

## ***BurtonValley.com***

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November 29, 2005

Planning Commission  
City of Lafayette  
3675 Mt. Diablo Blvd., Ste. 210  
Lafayette CA 94549

Re: TR6569 AND HDP86-04 GREG WOHRLE (APPLICANT), SOLDIER FIELD PARTNERS, LLC

Dear Planning Commissioners,

After reviewing public testimony regarding Soldier Field's October 2005 Draft EIR, we would like to reiterate our opposition to its overall conclusion that there are NO environmental impacts that cannot be mitigated to a less than significant level. We disagree with the consultant's findings that the following environmental impacts can be mitigated to a less than significant level:

1. **Land use and planning** – *Potential Impact 3.2-2: Would the proposed project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?* Clearly the proposed project is in direct conflict with the Hillside Ordinance. Nearly all of the proposed sites are in violation of one or more of the constraints for ridgeline setbacks, steep slopes, or slope declination to the degree that exceptions would be necessary. In addition, several of the proposed home sites would not be able to meet the visibility and privacy findings as required by the ordinance.
2. **Aesthetics** – *Potential Impact 3.3-1: Would the proposed project have a substantial adverse effect on a scenic vista? Potential Impact 3.3-3: Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?* The property is heavily sloped with minimal vegetation, thereby making it extremely difficult to develop without severe visual impacts. Several of the proposed home sites are visible from prominent public viewing locations, while others are in close proximity to existing homes. The visual analysis in the DEIR does not adequately depict the true visibility and privacy impacts of the proposed development. To view sample pictures taken from a broader range of public, quasi-public, and private locations, please visit the [Burtonvalley.com](http://www.burtonvalley.com/soldier_field_pictures.htm) website at: [www.burtonvalley.com/soldier\\_field\\_pictures.htm](http://www.burtonvalley.com/soldier_field_pictures.htm).
3. **Geology and soils** – *Potential Impact 3.7-3: Would the proposed project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Potential Impact 3.7-4: Would the proposed project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?* The property has a history of landslides, and several neighbors have voiced concerns about increased exposure from the development. While the developer's geological consultant has expressed confidence that the soil conditions in general are consistent with those in the rest of Lafayette, this does not account for site-specific conditions, which may require more extensive grading, drainage systems, or even re-siting of the home. Without more extensive soils testing of building envelopes and hardscape, it is uncertain which of the proposed home sites are buildable.

We have already had to deal with many difficult lots that would normally be “unbuildable” under the Hillside Ordinance – we do not need to unnecessarily create eight more.

4. **Hydrology and water quality** – *Potential Impact 3.8-1: Would the proposed project violate any water quality standards or waste discharge requirements? Potential Impact 3.8-3: Would the proposed project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Potential Impact 3.8-4: Would the proposed project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site? Potential Impact 3.8-5: Would the proposed project create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? Potential Impact 3.8-9: Would the proposed project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?* This is another area where we do not believe it is sufficient to assume that the problem can be solved later on, as the DEIR suggests. Neighbors have complained about surface water flooding and mudslides on their properties and want to know specifically how this problem will be addressed. While it can possibly be solved by spending enough money on it, we don’t know how much or if the developer is willing to pay it. Until a detailed drainage and erosion control plan is proposed, we don’t know the answer to these questions and should not prematurely assume that the environmental impacts can be reduced to a less than significant level for all proposed home sites.

In summary, we do not agree with the consultant’s findings that all of the potentially significant environmental impacts can be mitigated to a less than significant level, and urge the city to either reject the findings that we have opposed in this letter, or conduct the research and analysis needed to address these concerns.

Thank you for your consideration of and response to these comments.

Sincerely,



Clifford Tong  
Burtonvalley.com

Cc: Christine Sinnette