



3933 Quail Ridge Road Residential Project

Final Environmental Impact Report

SCH#2019071038

prepared by

City of Lafayette

3675 Mount Diablo Boulevard, #210

Lafayette, California 94549

Contact: Nancy Tran, Senior Planner

prepared with the assistance of

Rincon Consultants, Inc.

449 15th Street, Suite 303

Oakland, California 94612

June 2020

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RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

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1 Introduction

1.1 Final EIR Contents

This Final Environmental Impact Report (Final EIR) is an informational document prepared by the City of Lafayette to evaluate the potential environmental impacts of the developing a single-family residence at 3933 Quail Ridge Road, Lafayette, California (hereafter referred to as the “proposed project” or “project”). The Final EIR becomes final upon certification by the City’s decision-making body; consequently, additional modifications to the Final EIR may be provided up until the time of certification.

As prescribed by the California Environmental Quality Act (CEQA) *Guidelines* Sections 15088 and 15132, the lead agency, the City of Lafayette, is required to evaluate comments on environmental issues received from persons who have reviewed the Draft EIR and to prepare written responses to those comments. This document, together with the Draft EIR (incorporated by reference) comprise the Final EIR for this project. This Final EIR includes individual responses to each comment letter received during the public review period for the Draft EIR. In accordance with CEQA *Guidelines* Section 15088(c), the written responses describe the disposition of significant environmental issues raised.

The City of Lafayette has provided a good faith effort to respond to the environmental issues raised by the commenters. The Final EIR also includes amendments to the Draft EIR consisting of changes suggested by certain commenters, as well as minor clarifications, corrections, or revisions to the Draft EIR. The Final EIR includes the following contents:

- Section 1: Introduction
- Section 2: Responses to Comments on the Draft EIR; which also includes a list of commenters and public comment letters
- Section 3: Amendments to the Draft EIR

1.2 Draft EIR Public Review Process

The City published and distributed a Notice of Availability of the Draft EIR in accordance with CEQA *Guidelines* Section 15087 on March 13, 2020. The public comment period closed on April 27, 2020. The Draft EIR was made available on the City’s website, as well as at two locations in the City of Lafayette:

- City of Lafayette, Planning and Building Department, 3675 Mount Diablo Boulevard, #210, Lafayette, California
- Lafayette Library-Contra Costa County Library, 3491 Mount Diablo Boulevard, Lafayette, California

Due to the COVID-19 pandemic, these locations were closed to the public on March 17, 2020. However, anyone contacting the City after that time would have received a paper copy of the EIR if requested.

1.3 EIR Certification Process and Project Approval

In accordance with the requirements of CEQA (*CEQA Guidelines* Section 15090), the City will consider certifying the Final EIR as having been prepared in compliance with CEQA. Following Final EIR certification, the City will consider making findings of fact for each significant impact (*CEQA Guidelines* Section 15091), adopting a mitigation monitoring and reporting program (*CEQA Guidelines* Section 15097), and approving the proposed project or an Alternative (*CEQA Guidelines* Section 15092).

1.4 Draft EIR Recirculation Not Required

CEQA Guidelines Section 15088.5 requires Draft EIR recirculation when “significant new information is added to the EIR.” Significant new information is defined as including:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The comments, responses, and Draft EIR amendments presented in this document do not constitute such “significant new information;” instead, they clarify, amplify, or make insignificant modifications to the Draft EIR. For example, none of the comments, responses, and Draft EIR amendments disclose new or substantially more severe significant environmental effects of the proposed project, or new feasible mitigation measures or alternatives considerably different than those analyzed in the Draft EIR that would clearly lessen the proposed project’s significant effects.

2 Responses to Comments on the Draft EIR

This section includes comments received during the circulation of the Draft Environmental Impact Report (EIR) prepared for the 3933 Quail Ridge Road Residential Project (Project).

The Draft EIR was circulated for a 45-day public review period that began on March 13, 2020 and ended on April 27, 2020. The City of Lafayette received three comment letters on the Draft EIR. The commenters and the page number on which each commenter's letter appear are listed below.

| Letter No. and Commenter | | Page No. |
|--------------------------|---------------------------------------------------------|----------|
| 1 | Katie Hart, SF Bay Regional Water Quality Control Board | 4 |
| 2 | C. Y. Chang | 7 |
| 3 | Hannah Dunn | 12 |

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

Letter 1

From: Hart_Kathryn@Waterboards
To: ntran@lovelafayette.org
Subject: 3933 Quail Ridge Road EIR Comment
Date: Monday, March 23, 2020 11:26:34 AM

Ms. Tran,

This email is in regard to the EIR for the proposed residence at 3933 Quail Ridge Road in Lafayette (State Clearinghouse # 2019071038).

Post-Construction Stormwater Management: According to the EIR, the "final project design shall include drainage systems that convey stormwater to Quail Ridge Road for disposal into the City's municipal stormwater system. This on-site drainage system shall be designed to capture all runoff from new impervious surfaces associated with the proposed residence to prevent this runoff from entering into the soils surrounding the building site, specifically the landslide area."

1.1

COMMENT: This approach may not conform to the expectations established in the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Stormwater Permit (MRP), unless the total impervious surface area of the development is less than 2,500 SF. Although single-family home projects are not 'regulated projects' as they are defined under the MRP, Section C.3.i of the MRP does require specific site design measures to be implemented for detached single-family home projects. This is required to minimize impacts of such projects on streams that ultimately receive the runoff from the storm drain system.

Section C.3.i. Required Site Design Measures for Small Projects and Detached Single-Family Home Projects

i. Task Description – The Permittees shall require all development projects, which create and/or replace > 2,500 ft² to < 10,000 ft² of impervious surface, and detached single-family home projects, which create and/or replace 2,500 square feet or more of impervious surface, to install one or more of the following site design measures:

- Direct roof runoff into cisterns or rain barrels for reuse.
- Direct roof runoff onto vegetated areas.
- Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
- Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
- Construct sidewalks, walkways, and/or patios with permeable surfaces.
- Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

This provision applies to all development projects that require approvals and/or permits issued under the Permittees' planning, building, or other comparable authority. ii.

1.2

Construction Stormwater Management: The EIR includes information related to management of erosion during and after construction, which is appropriate. However, we note that the effectiveness of such measures is only as good as the degree of effort put forth by the contractor and site owner in implementing and maintaining erosion and sediment control measures, and an appropriate level of oversight by the City (Section C.6, MRP). Although not required to obtain coverage under the State of California's

Letter 1

1.2
cont.

construction general permit, the expectations for implementation of effective erosion and sediment control measures is of the same magnitude, and particularly of concern on a site surrounded by steep terrain.

Sincerely,

Katie Hart | *Water Resource Control Engineer*

SF Bay Regional Water Quality Control Board

1515 Clay St., Suite 1400 | Oakland, CA 94612

T: (510) 622-2356

Letter 1

COMMENTER: Katie Hart, SF Bay Regional Water Quality Control Board (SFRWQCB)

DATE: March 23, 2020

Response 1.1

The commenter states that the post-construction stormwater management drainage system may not conform to the standards in the SFRWQCB's Municipal Regional Stormwater Permit (MRP), unless the total impervious surface area of development is less than 2,500 square feet. The SFRWQCB's design measures require impacts to streams from project runoff from the storm drain system are minimized with recommended design features.

The project would result in approximately 3,500 square feet of new impervious surfaces and would be subject to the SFRWQCB's Provision C.3.i site design measures. This information has been added (additions in underline) to Mitigation Measure GEO-2a as follows:

Final project design shall include drainage systems that convey stormwater to Quail Ridge Road for disposal into the City's municipal stormwater system. This on-site drainage system shall be designed to capture all runoff from new impervious surfaces associated with the proposed residence to prevent this runoff from entering into the soils surrounding the building site, specifically the landslide area. Final design of the stormwater system shall be submitted for review and approval by the City and shall comply with the Provision C.3.i site design measures per the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Stormwater Permit. As with the utilities pipeline redundancies described above, the drainage system shall be designed with a similar redundancy to ensure leakages from the on-site stormwater conveyance pipelines do not occur. This system shall be monitored and remediated by the landowner, concurrent with the utilities pipeline monitoring, reporting, and remediation schedule described above.

Response 1.2

The commenter states that the effectiveness of construction stormwater management erosion control measures is dependent on the contractor and site owner to implement and maintain erosion and sediment control measures with oversight from the City.

This comment is noted. The City of Lafayette Public Works Department would review and approve the Erosion Control Plan required by COA-5 in the Draft EIR, and during this review would ensure that the measures proposed to control erosion and sediment movement during construction are adequate to avoid downstream effects. In addition, the City requires that various inspections be completed during the construction process and upon completion of construction prior to occupancy. These inspections would ensure that conditions of approval and erosion control measures were properly installed and functional.

Letter 2

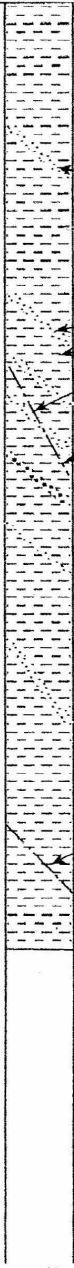
From: [C.-Y. Chang](#)
To: [Tran, Nancy](#)
Subject: Comments on Draft EIR for Proposed 3933 Quail Ridge RD Residential Project
Date: Monday, April 27, 2020 2:45:06 PM
Attachments: [Boring DL1.pdf](#)

Dear Ms. Tran: I am submitting my comment on the draft EIR for the proposed 3933 Quail Ridge Road Residential Project dated March 20, 2020. My comment is related to the potential impact of the discontinuities (weak clay seams) located at depths of 51 to 55 ft and 66 to 68 ft on the feasibility of the proposed building site not being adequately addressed by the draft EIR (see Appendix B-13 of the draft EIR). The discontinuities were discovered by a large borehole done by Seidleman Report dated June 24, 2008 (Appendix B-7, see Attached Log of Boring LD-1). The letter report dated August 14, 2012 by GeoForensics (Appendix B-12) raised the concern of these clay seams on the stability of the proposed site.

Best regards,

C.-Y. Chang, chinychang@yahoo.com

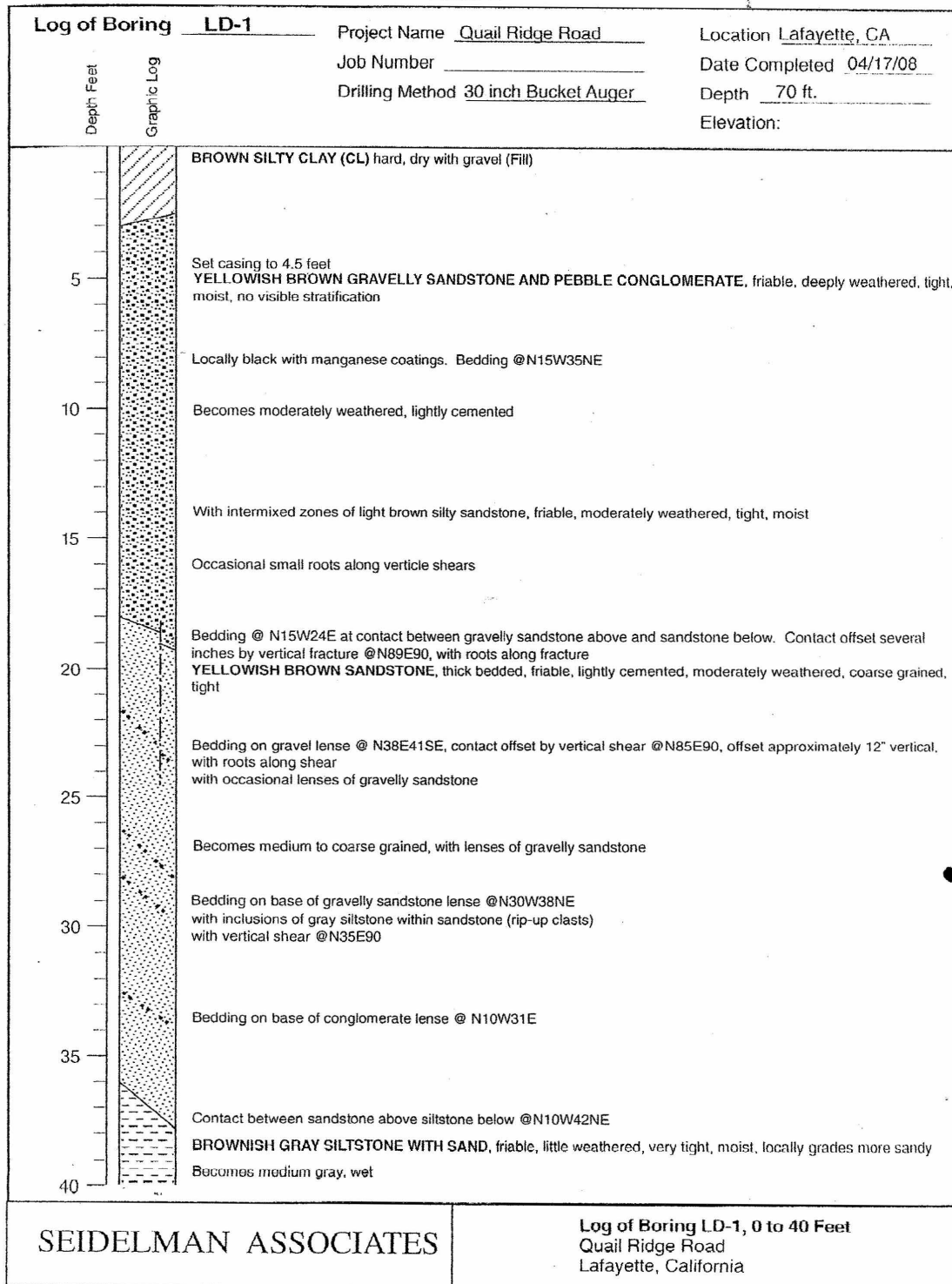
Letter 2

| Log of Boring <u>LD-1</u> | | Project Name <u>Quail Ridge Road</u> | Location <u>Lafayette, CA</u> |
|---------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| Depth Feet | Graphic Log | Job Number _____ | Date Completed <u>04/17/08</u> |
| | | Drilling Method <u>30 inch Bucket Auger</u> | Depth <u>70 ft.</u> |
| | | Elevation: _____ | |
| 45 |  | <p>MEDIUM GRAY SILTSTONE WITH SAND, friable, little weathered, very tight, wet, locally grades more sandy, with some interbedded sandstone and gravelly sandstone</p> <p>Yellowish Brown Sandstone, medium grained, laminated, friable, little weathered, moist Top contact @ N20W42NE, bottom contact @ N14W52NE</p> <p>Brown Sandstone bed, 5" thick, friable, bedding @ N18W60NE Tuffaceous siltstone bed, sandy, moderately plastic, wet, no visible shearing Seepage at 51 feet (uppermost seepage zone) Shear zone: Light gray clay seam 1/8" thick @ N75W65NE Seepage at sandstone bed Bedding in sandstone @ N13W40NE shear zone @ N73W54NE</p> <p>6" gravel lense, bedding @ N45W40NE</p> <p>Seepage increasing 1" thick gravelly sandstone, bedding @ N26W37NE Siltstone becomes dark gray, clayey to sandy with some intermixed silty sandstone, friable, tight, little weathered, with occasional gravels and localized seepage</p> <p>Bedding in sandstone @ N32W60NE</p> <p>Shear zone consisting of 1.5" thick stiff gray clay seam @ N20W47NE additional seepage.</p> <p>Boring drilled to 70 feet, visually logged to 67 feet Boring drilled on 4/16/08; logged on 4/17/08 water level at 8:00 am on 4/17/08 (prior to cleaning or logging) was 69 feet</p> | |
| 50 | | | |
| 55 | | | |
| 60 | | | |
| 65 | | | |
| 70 | | | |
| 75 | | | |
| 80 | | | |

SEIDELMAN ASSOCIATES

Log of Boring LD-1, 40 to 70 Feet
Quail Ridge Road
Lafayette, California

Letter 2



Letter 2

COMMENTER: C. Y. Chang

DATE: April 27, 2020

The commenter questions the potential impacts of discontinuities (weak clay seams) located at depths of 51 to 55 feet and 66 to 68 feet, noted on the log of the large diameter boring LD-1 from the Seidelman Report dated June 24, 2008 and based on questions raised in the GeoForensics letter report dated August 14, 2012.

Please refer to Section 4.1 of the Draft EIR. As stated therein, the geotechnical data provided by the 2008 Seidelman Report (Draft EIR Appendix B-7) and 2012 GeoForensics Report (Draft EIR Appendix B-12) were considered and incorporated into the geology and soils discussion and analysis. Additionally, the review letters from the City of Lafayette's independent third party peer review consultant Cal Engineering & Geology (CE&G) and their letters from 2004 and 2008 were considered in the Draft EIR (please refer to Appendices B-5, B-9, and B-11).

The purpose of the geotechnical investigation summarized in the June 24, 2008 Seidelman report was to evaluate the stability of the land in the northeast corner of the project site to determine if the northeast corner of the property was underlain by a deep-seated bedrock landslide that could be an extension of the Quail Ridge Landslide or an area of possible landslide regression as requested by the City's peer reviewer CE&G. Seidelman commissioned the drilling of a large diameter boring for down-hole logging. Down-hole logging is a technique used by professional geologists to evaluate the potential for deep-seated bedrock landslides by directly observing the subsurface conditions. Down-hole logging is performed by drilling a 30-inch diameter shaft (the large diameter boring). In this case, the boring was advanced to a depth of about 70 feet below ground surface (bgs). A geologist standing in a steel cage is lowered into the shaft to inspect the geologic materials. Down-hole logging allows the geologist to directly observe and inspect the geologic conditions underground. It is widely accepted that this method of direct observations is sufficiently conclusive since the geologist can directly observe the character and orientations of shear zones so they can be identified and interpreted. Seidelman retained Mr. Jim Joyce of Joyce Associates, a well-known and reputable engineering geologist, to inspect the geologic conditions within the large diameter boring and to create a log of the materials. The resulting down-hole log was designated LD-1 and included as Appendix A of the July 24, 2008 Seidelman report. Based on the findings of LD-1 it was concluded that the limits of the 1997 landslide were fully expressed at the ground surface and that the northeast corner of the property was underlain by bedrock. Furthermore, the report states that "No bedrock rupture failure surfaces extend under the ridge."

The large diameter boring was also inspected and the conclusions reviewed by the City's third-party peer review consultant (CE&G). The CE&G peer review letter dated November 5, 2008 acknowledges that they reviewed and also logged the large diameter boring. The review letter states:

...it is our opinion that many of the critical issues and comments from our original review letter [July 22, 2004] have been addressed. Specifically, in our opinion the additional exploration work completed by Seidelman in 2004 and 2008 demonstrates that the proposed triangular building area is not underlain by a landslide deposit (see items a,b,c,d and h above). The findings presented within the June 24, 2008 Seidelman report together with the November 1, 2005 Seidelman letter prepared for the previous property owners presents clear findings regarding the geologic conditions at the site and the relative stability of northeast corner of parcel.

Therefore, the geologic conclusions regarding the absence of a potential landslide underlying the proposed building site as concluded in the Seidelman report were accepted by the peer reviewer. In accordance with industry standards, when an issue is investigated and resolved to the satisfaction of the City's third-party peer review consultant, the issue is generally resolved. In this case, the question of a potentially larger landslide and instability of the proposed building site was raised, investigated and resolved as part of the peer review process.

GeoForensics raised the question of a potential instability underlying the northeast corner of the site in an August 14, 2012 letter based on their interpretation of two clay seams shown on the log of the large diameter boring LD-1. The subject clay seams were noted at depths of 51 to 55 feet and 66 to 68 feet bgs. GeoForensics references speaking with Mr. Joyce who logged the boring and the City's reviewing geologist who informed him that the subject clay seams were tectonic in nature and not related to the landslide conditions at the site. Tectonic shears are extremely common in the area due to compressive forces of fault systems. Their presence can impact a site; however, their orientation is the critical component of that consideration.

GeoForensics questions if the clay seams could develop into large landslide based on the fact that at least one of the shears dips downslope (towards the active landslide). This interpretation of the log of LD-1 by the engineers at GeoForensics is incorrect, as the shears noted on the log of LD-1 dip to the northeast, into the slope. The Log of LD-1 shows clay seams at 51 to 55 feet bgs and 66 to 68 feet bgs. The range in depth reflects a dipping plane and not 2- to 4-foot sections of clay. The clay seam between 51 to 55 feet bgs is described as "Shear Zone, light gray clay seam 1/8" thick @ N75W65NE" and labels the seam a second time with the orientation of N73W54NE. This nomenclature indicates that the 1/8-inch thick clay seam is oriented striking 73 to 75 degrees west of north and dips to the northeast at an inclination between 45 and 65 degrees. Between 66 and 68 feet bgs, the log shows the second clay seam as "Shear zone consisting of 1.5' thick gray clay seam N20W 47NE". Again, this indicates that the 1.5-inch thick clay seam dips to the northeast into the hill. In comparison, the Quail Ridge Landslide failed in the southerly direction; therefore, tectonically-created clay seams dipping to the northeast into the hillside do not decrease stability of the site.

Impact GEO-1 addresses potential impacts related to the stability of project site soils and geologic units, particularly as a result of landslides from soil instability.

Letter 3

From: [Hannah Dunn](#)
To: [Tran, Nancy](#)
Cc: [Fox, Jonathan](#); [Greg Millar](#)
Subject: Hillside Development Permit - 3933 Quail Ridge Road
Date: Monday, April 27, 2020 6:03:46 PM
Attachments: [Hillside Development Permit - 3933 Quail Ridge Road \(4.27.20\) \(to Nancy Tran\).pdf](#)

Hello, Ms. Tran -

I hope that you and yours are staying healthy and well in these uncertain times.

3.1

Attached for your consideration is our response to the Draft Environmental Impact Report prepared in connection with the above-referenced project.

Can you please advise us as to the next steps for the analysis on this project, given shelter-in-place orders in our community?

Thank you for your consideration.

Respectfully,
Hannah Dunn
(510) 435-4578

Letter 3

April 27, 2020

Ms. Nancy Tran, Senior Planner
and
Planning Commission and Design Review Commission
Lafayette Planning and Building Department
3675 Mount Diablo Boulevard, #210
Lafayette, California 94549

Sent via email to ntran@lovelafayette.org.

Re: 3933 Quail Ridge Road (the “Subject Property”)

Dear Ms. Tran and Commissioners:

Reference is made to our prior letter to Ms. Payal Bhagat dated August 23, 2019 (the “Prior Letter,”), and the Draft Environmental Impact Report (the “DEIR”) prepared in connection with the Hillside Development Permit (the “Permit Application”) for the Subject Property.

3.2 We were concerned to learn that the DEIR has found (i) “no or less than significant impacts to ... hazards, ... hydrology,... land use and planning, ... population and housing, ... [and] services and utilities... would occur as a result of the proposed project” (ii) “impacts related to ... geology and soils would be significant but mitigable” and (iii) “no significant unavoidable adverse impacts were found to occur as a result of the project.” We have additional concerns and questions as to the DEIR methodology and continue to retain significant concerns about the Permit Application, and we would like to respectfully request that the DEIR be amended to analyze certain pertinent factors and issues.

3.3 We understand the Subject Property is the site of a landslide that was re-activated in 1997, at which time Quail Ridge Road, which is private yet functions as a public fire and earthquake evacuation route (the “Shared Road”), was destroyed and impassable. We respectfully asked Ms. Bhagat to review the full historical file of prior permit applications and analyses on the Subject Property in the EIA, but it does not appear that the full file was considered in preparation of the DEIR. In 2012, civil engineer and geotechnical engineer C.-Y. Chang underscored concerns as to the existence of shear zones existing under the proposed building site. We have not seen robust analysis of such shear zones, or their potential impact if the proposed project proceeds, in the DEIR.

3.4 The DEIR states that foundation piles would be required to anchor the residence to the “underlying stable bedrock in the northeast corner of the site.” However, we have not seen robust proof in the DEIR that a landslide site does not exist beneath the proposed building site, or that such site is actually stable in its current and future configurations. We have not seen robust proof in the DEIR that the ancient landslide situated under the building site will not be re-activated under some combination of conditions in the future, including due to building activities or equipment or vehicles on the site or the Shared Road, or other change in loading or

Letter 3

3.4
cont. | hydrological conditions.

3.5 | Moreover, we respectfully requested analysis as to whether the significant soils dumping that occurred in 2017 has impacted load bearing and drainage at and around the landslide site and whether the dumping, or clean-up or excavation of the dumping, may pose geologic risk to the landslide site and, if so, how that may be mitigated. We would like to better understand the specific analysis that was conducted by the Planning Department to answer these specific questions.

3.6 | We also respectfully requested that the EIA consider the importance of the Shared Road as a fire and earthquake evacuation route, as well as its importance for fire-fighting efforts in the area, and analyze the potential geological and economic impact of the Shared Road being damaged or destroyed as a part of the implementation of, or result of, activities contemplated in the Permit Application. We would like to better understand the specific analysis that was conducted by your team to answer these specific questions. That is, what would happen if the Shared Road were destroyed once again by the re-activation of the landslide on the Subject Property, and there were a fire or other natural disaster? How would neighbors reach their homes if the Shared Road? What would be done to mitigate that?

3.7 | The California Environmental Quality Act (“CEQA”)¹ requires state and local public agencies to identify the environmental impacts of proposed projects, determine if the impacts will be significant and identify alternatives and mitigation measures that will substantially reduce or eliminate significant impacts to the environment. We respectfully requested that the DEIR analyze the environmental impact of a 4,000 square foot building on the Subject Property situated within the existing zoning parameters (i.e., with no setback variances or other variances).

3.8 | The DEIR found “Alternative 2 (Landslide Stabilization) would involve stabilizing the on-site portion of the Quail Ridge Landslide and constructing a single-family residence outside the required setbacks in the central portion of the site. This alternative would comply with City codes and zoning regulations, and would require no variances. The residence could be up to 4,500 square feet, similar in size and character to other residences in the existing neighborhood. Vehicular access would be from Quail Ridge Road at the site’s northeast corner. In comparison to the proposed project, this alternative would avoid land use inconsistencies and reduce landslide hazards on and off the site. No mitigation measures would be required under this alternative. *Overall, Alternative 2 would be the environmentally superior alternative.*”

We would like to understand why, if this alternative is environmentally superior, the City would allow the project to proceed as proposed.

3.9 | We continue to believe it is in the City of Lafayette’s interest to meet the CEQA and responsible planning obligations and ensure that its environmental impact and other review processes protect the environment and the property rights of the neighbors that call Lafayette their home and community. We reiterate our request that the City carefully consider alternatives to development

¹ 14 CA ADC § 15000 et seq.

Letter 3

3.9 | that may present a long-term solution for the preservation of the Subject Property and effectively
cont. | mitigate its environmental risks.

3.10 | Finally, a logistical request: Can you please advise us as to the timing and next steps for this
evaluation as well as community input, in light of the current shelter-in-place orders for our
community?

We thank you for your consideration and are available to answer any questions you may have in
connection with the DEIR or Permit Application or otherwise.

Sincerely,

/s/ Gregory Millar and Hannah Dunn

Gregory Millar and Hannah Dunn, Esq.
3927 Quail Ridge Road
Lafayette, California 94549

CC: Jonathan Fox

Letter 3

COMMENTER: Hannah Dunn

DATE: April 27, 2020

Response 3.1

The commenter requests clarification on the next steps for the project.

Please refer to Section 1.6 of the Draft EIR for the CEQA process and next steps (specifically, refer to points 4 through 9). Due to the COVID-19 pandemic, all public meetings are being held virtually, with specific information provided on the meeting agendas posted on the City's website. Depending on when the County's shelter in place order is lifted, the public meeting to certify the CEQA document and approve the project could be held virtually.

Response 3.2

The commenter references a prior letter dated August 23, 2019, and expresses concern regarding the significance conclusions in the Draft EIR related to hazards, hydrology, land use and planning, population and housing, public services, and utilities. The commenter also expresses concern regarding the finding of no significant and unavoidable impacts, and mitigable geology and soils impacts.

Table 2 of the Draft EIR (pages 12-15) includes a summary of comments received during the scoping period, including the August 2019 letter submitted by the commenter and Gregory Millar. An indication of how and where comments in that letter were addressed in the EIR is included in Table 2.

Please refer to Appendix A of the Draft EIR, which includes the Initial Study prepared for the project. The Initial Study describes the potential environmental impacts associated with hazards and hazardous materials on pages 45 to 48, hydrology and water quality on pages 49 to 56, land use and planning on page 57, population and housing on page 69, public services on pages 71 to 72, and utilities and service systems on pages 79 to 81. As stated therein, impacts to each of these resource areas would be less than significant and would not require mitigation.

Please refer to Section 4.1 of the Draft EIR for the analysis of geology and soils impacts, as well as proposed mitigation measures and the ability of those measures to reduce impacts to less than significant levels. Sections 4 and 5 of the Draft EIR also identify whether any impacts would be significant and unavoidable.

Response 3.3

The commenter requests that the City review the full historical file of prior permit applications regarding the project site and 1997 Quail Ridge Landslide, specifically the letter by C.Y Chang in 2012. Additionally, the commenter asks for a "robust analysis" of the discontinuities questioned by Mr. Chang.

Preparation of the Draft EIR included a review of previous geotechnical letters and reports, dating from 1997 through 2019 (please refer to Appendix B of the Draft EIR). The history of the site was considered during preparation of the Draft EIR and is described in Section 2.4.1 of the Draft EIR. This includes a summary of past requests received by the City from property owners as well as technical

reports and letters prepared by the City's third-party reviewer CE&G. Please also refer to the response to Letter 2, above, for a discussion regarding Mr. Chang's comments.

An evaluation of the discontinuities was performed in the field as part of the down-hole logging performed by Mr. Joyce and the City's peer reviewer CE&G. No further analysis of these features is warranted.

Impact GEO-1 addresses impacts related to the stability of project site soils and geologic units, particularly as a result of landslides from soil instability.

Response 3.4

The commenter states an opinion that the Draft EIR does not include robust proof that the landslide does not exist below the proposed building area, that the site is stable, or that the landslide will not be reactivated following project implementation. Robust proof of the absence of a landslide beneath the proposed building site is provided by the down-hole log of LD-1 that is provided in the 2008 Seidelman report. The findings of the down-hole boring LD-1 indicate that the site was underlain by in-place bedrock. Shears noted on the log were interpreted by the geologists to be tectonic in nature and not related to the subject landslide, largely because they dip into the hillside, away from the direction of landslide movement. See also the response to Letter 2, above.

Impact GEO-1 addresses impacts related to the stability of project site soils and geologic units, particularly as a result of landslides from soil instability. This impact discusses the potential for reactivation of the Quail Ridge Landslide as a result of project design and requires mitigation to address impacts. Impact GEO-2 addresses the potential reactivation of the landslide from soil saturation, and also requires mitigation to address impacts. Impact GEO-3 also discusses the potential for landslide risks due to the project's cantilevered design and requires mitigation to address this impact.

Response 3.5

The commenter requests an analysis of impacts to the load bearing and drainage on the landslide as a result of prior soils dumping on the site.

Impact GEO-2 describes the presence of undocumented fill material on the project site and includes Mitigation Measure GEO-2c requiring the removal of this fill material. Additionally, Mitigation Measure GEO-1 requires a design-level geotechnical investigation that will ensure the site is graded and foundations are placed on stable soils such that the proposed residence would not reactivate the existing landslide. Impact GEO-2 also describes the potential for site drainage to reactivate the landslide and requires Mitigation Measures GEO-2a and GEO-2b to ensure the project does not increase the soil moisture content and cause reactivation of the landslide.

Response 3.6

The commenter states an opinion that Quail Ridge Road is a fire and earthquake evacuation route and requests an analysis of damage to the road resulting from the project from re-activation of the landslide.

Impairment of an evacuation route is addressed in the Initial Study (Appendix A to the Draft EIR), on pages 47 and 83 to 84. As stated therein, the project would not restrict access to or permanently close any roadways and would not otherwise impair emergency evacuation or emergency response plans.

Additionally, impacts GEO-1, GEO-2, and GEO-3 of the Draft EIR describe the potential landslide reactivation impacts of the project. Landslide reactivation could result in damage to Quail Ridge Road; however, mitigation has been provided that reduces the landslide reactivation potential of the project development to a less than significant level. Therefore, the project would not exacerbate the potential for damage to Quail Ridge Road as a result of landslide movement beyond the existing damage potential from the existing active landslide mass.

Response 3.7

The commenter requests an analysis of a 4,000 square foot building within the existing zoning parameters (with no setback variances or other variances).

Alternative 2 satisfies the commenter's request. This alternative would involve development of a residence up to 4,500 square foot in size within the project site and located outside the required setbacks. As described in Section 6.2.1 of the Draft EIR, this alternative would not require any variances during the approval process.

Response 3.8

The commenter requests an explanation of why, if Alternative 2 is environmentally superior to the proposed project, the City would approve the project as proposed.

Under CEQA, the goal of identifying the environmentally superior alternative is to assist decision-makers in considering project approval. CEQA does not require the lead agency to select the environmentally superior alternative if it is infeasible or would not accomplish the basic project objectives (*CEQA Guidelines* Section 15126.6). During City consideration of the EIR and proposed project, the City may approve the project as proposed; require changes to reduce or avoid impact, such as by selecting one of the project alternatives described in Section 6 of the Draft EIR (please refer to Section 1.6, item 6, of the Draft EIR); or deny the project. This is at the discretion of the City's decision-makers, upon review of all project materials, including the EIR.

Response 3.9

The commenter states that it is in the City's best interest to meet CEQA and planning obligations, and requests the City carefully consider alternatives to development on the site. This comment is acknowledged and will be presented for review and consideration by the City's decision-making body.

Response 3.10

The commenter requests information regarding the timing and next steps for this project in light of shelter-in-place orders. Please refer to Response 3.1 regarding the project timeline and shelter-in-place considerations.

3 Amendments to the Draft EIR

The following pages provide a summary record of all proposed text amendments to the Draft EIR. These amendments are the result of comments received during the public review period, and directly respond to those comments, or correction of typographical errors within the Draft EIR. These amendments serve as clarifications and amplifications on the content of the Draft EIR. None of the changes would warrant recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5. The amendments serve to clarify and strengthen the content of the EIR, but do not introduce significant new information.

Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed and by underlined font (underline font) where text is added. Other minor clarifications and corrections to typographical errors are also shown as corrected in this format, including corrections not based on responses to comments.

3.1 Amendments to the Draft EIR

Executive Summary

Page 7, Table 1 (revised row only):

| Impact | Mitigation Measure (s) | Residual Impact |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| EIR Impacts and Mitigation Measures | | |
| Geology and Soils | | |
| Impact GEO-2. The proposed project has the potential to reactivate the on-site landslide from saturation of soils within and adjacent to the active landslide, including from accidental leakages from utilities pipelines, on-site stormwater drainage, and landscape watering. Implementation of mitigation measures would reduce this impact to less than significant. | GEO-2a: Utilities and Drainage Redundancy. The proposed utilities connections shall be designed with dual redundancies to prevent leakage into the surrounding soils, specifically the landslide area. This could be accomplished by enclosing pipelines in larger diameter pipes from the proposed residence to the street connection point. A manhole shall be installed within Quail Ridge Road to provide access to the pipelines and identify any leakages as they occur. Design of the system shall be submitted for review and approval by the City, and shall be monitored semi-annually by the landowner. The landowner shall submit monitoring reports to the City, including proof of remediation action, if remediation is required. In the event of leakage from one of the utilities pipelines into the redundancy pipeline, remediation shall be completed within 14 business days. Final project design shall include drainage systems that convey stormwater to Quail Ridge Road for disposal into the City's municipal stormwater system. This on-site drainage system shall be designed to capture all runoff from new impervious surfaces associated with the proposed residence to prevent this runoff from entering into the soils surrounding the building site, specifically the landslide area. Final design of the stormwater system shall be submitted for review and approval by the City, <u>and shall comply with the Provision C.3.i site design measures per the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Stormwater Permit.</u> As with the utilities pipeline redundancies described above, the drainage system shall be designed with a similar redundancy to ensure leakages from | Less than significant with mitigation |

| Impact | Mitigation Measure (s) | Residual Impact |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| | <p>the on-site stormwater conveyance pipelines do not occur. This system shall be monitored and remediated by the landowner, concurrent with the utilities pipeline monitoring, reporting, and remediation schedule described above.</p> <p>GEO-2b: Landscaping Irrigation. The proposed project shall include only drought-tolerant landscaping that does not require watering. Landscape irrigation shall not be installed on the slope adjacent to the Quail Ridge Landslide. The minimum amount of water required to sustain landscaping on the project site near the residence or driveway shall be determined by a certified arborist or landscape architect. The final landscaping plan, including water requirements, shall be submitted for review and approval by the City. The applicant shall record a deed restriction that requires water application to landscaping be no greater than the arborist- or landscape architect-determined quantity. Water shall not be applied to landscaped areas following rain events. Risks from faulty irrigation systems shall be reduced or mitigated by adding deep sub-drains along the edge of the building pad.</p> <p>GEO-2c: Undocumented Fill. The applicant shall be required to remove all areas of undocumented non-engineered fill from the site as part of site development. The engineered fill placed for the Quail Ridge Road repairs is excluded from this mitigation measure.</p> | |

Section 4.1 Geology and Soils

Page 41, Mitigation Measure GEO-2a:

Final project design shall include drainage systems that convey stormwater to Quail Ridge Road for disposal into the City's municipal stormwater system. This on-site drainage system shall be designed to capture all runoff from new impervious surfaces associated with the proposed residence to prevent this runoff from entering into the soils surrounding the building site, specifically the landslide area. Final design of the stormwater system shall be submitted for review and approval by the City, and shall comply with the Provision C.3.i site design measures per the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Stormwater Permit. As with the utilities pipeline redundancies described above, the drainage system shall be designed with a similar redundancy to ensure leakages from the on-site stormwater conveyance pipelines do not occur. This system shall be monitored and remediated by the landowner, concurrent with the utilities pipeline monitoring, reporting, and remediation schedule described above.