result in a less-than-significant cumulative impact related to libraries.

*Parks and Recreational Facilities.* The 2013 FEIR explained that the City of Lafayette does not meet the standard of 5 acres per 1,000 residents established in the General Plan, and that recreational facilities within Lafayette that are available to the public are used at full capacity. The 2013 FEIR determined that the estimated 658 new residents of the Original Project would generate demand for an additional 3.29

acres of parks and recreational services. The 2013 FEIR determined that considering the Original Project's provision of 3.29 acres of resident-only recreational area on-site and consistency with applicable General Plan policies, in conjunction with the collection of Developer Impact Fees that support the City's parks and recreation fund, the Original Project's impacts on the City's recreational facilities would be less than significant.

The 2013 FEIR determined that the Original Project would result in a modest increase in usage of the three regional park facilities surrounding the project vicinity: Lafayette Reservoir, Briones Regional Park, and Las Trampas Regional Wilderness. The 2013 FEIR concluded that the Original Project would not trigger a need for new facilities to be built. Therefore, the 2013 FEIR concluded that the Original Project would result in a less-than-significant impact related to regional park facilities.

*Cumulative Impacts to Parks and Recreational Facilities.* The 2013 FEIR determined that, similar to the Original Project, cumulative projects that include new housing would be required to either dedicate parkland or pay parkland in-lieu fees that would be used to acquire and develop new parkland. The 2013 FEIR concluded that the Original Project's cumulative impacts on parks and recreational facilities would be less than significant.

### ***2013 FEIR Mitigation Measures***

**MM PS-1a:** The Project's outdoor lighting plan shall be reviewed and approved by the Lafayette Police Services Department prior to the issuance of building permits by Contra Costa County.

**MM PS-1b:** The Project shall include a video surveillance system. The location and position of the video surveillance system shall be reviewed and approved by the by the Lafayette Police Services Department prior to the issuance of building permits by Contra Costa County.

**MM PS-1c:** The Project shall include the services of a private security company to routinely patrol the premises upon construction of the proposed Project. A draft contract between a private security company and the apartment management company shall be reviewed and approved by the Lafayette Police Services Department prior to the issuance of building permits by Contra Costa County.

**MM PS-1d:** The Project shall pay a police impact fee to the City prior to the issuance of building permits by Contra Costa County. The City would prepare a nexus study to determine the appropriate fee that could support the LPSD's additional personnel and associated equipment. If the impact fee assessment by the City is not in place at the time of building

permit issuance for the Project, the Project applicant would be required to pay the fees after the building permit issuance when the City finishes the nexus study.

## Analysis of the Resumed Project

*Fire Protection and Emergency Response Services.* Similar to the Original Project, the Resumed Project would result in new development on an undeveloped site, which would represent a more intense use of the site when compared to existing conditions. The CCCFPD's objective is to respond within five minutes of a call 90 percent of the time. According to the CCCFPD, response times are well within the emergency medical service agency's 5 minutes/90 percent objective<sup>43</sup> Similar to the determinations of the 2013 FEIR, the Resumed Project would pay development impact fees and incorporate currently required CBC and City fire safety features. As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the Resumed Project would incorporate 2013 FEIR **MM TRAF-6** and **MM TRAF-8**, which require adequate truck turning radii at on-site driveway intersections by providing minimum inside turning radius of 25 feet and a minimum outside turning radius of 45 feet. The measures also require adequate turning radii at the three project driveways. In addition, the CCCFPD would review all plans to ensure adequate access is provided and all fire safety features are included. Therefore, consistent with the conclusion of the 2013 FEIR, the Resumed Project would result in a less-than-significant impact related to fire protection and emergency access services. No new mitigation is required.

*Cumulative Impacts of Fire Protection and Emergency Medical Response.* As explained above, the CCCFPD response times are currently well within the emergency medical service agency's 5 minutes/90 percent objective. Similar to the conclusions of the 2013 FEIR, the CCCFPD would require other cumulative developments within its service area to pay mandatory development impact fees, which would defray the cost of additional facilities and equipment as needed to accommodate the increase in service population. Consistent with the conclusion of the 2013 FEIR, the Resumed Project, in combination with other past, present, and reasonably foreseeable cumulative projects in the CCCFPD service area, would result in a less-than-significant cumulative impact related to fire protection and emergency medical services.

*Law Enforcement.* In 2018, there were 306 reported crimes within the City of Lafayette.<sup>44</sup> Given that the population of Lafayette in 2018 was 26,077,<sup>45</sup> the crime rate for that year was approximately 1.1 percent.

<sup>43</sup> Contra Costa County Fire Protection District. Fire Chief's Message. Available online at: <https://www.cccfpd.org/chiefs-message>, accessed November 27, 2019.

<sup>44</sup> City of Lafayette. 2018. Police Department – City of Lafayette. 2018 Annual Report.

<sup>45</sup> California Department of Finance. 2018. Table E-5. Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>. Accessed November 19, 2019.

This constitutes a 12 percent reduction of all reported crimes from 2017 to 2018. The estimated crime rate in Lafayette in 2017 was approximately 1.3 percent.<sup>46</sup> Consistent with prior years, the vast majority of reported crimes were property related offenses. Crimes against persons remained extremely low, also consistent with prior years. The greatest reduction in crimes was in property crimes, specifically residential burglaries. In 2018, the Lafayette Police Department received 16,610 calls for service. A call for service is generated anytime a citizen calls into Dispatch requesting service or when an officer initiates some form of proactive patrol. Currently, the City of Lafayette Police Department includes 12 officers.<sup>47</sup> This represents 0.455 officers per 1,000 persons in the service area. In compliance with General Plan Policy S-7.1, the City would prepare a nexus study to determine the appropriate fee that could support the LPSD's additional personnel and associated equipment. Similar to the conclusions of the 2013 FEIR, the Resumed Project would increase the volume of calls for police services in the project area and exacerbate response times. 2013 FEIR **MM PS-1a** through **MM PS-1d** would apply to the Resumed Project and would reduce this impact to a less-than-significant level. No new mitigation measures are required.

The introduction of additional traffic from the Resumed Project at the Pleasant Hill Road and Deer Hill Road intersection could significantly impact LPSD response times. However, consistent with the conclusions of the 2013 FEIR, this impact of the Resumed Project would be reduced to a less-than-significant level through the installation of detection equipment for emergency vehicles, as required by **MM TRAF-2**, described below in **Section 5.15, Transportation**.

*Cumulative Law Enforcement Impacts.* Similar to the determinations of the 2013 FEIR, cumulative projects would require additional personnel and equipment to maintain or improve police response times and would be required to pay police impact fees to offset their impacts to the LPSD and implement project-specific crime prevention design features. Consistent with the conclusions of the 2013 FEIR, the Resumed Project's cumulative impacts related to law enforcement would be less than significant.

*Schools.* Similar to the Original Project, the Resumed Project would result in an additional 53 to 78 high school students at the Acalanes Union High School District (AUHSD), based on the student yield rates for residential units ranging from 0.17 to 0.25.<sup>48</sup> Student enrollment at AUHSD for the Fall 2020-2021 is

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<sup>46</sup> Total population of the City of Lafayette in 2017 was 25,835 and 347 crimes were reported.

<sup>47</sup> PoliceOne.Com. 2019. Lafayette Police Department- Lafayette, California. <https://www.policeone.com/law-enforcement-directory/police-departments/lafayette-police-department-lafayette-ca-GRtR9VD6oav54t4x/>. Accessed: November 21, 2019.

<sup>48</sup> The upper end of this range, which is the same one used in the 2013 FEIR, was a conservative assumption, considering that the student yield rates for high schools according to the State Allocation Board is 0.2.

estimated to be between 1,250 and 1,350 students.<sup>49</sup> As shown in **Table 5.14-1, Capacity of Local Schools Serving the Project Site**, the enrollment trend at AUUSD has been slightly declining, and projected enrollment for the school year 2021-2022 is 8.5 percent less than the 2015-2016 enrollment. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project would not require the construction or expansion of AUHSD facilities. In addition, the Resumed Project would pay a parcel tax to the AUHSD under Measure G. For the above reasons, similar to the conclusions of the 2013 FEIR, the Resumed Project's impacts related to the AUHSD would be less than significant. No new mitigation is required.

Similar to the Original Project, the Resumed Project would generate approximately 63 grade K-5 students and 63 grade 6-9 students. As shown in **Table 5.14-1, Capacity of Local Schools Serving the Project Site**, students generated by the Resumed Project would not exceed the capacity of neither Springhill Elementary School nor Stanley Middle School. Therefore, the Resumed Project would not require the construction or expansion of LAFSD facilities. The project applicant would be required pay the developer impact fee in compliance with California Education Code Section 17620(a)(1) to the LAFSD. Consistent with the conclusions of the 2013 FEIR, the Resumed Project's impacts related to LAFSD would be less than significant. No new mitigation is required.

**Table 5.14-1**  
**Capacity of Local Schools Serving the Project Site**

School	Capacity	Past/Current Enrollment <sup>1</sup>				Projected Enrollment		
		2015-16	2016-17	2017-18	2018-19	2019-2020 <sup>5</sup>	2020-2021	2021-2022
Acalanes High School <sup>2</sup>	1,400	1,423	1,360	1,377	1,335	1,289	1,313	1,301
Stanley Middle School <sup>3</sup>	1,320	1,220	1,235	1,227	1,227	1,336	-	-
Springhill Elementary <sup>4</sup>	530	486	481	469	454	488	-	-

<sup>1</sup> ED Data Education Data Partnership. 2019. <https://www.ed-data.org/school/Contra-Costa/Acalanes-Union-High/Acalanes-High>

<sup>2</sup> Acalanes Union High School District. 2019. 2019-2020 Budget Adoption.

[https://www.acalanes.k12.ca.us/cms/lib/CA01001364/Centricity/Domain/609/2019-2020%20Budget%20Adoption\\_06\\_26\\_19.pdf](https://www.acalanes.k12.ca.us/cms/lib/CA01001364/Centricity/Domain/609/2019-2020%20Budget%20Adoption_06_26_19.pdf)

<sup>3</sup> Lafayette Elementary School District. 2015. Demographic Study: Long-Range Enrollment Projections. March.

<sup>4</sup> Lafayette Elementary School District. 2014. Demographic Study: Revised Enrollment Projections. November.

<sup>5</sup> Powers, Andrea. 2020.

*Cumulative Impacts to Schools.* Similar to the Resumed Project, the developers of the other cumulative projects would be responsible for paying the parcel tax to the AUHSD under Measure G, and the LAFSD developer impact fees. Therefore, consistent with the conclusions of the 2013 FEIR, in combination with

<sup>49</sup> Powers, Andrea. 2020. Acalanes Union High School District. Associate Principal. Personal Communication with Nancy Tran. April 21.

past, present, and reasonably foreseeable projects in the LAFSD and AUHSD, the Resumed Project would result in a less-than-significant cumulative impact related to schools. No new mitigation is required.

*Libraries.* Consistent with the determinations of the 2013 FEIR, given physical and online access to 26 libraries in the Contra Costa County, the Resumed Project would not require the LLLC to hire more staff or to expand existing facilities in order to accommodate increased demand for library services. Therefore, consistent with the conclusions of the 2013 FEIR, the Resumed Project's impact related to libraries would be less than significant. No new mitigation is required.

*Cumulative Impacts to Libraries.* Consistent with the determinations of the 2013 FEIR, with the physical and online access to 26 libraries in the Contra Costa County, cumulative projects in combination with the Resumed Project would not require the LLLC to hire more staff or to expand existing facilities in order to accommodate the cumulative demand for library services. Therefore, consistent with the conclusions of the 2013 FEIR, the Resumed Project would result in a less-than-significant cumulative impact related to libraries. No new mitigation is required.

*Parks and Recreational Facilities.* The estimated 760 new residents of the Resumed Project would generate similar, although somewhat increased due to the larger average household size in Lafayette at time of preparation of this Addendum as compared to the preparation of the 2013 FEIR, demand for parks as the Original Project. The Resumed Project would develop the same recreational facilities as previously analyzed in the 2013 FEIR. The Resumed Project would pay development impact fees in accordance with the most recent fee schedule. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project's impact related to parks and recreational facilities would be less than significant. No new mitigation is required.

*Cumulative Impacts to Parks and Recreational Facilities.* Consistent with the determinations of the 2013 FEIR, cumulative projects that include new housing would be required to either dedicate parkland or pay parkland in-lieu fees that would be used to acquire and develop new parkland, similar to the Resumed Project. Therefore, the Resumed Project's cumulative impacts related to parks and recreational facilities would be less than significant. No new mitigation is required.

### ***Mitigation Measures Required for the Resumed Project***

2013 FEIR **MM PS-1a** through **MM PS-1d** presented above would apply to the Resumed Project. No new mitigation measures are needed.

## Changes in Circumstances and/or New Information

There are no changes in circumstances in which the Resumed Project would be undertaken that would affect the analysis of public services impacts in the 2013 FEIR. No new information has become available and no new regulations related to public services have come into effect since the certification of the 2013 FEIR that would alter the previous analysis or change its conclusions regarding impacts related to public services such that preparation of an SEIR would be required.

## Findings

The potential public services impacts of the Resumed Project are adequately analyzed in the 2013 FEIR. The Resumed Project would not result in any new or substantially more severe significant environmental impacts related to public services beyond those analyzed in the 2013 FEIR. No new mitigation is required.

### 5.15 TRANSPORTATION

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR. Design refinements that were either identified as mitigation measures in the 2013 FEIR or recommended by the City staff have been incorporated into the Resumed Project. These include the incorporation of mitigation measures related to transportation. The design refinements have reduced to less-than-significant levels two of the Original Project related to traffic that the 2013 FEIR had determined would be significant and unavoidable, and have reduced the level of severity of some other impacts related to traffic, pedestrians, bicyclists, emergency access, and passenger loading. Therefore, the potential impacts related to transportation of the Resumed Project would be similar to or less than those identified in the 2013 FEIR for the Original Project. The Resumed Project would not result in any new or substantially more severe significant environmental impacts related to transportation than those identified in the 2013 FEIR for the Original Project.

### Summary of Analysis in the 2013 Final EIR

**Impact TRAF-1:** The 2013 FEIR determined that under Existing plus Original Project conditions, the Deer Hill Road– Stanley Boulevard/Pleasant Hill Road intersection would operate at Level of Service (LOS) F<sup>50</sup> during the AM peak hour, with delay

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<sup>50</sup> LOS F is defined in the Highway Capacity Manual as: Control delay in excess of 80 seconds per vehicle. Unacceptable to most drivers. Oversaturation, arrival flow rates exceed the capacity of the intersection. Many individual cycle failures. Poor progression and long cycle lengths may also be contributing factors to higher delay.

**Table 1, Level of Service Definitions for Signalized Intersections, in Appendix D, Traffic Impact Study, of this Addendum** provides a description of level of services as defined by the Highway Capacity Manual.

increasing by 9.0 seconds as a result of the Original Project. The Original Project was found to increase delay by more than 5 seconds at this intersection, which was operating below the acceptable standard under existing conditions. The 2013 FEIR determined that this impact would be significant. Because no available feasible mitigation measures to reduce this impact to a less-than-significant level were identified, the 2013 FEIR concluded that this impact of the Original Project would be significant and unavoidable.

**Impact TRAF-2:**

The 2013 FEIR determined that under Existing plus Original Project conditions, the northbound and southbound stop-controlled minor approaches on Brown Avenue at Deer Hill Road would continue to operate at an unacceptable LOS F during the AM and PM peak hours, with delay increases substantially higher than 5 seconds. The 2013 FEIR determined that the peak hour traffic signal warrant per the Manual on Uniform Traffic Control Devices (MUTCD) would be met for both peak hours under both Existing Conditions and Existing plus Original Project scenarios. Because the Original Project would increase delay by more than 5 seconds at an intersection operating below the acceptable standard, and result in inadequate emergency access to Deer Hill Road, the 2013 FEIR determined that the Original Project would result in a significant impact. The 2013 FEIR identified **MM TRAF-2**, which would require the project applicant to coordinate with the City to contribute a fair share of the cost, including an in-lieu payment, to install a traffic signal at the Brown Avenue/Deer Hill Road intersection, which would include an emergency vehicle preemption system (Opticom), which would allow emergency response vehicles approaching the signalized intersection to activate a green signal for their travel direction. The 2013 FEIR concluded that with implementation of **MM TRAF-2**, this impact of the Original Project would be less than significant.

**Impact TRAF-3:**

The 2013 FEIR determined that the Original Project's design features would increase traffic hazards, because the potential for inadequate sight-distance would exist at all of the Original Project's driveways. The 2013 FEIR also determined that the location of the west project driveway on Deer Hill Road would provide inadequate sight-distance for westbound traffic. The 2013 FEIR determined that this impact would be significant. The 2013 FEIR identified **MM TRAF-3**, which would impose specific landscaping design requirements to maintain the line of sight at project driveways, and also would require relocating



the west project driveway on Deer Hill Road at least 100 feet to the west. The 2013 FEIR concluded that with implementation of **MM TRAF-3**, this impact of the Original Project would be less than significant.

**Impact TRAF-4:** The 2013 FEIR determined that because westbound vehicles on Deer Hill Road would increase their speeds as they descend the hill east of the Original Project's west driveway, slowing or stopping in the westbound Deer Hill Road through lane before turning left into the Original Project's west driveway, the Original Project would present potential safety issues and substantially increase traffic hazards. The 2013 FEIR determined that this would be a significant impact. The 2013 FEIR identified **MM TRAF-4**, which requires either widening Deer Hill Road or prohibiting westbound Deer Hill Road left-turn into the project west driveway. The 2013 FEIR concluded that with implementation of **MM TRAF-4**, this impact of the Original Project would be less than significant.

**Impact TRAF-5:** Under Cumulative Year 2030 plus Original Project conditions, the 2013 FEIR determined that the Original Project's significant impact on PM peak hour traffic speeds for northbound Pleasant Hill Road, which would result in a significant impact on the Delay Index, would result in inadequate emergency access to other areas of Lafayette served by Pleasant Hill Road between State Highway 24 and Rancho View Drive. The 2013 FEIR determined that this impact would be significant. The 2013 FEIR identified **MM TRAF-5**, which requires the project applicant to contribute a fair share to the cost of installing advance detection equipment to assure effective traffic signal preemption for responding emergency vehicles on northbound Pleasant Hill Road approaching the Deer Hill Road intersection and the other four signalized study intersections to the north. The 2013 FEIR concluded that with implementation of **MM TRAF-5**, this cumulative impact of the Original Project would be less than significant.

**Impact TRAF-6:** The 2013 FEIR determined that the restricted turning radii shown on the Original Project's site plans at several on-site driveway locations, which did not comply with minimum turning radius requirements, would result in inadequate emergency access to the project site. The 2013 FEIR determined that this impact would be significant. The 2013 FEIR identified **MM TRAF-6**, which required revision of the Original Project site plans such that corner radii and medians at on-site driveway intersections would provide a minimum inside turning radius of 25 feet and a minimum outside turning radius of 45 feet. The 2013 FEIR

concluded that with implementation of **MM TRAF-6**, this impact of the Original Project would be less than significant.

**Impact TRAF-7:** The 2013 FEIR determined that large truck traffic on Pleasant Hill Road and Deer Hill Road and the elimination of the existing passenger loading zone along the project site's frontage on Pleasant Hill Road would result in a temporary significant impact during grading for the Original Project. The 2013 FEIR identified **MM TRAF-7**, which requires the applicant to submit a Construction Staging Plan that includes specified measures and restrictions for review and approval by the City Engineer. The 2013 FEIR concluded that with implementation of **MM TRAF-7**, this impact of the Original Project would be less than significant.

**Impact TRAF-8:** The 2013 FEIR determined that the Original Project's driveways would provide inadequate truck turning radii for large trucks. The resulting improper lane use and other potential unsafe maneuvers by trucks on heavily travelled public streets would substantially increase hazards due to a design feature. The 2013 FEIR determined that this would be a significant impact. The 2013 FEIR identified **MM TRAF-8**, which would require the Original Project's site plan to be revised at the three project driveways such that adequate truck turning radii are provided, by widening the portion of the entry roadway near each intersection, modifying the median configuration, and/or increasing the corner radius. The 2013 FEIR concluded that with implementation of **MM TRAF-8**, this impact of the Original Project would be less than significant.

**Impact TRAF-9:** The 2013 FEIR determined that under the Cumulative Year 2030 plus Original Project scenario, the Brown Avenue/Deer Hill Road intersection would continue to operate at an unacceptable LOS F during the AM and PM peak hours, with delay increases substantially higher than 5 seconds. The 2013 FEIR determined that this would be a significant cumulative impact. The 2013 FEIR identified **MM TRAF-9**, which would require implementation of 2013 FEIR **MM TRAF-2**, which in turn would require the project applicant to coordinate with the City to contribute a fair share of the cost, including an in-lieu payment, to install a traffic signal at the Brown Avenue/Deer Hill Road intersection, which would include an emergency vehicle preemption system (Opticom) to allow emergency response vehicles approaching the signalized intersection to activate a green signal for their travel direction. The 2013 FEIR concluded that with implementation of **MM**

**TRAF-9**, this cumulative impact of the Original Project would be less than significant.

**Impact TRAF-10:** The 2013 FEIR determined that under the Cumulative Year 2030 plus Original Project scenario, traffic exiting the Original Project's west driveway on Deer Hill Road would experience an LOS E delay during the AM peak hour. Although LOS E is acceptable at a one-way stop control intersection such as the driveway, the 2013 FEIR determined that the amount of delay suggested that drivers turning left out of the driveway would have some difficulty finding an acceptable gap in traffic flow on Deer Hill Road, a location where prevailing speeds are relatively high. The 2013 FEIR identified **MM TRAF-10**, which requires either widening Deer Hill Road at the west project driveway, or implementing **MM TRAF-3** and also installing a side road symbol warning sign facing westbound Deer Hill Road traffic in advance of the relocated driveway. The 2013 FEIR concluded that with implementation of **MM TRAF-10**, this cumulative impact of the Original Project would be less than significant.

**Impact TRAF-11:** The 2013 FEIR determined that under the Cumulative Year 2030 plus Original Project scenario, the peak estimated 95th-percentile left-turn queue length for northbound traffic on Pleasant Hill Road at Deer Hill Road would be 306 feet during the AM peak hour. This would exceed the capacity of the existing 250-foot storage lane. The 2013 FEIR determined that this would be a significant cumulative impact. Because no available feasible mitigation measures to reduce this impact to a less-than-significant level were identified, the 2013 FEIR concluded that this cumulative impact of the Original Project would be significant and unavoidable.

**Impact TRAF-12:** The 2013 FEIR determined that under the Cumulative Year 2030 plus Original Project scenario, the peak estimated 95th-percentile left-turn queue length for northbound traffic on Pleasant Hill Road at the Original Project's driveway would be 124 feet and 177 feet, during the school PM and commute PM peak hours, respectively, which would exceed the capacity of the 100-foot storage lane proposed in the Original Project plans. The 2013 FEIR determined that this would be a significant cumulative impact. The 2013 FEIR identified **MM TRAF-12**, which required extending the proposed left-turn storage lane an additional 75 through 100 feet to the south by widening Pleasant Hill Road on the project site frontage to accommodate the peak left-turn queue length. The 2013 FEIR

concluded that with implementation of **MM TRAF-12**, this cumulative impact of the Original Project would be less than significant.

**Impact TRAF-13:** The 2013 FEIR determined that under the Cumulative Year 2030 plus Original Project scenario, the addition of Original Project trips to Pleasant Hill Road would increase the peak hour peak direction Delay Index by approximately 0.41 for southbound traffic in the AM peak hour and northbound traffic in the PM peak hour. The Delay Index would increase by more than 0.05 for peak hour peak direction traffic where the Delay Index exceeds 2.0 on Pleasant Hill Road. The 2013 FEIR determined that this would be a significant cumulative impact. Because no available feasible mitigation measures to reduce this impact to a less-than-significant level were identified, the 2013 FEIR concluded that this cumulative impact of the Original Project would be significant and unavoidable.

**Impact TRAF-14:** The 2013 FEIR determined that the Original Project would generate an additional weekday parking demand for up to 50 spaces at the Lafayette BART station, which would represent approximately 3 percent of the 1,526 spaces in the station lot. The 2013 FEIR indicated that parking lot demand already exceeded capacity on weekdays. The 2013 FEIR determined that this would be a significant impact. The 2013 FEIR identified **MM TRAF-14**, which requires the applicant to provide subsidized, frequent shuttle service between the project site and the Lafayette BART station during the AM and PM peak commute periods, until such time that a bus route on Pleasant Hill Road serving the BART station is implemented, at which point the project applicant may provide transit vouchers in lieu of a shuttle. The 2013 FEIR concluded that with implementation of **MM TRAF-14**, this impact of the Original Project would be less than significant.

**Impact TRAF-15:** The 2013 FEIR indicated that the Original Project's site plan did not include a loading and unloading area for school bus service. The 2013 FEIR determined that peak hour traffic congestion on Pleasant Hill Road and Deer Hill Road would be exacerbated if all traffic would be required to stop for a school bus in the traffic lane. The 2013 FEIR determined that this would be a significant impact. The 2013 FEIR identified **MM TRAF-15**, which requires the applicant to coordinate with the Lamorinda School Bus Program to determine the appropriate locations and designs for bus stop pullouts along the project site frontage, which the project applicant would be required to construct. The 2013

FEIR concluded that with implementation of **MM TRAF-15**, this impact of the Original Project would be less than significant.

**Impact TRAF-16:** The 2013 FEIR determined that the 5-foot sidewalks proposed in the Original Project's plans would be narrower than those existing in the immediate vicinity or that had been recently approved by the City on arterial roadways. The 2013 FEIR therefore determined that the Original Project would be inconsistent with City guidelines for pedestrian facilities. The 2013 FEIR determined that this would be a significant impact. The 2013 FEIR identified **MM TRAF-16A** and **MM TRAF-16B**, which require the construction of a new sidewalk and curb at a width of at least 6½ feet on the south side of Deer Hill Road, and a new shared path for bicycles and pedestrians on the west side of Pleasant Hill Road along the project site footage, at a paved width of 10 feet with a buffer strip at least 4 feet wide between the path and the curb, or as otherwise specified by the City Engineer. The 2013 FEIR concluded that with implementation of **MM TRAF-16A** and **MM TRAF-16B**, this impact of the Original Project would be less than significant.

**Impact TRAF-17:** The 2013 FEIR determined that the Original Project's driveways on Deer Hill Road and Pleasant Hill Road would interrupt the new sidewalks and cross existing and proposed Class II bike lanes. The 2013 FEIR determined that this would present conflicting vehicle traffic for pedestrians and bicyclists, which would be a significant impact. The 2013 FEIR identified **MM TRAF-17**, which requires implementation of **MM TRAF-3**, and also installing stop signs for traffic exiting project driveways, and other design treatments to alert drivers exiting the project site that they would be crossing pedestrian and bicycle facilities. The 2013 FEIR concluded that with implementation of **MM TRAF-17**, this impact of the Original Project would be less than significant.

**Impact TRAF-18:** The Original Project's widening of southbound Pleasant Hill Road to add a vehicle traffic lane would include a 5-foot-wide Class II bike lane along the west curb north of the project driveway. The 2013 FEIR determined that south of the project driveway, the bike lane would be forced to shift to the left side of the additional southbound traffic lane that would become a right-turn-only lane for the on-ramp to westbound State Highway 24. The 2013 FEIR determined that this configuration would cause unacceptable weaving conflicts with vehicle traffic for the planned southbound bike lane. The 2013 FEIR determined that this would be a significant impact. The 2013 FEIR identified **MM TRAF-18**, which requires

implementing an alternative configuration for widening southbound Pleasant Hill Road to include a bike lane. The 2013 FEIR concluded that with implementation of **MM TRAF-18**, this impact of the Original Project would be less than significant.

**Impact TRAF-19:** The 2013 FEIR determined that the Original Project would interfere with planned bicycle facilities, because the Original Project's plans could preclude accommodation of a planned bike path along the project site boundary, and the plans proposed a narrower facility on the west side of Pleasant Hill Road than those that had been recently constructed by the City for shared bicycle and pedestrian use. The 2013 FEIR determined that this would be a significant impact. The 2013 FEIR identified **MM TRAF-19**, which requires implementing **MM TRAF-16B**, and also that the applicant coordinate with the City and Caltrans to ensure that project site improvements adjacent to the Caltrans State Highway 24 right-of-way would not preclude construction of a Class I bicycle path. The 2013 FEIR concluded that with implementation of **MM TRAF-19**, this impact of the Original Project would be less than significant.

**Impact TRAF-20:** The 2013 FEIR determined that traffic entering and exiting the Original Project's driveway on Pleasant Hill Road would interfere with the shared bicycle and pedestrian path that is planned along the west side of the roadway, causing hazards to bicyclists at the driveway intersection. The 2013 FEIR determined that this would be a significant impact. The 2013 FEIR identified **MM TRAF-20**, which requires the applicant to coordinate with the City and develop an appropriate route and dedicate right-of-way on the project site for a bike path alignment that would intersect the driveway approximately 50 feet or more from Pleasant Hill Road. **MM TRAF-20** also requires the project applicant to provide the necessary grading and structural support on the project site to allow for a Class 1 bike path that meets applicable standards and connects with the shared bicycle/pedestrian path described in **MM TRAF-16b** and the planned bike path described in **MM TRAF-19**. **MM TRAF-20** further requires the project applicant to install special design treatments where the driveway intersects the bike path to alert drivers that they are crossing a bike path. The 2013 FEIR concluded that with implementation of **MM TRAF-20**, this impact of the Original Project would be less than significant.

**Impact TRAF-21:** The 2013 FEIR determined that the loss of designated curb spaces used for passenger loading on the west curb of Pleasant Hill Road that are used for school passenger loading would substantially increase hazards for school pedestrians and vehicle traffic in the immediate area, resulting in a significant impact. The 2013 FEIR identified **MM TRAF-21**, which requires implementing **MM TRAF-18**, and also requires that the entire curb segment between Deer Hill Road and the recommended right-turn lane be designed as a passenger loading zone, which would accommodate eight cars in approximately the same location as the existing curb spaces used for passenger loading. The 2013 FEIR concluded that with implementation of **MM TRAF-21**, this impact of the Original Project would be less than significant.

### ***2013 FEIR Mitigation Measures***

**MM TRAF-2:** The Project applicant shall coordinate with the City to contribute a fair share of the cost, including an in-lieu payment, to install a traffic signal at the Brown Avenue/Deer Hill Road intersection, which will be added to the City's Capital Improvement Projects (CIP) program. The traffic signal equipment shall include an emergency vehicle preemption system (Opticom), which would allow emergency response vehicles approaching the signalized intersection to activate a green signal for their travel direction. The State Highway 24 freeway overpass structures on Brown Avenue could obstruct the Opticom activation device on responding emergency vehicles headed northbound on Brown Avenue from Mount Diablo Boulevard toward Deer Hill Road, which could substantially reduce the effectiveness of the traffic signal preemption. To avoid this problem, the traffic signal equipment shall include advance detection devices for the Opticom system as needed to assure effective traffic signal preemption for responding emergency vehicles on northbound Brown Avenue

**MM TRAF-3:** The Project applicant shall implement the following measures:

West of the East Driveway on Deer Hill Road: All landscaping along the south side of Deer Hill Road that is located in the line of sight for eastbound traffic within 360 feet west of the east Project driveway shall be limited to plants with foliage no more than 30 inches fully mature height above the closest adjacent curb elevation, or trees with canopy foliage no less than 7 feet above the closest adjacent curb elevation, or other dimensions as specified by the City Engineer. The line of sight is defined as the area between the south curb on Deer Hill Road and a straight line connecting a point 10 feet behind the

back of the sidewalk on the centerline of the east driveway and a point 360 feet to the west where it intersects the south curb line, or as otherwise specified by the City Engineer.

**All other Project Driveways:** All landscaping along the Project street frontage that is located in the line of sight of traffic approaching Project driveways in either direction shall be limited to plants with foliage no more than 30 inches fully mature height above the closest adjacent curb elevation, or trees with canopy foliage no less than 7 feet above the closest adjacent curb elevation, or other dimensions as specified by the City Engineer. The line of sight is defined as an area within 10 feet behind the back of the sidewalk or shared-use path and within 50 feet of the driveway edge, or as otherwise specified by the City Engineer.

**Entryway Features:** All monument signs, walls, slopes and other vertical features that could otherwise block visibility shall be no more than 3 feet higher than the adjacent driveway elevation in the area within 15 feet behind the back of the sidewalk or shared-use path and within 50 feet of the driveway edge, or as otherwise specified by the City Engineer.

The west Project driveway on Deer Hill Road shall be relocated at least 100 feet to the west of the location shown on the Project site plan.

**MM TRAF-4:** The Project applicant shall either:

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



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

**MM TRAF-5:** The Project applicant shall contribute a fair share to the cost of installing advance detection equipment for the existing Opticom system as needed to assure effective traffic signal preemption for responding emergency vehicles on northbound Pleasant Hill Road approaching the Deer Hill Road intersection and the other four signalized study intersections to the north. The advance detection system shall be designed to activate a green signal for northbound Pleasant Hill Road at Deer Hill Road with enough time before the emergency vehicle arrives to allow traffic congestion between State Highway 24 and the intersection to clear sufficiently to facilitate passage of the emergency vehicle. At a minimum, the advance detection system shall allow emergency vehicles responding from CCCFPD Station 15 (located at 3338 Mount Diablo Boulevard) to activate traffic signal preemption for northbound Pleasant Hill Road at Deer Hill Road as soon as they turn north from eastbound Mount Diablo Boulevard.

**MM TRAF-6:** The Project site plans shall be revised such that corner radii and medians at on-site driveway intersections provide a minimum inside turning radius of 25 feet and a minimum outside turning radius of 45 feet, per CCCFPD requirements.

**MM TRAF-7:** The Project applicant shall prepare and submit a Construction Staging Plan for review and approval by the City Engineer. The Construction Staging Plan shall include flaggers for trucks entering and exiting the Project site, and a designated liaison to coordinate with the City, schools, and the public as needed. In addition, the Construction Staging Plan shall include the following measures:

- Large trucks involved in the grading phase of construction shall be prohibited from arriving at or departing from the Project site during the hours of 7:00 to 9:00 a.m. and 3:00 to 7:00 p.m. on any school day, and 7:00 to 9:00 a.m. and 4:00 to 7:00 p.m. on any non-school weekday.
- Large trucks shall be prohibited from making U-turn movements from northbound to southbound Pleasant Hill Road at the Deer Hill Road intersection during construction. The Construction Staging Plan shall specify for each construction phase

whether access to the Project site from northbound Pleasant Hill Road will be allowed, either by providing a median opening for left turns directly into the site south of Deer Hill Road, or will require a left turn onto Deer Hill Road and a subsequent left turn into the Project site at the east Deer Hill Road Project driveway.

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

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

**MM TRAF-8:** The Project site plan shall be revised at the three Project driveways such that adequate truck turning radii are provided, by widening the portion of the entry roadway near each intersection, modifying the median configuration, and/or increasing the corner radius.

**MM TRAF-9:** Implement Mitigation Measure TRAF-2.

**MM TRAF-10:** The Project applicant shall either:

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

**MM TRAF-12:** The Project applicant shall extend the proposed left-turn storage lane an additional 75 through 100 feet to the south by widening Pleasant Hill Road on the Project frontage to accommodate the peak left-turn queue length. Extending the entrance to the left-turn further south toward the off-ramp from westbound SR 24 would shorten the available weaving distance on northbound Pleasant Hill Road for left turns at the Project driveway, but this would not be considered a significant secondary impact, and therefore the mitigation is considered feasible.

**MM TRAF-14:** The Project applicant shall provide subsidized, frequent shuttle service between the Project site and the Lafayette BART station during the AM and PM peak commute periods, until such time that a bus route on Pleasant Hill Road serving the BART station is implemented (as called for in the Lamorinda Action Plan), at which point the Project applicant may provide transit vouchers in lieu of a shuttle.

**MM TRAF-15:** The Project applicant shall coordinate with the Lamorinda School Bus Program to determine the appropriate locations and designs for bus stop pullouts along the Project frontage, which the Project applicant shall construct as part of the Project site frontage improvements. A bus stop on the southbound Pleasant Hill Road frontage may need to be located south of the Project driveway to avoid driveway sight-distance issues as well as conflicts with passenger loading activity for Acalanes High School north of the driveway. On eastbound Deer Hill Road, a bus stop would need to be located to avoid sight-distance issues at Project driveways.

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

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

**MM TRAF-17:** Implement Mitigation Measure TRAF-3. In addition, the Project applicant shall install stop signs for traffic exiting Project driveways, and special design treatments such as paving to be specified by the City Engineer to alert drivers exiting the Project site that they are crossing pedestrian and bicycle facilities.

**MM TRAF-18:** The Project shall implement an alternative configuration for widening southbound Pleasant Hill Road, which would not add a vehicle traffic lane. Southbound Pleasant Hill

Road shall be widened along the Project frontage to provide a 6-foot-wide Class II bike lane between an 8-foot-wide curb loading and parking lane and the existing traffic lanes, or dimensions otherwise specified by the City Engineer. This configuration would maintain the existing curb loading and parking lane, except for a segment extending up to 100 feet north from the Project driveway, where the roadway shall be widened to accommodate an additional 12-foot-wide right-turn lane along with the 6-foot wide Class II bike lane, or dimensions otherwise specified by the City Engineer. This measure shall be implemented in addition to the improvements described in Mitigation Measures TRAF-16B, TRAF-19, TRAF-20, and TRAF-21.

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

**MM TRAF-20:** The Project applicant shall coordinate with the City to develop an appropriate route and dedicate right-of-way on the Project site for a bike path alignment that would intersect the driveway approximately 50 feet or more from Pleasant Hill Road. Additionally, the Project applicant shall provide the necessary grading and structural support on the site to allow for a Class I bike path that meets applicable width and slope standards, provides adequate sight-distance where it intersects the driveway, and connects with the shared bicycle/pedestrian path described in Mitigation Measure TRAF-16B and the planned bike path described in Mitigation Measure TRAF-19 on both ends. Where the driveway intersects the bike path, the Project applicant shall also install special design treatments, such as paving, to be specified by the City Engineer, to alert drivers that they are crossing a bike path. This measure shall be implemented in addition to the improvements described in Mitigation Measures TRAF-18 and TRAF-21.

**MM TRAF-21:** Implement Mitigation Measure TRAF-18. The entire curb segment between Deer Hill Road and the recommended right-turn lane shall be designated as a passenger loading zone, which would accommodate eight cars in approximately the same location as the existing curb spaces used for passenger loading. This measure shall be implemented in addition to the improvements described in Mitigation Measures TRAF-16B, TRAF-18, TRAF-19, and TRAF-20.

## Analysis of the Resumed Project

As described under **Section 4.6, Refinements Incorporated into the Resumed Project**, design refinements were incorporated into the Resumed Project that included improvements to the project access on Pleasant Hill Road and Deer Hill Road, extension to the northbound left-turn lane on Pleasant Hill Road, two-way stop sign on the connection of one of the project driveways—Pleasant Hill Road driveway or east driveway on Deer Hill Road— with the on-site four-way intersection of the upper loop and lower loop driveways, additional pedestrian facilities, bicycle facilities, and passenger loading areas. Refinements incorporated into the Resumed Project included the following mitigation measures previously identified in the 2013 FEIR: **MM TRAF-3, MM TRAF-4, MM TRAF-6, MM TRAF-8, MM TRAF-10, MM TRAF-15, MM TRAF-16A, MM TRAF-16B, MM TRAF-17, MM TRAF-18, MM TRAF-20, and MM TRAF-21.**

A Traffic Impact Study (TIS) has been prepared for the Resumed Project and is included in **Appendix D, Traffic Impact Study**, of this Addendum. The TIS examined the existing traffic conditions and analyzed transportation impacts of the Resumed Project to identify any new impacts or changes in the severity of the impacts identified in the 2012 TIS prepared as part of the 2013 FEIR analysis for the Original Project. The purpose of the updated TIS was also to identify any mitigation measures that would reduce new or previously identified impacts.

The updated traffic analysis study area included 17 intersections and two corridors evaluated during the a.m., school p.m., and p.m. peak periods. The TIS updates the traffic analysis scenarios used in the 2013 FEIR analysis by updating existing conditions from 2012 to 2019, and updating the cumulative conditions<sup>51</sup> year from 2030 to 2040. Therefore, the TIS analyzed the study area intersections and corridors under four study scenarios: Existing (2019), Existing plus Resumed Project, Cumulative (2040), and Cumulative plus Resumed Project Conditions.

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<sup>51</sup> Cumulative conditions considers the anticipated buildout within the community and the larger adjacent region at a specified future date, both with and without the proposed project.

Project impacts at study intersections were evaluated using the Highway Capacity Manual (HCM) 2010 methodology, for consistency with current Contra Costa Transportation Authority (CCTA) Technical Procedures. The 2012 TIS applied the HCM 2000 methodology, which was the most current at the time. Delay index calculations have been updated using the methodology specified in the CCTA Technical Procedures, which requires use of the CCTA travel demand model. The 2012 TIS analysis used an older methodology for calculating travel times on roadways operating near or over saturation.

Since the time of the 2012 TIS, new trip generation data has become available based on a reclassification of housing typologies. The 2012 TIS analyzed the Original Project as an "Apartment" development (based on the Institute of Transportation Engineers (ITE) *Trip Generation, 8th Edition* (2008) standard reference manual), for which the daily trip generation per dwelling unit was 6.45. Under the ITE *Trip Generation, 10th Edition*, which was published in 2017, the Resumed Project would now be classified as "Multi-family Housing, Mid-rise," and would have a lower per unit daily trip generation rate of 5.44 per dwelling unit. This reclassification would reduce the proposed 315-unit Resumed Project's daily trips by over 300, from 2,032 to 1,714. In order to provide a more conservative analysis and to be consistent with the 2013 FEIR, the updated TIS continued to use the higher trip generation total of 2,032 from the *Trip Generation, 8th Edition* as the basis for its analysis.<sup>52</sup>

The analysis below is based on the findings of the updated TIS.

**Impact TRAF-1:** (LOS under Existing plus Resumed Project and Cumulative Year 2040 plus Resumed Project Conditions): In the Existing plus Resumed Project and the Cumulative Year 2040 plus Resumed Project scenarios, at the Deer Hill Road – Stanley Boulevard/Pleasant Hill Road intersection, the Resumed Project would maintain the same LOS in the AM peak time, PM school time, and PM Peak hour. However, in the AM peak time the Resumed Project would improve the delay time at the intersection. In the PM school peak hour and PM peak hour, the Resumed Project would increase the delay time. However, the increase would be less than the significance threshold of 5 seconds. Therefore, the Resumed Project would reduce the significant and unavoidable impact identified in the 2013 FEIR for the Original Project to a less-than-significant level, and the Resumed Project

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<sup>52</sup> For information purposes only, the TIS also analyzed the Resumed Project's transportation impacts using the lower 1,714 daily trip generation total from *Trip Generation, 10th Edition*, and concluded that it would not have substantially lessened or altered the level of significance of any traffic delay or level of service impacts.

would result in less-than-significant traffic impacts at this intersection under all study scenarios. No new mitigation is required.<sup>53</sup>

**Impact TRAF-2:** (LOS under Existing plus Resumed Project Conditions): Similar to the Original Project, under Existing plus Resumed Project conditions, the Resumed Project would cause a delay greater than 5 seconds during all peak hours at the northbound and southbound stop-controlled minor approaches on Brown Avenue at Deer Hill Road, which currently operate at LOS F. Therefore, 2013 FEIR **MM TRAF-2**, which requires coordination with the City to contribute a fair share of the cost, including an in-lieu payment, to install a traffic signal at the Brown Avenue/Deer Hill Road intersection, would apply to the Resumed Project. The updated TIS determined that with the addition of signalization, the intersection would operate at LOS A during all three peak hours, thereby reducing the impact to a less-than-significant level. The updated TIS also determined that a roundabout, or a traffic signal, would reduce the impact at this intersection to a less-than-significant level. **MM TRAF-2** has been revised to add a roundabout as an alternative measure that could be implemented at the discretion of the City of Lafayette, in consultation with City of Lafayette engineering staff. Similar to the conclusion of the 2013 FEIR, with implementation of **Revised MM TRAF-2**, this impact of the Resumed Project would be less than significant.

**Impact TRAF-3:** (Hazards due to a design feature): As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the Resumed Project incorporates 2013 FEIR **MM TRAF-3** to reduce hazard impacts associated with the potential for

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<sup>53</sup> As discussed in **Section 5.18, Project Variant Analysis**, the added southbound lane on Pleasant Hill Road proposed as part of the Resumed Project would reduce the significant and unavoidable impact of the Original Project to less-than-significant levels, and result in less-than-significant impacts under both the Existing plus Resumed Project and Cumulative Year 2040 plus Resumed Project scenarios at the intersection of Pleasant Hill Road and Deer Hill Road/Stanley Boulevard. However, the additional lane would conflict with the Gateway Constraints Policy outlined in the *Lamorinda Action Plan*. The policy specifies that Pleasant Hill Road should be limited to two southbound through lanes for the entire corridor, and even short-link sections of additional southbound through lanes are prohibited. As such, the Resumed Project's conflict with the Gateway Constraints Policy would constitute a significant impact, as further discussed under **Impact TRAF-22**. The Project Variant, which would not include the added southbound through lane, would not conflict with the Gateway Constraints Policy and the Project Variant's impact related to conflicting with this policy would be less than significant. However, as explained in **Section 5.18, Project Variant Analysis**, the Project Variant would result in a significant and unavoidable impact at the intersection of Pleasant Hill Road and Deer Hill Road/Stanley Boulevard, because it would result in an increase to AM peak hour delay of 8.8 seconds at this intersection under Cumulative Year 2040 plus Project Variant conditions.



inadequate sight-distance at project driveways, and inadequate sight-distance for westbound traffic due to Original Project's proposed location of the west driveway on Deer Hill Road. The Resumed Project would maintain adequate sight lines between vehicles at project driveways and oncoming vehicles in the roadway. Within 15 feet of the project driveways on Deer Hill Road and along project street frontage that is located in the line of sight of traffic approaching project driveways, plants with foliage would be at no more than 30 inches height at full maturity and trees with canopy foliage would be at no less than 7 feet above the closest adjacent curb elevation or other dimensions as specified by the City Engineer. All monument signs, walls, slopes and other vertical features that could otherwise block visibility would be no more than 3 feet higher than the adjacent driveway elevation in the area, within 15 feet behind the back of the sidewalk or shared-use path, and within 50 feet of the driveway edge, or as otherwise specified by the City Engineer. In addition, As shown on Figure 4-2, under the Resumed Project, the west project driveway on Deer Hill Road would be located 100 feet west of the originally proposed location of this driveway under the Original Project. In addition, the east project driveway on Deer Hill Road would be located 80 feet west of the originally proposed location of this driveway under the Original Project. Similar to the conclusions of the 2013 FEIR, with the incorporated design refinements, this impact would be reduced to a less-than-significant level under the Resumed Project. Because it has already been incorporated as part of the Resumed Project, **MM TRAF-3** is no longer required for the Resumed Project. No new mitigation is needed.

#### **Impact TRAF-4**

(Hazards due to a design feature): As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the Resumed Project incorporates 2013 FEIR **MM TRAF-4** to reduce safety impacts associated with speed increase of westbound vehicles descending the hill on Deer Hill Road east of the west project driveway, while westbound vehicles are slowing or stopping to turn left into the west project driveway. To reduce this safety impact, the Resumed Project would implement the option under 2013 **MM TRAF-4** of adding a painted median island to prohibit left turns into the driveway from westbound Deer Hill Road. As discussed under **Impact TRAF-10** below, the Resumed Project would also add a westbound median refuge lane to allow vehicles exiting the project site to make two-stage left turns during periods of heavy cross traffic. As discussed above, the Resumed Project also incorporates 2013 FEIR **MM TRAF-3**.

Similar to the conclusions of the 2013 FEIR, with these incorporated design refinements, this impact would be reduced to a less than significant level under the Resumed Project. Because it has already been incorporated as part of the Resumed Project, 2013 FEIR **MM TRAF-4** is no longer required for the Resumed Project. No new mitigation is needed.

**Impact TRAF-5**

(Emergency Access under Cumulative Year 2040 plus Project Conditions): As discussed under **Impact TRAF-13** below, under Cumulative Year 2040 plus Resumed Project conditions, Pleasant Hill Road is projected to continue operating above the acceptable delay index threshold (2.0 maximum) in the afternoon northbound direction during the p.m. peak period.<sup>54</sup> Similar to the conclusions of the 2013 FEIR, the resulting PM peak hour speeds would result in inadequate emergency access to other areas of Lafayette served by Pleasant Hill Road between State Highway 24 and Rancho View Drive. As under the 2013 FEIR, **MM TRAF-5** would apply to the Resumed Project and would require the project applicant to contribute a fair share to the cost of installation of advance detection equipment to assure effective traffic signal preemption for responding emergency vehicles on northbound Pleasant Hill Road approaching the Deer Hill Road intersection and the other four signalized study intersections to the north. Similar to the conclusion of the 2013 FEIR, with implementation of **MM TRAF-5**, this impact of the Resumed Project would be less than significant.

**Impact TRAF-6:**

(Hazards due to a design feature): As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the Resumed Project would incorporate measures identified in 2013 FEIR **MM TRAF-6** to provide adequate emergency access to the project site and comply with minimum turning radius requirements at on-site driveway. The Resumed Project would provide a minimum inside turning radius of 25 feet and a minimum outside turning radius of 45 feet at on-site driveway intersections, in compliance with CCCFPD requirements. Similar to the conclusions of the 2013 FEIR, with these incorporated design refinements, this impact would be reduced to a less-than-significant level under the Resumed Project. Because it has already been incorporated as part of the Resumed Project, 2013 FEIR **MM TRAF-6** is no longer required for the Resumed Project. No new mitigation is needed.

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<sup>54</sup> Delay index performance standards apply to a.m. and p.m. peak periods. As such, delay index was analyzed for the a.m. and p.m. peak hours, but not for the school p.m. peak hour.

**Impact TRAF-7:** (Construction): Similar to the determinations of the 2013 FEIR, large trucks required during grading activities of the Resumed Project and the elimination of the existing passenger loading zone along the project site's frontage on Pleasant Hill Road would result in a temporary significant impact. 2013 FEIR **MM TRAF-7** would apply to the Resumed Project and would require the applicant to submit a Construction Staging Plan that includes specified measures and restrictions for review and approval by the City Engineer. Similar to the conclusion of the 2013 FEIR, with implementation of **MM TRAF-7**, this impact of the Resumed Project would be less than significant. No new mitigation is needed.

**Impact TRAF-8** (Hazards due to a design feature): As described in Section 4.6, Refinements Incorporated into the Resumed Project, the design for the Resumed Project would incorporate 2013 FEIR **MM TRAF-8**, by providing adequate truck turning radii at the three project driveways and therefore reducing hazards related to improper lane use and other potential unsafe maneuvers by large trucks on heavily travelled public streets. Similar to the conclusions of the 2013 FEIR, with these incorporated design refinements, this impact would be reduced to a less-than-significant level under the Resumed Project. Because it has already been incorporated as part of the Resumed Project, 2013 FEIR **MM TRAF-8** is no longer required for the Resumed Project. No new mitigation is needed.

**Impact TRAF-9:** (LOS Under Cumulative Year 2040 plus Resumed Project Conditions): Similar to the Original Project, under the Cumulative Year 2040 plus Resumed Project scenario, the Resumed Project would cause a delay greater than 5 seconds during all peak hours at the intersection of Brown Avenue and Deer Hill Road, northbound during the AM and PM peak hours and southbound during the school PM peak hour, all of which currently operate at LOS F. As discussed under **Impact TRAF-2** above, with the addition of signalization, the intersection would operate at LOS A during all three peak hours under all project scenarios. Therefore, **MM TRAF-2**, which requires the project applicant to coordinate with the City to contribute a fair share of the cost, including an in-lieu payment, to install a traffic signal at the Brown Avenue/Deer Hill Road intersection, which would include an emergency vehicle preemption system (Opticom) to allow emergency response vehicles approaching the signalized intersection to activate a green signal for their travel direction, would apply to the Resumed Project, and would reduce this impact to a less-than-significant level. The updated TIS

determined that a roundabout, rather than a traffic signal, would also reduce the impact at this intersection to a less-than-significant level. **MM TRAF-2** has been revised to add a roundabout as an alternative measure that would be implemented at the discretion of the City of Lafayette and in consultation with City of Lafayette engineering staff. Similar to the conclusions of the 2013 FEIR, with implementation of **Revised MM TRAF-2**, this cumulative impact of the Resumed Project would be less than significant. No new mitigation is needed.

**Impact TRAF-10:**

(LOS under Cumulative Year 2040 plus Resumed Project Conditions): Under Cumulative Year 2040 plus Resumed Project conditions, traffic exiting the west project driveway on Deer Hill Road would experience an LOS E delay during the a.m. peak hour. Although LOS E is acceptable at a one-way stop control intersection such as the driveway, the amount of delay suggests that drivers turning left out of the driveway would have some difficulty finding an acceptable gap in traffic flow on Deer Hill Road, at a location where prevailing speeds are relatively high. This would pose a traffic hazard. As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the Resumed Project would incorporate 2013 FEIR **MM TRAF-10** by adding a westbound median refuge lane to allow exiting vehicles from the west project driveway on Deer Hill Road to receive left turns during periods of heavy cross traffic, and by incorporating 2013 FEIR **MM TRAF-3**. Therefore, the Resumed Project would include one mitigation alternative identified under 2013 FEIR **MM TRAF-10**, and a portion of the other mitigation alternative (i.e., implementation of 2013 FEIR **MM TRAF-3**). Similar to the conclusions of the 2013 FEIR, with these incorporated design refinements, project traffic exiting the west project driveway on Deer Hill Road would not experience an LOS E delay during the AM peak hour and potential traffic hazards of vehicles exiting the project site would be reduced. Because it has already been incorporated as part of the Resumed Project, 2013 FEIR **MM TRAF-3** is no longer required for the Resumed Project. **MM TRAF-10** has been revised to only include the requirement to install a side road symbol warning sign facing westbound Deer Hill Road Traffic to further reduce the potential traffic hazard impact. With implementation of **Revised MM TRAF-10**, this cumulative impact would be less than significant under the Resumed Project. No new mitigation is needed.

**Impact TRAF-11:** (Intersection Queuing under Cumulative Year 2040 plus Resumed Project Conditions): The 2013 FEIR determined that, under the Cumulative Year 2030 plus Original Project scenario, the Original Project would result in the peak estimated 95th percentile left-turn queue length for northbound traffic on Pleasant Hill Road at Deer Hill Road being 306 feet during the AM peak hour. The 2013 FEIR determined that this would exceed the capacity of the existing 250-foot storage lane. The 2013 FEIR concluded that this impact would be significant and unavoidable. As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the Resumed Project would extend the existing northbound left-turn lane at Pleasant Hill Road and Deer Hill Road/Stanley Boulevard to Acalanes Avenue, which would increase the storage lane capacity such that it could accommodate queuing from both cumulative and Resumed Project trips under Cumulative Year 2040 plus Resumed Project conditions. Therefore, the refinements incorporated into the Resumed Project would reduce the significant and unavoidable cumulative impact identified for the Original Project at this intersection to a less-than-significant level under the Resumed Project. No new mitigation is required.

**Impact TRAF-12:** (Driveway Queuing under Cumulative Year 2040 plus Resumed Project Conditions): The 2013 FEIR determined that during school PM peak and commute PM peak periods, left-turn queue length of northbound traffic on Pleasant Hill Road at the project driveway would exceed the 100-foot storage lane proposed under the Original Project. As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, design refinements have been incorporated into the Resumed Project, including removal of the left-turn storage lane on Pleasant Hill Road that was proposed under the Original Project's plan. Therefore, the Resumed Project would not result in left-turn queuing length for northbound traffic on Pleasant Hill Road at the project driveway exceeding the capacity of the storage lane. Under the Resumed Project, this cumulative impact would be less than significant. Therefore, 2013 FEIR **MM TRAF-12** is not applicable to the Resumed Project. No new mitigation is required.

**Impact TRAF-13:** (Delay Index): Under Cumulative Year 2040 Plus Resumed Project conditions, the Original Project's trips were found to increase the peak hour peak direction Delay Index by approximately 0.41 for southbound traffic in the AM peak hour

and northbound traffic in the PM peak hour at Pleasant Hill Road. Unlike the Original Project, the Resumed Project would not result in a Delay Index increase in the AM peak hour. However, similar to the Original Project, the Resumed Project would result in a Delay-Index increase in northbound traffic PM peak hour by approximately 0.17. Although the increase in the Delay Index is less than the 0.41 increase identified for the Original Project, the Delay Index would still increase by more than 0.05 for peak hour peak direction traffic where the Delay Index exceeds 2.0 on Pleasant Hill Road. The result would be a significant cumulative impact. No feasible mitigation measures have been identified to reduce this cumulative impact of the Resumed Project, which would remain significant and unavoidable.<sup>55</sup>

**Impact TRAF-14:**

(BART parking): The 2013 FEIR determined that the Original Project would generate an additional weekday parking demand for up to 50 spaces at the Lafayette BART station, which represented approximately 3 percent of the 1,526 spaces then available in the lot. Based on the updated TIS for the Resumed Project, there are currently 1,529 total available parking spaces at Lafayette BART station. The Resumed Project would generate demand for up to 53 new parking spaces at the Lafayette BART station, which represents approximately 3.5 percent of the 1,529 available spaces, which spaces can be expected to fill up entirely by approximately 7:00 a.m. on weekdays. Therefore, the Resumed Project would create parking demand that cannot be accommodated at the Lafayette BART station. Therefore, similar to the conclusions of the 2013 FEIR, this impact of the Resumed Project would be significant. **MM TRAF-14** would apply to the Resumed Project and would require the applicant to provide subsidized, frequent shuttle service between the project site and the Lafayette BART station during the AM and PM peak commute periods, until such time that a bus route on Pleasant Hill Road serving the BART station is implemented, at which point the project applicant may provide transit vouchers in lieu of a shuttle. Similar to the conclusion of the 2013 FEIR, with implementation of **MM TRAF-14**, this impact of the Resumed Project would be less than significant. No new mitigation is needed.

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<sup>55</sup> As discussed in **Section 5.18, Project Variant Analysis**, the Project Variant would have a significant and unavoidable impact related to delay index on Pleasant Hill Road during both the AM and PM peak hours.

**Impact TRAF-15:** (School bus loading and unloading): The Original Project did not include a loading and unloading area for school bus service, and peak hour traffic congestion on Pleasant Hill Road and Deer Hill Road would be exacerbated if all traffic would be required to stop for a school bus in the traffic lane. As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the Resumed Project has been refined to incorporate 2013 FEIR **MM TRAF-15** and **MM TRAF-16A** as project design features. These design refinements include a loading and unloading area for school bus service as part of widening Pleasant Hill Road between Deer Hill Road and SR-24. In addition, on the south side of Deer Hill Road along the project site frontage, the Resumed Project would maintain a minimum width of new sidewalks and curbs of 6.5 feet (or as specified by the City Engineer). Location of the school bus stop would be coordinated with the Lamorinda School Bus Program. Similar to the conclusions of the 2013 FEIR, with the incorporated design refinements, this impact would be reduced to a less-than-significant level under the Resumed Project. Because they have already been incorporated as part of the Resumed Project, 2013 FEIR **MM TRAF-15** and **MM TRAF-16A** are no longer required for the Resumed Project. No new mitigation is needed.

**Impact TRAF-16:** (Pedestrian facilities): The Original Project included 5-foot sidewalks that would be narrower than those existing in the immediate vicinity or approved by the City on arterial roadways, which would be inconsistent with City guidelines for pedestrian facilities. As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the design of the Resumed Project has been refined to incorporate 2013 FEIR **MM TRAF-16A** by maintaining, on the south side of Deer Hill Road along the project site frontage, a minimum width of new sidewalks and curbs of 6.5 feet (or as specified by the City Engineer).

The Resumed Project's design refinements also incorporate 2013 FEIR **MM TRAF-16B**, by including, along southbound Pleasant Hill Road, a Class I shared path for bicycles and pedestrians, consistent with City plans to construct a bike path in this location. The pavement width and buffer area would be adequate to allow pedestrians to access loading spaces. As such, sidewalks proposed by the Resumed Project at project frontage would be consistent with City guidelines for pedestrian facilities. Similar to the conclusions of the 2013 FEIR, with the incorporated design refinements, this impact would be reduced to a less-than-

significant level under the Resumed Project. Because they have already been incorporated as part of the Resumed Project, 2013 FEIR **MM TRAF-16A** and **MM TRAF-16B** are no longer required for the Resumed Project. No new mitigation is needed.

**Impact TRAF-17:** (Pedestrian and bicycle hazards): Under the Original Project, project driveways on Deer Hill Road and Pleasant Hill Road would interrupt the new sidewalks and would cross existing and proposed Class II bike lanes. This would present conflicting vehicle traffic for pedestrians and bicyclists. As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the design of the Resumed Project has been refined to incorporate 2013 FEIR **MM TRAF-17** by incorporating 2013 FEIR **MM TRAF-3** and providing for the installation of stop signs for traffic exiting project driveways, in addition to other design features to alert drivers exiting the project site about pedestrian and bicyclists paths. These design features incorporated into the Resumed Project would reduce the potential for vehicle traffic conflicting with pedestrians and bicyclists at the project driveways. Similar to the conclusions of the 2013 FEIR, with the incorporated design refinements, this impact would be reduced to a less-than-significant level under the Resumed Project. Because they have already been incorporated as part of the Resumed Project, 2013 FEIR **MM TRAF-3** and **MM TRAF-17** are no longer required for the Resumed Project. No new mitigation is needed.

**Impact TRAF-18:** (Bicycle hazards due to weaving conflicts): The Original Project proposed widening the southbound Pleasant Hill Road to add a vehicle lane and a 5-foot-wide Class II bike lane along the west curb north of the project driveway. South of the project driveway, the bike lane would be forced to shift to the left side of the additional southbound traffic lane that would become a right-turn-only lane for the on-ramp to westbound State Highway 24. This configuration would cause unacceptable weaving conflicts with vehicle traffic for the planned southbound bike lane, resulting in a significant impact. As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the Resumed Project design has been refined to incorporate 2013 FEIR **MM TRAF-18**. As shown on Figure 4-2, the Resumed Project would include an on-street bike path on the left of dedicated right turn lanes to reduce conflicts between pedestrian and bicycle paths and traffic exiting and entering the project driveway. The on-street bike



lane would be a Class II bike path that would meet applicable width and slope standards, provide adequate sight-distance where it intersects the driveway, and connect with the existing bicycle path. Similar to the conclusions of the 2013 FEIR, with the incorporated design refinements, this impact would be reduced to a less-than-significant level under the Resumed Project. Because it has already been incorporated as part of the Resumed Project, 2013 FEIR **MM TRAF-18** is no longer required for the Resumed Project. No new mitigation is required.

**Impact TRAF-19**

(Interference with planned bicycle facilities): The 2013 FEIR determined that the Original Project would interfere with planned bicycle facilities because it could preclude accommodating a planned bike path along the project boundary, and the Original Project's plans proposed a narrower facility on the west side of Pleasant Hill Road than those that had been recently constructed by the City for shared bicycle and pedestrian use. As described above, the Resumed Project design incorporates 2013 FEIR **MM TRAF-16B**, and therefore sidewalks proposed at the project site frontage under the Resumed Project would be consistent with City guidelines for pedestrian facilities. **MM TRAF-19** would still apply to the Resumed Project and has been revised to include only the requirement that the project applicant coordinate with the City and Caltrans for the construction of the Class I bicycle path. Because it has already been incorporated as part of the Resumed Project, 2013 FEIR **MM TRAF-16B** is no longer required for the Resumed Project, and **Revised MM TRAF-19** no longer requires that 2013 FEIR **MM TRAF-16 B** be implemented. Similar to the conclusions of the 2013 FEIR, with implementation of **Revised MM TRAF-19**, this impact of the Resumed Project would be less than significant. No new mitigation is required.

**Impact TRAF-20:**

(Bicycle hazards at driveway intersections): The 2013 FEIR determined that traffic entering and exiting the proposed project driveway on Pleasant Hill Road would interfere with the shared bicycle and pedestrian path planned under the Original Project along the west side of the roadway, causing hazards to bicyclists at the driveway intersection. As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the Resumed Project design has been refined to incorporate 2013 FEIR **MM TRAF-20** and include a Class I shared path for bicycles and pedestrians, consistent with City plans to construct a bike path at the project frontage along southbound Pleasant Hill Road that would connect

with the shared bicycle/pedestrian path. The pavement width and buffer area would be adequate to allow pedestrians to access loading spaces, and the intersection with the project driveway would include adequate sight distance and appropriate surface treatments to prevent hazards to pedestrians and bicyclists. Similar to the conclusions of the 2013 FEIR, with the incorporated design refinements, this impact would be reduced to a less-than-significant level under the Resumed Project. Because it has already been incorporated as part of the Resumed Project, 2013 FEIR **MM TRAF-20** is no longer required for the Resumed Project. No new mitigation is required.

**Impact TRAF-21:** (Pedestrian and traffic hazards due to loss of passenger loading spaces): The Original Project proposed widening southbound Pleasant Hill Road between Deer Hill Road and the on-ramp to westbound State Highway 24 by eliminating the existing curb parking and passenger loading zone, which would substantially increase hazards for school pedestrians and vehicle traffic in the immediate area. As described in **Section 4.6, Refinements Incorporated into the Resumed Project**, the Resumed Project design has been refined to incorporate 2013 FEIR **MM TRAF-21** and would include designated curb spaces for passenger loading on the west curb of Pleasant Hill Road to be used for school passenger loading. Similar to the conclusions of the 2013 FEIR, with the incorporated design refinements, the Resumed Project would not increase hazards for school pedestrians and vehicle traffic near the project site, and this impact would be reduced to a less-than-significant level under the Resumed Project. Because it has already been incorporated as part of the Resumed Project, 2013 FEIR **MM TRAF-21** is no longer required for the Resumed Project. No new mitigation is required.

**Impact TRAF-22** (Conflict with Gateway Constraint Policy). The Resumed Project as proposed may conflict with the specific implementation of the Gateway Constraint Policy for southbound Pleasant Hill Road, as stated in the Lamorinda Action Plan (2017). For the designated gateway of Pleasant Hill Road, the policy is described as follows:

*The two southbound through lanes on Pleasant Hill Road–Taylor Boulevard are proposed as a gateway constraint. The Gateway Constraint Policy would prohibit the addition of any through lanes, including short-link segments, on any portion of Pleasant Hill Road between SR-24 and the Lafayette city limits line north of the intersection with Taylor Boulevard... While the gateway policy includes physical characteristics at key*

*intersections, gateway constraints may also be affected by varying the timing of signals, both along the corridor and at strategic entry points into the system.*<sup>56</sup>

In 2016, following a traffic signal coordination analysis<sup>57</sup> for Pleasant Hill Road, traffic congestion was shifted northward from Deer Hill Road by adjusting signal timing to meter traffic on the northern end of the corridor. Previously, the congestion and delays at the intersection at Deer Hill Road was the primary constraint on capacity within the corridor. As explained in **Chapter 4.0, Project Description**, the Resumed Project would include the addition of a southbound lane along the project frontage on Pleasant Hill Road, beginning north of Deer Hill Road and extending south to become a trap lane for the SR-24 westbound on-ramp. Although the Pleasant Hill Road/Deer Hill Road intersection no longer acts as the primary capacity constraint on this gateway, adding more capacity for southbound through movements at Deer Hill Road does have the potential to increase speeds upstream and attract more drivers onto the corridor. As such, the proposed additional lane would conflict with the Gateway Constraint Policy.

As discussed under **Impact TRAF-1** above, the proposed southbound lane on Pleasant Hill Road under the Resumed Project would improve the delay time in the AM peak hour at the intersection of Pleasant Hill Road & Deer Hill Road/Stanley Boulevard. In the PM school time and PM peak hour, the Resumed Project would increase the delay time. However, the increase would be less than the significance threshold of 5 seconds. Therefore, the Resumed Project would eliminate the significant and unavoidable impact resulting from delay at this intersection during the AM peak hour under Existing plus Original Project conditions, identified as **Impact TRAF-1** in the 2013 FEIR for the Original Project, and would result in less-than-significant traffic impacts at this intersection under all study scenarios.

However, as explained above, adding the southbound lane on Pleasant Hill Road would conflict with the Gateway Constraint Policy of the Lamorinda Action Plan. The policy specifies that Pleasant Hill Road should be limited to two southbound through lanes for the entire corridor, and even short-link sections of additional southbound through lanes are prohibited. As such, the Resumed

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<sup>56</sup> Lamorinda Action Plan, Final, September 2017, at 57-58.

<sup>57</sup> TJKM, 2017. Pleasant Hill Road Corridor Study. City of Lafayette. Final Project Report. February.]

Project's conflict with the Gateway Constraint Policy would constitute a significant impact. The 2013 FEIR analyzed the potential of adding the additional southbound through lane as a potential mitigation measure for **Impact TRAF-1** of the Original Project, and concluded that it would result in the same significant impact resulting from a conflict with the Gateway Constraint Policy. **MM TRAF-22**, presented below, would require the project applicant to either (a) obtain approval of amendments to the Lamorinda Action Plan such that there is no longer a conflict, obtain approval of an exception to the Gateway Constraint Policy for the Resumed Project's proposed additional southbound through lane, or obtain a determination that the proposed additional through lane does not conflict with the Gateway Constraint Policy, by Lamorinda Program Management Committee – Technical Advisory Committee (LPMC), Southwest Area Transportation Committee – Technical Advisory Committee (SWAT-TAC), Contra Costa Transit Authority (CCCTA) Board, or (b) proceed with the Project Variant, which would not include the additional southbound through lane. With implementation of **MM TRAF-22**, the Resumed Project's impact related to the Gateway Constraint Policy would be less than significant, because the conflict would no longer exist, the LPMC, SWAT-TAC, and CCCTA will have determined that no conflict exists, or the Project Variant, which does not include the additional lane, would be implemented.

However, **MM TRAF-22** could have a significant and unavoidable secondary impact, because it is uncertain as to whether the LPMC, SWAT-TAC, and CCCTA will approve an amendment or exception to the Project Variant, or determine that no conflict exists, and therefore it is possible the Project Variant may need to be implemented. As explained in **Section 5.18, Project Variant Analysis**, similar to **Impact TRAF-1** identified in the 2013 FEIR for the Original Project, the Project Variant would result in an impact related to delay in the AM peak hour at the intersection of Pleasant Hill Road and Deer Hill Road. Under the Project Variant, this impact would occur in Cumulative Year 2040 plus Project Variant conditions, which would be later than **Impact TRAF-1** identified in the 2013 FEIR for the Original Project. No feasible mitigation measures have been identified to reduce this impact, other than the additional through lane proposed as part of the Resumed Project. Because this secondary impact of **MM TRAF-22** would be similar to the impact identified for the Original Project, but

would occur later, it is not a new or substantially more severe environmental impact.

### ***Mitigation Measures Required for the Resumed Project***

**Revised MM TRAF-2:** The Project applicant shall coordinate with the City to contribute a fair share of the cost, including an in-lieu payment, to install either a roundabout (at the discretion of the City of Lafayette, in consultation with City of Lafayette engineering staff) or a traffic signal at the Brown Avenue/Deer Hill Road intersection, which will be added to the City's Capital Improvement Projects (CIP) program. The traffic signal equipment shall include an emergency vehicle preemption system (Opticom), which would allow emergency response vehicles approaching the signalized intersection to activate a green signal for their travel direction. The State Highway 24 freeway overpass structures on Brown Avenue could obstruct the Opticom activation device on responding emergency vehicles headed northbound on Brown Avenue from Mount Diablo Boulevard toward Deer Hill Road, which could substantially reduce the effectiveness of the traffic signal preemption. To avoid this problem, the traffic signal equipment shall include advance detection devices for the Opticom system as needed to assure effective traffic signal preemption for responding emergency vehicles on northbound Brown Avenue

**MM TRAF-5:** The Project applicant shall contribute a fair share to the cost of installing advance detection equipment for the existing Opticom system as needed to assure effective traffic signal preemption for responding emergency vehicles on northbound Pleasant Hill Road approaching the Deer Hill Road intersection and the other four signalized study intersections to the north. The advance detection system shall be designed to activate a green signal for northbound Pleasant Hill Road at Deer Hill Road with enough time before the emergency vehicle arrives to allow traffic congestion between State Highway 24 and the intersection to clear sufficiently to facilitate passage of the emergency vehicle. At a minimum, the advance detection system shall allow emergency vehicles responding from CCCFPD Station 15 (located at 3338 Mount Diablo Boulevard) to activate traffic signal preemption for northbound Pleasant Hill Road at Deer Hill Road as soon as they turn north from eastbound Mount Diablo Boulevard.

**MM TRAF-7:** The Project applicant shall prepare and submit a Construction Staging Plan for review and approval by the City Engineer. The Construction Staging Plan shall include flaggers for trucks entering and exiting the Project site, and a designated liaison to coordinate

with the City, schools, and the public as needed. In addition, the Construction Staging Plan shall include the following measures:

- Large trucks involved in the grading phase of construction shall be prohibited from arriving at or departing from the Project site during the hours of 7:00 to 9:00 a.m. and 3:00 to 7:00 p.m. on any school day, and 7:00 to 9:00 a.m. and 4:00 to 7:00 p.m. on any non-school weekday.
- Large trucks shall be prohibited from making U-turn movements from northbound to southbound Pleasant Hill Road at the Deer Hill Road intersection during construction. The Construction Staging Plan shall specify for each construction phase whether access to the Project site from northbound Pleasant Hill Road will be allowed, either by providing a median opening for left turns directly into the site south of Deer Hill Road, or will require a left turn onto Deer Hill Road and a subsequent left turn into the Project site at the east Deer Hill Road Project driveway.
- If the Construction Staging Plan allows large trucks to turn left from northbound Pleasant Hill Road to Deer Hill Road, accommodation of their turning radius may require the following temporary measures: modifications to the south median within up to 15 feet from the nose; relocation of the limit line for eastbound Deer Hill Road traffic lanes by up to 15 feet behind the existing crosswalk marking; adjustments to vehicle detectors, any other affected traffic signal equipment, and traffic signal timing as required to maintain safe and effective operations; and measures as otherwise specified by the City Engineer.
- The proposed locations and configuration of access points on Pleasant Hill Road and Deer Hill Road where large trucks would turn into or out of the Project site during construction shall be subject to approval by the City Engineer, to ensure consideration of sight-distance constraints and implementation of appropriate safety precautions.
- During any construction phase when access to the existing passenger loading zone on the west curb of Pleasant Hill Road along the Project frontage would be unavailable on school days, one of the following measures:
  - Provide a safe, temporary alternative loading zone in the immediate area, subject to approval by the City Engineer. Potential alternatives may include temporary use of the property on the northwest corner of Pleasant Hill Road and Deer Hill

Road, which would require surface improvements to facilitate safe vehicle and pedestrian access.

- Stage construction on the subject portion of the site such that during the school break for summer, the existing passenger loading zone would be demolished and replaced by construction of the recommended roadway configuration and passenger loading zone on the Pleasant Hill Road Project frontage.
- The Construction Staging Plan shall require restriping of bike lanes and other pavement markings at the discretion of the City Engineer to address wear from construction traffic.
- Special school events, such as swim meets, shall be addressed by the designated liaison required in the Construction Staging Plan, or any additional measures that the City Engineer may require in that Plan.
- The Construction Staging Plan shall include an engineering analysis to estimate the percentage of the pavement service life that will be used by Project construction truck trips on Pleasant Hill Road and Deer Hill Road. Based on this analysis, appropriate mitigation of the resulting damage shall be required from the Project sponsor, which may include construction of pavement improvements to restore the lost service life, or an in-lieu contribution of equivalent value, at the discretion of the City Engineer.

**Revised MM TRAF-10:** The Project applicant shall ~~either:~~

~~Widen Deer Hill Road at the west Project Driveway as needed to add a striped westbound median refuge lane to receive left turns from the driveway, and provide appropriate taper lengths west of the refuge land, and maintain appropriate widths for bike lanes, traffic lanes, and proposed sidewalks, or~~

~~Implement Mitigation Measure TRAF 3 and I-~~Install a side road symbol (California MUTCD No. W2-2) warning sign facing westbound Deer Hill Road traffic in advance of the relocated driveway.

**MM TRAF-14:** The Project applicant shall provide subsidized, frequent shuttle service between the Project site and the Lafayette BART station during the AM and PM peak commute periods, until such time that a bus route on Pleasant Hill Road serving the BART station

is implemented (as called for in the Lamorinda Action Plan), at which point the Project applicant may provide transit vouchers in lieu of a shuttle.

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

**MM TRAF-22.** The Project applicant shall either:

- Obtain one of the following from LPMC, SWAT-TAC, and CCCTA: 1) an amendment to the Lamorinda Action Plan Gateway Constraint Policy that eliminates the conflict with the Resumed Project resulting from the addition of a new southbound through lane to Pleasant Hill Road, 2) an exception to the Gateway Constraint Policy for the proposed additional southbound through lane, or 3) a determination that the additional southbound through lane does not conflict with the Gateway Constraint Policy; or
- Proceed with the Project Variant, which does not include adding a southbound through lane to Pleasant Hill Road and has no conflict with the Lamorinda Action Plan Gateway Constraint Policy.

## Changes in Circumstances and/or New Information

Changes in circumstances in which the Resumed Project would be undertaken have been accounted for because the existing conditions used in the analysis of Existing plus Project conditions in the updated TIS for the Resumed Project were based upon updated traffic counts in the transportation study area taken in April and May 2019, and the analysis of Cumulative plus Project conditions has been updated to reflect Cumulative Year 2040 conditions.



The updated *CEQA Guidelines* approved by the State Natural Resources Agency in December 2018, implement Senate Bill (SB) 743, passed in 2013, which requires that upon adoption of the new guidelines, “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any.” Section 15064.3(c) states, “A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide,” thus indicating that local agencies will have a grace period until July 1, 2020 to adopt vehicle miles traveled (VMT) as the primary metric for identifying transportation impacts. The traffic analysis for the Resumed Project was based on the LOS and Delay Index in order to examine its transportation impacts and provide a basis for comparison with the impact analysis of the 2013 FEIR. In addition, the updated VMT requirements have not yet been adopted by the City of Lafayette.

For the above reasons, there are no changes in circumstances in which the Resumed Project would be undertaken and there are no new information that has become available and no new regulations related to transportation and traffic that have come into effect since the certification of the 2013 FEIR that would result in new or substantially more severe significant environmental impacts related to transportation, such that preparation of an SEIR would be required.

## Findings

The Resumed Project would reduce two significant unavoidable impacts (**Impacts TRAF-1 and TRAF-11**) identified in the 2013 FEIR for the Original Project to less-than-significant levels. In addition, the design refinements included as part of the Resumed Project incorporated the following 2013 FEIR Mitigation Measures: **TRAF-3, TRAF-4, TRAF-6, TRAF-8, TRAF-10, TRAF-15, TRAF-16A, TRAF-16B, TRAF-17, TRAF-18, TRAF-20, and TRAF-21**. The design refinements would also render 2013 FEIR **Mitigation Measure TRAF-12** no longer applicable. As such, 2013 FEIR **Impacts TRAF-1, TRAF-3, TRAF-4, TRAF-6, TRAF-8, TRAF-11, TRAF-12, TRAF-15, TRAF-16, TRAF-17, TRAF-18, TRAF-20, and TRAF-21** would be less than significant under the Resumed Project, without the need to impose mitigation measures. **MM TRAF-22** was identified for the Resumed Project to reduce an impact associated with a conflict with the Lamorinda Gateway Policy, which was identified in the 2013 FEIR of a mitigation measure contemplated to address 2013 FEIR **Impact TRAF-1**.

The potential transportation impacts associated with the Resumed Project would be similar to or less than the impacts analyzed in the 2013 FEIR. Therefore, no new or substantially more severe significant environmental impacts related to transportation and traffic would result from the Resumed Project beyond those analyzed in the 2013 FEIR. No new mitigation is required.

## 5.16 UTILITIES/SERVICE SYSTEMS

The Resumed Project is generally similar to the Original Project analyzed in the 2013 FEIR. The potential impacts of the Resumed Project related to utilities and service systems would be similar to those identified in the 2013 FEIR for the Original Project. The Resumed Project would not result in any new or substantially more severe significant environmental impacts related to utilities and service systems than those identified in the 2013 FEIR for the Original Project.

### Summary of Analysis in the 2013 Final EIR

#### *Wastewater*

**Wastewater Treatment Requirements of the Applicable RWQCB.** The 2013 FEIR explained that sanitary wastewater treatment requirements applicable to the project site are established in the NPDES permit issued to the Central Contra Costa Sanitary District (CCCSD) by the San Francisco RWQCB. Under this permit, the CCCSD implements a pretreatment program for effluent discharged into Suisun Bay. The CCCSD also complies with the RWQCB Monitoring and Reporting Program and administers a Pollutant Minimization Program for ongoing reductions in pollutant loadings to the treatment plant and the receiving waters. The 2013 FEIR determined that the Original Project, as a residential development, would not involve industry that is likely to substantially increase pollutant loading levels in the sanitary sewer system. Therefore, the 2013 FEIR concluded that the Original Project was not expected to exceed treatment standards established by the RWQCB, and impacts of the Original Project related to sanitary wastewater quality would be less than significant.

**Wastewater Treatment Facilities.** The 2013 FEIR determined that the Original Project would generate 59 percent fewer residential units than permitted under the project site's then-current zoning and assumed for the project site in City's General Plan.<sup>58</sup> The 2013 FEIR determined that because the Original Project was within General Plan projections, it was also within the growth estimates used by CCCSD to determine future capacity. Accordingly, the 2013 determined that any off-site improvements required by the CCCSD were accounted for in CCCSD's recently updated CCCSD Collection System Master Plan. Based on the CCCSD's capacity study for the sewer system in the vicinity of the project site, the collection system immediately downstream of the project site would have sufficient capacity to accommodate the Original Project and other anticipated growth. The 2013 FEIR concluded that improvements to the CCCSD's existing facilities that are required as a result of new development would be funded from applicable CCCSD fees and charges. The project applicant, as with all new development, would be

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58 The Original Project included 315 residential units, and the APO zoning would permit up to 779 residential units.

required to pay these fees and charges at the time of connection to the sewer system. Therefore, the 2013 FEIR concluded that the Original Project would have a less-than-significant impact related to wastewater treatment facilities.

**Wastewater Treatment Provider Capacity.** The 2013 FEIR determined that the 315-unit Original Project would generate 33,075 gallons of wastewater per day (or approximately 0.033 million gallons per day [MGD]). The 2013 FEIR concluded that the amount of wastewater treatment required for the Original Project added to the average demand of 33.5 MGD, would not exceed the CCCSD treatment plant's existing capacity of 53.8 MGD average dry weather flow. The 2013 FEIR concluded that this impact of the Original Project would be less than significant.

**Cumulative Wastewater Impacts.** The 2013 FEIR determined that, similar to the Original Project, other cumulative projects are not served by private on-site wastewater treatment systems and would convey wastewater via municipal sewage infrastructure maintained by CCCSD. Therefore, the cumulative projects would be subject to and would be treated according to the State's wastewater treatment requirements enforced by the San Francisco RWQCB. Therefore, the 2013 FEIR concluded that the Original Project combined with cumulative projects would not exceed wastewater treatment requirements, and the Original Project's cumulative impacts related to sanitary wastewater quality would be less than significant.

## ***Water Supply***

**Water Treatment Facilities.** The project site is located within the East Bay Municipal Utility District's (EBMUD) service area. The 2013 FEIR explained that as part of the EBMUD Water Treatment and Transmission Improvements (WTTI) Program, the City Lafayette Water Treatment Plant (WTP) would be expanded and upgraded to allow it to meet forecasted future demand across a territory which includes the project site. The 2013 FEIR explained that EBMUD would require the project applicant to extend the water supply lines to the project driveways. The 2013 FEIR determined that the Original Project would not require the construction of new water treatment facilities or the expansion of existing facilities that could result in significant physical impacts, over those already planned for the WTP in the WTTI Program. The 2013 FEIR concluded that the Original Project's impacts related to water treatment facilities would be less than significant.

**Water Supply.** The 2013 FEIR explained that EBMUD's water demand projections account for anticipated future water demands within EBMUD's service boundaries, including the project site. The 2013 FEIR determined that EBMUD's capacity (325 MGD) exceeds the projected adjusted system demand (230 MGD) through the year 2040. The 2013 FEIR determined that the Original Project would incorporate

water saving features, such as efficient fixtures and appliances, and the landscaping plan would include the use of native vegetation consistent with the project site's regional location to reduce the amount of irrigation required. The irrigation system would be fully automated. The 2013 FEIR explained that the Original Project would be required to comply with mandatory regulations set forth in the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). Therefore, the 2013 FEIR concluded that the Original Project would result in a less-than-significant impact related to water supplies.

**Cumulative Water Impacts.** The 2013 FEIR explained that EBMUD had determined that its 325 MGD of available capacity would be sufficient to accommodate future demand in EBMUD's service area through 2040. EBMUD had also identified localized deficiencies in water treatment capacity in the service area and taken action to correct them through the WTTI Program. The 2013 FEIR explained that all reasonably foreseeable projects had been considered in EMBUD's assessments. Therefore, the 2013 FEIR concluded that the Original Project, in combination with other cumulative projects, would result in a less-than-significant cumulative impact related to water supply.

### ***Solid Waste***

**Landfill Capacity.** The 2013 FEIR determined that solid waste from the Original Project would be transferred to the Keller Canyon Landfill in Contra Costa County for ultimate disposal. The 2013 FEIR determined that the Keller Canyon Landfill was permitted to receive up to 3,500 tons of waste per day, and was receiving about 2,500 tons of waste per day at the time of the preparation of the FEIR. The 2013 FEIR determined that remaining capacity at the landfill was over 63.408 million cubic yards. The 2013 FEIR determined that the Original Project would comply with Senate Bill (SB) 1016 and aim for the California Integrated Waste Management Board's (CIWMB) target of 4.7 pounds of waste per person per day for 2010 through the source reduction, recycling, and composting programs coordinated by the Contra Costa County Solid Waste Authority (CCCSWA). The 2013 FEIR determined that the Original Project would generate approximately 1.55 tons per day, which would be approximately 0.04 percent of the permitted daily capacity of the Keller Canyon Landfill. Therefore, the 2013 FEIR concluded that the Original Project's solid waste impact related to landfill capacity would be less than significant.

**Compliance with Solid Waste Regulations.** The 2013 FEIR explained that Lafayette had adopted a Source Reduction and Recycling Element (SRRE), a Household Hazardous Waste Element (HHWE), and a Non-Disposal Facility Element (NDFE), in compliance with the California Integrated Waste Management Act. Implementation of strategies and programs from these plans allowed the City to meet the State-mandated waste diversion goal of 50 percent in 2010. The 2013 FEIR determined that the Original Project's construction and demolition would generate significant solid waste. At least half of this

waste would be expected to be diverted from landfill disposal by recycling in accordance with the City's Construction Debris Ordinance. The 2013 FEIR concluded that the Original Project would comply with applicable statutes and regulations, including the City's Construction Debris Ordinance. Therefore, the 2013 FEIR concluded that the Original Project's impact related to compliance with solid waste regulations would be less than significant.

**Cumulative Solid Waste Impact.** The 2013 FEIR explained that the Keller Canyon Landfill had 63.408 million cubic yards of available capacity and an estimated life through 2030. The 2013 FEIR determined that the Original Project would not make a significant contribution to cumulative impacts relating to solid waste management or disposal, because the landfill had sufficient capacity to accommodate 996.6 tons per day of additional solid waste over the total that would be generated by the Original Project and the six cumulative projects analyzed in the 2013 FEIR. Therefore, the 2013 FEIR concluded that the Original Project's cumulative impacts related to solid waste would be less than significant.

### ***Energy***

The 2013 FEIR explained that the Original Project would include photovoltaic panels and energy efficient equipment for a variety of building features, including hot water units, windows, lighting design and fixtures, appliances, HVAC (heating, ventilation, and air conditioning), and insulation. and would be consistent with General Plan Policy OS-11.1. Furthermore, the Original Project would meet the conventional Title 24 standards. In addition, the 2013 FEIR explained that the Original Project would apply environmentally sustainable standards for demolition, construction, and operation and would meet LEED 2009 for New Construction and Major Renovation Green Building Rating System standards to reduce energy and water consumption.

The 2013 FEIR determined that the Original Project would include energy efficient equipment, water efficiency features, and landscaping that required reduced irrigation and energy consumption. The 2013 FEIR also explained that the project site is in close proximity to State Highway 24 and within one mile of the BART Lafayette Station and downtown shopping corridor. The 2013 FEIR concluded, that given the Original Project's proximity to downtown, transit, public schools and a regional park, combined with the project features to reduce energy and water use, the Original Project would not result in a substantial increase in natural gas and electrical service demand, and would not require new energy supply facilities, distribution infrastructure, or capacity enhancing alterations to existing facilities. Therefore, the 2013 FEIR concluded that the Original Project's impacts related to energy would be less than significant.

## Analysis of the Resumed Project

### *Wastewater*

**Wastewater Treatment Requirements of the Applicable RWQCB.** Similar to the Original Project, the Resumed Project would not include industrial activities that would substantially increase pollutant loading levels in the sanitary sewer system. Therefore, consistent with the conclusions of the 2013 FEIR, the Resumed Project would not exceed treatment standards established by the RWQCB, and the Resumed Project's impact related to sanitary wastewater quality would be less than significant. No new mitigation is required.

**Wastewater Treatment Facilities.** Similar to the Original Project, the Resumed Project would generate 59 percent fewer residential units than permitted under the applicable APO zoning (315 residential units versus 779 residential units) assumed for the project site in City's General Plan. The CCCSD estimates of future wastewater treatment capacity within the City of Lafayette were based on the General Plan and the Downtown Strategic Plan that was underway at the time of the preparation of the CCCSD Master Plan.<sup>59</sup> Therefore, consistent with the determinations of the 2013 FEIR, the Resumed Project would be within the CCCSD's future capacity estimates and CCCSD's wastewater collection system would have sufficient capacity to accommodate the Resumed Project. The Resumed Project would be subject to applicable CCCSD fees and charges to fund needed improvements to the CCCSD's existing facilities. Consistent with the conclusions of the 2013 FEIR, the Resumed Project would have a less-than-significant impact related to wastewater treatment facilities. No new mitigation is required.

**Wastewater Treatment Provider Capacity.** CCCSD collects and cleans more than 13 billion gallons of wastewater per year, equivalent to approximately 35.6 MGD.<sup>60</sup> Consistent with the determinations of the 2013 FEIR, the Resumed Project's wastewater treatment requirement of approximately 0.033 MGD would not exceed the CCCSD treatment plant's existing capacity of 53.8 MGD average dry weather flow. Consistent with the conclusions of the 2013 FEIR, the Resumed Project's impact related to wastewater treatment capacity would be less than significant. No new mitigation is required.

**Cumulative Wastewater Impacts.** Consistent with the determinations of the 2013 FEIR, other cumulative projects would be subject to and would be treated in accordance with the State's wastewater treatment requirements enforced by the San Francisco RWQCB. Therefore, consistent with the conclusions 2013 FEIR, the Resumed Project in combination with cumulative projects would not exceed wastewater

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<sup>59</sup> CCCSD, 2017. Comprehensive Wastewater Master Plan. June.

<sup>60</sup> CCCSD, 2020. Service Area and Statistics. <https://www centralsan.org/post/service-area-statistics>. Accessed January 23, 2020.

treatment requirements, and the cumulative impacts of the Resumed Project related to sanitary wastewater quality would be less than significant. No new mitigation is required.

### ***Water Supply***

**Water Treatment Facilities.** Consistent with the determinations of the 2013 FEIR, as part of the EBMUD's WTTI Program, the City of Lafayette Water Treatment Plant (WTP) would be expanded and upgraded to allow it to meet forecasted future demand across a territory which includes the project site. The Resumed Project would be required to extend the water supply lines to the project driveways, similar to the Original Project. Consistent with the determinations of the 2013 FEIR, the Resumed Project would not require the construction of new facilities or the expansion of existing facilities that could result in significant physical impacts. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project's impacts related to water treatment facilities would be less than significant. No new mitigation is required.

**Water Supply.** Since the 2013 FEIR was certified, EBMUD has adopted the updated 2015 Urban Water Management Plan (UWMP). The UWMP provides an overview of EBMUD's water supply sources and usage, recycled water, and conservation programs. EBMUD's water demand projections are derived from a land-use based approach using adopted general plans from EBMUD's service area, which includes Lafayette. According to the UWMP, EBMUD has a total water right and capacity of 325 MGD from the Mokelumne River, which is consistent with the capacity stated in the 2013 FEIR.<sup>61</sup> Similar to the Original Project, the Resumed Project would incorporate water saving features, such as efficient fixtures and appliances. In addition, the Resumed Project would be required to comply with the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). Therefore, consistent with the conclusions of the 2013 FEIR, the Resumed Project's impact related to water supply would be less than significant. No new mitigation is required.

**Cumulative Water Impacts.** The EBMED UWMP is based on a 2040 Demand Study to forecast average annual water demands in EBMUD's service area out to 2040. The forecast relied on the adopted general plans of the cities and counties in EBMUD's service area, in addition to future development identified by local planning agencies for their respective communities.<sup>62</sup> Consistent with the determinations of the 2013 FEIR, future demand within the service area would be covered under the EBMUD UWMP and localized deficiencies in water treatment capacity in the service area would be addressed through the WTTI Program. Therefore, consistent with the 2013 conclusions of the FEIR, the Resumed Project would result in less-than-significant cumulative impacts related to water supply. No new mitigation is required,

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<sup>61</sup> EBMUD, Water Resources Planning Division. 2016. UWMP, page 8. July.

<sup>62</sup> EBMUD. 2015. Urban Water Management Plan 2015.

## ***Solid Waste***

**Landfill Capacity.** Consistent with the analysis in the 2013 FEIR, solid waste generated by the Resumed Project would be transferred to the Keller Canyon Landfill in Contra Costa County for ultimate disposal. Keller Canyon Landfill, permitted to receive up to 3,500 tons of waste per day, and is currently taking 2,700 tons per day.<sup>63</sup> As of December 31, 2018, the remaining capacity of the landfill was approximately 51.989 million cubic yards and estimated remaining tonnage was approximately 52.203 tons<sup>64</sup> Also as of December 31, 2018, the projected remaining lifespan of the landfill was 53.8 years, with a capacity to operate for approximately 52 years.<sup>65</sup> Consistent with the analysis in the 2013 FEIR, the Resumed Project would comply with applicable regulations for solid waste reduction through recycling and composting programs in coordination with CCCSWA. The Resumed Project is estimated to generate approximately 1.55 tons per day of solid waste, which would be approximately 0.04 percent of the Keller Canyon Landfill's permitted daily capacity. Therefore, consistent with the conclusions of the 2013 FEIR, the Resumed Project's solid waste impact related to landfill capacity would be less than significant. No new mitigation is needed.

**Compliance with Solid Waste Regulations.** As described under **Section 4.5, Changes to Existing Conditions Since the Certification of the 2013 FEIR**, since the certification of the 2013 FEIR, the buildings previously located at the project site have been demolished in compliance with the demolition permit obtained from the City's Planning Services Division and the Contra Costa County Building Inspection Division. Therefore, construction of the Resumed Project would not result in significant quantities of solid waste. The Resumed Project would comply with applicable statutes and regulations, including the City's Construction Debris Ordinance and the Central Contra Costa Solid Waste Authority Ordinance No. 97-01 regarding solid waste collection and disposal, green waste, and recyclable material. Therefore, consistent with the conclusion of the 2013 FEIR, the Resumed Project's impact related to compliance with solid waste regulations would be less than significant.

**Cumulative Solid Waste Impact.** The Keller Canyon Landfill has 63,408 million cubic yards of available capacity and an estimated life through 2030.<sup>66</sup> The Resumed Project would not make a significant contribution to cumulative impacts relating to solid waste management or disposal, because the landfill

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<sup>63</sup> Contra Costa County Department of Conservation and Development. 2020. Personal Communication with David Brockbank. April 7.

<sup>64</sup> Contra Costa County Department of Conservation and Development. 2020. Personal Communication with David Brockbank April 7.

<sup>65</sup> Contra Costa County Department of Conservation and Development. 2020. Personal Communication with David Brockbank. April 7.

<sup>66</sup> CalRecycle. 2020. SWIS Facility Detail. Keller Canyon Landfill (07-AA-0032). <https://www2.calrecycle.ca.gov/swfacilities/Directory/07-AA-0032/>. Accessed March 13, 2020.



has sufficient capacity to accommodate 2,700 tons per day of additional solid waste over the total that would be generated by the Original Project and the 18 cumulative projects identified in this Addendum. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project's cumulative impacts related to solid waste would be less than significant.

### ***Energy***

Similar to the Original Project, the Resumed Project would include photovoltaic panels and energy efficient equipment for a variety of building features, including hot water units, windows, lighting design and fixtures, appliances, HVAC, and insulation. As described in **Section 5.7, Greenhouse Gas Emissions**, the Resumed Project would implement **MM GHG-1a** through **MM GHG-6** to reduce the Resumed Project's natural gas combustion and energy demand. Therefore, similar to the conclusions of the 2013 FEIR, the Resumed Project's impacts related to energy would be less than significant.

The Resumed Project in combination with cumulative projects would incrementally increase energy consumption in the area. Similar to the Resumed Project, other developments would have to comply with the City of Lafayette Building Code (Municipal Code Chapter 74-2), which is based on the 2016 California Building Code Title 24 energy efficiency standards and 2016 CALGreen Code, which would reduce energy consumption of new development in the area. Increased land use intensity of the Resumed Project and related projects would result in additional vehicles miles traveled in the area. However, over the lifetime of the Resumed Project and the related projects, the fuel efficiency of vehicles is expected to increase. Therefore, due to compliance with increasingly stringent local and state regulations for energy efficiency in buildings and vehicles, cumulative effects resulting from the Resumed Project and cumulative projects would be less than significant.

### **Changes in Circumstances and/or New Information**

There are no changes in circumstances in which the Resumed Project would be undertaken that would affect the analysis of impacts related to utilities and service systems in the 2013 FEIR. As described above, since the certification of the 2013 FEIR, EBMUD adopted the updated UWMP. However, no new information has become available and no new regulations related to utilities and service systems have come into effect since the certification of the 2013 FEIR that would result in new or substantially more severe significant environmental impacts such that preparation of an SEIR would be required.

### **Findings**

**MM GHG-1a** through **MM GHG-6** have been identified for the Resumed Project to reduce its natural gas combustion and energy demand. The Resumed Project would result in similar impacts related to utilities

and services systems as the Original Project. The potential utilities and services systems impacts of the Resumed Project are adequately analyzed in the 2013 FEIR, and the Resumed Project would not result in any new or substantially more severe significant environmental impacts related to utilities and services systems beyond those discussed in the 2013 FEIR.

## 5.17 OTHER CEQA TOPICS

This section addresses resource topics added to the updated CEQA Checklist in *CEQA Guidelines* Appendix G after the certification of the 2013 FEIR.

### 5.17.1 Energy

#### *Energy Use*

**Construction.** During construction, the Resumed Project would consume energy through the combustion of fossil fuels in construction vehicles, worker commute vehicles, and construction equipment, and the use of electricity for temporary buildings, lighting, and other sources. It is not anticipated that natural gas would be utilized as part of project construction. Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during site clearing, grading, paving, and building construction. The types of equipment could include gasoline- and diesel-powered construction and transportation equipment, including trucks, bulldozers, front-end loaders, forklifts, and cranes. However, construction of the Resumed Project would not result in unusually large fuel or energy consumption in the context of energy use throughout the region.

Based on California Emissions Estimator Model (CalEEMod) estimations used to estimate greenhouse gas emissions associated with the Resumed Project, construction-related vehicle trips would result in approximately 1.26 million vehicle miles traveled and consume an estimated 229,955 gallons of gasoline and diesel combined during the construction phase (see **Appendix C, Air Quality and Greenhouse Gas Technical Assessment**, for a summary of the sources and calculations). In addition, construction equipment use would consume an estimated 132,976 gallons of diesel. The Resumed Project would comply with the California Code of Regulations, Title 13, Sections 2449(d)(3) and 2485, and limit idling from both on-road and off-road diesel-powered equipment. As discussed in **Section 5.3, Air Quality**, the Resumed Project would implement **Revised MM AQ-2** which requires the use of Tier 4 final off-road engines throughout the construction period. Tier 4 engines are designed to optimize fuel efficiency while minimizing pollution. Additionally, given the cost of fuel, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction.

Other equipment could include construction lighting, field services (office trailers), and electrically driven equipment such as pumps and other tools. Single wide mobile office trailers, which are commonly used in construction staging areas, generally range in size from 160 square feet to 720 square feet. Without regular household activities, a typical 720-square-foot office trailer would generally consume less energy than an average single-family home. For the above reasons, the Resumed Project would not result in a significant impact related to wasteful consumption of energy resources.

**Operations.** The operational phase of the Resumed Project would consume energy as part of building operations and transportation activities. Building operations for the Resumed Project would involve energy consumption for multiple purposes including, but not limited to, building heating and cooling, refrigeration, lighting, and electronics. Based on the CalEEMod energy use estimations included in **Appendix C, Air Quality and Greenhouse Gas Technical Assessment**, Resumed Project operations would consume approximately 1.37 million kWh of electricity and an estimated 3.21 million kilo-British Thermal Unit (kBtu) (1,350 cubic feet) of natural gas on an annual basis. The Resumed Project would comply with the City of Lafayette Building Code (Municipal Code Chapter 74-2), which is based on the 2016 California Building Code Title 24 energy efficiency standards and 2016 California Green Building Standards Code (CALGreen). In addition, the Resumed Project would implement **MM GHG-1a** through **MM GHG-6**, including **MM GHG-5**, which requires the Resumed Project to achieve an energy efficiency 25 percent greater than required in Title 24. The mitigation measures would also require installing ENERGY STAR rated appliances, low-flow water fixtures, and 56 EV parking stalls to be equipped with EV chargers. In addition, **MM GHG-6** requires installing solar panels on the carports and fourteen residential buildings, which would generate over half of the energy required by the Resumed Project.

Operational energy would also be consumed as the result of vehicle trips associated with the Resumed Project. Based on CalEEMod estimates included in **Appendix C, Air Quality and Greenhouse Gas Technical Assessment**, Resumed Project-related vehicle trips would result in approximately 4.69 million vehicle miles traveled and consume an estimated 210,428 gallons of gasoline on an annual basis. The project site is located 1.4 miles from the Lafayette BART Station. The Resumed Project would implement **MM TRAF-14**, which requires the applicant to provide subsidized, frequent shuttle service between the project site and the Lafayette BART station during the AM and PM peak commute periods, until such time that a bus route on Pleasant Hill Road serving the BART station is implemented, at which point the project applicant may provide transit vouchers in lieu of a shuttle. Therefore, the Resumed Project's operation would not result in a significant impact related to wasteful consumption of energy resources.

*Consistency with State or Local Plan for Renewable Energy or Energy Efficiency.* As discussed above, during construction, the Resumed Project would comply with the California Code of Regulations Title 13, Sections 2449(d)(3) and 2485, which limit idling from both on-road and off-road diesel-powered

equipment. It would also comply with the City of Lafayette Building Code (Municipal Code Chapter 74-2). In addition, the Resumed Project would comply with Lafayette Municipal Code Chapter 3-10, which requires an application for a building permit to install solar energy systems to ensure that apartment buildings are solar ready in accordance with Government Code Section 65850.5, consistent with California Building Codes Standards. The Resumed Project would implement **MM GHG-5**, which requires the installation of 56 EV parking stalls. Therefore, the Resumed Project would comply with Lafayette Municipal Code Chapter 3-3, Section 4.106.4.2, which requires new multi-family dwelling developments to provide at least 5 percent of the total parking spaces for EV charging spaces, consistent with California Building Code standards. Compliance with the above mandatory measures would ensure that the Resumed Project would be consistent with applicable plans, policies, and regulations adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, this impact of the Resumed Project would be less than significant.

### 5.17.2 Tribal Cultural Resources

At the time the 2013 FEIR was prepared and certified, CEQA did not require consultation with California Native American Tribes as part of the analysis of impacts to cultural resources due to project implementation. AB 52, which was approved in September 2014 and became effective on July 1, 2015, requires that CEQA lead agencies consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of a project regarding tribal cultural resources, if so requested by the tribes. AB 52 applies only to projects where the Notice of Preparation (NOP) was filed after July 1, 2015. The NOP for the 2013 EIR was filed on July 25, 2011, and therefore the Resumed Project is not subject to AB 52. However, a search of the Native American Heritage Commission (NAHC) Sacred Land Files was completed for the Resumed Project on April 17, 2019. The NAHC Sacred Land Files search did not identify the presence of any known or potential tribal cultural resources. However, excavation activities for the Resumed Project could encounter prehistoric archaeological resources that could be determined to be tribal cultural resources. As discussed in **Section 5.5, Cultural Resources**, the Resumed Project would implement **MM CULT-1** and **CULT-3** which require proscriptive treatment procedures in the unlikely circumstance that sensitive artifacts or human remains are found. With the implementation of **MM CULT-1** and **CULT-3**, the impact of the Resumed Project related to tribal cultural resources would be less than significant.

### 5.17.3 Wildfire

Wildfire conditions are primarily influenced by weather, vegetation, topography, and human activities. The interaction of these factors produces local and regional fire regimes. The fire regime in any area is defined by several factors, including fire frequency, intensity, severity, and area burned.

**Weather.** In Lafayette, the summers are long, warm, arid, and mostly clear, and the winters are short, cold, wet, and partly cloudy. Over the course of the year, the temperature typically varies from 40°F to 79°F and is rarely below 32°F or above 88°F.<sup>67</sup> The Bay Area Air Quality Management District (BAAQMD) monitors the Bay Area’s air quality and wind speed at a number of stations. The closest station to the project site is located in Concord, approximately 6 miles to the northeast. According to the BAAQMD, the average wind speed for Concord varies month to month and ranges from 2 to 5 miles per hour (mph) with maximum gusts ranging from 22 to 47 mph.<sup>68</sup>

**Topography.** The project site is characterized by four terraces separated by slopes that vary from inclinations of 1.5:1 to 4:1 (horizontal:vertical). Elevations range from a high of about 463 feet above mean sea level (msl) on the northernmost terrace adjacent to Deer Hill Road to a low of about 330 feet above msl at the drainage near Pleasant Hill Road at the eastern edge of the site.

The project site is bounded by Pleasant Hill Road to the east, State Highway 24 to the south, and Deer Hill Road to the west and north. Single-family residences are located east of Pleasant Hill Road, downtown Lafayette is south of State Highway 24, and Briones Regional Park is to the west and north of Deer Hill Road.

**Vegetation.** The project site’s vegetation is dominated by a cover of non-native and native grasslands, with stands of planted and remnant native oak woodland, and scattered ornamental tree plantings. A riparian woodland and scrub are present along the intermittent creek channel that traverses the northern portion of the property.

The project site is not within a “High” Fire Hazard Severity Zone in a State Responsibility Area as defined by the California Department of Forestry and Fire Protection (CAL FIRE).<sup>69</sup> CAL FIRE designates the site as a Local Responsibility Area (LRA).<sup>70</sup> The Contra Costa County Fire Protection District (CCCFPD) oversees wildfire protection at the project site. CAL FIRE designates an area of Briones Regional Park, 1.64 miles to the northwest of the Project site, as a “High” Fire Hazard Severity Zone in a State

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<sup>67</sup> Weather Spark, 2020. Average Weather in Lafayette. <https://weatherspark.com/y/523/Average-Weather-in-Lafayette-California-United-States-Year-Round>. Accessed February 3, 2020.

<sup>68</sup> Bay Area Air Quality Management District (BAAQMD). Air Monitoring Data. Website: <http://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data?DataViewFormat=yearly&DataView=met&StartDate=12/11/2017&ParameterId=203&StationId=4902>. Accessed March 16, 2020.

<sup>69</sup> Cal Fire, 2009. Very High Hazard Severity Zones in LRA As Recommended by CALFIRE. <https://osfm.fire.ca.gov/media/5779/lafayette.pdf>. Accessed January 23, 2020.

<sup>70</sup> Local Responsibility Area are lands for which a local government (no the State) is responsible for all fire protection,

Responsibility Area.<sup>71</sup> However, the project site is depicted within Very High Fire Hazard Severity Zones on the City of Lafayette adopted map that depicts compiled data from the Contra Costa County Fire Protection District fire hazards map and CAL FIRE.<sup>72</sup>

There have been no reported historical wildfires within the project area in the last 100 years.<sup>73</sup> Reported historical wildfires have occurred more than 7 miles to the northwest and west of the project site.<sup>74</sup>

The City of Lafayette has a semi-rural character that encourages the mix of population with the vegetation and open spaces associated with a rural environment. This wildland intermix is subject to wildland fires that can cause the loss of life and property.<sup>75</sup>

As discussed in **Section 5.8, Hazards and Hazardous Materials**, the project site is located along the eastern limits of Zone 3 of the City of Lafayette Emergency Operation Plan.<sup>76</sup> Zone 3 is designated in the plan as a residential neighborhood that is heavily wooded, surrounded by low rolling hills and vegetation. Happy Valley Road also serves as the only point of entry for emergency responders into the neighborhood. Happy Valley Road is susceptible to closure due to the impact of the fire itself and the encroachment of vegetation into that area.<sup>77</sup> The Upper Happy Valley Road towards Mount Diablo Boulevard is the designated evacuation route for Zone 3. The area to the east of the project site across Pleasant Hill Road is designated by the City's Emergency Operation Plan as Zone 6. The Quandt Road towards Pleasant Hill Road is the designated evacuation route for this zone. Because the project site is along the eastern limit of Zone 3 and adjacent to Zone 6, the evacuation route for the Resumed Project would be Pleasant Hill Road. Depending on the road conditions during the emergency event, Deer Hill

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<sup>71</sup> State Responsibility Area are areas where Cal Fire is the primary emergency response agency responsible for fire suppression and prevention.

<sup>72</sup> City of Lafayette. Very High Fire Hazard Severity Zones. Data Source: Contra Costa County Fire Protection District. & Cal Fire. <https://www.lovelafayette.org/home/showdocument?id=2490>. June.

<sup>73</sup> Zentner E & Hagan Ch., 2018. Perimeters of wildfires in California from 1878 to early 2018 (CAL FIRE), perimeters of wildfires in California in 2018 (USGS). <https://projects.caprado.org/california-fire-history/#11.61/37.9212/-122.2089/-13.6/3>. Access February 3, 2020.

<sup>74</sup> Zentner E & Hagan Ch., 2018. Perimeters of wildfires in California from 1878 to early 2018 (CAL FIRE), perimeters of wildfires in California in 2018 (USGS). <https://projects.caprado.org/california-fire-history/#11.61/37.9212/-122.2089/-13.6/3>. Access February 3, 2020.

<sup>75</sup> City of Lafayette. 2016. Emergency Operations Plan. <https://www.lovelafayette.org/home/showdocument?id=4054> Revised: August.

<sup>76</sup> City of Lafayette. 2016. Emergency Operations Plan. <https://www.lovelafayette.org/home/showdocument?id=4054> Revised: August.

<sup>77</sup> City of Lafayette. 2016. Emergency Operations Plan. <https://www.lovelafayette.org/home/showdocument?id=4054> Revised: August.

Road may alternatively be used as an evacuation route.<sup>78</sup> The Resumed Project would not result in any changes that would affect the operations and emergency responses of Lafayette Police Department and Contra Costa County Fire Protection District.<sup>79</sup> Access to the residences north of the intersection of Deer Hill Road and Pleasant Hill Road would not be affected by the operations of the Resumed Project.<sup>80</sup>

Project construction vehicles would use Pleasant Hill Road and other nearby roadways. As discussed in **Section 5.15, Transportation**, the Resumed Project would implement **MM TRAF-7**, which requires the review and approval of a Construction Staging Plan by the City of Lafayette. The Plan would prohibit construction trucks to use the roadway network during peak traffic hours. It would also prohibit trucks from making U-turns on Pleasant Hill Road and Deer Hill Road. **MM TRAF-7** includes additional measures such as street configurations to reduce impacts to traffic flow on the nearby roadway network. With implementation of **MM TRAF-7**, the Resumed Project's impact related to the City's Emergency Evacuation Plan and Emergency Operation Plan during construction would be less than significant.

During operation of the Resumed Project, as outlined in the City's Emergency Operations Plan, the Unified Command<sup>81</sup> would be responsible for the decision to evacuate, and law enforcement would be responsible for the management of the evacuation process. During a proclaimed emergency, inter-jurisdictional mutual aid would be coordinated at the County (Operational Area), or the Mutual Aid Regional Level.<sup>82</sup> As discussed in **Section 5.15, Transportation**, the Resumed Project would implement **MM TRAF-5** and contribute a fair share to the cost of installation of advance detection equipment to assure effective traffic signal preemption for responding emergency vehicles on northbound Pleasant Hill Road approaching the Deer Hill Road intersection and the other four signalized study intersections to the north. In addition, 2013 FEIR **MM TRAF-6** and **MM TRAF-8**, which have been incorporated into the design of the Resumed Project, as described **Section 4.6, Refinements Incorporated into the Resumed Project**, would ensure adequate turning radii at the project driveways and on-site intersections. As

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<sup>78</sup> Aaron McAlister, Deputy Fire Chief - Contra Costa County Fire Protection District, Chris Bachman - Assistant Chief, Contra Costa County Fire Protection District, and Benjamin Alldritt - Chief of Police, City of Lafayette. 2020. Personal Communication. February 11.

<sup>79</sup> Aaron McAlister, Deputy Fire Chief - Contra Costa County Fire Protection District, Chris Bachman - Assistant Chief, Contra Costa County Fire Protection District, and Benjamin Alldritt - Chief of Police, City of Lafayette. 2020. Personal Communication. February 11.

<sup>80</sup> Aaron McAlister, Deputy Fire Chief - Contra Costa County Fire Protection District, Chris Bachman - Assistant Chief, Contra Costa County Fire Protection District, and Benjamin Alldritt - Chief of Police, City of Lafayette. 2020. Personal Communication. February 11.

<sup>81</sup> For emergency events that would go beyond the day-to-day response capability, fire and police departments will carry out centralized emergency management to ensure the successful coordination of the response and the initiation of recovery operations.

<sup>82</sup> City of Lafayette. 2016. Emergency Operations Plan.  
<https://www.lovelafayette.org/home/showdocument?id=4054> Revised: August.

discussed in **Section 5.14, Public Services**, as part of project permitting approval, the CCCFPD would review the project design plans to ensure adequate emergency access. With compliance with applicable regulations and implementation of **MM TRAF-5**, and due to the incorporation of 2013 FEIR **MM TRAF-6** and **MM TRAF-8** into the Resumed Project design, the Resumed Project's impact related to the City's Emergency Evacuation Plan and Emergency Operation Plan during operation would be less than significant.

The Resumed Project would locate the 14 proposed residential buildings on the existing flat areas (terraces) of the project site and would include the planting of 768 new trees. Therefore, the Resumed Project would not worsen the steepness of the slope, and the additional trees would help reduce wind speeds, thereby indirectly reducing fire spread. In addition, the project site is bounded by a highway and two main roads, all of which would act as fire breaks to stop the spread of a fire. As discussed in **Section 5.8, Hazards and Hazardous Materials**, the Resumed Project would comply with State and local building code requirements related to fire safety (e.g. sprinkler systems). The Resumed Project would also comply with the City's General Plan Policy S-4.5 and the project applicant would be required to submit, with the design plans, a vegetation management plan that includes native, drought tolerant, and fire-resistant species. The vegetation management plan would also be required to include vegetation thinning measures to prevent the spread of wildfires. Mandatory compliance with the California Building Code (CBC) would further prevent or reduce the risk to people and structures as a result of wildland fires. New electrical power and natural gas lines on and connecting to the project site would be installed below ground, minimizing potential ignition and related fire risk above ground, which would be consistent with the California Building Code and Uniform Fire Code. For the above reasons, the Resumed Project would not exacerbate wildfire risk and this impact would be less than significant.

## 5.18 PROJECT VARIANT ANALYSIS

As described in **Section 4.7, Project Variant**, a Project Variant was analyzed as part of this addendum and in the updated Traffic Impact Study included in **Appendix D, Traffic Impact Study**. The Project Variant would not include a new southbound lane on Pleasant Hill Road. Instead, the Project Variant would maintain the existing number of southbound through lanes. All other project components, proposed frontage improvements and other proposed widening elements would be included in the Project Variant, and would be the same as under the Resumed Project.

This section analyzes the CEQA resource topics and criteria for which the Project Variant would result in different levels of impacts than those identified in this addendum for the Resumed Project. For all the CEQA resource topics and criteria not discussed in this section, the level of impact of the Project Variant



would be the same as that identified for the Resumed Project and discussed in **Section 5.1, Aesthetics**, through **Section 5.17, Other CEQA Topics**, of this addendum.

### 5.18-1 Land Use and Planning

**Consistency with Policy LU-20.1:** Unlike the Resumed Project, as discussed below under **Section 5.18-2, Transportation**, under Cumulative Plus Project conditions, the Project Variant would result in a significant and unavoidable impact on the Deer Hill Road – Stanley Boulevard/Pleasant Hill Road intersection.<sup>83</sup> Therefore, similar to the Original Project, the Project Variant would conflict with Policy LU-20.1, regarding consideration of level of service (LOS) traffic standards when evaluating development proposals. Other than proceeding with the Resumed Project rather than the Project Variant, no new feasible mitigation measures have been identified that would reduce this impact. Therefore, unlike under the Resumed Project, this impact would remain significant and unavoidable under the Project Variant.

### 5.18-2 Transportation

**Impact TRAF-1:** Both the Resumed Project and Project Variant would eliminate the significant and unavoidable impact identified under Existing Plus Project conditions for the Original Project at the Pleasant Hill Road and Deer Hill Road/Stanley Boulevard intersection. However, unlike the Resumed Project, the Project Variant would result in an increase to AM peak hour delay of 8.8 seconds at this intersection under Cumulative Year 2040 plus Project conditions. Because the delay increase would exceed the significance threshold of five seconds for this intersection, which would already be operating at LOS F under Cumulative Year 2040 conditions, this impact of the Project Variant under Cumulative Year 2040 plus Project Variant conditions would be significant. As presented in the TIS in **Appendix D, Traffic Impact Study**, the following potential mitigation measures were considered to reduce this significant cumulative impact of the Project Variant:

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<sup>83</sup> As explained in **Section 5.15, Transportation**, and in **Appendix, Traffic Impact Study**, the Resumed Project would eliminate the significant and unavoidable impact identified for the Deer Hill Road – Stanley Boulevard/Pleasant Hill Road intersection under the Original Project and the Project Variant.

- **Restriping the southbound approach and adding a new receiving lane on Deer Hill Road.** This measure would convert the rightmost southbound through lane on Pleasant Hill Road north of the intersection with Deer Hill Road to a through/right lane. The analysis found that this lane geometry would have the potential to generate unacceptable conflicts with bicyclists. Therefore, restriping the southbound approach is not considered a feasible mitigation measure.
- **Signal optimization for the AM peak period.** This measure would keep the cycle length unchanged at the Pleasant Hill Road and Deer Hill Road/Stanley Boulevard intersection, while altering the amount of green time given to each movement during the AM peak hour, in order to reduce overall intersection delay. Signal timing during the school PM and PM peaks would be unchanged. However, this retiming was found to have the potential of increasing wait time for vehicles on the Stanley Boulevard approach to more than one cycle. This would be a new significant impact. Therefore, signal retiming is not considered a feasible mitigation measure.

Because no feasible mitigation measures have been identified to reduce this significant impact, the Project Variant would result in a significant and unavoidable impact at the intersection of Pleasant Hill Road and Deer Hill Road/Stanley Boulevard under the Cumulative Year 2040 plus Project Variant condition. Therefore, the Project Variant would not reduce the significant and unavoidable impact identified at this intersection for the Original Project, and it would remain significant and unavoidable under the Project Variant.<sup>84</sup>

As discussed in **Section 5.15, Transportation**, the added southbound lane on Pleasant Hill Road proposed by the Resumed Project would reduce the significant and unavoidable impact of the Original Project related to LOS to less-than-significant levels under all study scenarios at the intersection of Pleasant Hill Road and Deer Hill Road/Stanley Boulevard. Similarly, the Resumed Project

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<sup>84</sup> The significant unavoidable impact identified for the Original Project in the 2013 FEIR at the intersection of Pleasant Hill Road & Deer Hill Road/Stanley Boulevard occurred under Existing Plus Original Project conditions. The significant unavoidable impact identified for the Project Variant at this intersection in this Addendum would occur under Cumulative Year 2040 plus Project Variant conditions. As the level of impact did not substantially change, this impact is similar to that identified in the 2013 FEIR for the Original Project. However, it would occur at a later time. The Project Variant would not result in a new or substantially more severe significant impact.

would reduce the significant and unavoidable impact of the Project Variant related to LOS at this intersection. However, as discussed under **Impact TRAF-22**, the additional southbound lane under the Resumed Project would conflict with the Gateway Constraints Policy set forth in the *Lamorinda Action Plan*. The policy specifies that Pleasant Hill Road should be limited to two southbound through lanes for the entire corridor, and even short-link sections of additional southbound through lanes are prohibited. As such, the Resumed Project's conflict with the Gateway Constraints Policy would constitute a significant impact. **MM TRAF-22** identified above would require either (1) obtaining one of the following: an amendment to the Gateway Constraints Policy that eliminates the conflict, an exception to the Gateway Constraint Policy for the proposed additional southbound through lane, or a determination that the additional does not conflict with the Gateway Constraint Policy or (2) proceeding with the Project Variant instead of the Resumed Project. The Project Variant, which would not include the added southbound through lane, would not eliminate the significant and unavoidable impact under **Impact TRAF-1**. However, it would not conflict with the Gateway Constraints Policy, and the Project Variant's impact related to conflicting with this policy would be less-than-significant impact.

**Impact TRAF-13:**

Under Cumulative Year 2040 plus Project conditions, unlike the Resumed Project, the Project Variant would increase the southbound delay index in the AM peak hour by 0.2, above the acceptable threshold of 0.05. In PM peak hour, the Project Variant would result in similar increase in delay index of 0.17 as the Resumed Project. As discussed above, because the capacity on Pleasant Hill Road is subject to the Gateway Constraints Policy outlined in the *Lamorinda Action Plan*, new capacity cannot be added to eliminate the significant impacts under either the Resumed Project or the Project Variant, without resulting in a conflict with the Gateway Constraints Policy. As discussed in **Section 5.15, Transportation**, the Resumed Project would have a significant and unavoidable impact related to delay index on Pleasant Hill Road during the PM peak hour. The Project Variant would have a significant and unavoidable impact related to delay index on Pleasant Hill Road during both the AM and PM peak hours, similar to the Original Project, which the 2013 FEIR concluded would have a significant and unavoidable delay index during both the AM and PM peak hours under Cumulative Year 2030 plus Original Project conditions. Therefore, the

Project Variant would not result in any new or substantially more severe significant impact.