

**FINAL**  
**Supplemental Environmental Impact Report**  
**Walnut Creek - Mixed Use Special District Project**  
**City of Walnut Creek, Contra Costa County, California**  
**State Clearinghouse Number 2021060184**

Prepared for:  
**City of Walnut Creek**  
**Community Development Department**  
1666 North Main Street  
Walnut Creek, CA, 94596  
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Contact: Darin Neufeld, Consulting Senior Planner

Prepared by:  
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Contact: Mary Bean, Project Director  
Liza Debies, Senior Project Manager

Date: February 15, 2024

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## SECTION 1: INTRODUCTION

The City of Walnut Creek (City) is the Lead Agency for the Supplemental Environmental Impact Report (SEIR) (State Clearinghouse No. 2021060184) for the Walnut Creek-Mixed Use Special District Project (proposed project). In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15084 and 15087, the City prepared the Draft SEIR and circulated it for public review in full compliance with CEQA. The Draft SEIR identifies significant effects on the environment, which may occur as a result of implementation of the proposed project. After circulating the Draft SEIR for the required 45-day public review and comment period, and pursuant to CEQA Guidelines Section 15088, the City has evaluated the comments received on the Draft SEIR and prepared this Final Supplemental Environmental Impact Report (Final SEIR). Pursuant to CEQA Guidelines Section 15132, this Final SEIR includes: a list of persons, organizations, and agencies that provided comments on the Draft SEIR during the public review and comment period that ran from June 30, 2023 to August 16, 2023; the Responses to Comments containing the responses to the comments received regarding the Draft SEIR; an Errata document containing revisions to the Draft SEIR; and a Mitigation Monitoring and Reporting Program (MMRP) for use by the City during its review.

This document is organized into three sections:

- **Section 1—Introduction.** Provides an introduction to the Final SEIR.
- **Section 2—Responses to Written Comments.** Provides a list of the agencies, organizations, and individuals who commented on the Draft SEIR. Copies of all of the letters received regarding the Draft SEIR and responses thereto are included in this section.
- **Section 3—Errata.** Includes an addendum listing refinements and clarifications on the Draft SEIR, which have been incorporated.

The Final SEIR consists of the following contents:

- Draft SEIR and Appendices (provided under separate cover)
- Responses to Written Comments on the Draft SEIR (Section 2 of this document)
- Errata- Revisions to the Draft SEIR (Section 3 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

The SEIR consists of the Draft SEIR (including all appendices attached thereto) and the Final SEIR.

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## SECTION 2: RESPONSES TO WRITTEN COMMENTS

This section includes individual responses to public comments submitted during the Walnut Creek-Mixed Use Special District Draft Supplemental Environmental Impact Report (State Clearinghouse [SCH] No. 2021060184) (Draft SEIR) 45-day public review period.

### 2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Draft SEIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author	Author Code
<b>State Agencies</b>	
California Department of Fish and Wildlife .....	CDFW
<b>Local Agencies</b>	
East Bay Municipal Utilities District .....	EBMUD

### 2.2 - Responses to Comments

#### 2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Walnut Creek, as the lead agency, evaluated the comments received on the Draft SEIR for the proposed project, and has prepared the following responses to the comments received. This Response to Comments document and the Errata, together with the Mitigation Monitoring Reporting Program (MMRP), comprise the Final SEIR for the proposed project in accordance with CEQA Guidelines Section 15132. The Draft SEIR and the Final SEIR, including all appendices attached thereto, constitute the Supplemental EIR (SEIR) for purposes of the City taking action on the proposed project.

#### 2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

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**From:** Chambers, Andrew@Wildlife <Andrew.Chambers@Wildlife.ca.gov>  
**Sent:** Wednesday, July 19, 2023 10:16 AM  
**To:** Darin Neufeld <Darin.Neufeld@weareharris.com>  
**Subject:** Walnut Creek-Mixed Use Special District Project (SCH# 2021060184)

Hello and good morning Darin,

The California Department of Fish and Wildlife is tasked as a trustee agency to comment on projects during CEQA review periods, when applicable, when they have the potential to impact fish, wildlife, plants, or the habitat resources thereof. In the case of the project mentioned in the subject line of this email, CDFW is providing the following information and comment:

Notably within Mitigation Measure Bio-1b, found on page ES-12 and elsewhere in the Supplemental Environmental Impact Report document, the proposed mitigation for impacts associated to bats is insufficient in reducing any project related impacts to a level of less than significant. Mainly, when one-way exclusion devices are used to restrict bats from an existing roost, they are forced to roost elsewhere adjacent. In the case of this project, there is no way to feasibly ensure that adequate adjacent roosting habitat exists, and that said roosts would be utilized by any excluded bats.

Accordingly, CDFW recommends that Mitigation Measure Bio-1b be revised to include that replacement bat houses be installed adjacent to any excluded roost(s) as closely as feasible. Recommendations and guidance for replacement bat roosts can be found here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=10334> and <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/caltrans-bat-mitigation-guide-a11y.pdf>.

Due to the minor nature of this comment, the CDFW Habitat Conservation Unit found it best to address this statement in an email fashion instead of a formal comment letter. If any questions arise or further discussions are requested, feel free to reach me by email regarding this project.

Thank you,  
-Andy

Andrew O. Chambers

Environmental Scientist

Bay Delta Region, Habitat Conservation Unit

2825 Cordelia Road, Suite 100

Fairfield, CA 94534

Cell - (707) 266-2878



Value Science. [Value Scientists!](#)

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## State Agencies

### **California Department of Wildlife (CDFW)**

#### *Response to CDFW-1*

The commenter provides introductory material as to its role as a trustee agency. It then notes its comment, which is characterized as “minor” in nature, and which involves a request that Mitigation Measure (MM) BIO-1b be modified to include a requirement for replacement bat houses to be installed adjacent to any excluded roost(s) or as closely as feasible.

This clarification is acknowledged and accepted by the City and is included with edits in strikethrough and underline as provided below and in Section 3, Errata, of the Final SEIR. This revision to include an additional minor element in the form of a “bat house” to facilitate adjacent roosting for any active nests that may ultimately be located during pre-construction surveys is a minor modification and clarification, does not change the analysis or significance of any of the environmental issue conclusions within the Draft SEIR, and does not constitute “significant new information” requiring recirculation.

#### **MM BIO-1b    Roosting Bats**

- No more than 7 days prior to beginning ground disturbance and/or construction pursuant to a specific individual development proposal, the relevant Applicant for such proposal shall cause a qualified wildlife Biologist (i.e., one experienced with identification of species and signs of bats) to conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the relevant work area. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.). Visual surveys shall include trees within 100 feet of the relevant project construction activities. If no special-status bats are found during this pre-construction survey, then the relevant ground disturbance and/or construction related to the subject proposal may proceed.
- Not more than two weeks prior to building demolition pursuant to a specific individual development proposal, the relevant Applicant for such proposal shall ensure that the qualified Biologist (i.e., one experienced with identification of species and signs of bats) survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition related to the subject proposal may proceed.
- If the Biologist determines or presumes bats are present (if there are site access issues or structural safety concerns) as a result of any of the foregoing survey(s), the relevant Applicant shall ensure the following activities related to the subject proposal occur: the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. Bat houses(s) shall be installed adjacent to any excluded roost(s) or as close as feasible, to be determined by a qualified wildlife Biologist, to ensure excluded bats are provided adjacent roosting habitat.

The relevant building demolition, ground disturbance, or other construction activities shall only commence after the Biologist verifies seven to 10 days later that the exclusion methods have successfully prevented bats from returning and that bats have vacated the bat house(s). To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from September 1 through March 31 (after maternity/pupping season). Exclusion efforts shall be restricted during periods of sensitive activity.



July 26, 2023

Darin Neufeld, Consulting Planner for the City of Walnut Creek  
City of Walnut Creek Community Development Department  
Planning Division  
1666 North Main Street  
Walnut Creek, CA 94596

Re: Notice of Intent, Completion and Availability of a Draft Supplemental  
Environmental Impact Report for the Mixed Use Special District Project, Walnut  
Creek

Dear Mr. Neufeld:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Supplemental Environmental Impact Report (SEIR) for the Mixed Use Special District Project (Project) in the City of Walnut Creek (City). EBMUD commented on the Notice of Preparation of a Draft EIR for the Project on June 24, 2021. EBMUD's original comments (see enclosure) still apply regarding water service and water conservation. EBMUD has the following additional comments.

#### **GENERAL**

Pursuant to Section 15155 of the California Environmental Quality Act Guidelines and Sections 10910-10915 of the California Water Code, a Water Supply Assessment (WSA) will be required as the project exceeds the threshold requirement for an assessment of water supply availability based on the amount of water this project would require (greater than a 250,000-square-foot commercial office building). EBMUD received a request to prepare a WSA for the proposed Project from the City that was subsequently completed and provided to the City on February 28, 2023.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

A handwritten signature in blue ink that reads 'David J. Rehnstrom'.

David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:EZ:sjp  
sb23\_159 Walnut Creek-Mixed Use Special District Project.doc

Enclosure

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June 24, 2021

Chip Griffin, Senior Planner  
City of Walnut Creek  
Community and Economic Development Department  
1666 North Main Street  
Walnut Creek, CA 94596

Re: Notice of Preparation of a Draft Supplemental Environmental Impact Report – City of Walnut Creek Mixed Use Special District Project, Walnut Creek

Dear Mr. Griffin:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Supplemental Environmental Impact Report (EIR) for the City of Walnut Creek (City) Mixed Use Special District Project (Project) located at 2100, 2150 North Broadway and 2100 North Main Street. EBMUD has the following comments.

## **GENERAL**

Pursuant to Section 15155 of the California Environmental Quality Act Guidelines and Section 10910-10915 of the California Water Code, a revised Water Supply Assessment (WSA) may be required as the Project exceeds the threshold requirement for an assessment of water supply availability based on the amount of water the Project would require. A WSA was completed and mailed to the City on October 9, 2018 for the Walnut Creek North Downtown Specific Plan which included specific land uses within the Project area. The City should submit a written request to EBMUD to determine if a revised WSA is required based on the Project changes. The written request should include the original land uses proposed under the Walnut Creek North Downtown Specific Plan and the changes proposed under the Project including estimates of future water demands for the Project area. Please be aware that a revised WSA can take up to 90 days to complete from the day the request was received.

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## **WATER SERVICE**

EBMUD's Leland Pressure Zone, with a service elevation between 50 and 250 feet, will serve the Project area. Individual developments associated within the Project area will be subject to the following general requirements.

Effective January 1, 2018, water service for new multi-unit structures shall be individually metered or sub-metered in compliance with State Senate Bill 7 (SB-7). SB-7 encourages

conservation of water in multi-family residential and mixed-use multi-family and commercial buildings through metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to SB-7 requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with SB-7.

Main extensions that may be required to serve any specific development projects to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. Pipeline and fire hydrant relocations and replacements, due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, all project sponsors should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipelines and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

A minimum 20-foot wide right-of-way is required for installation of new and replacement water mains. Utilities to be installed in the right-of-way with the water mains must be located such that the new water mains meet the minimum horizontal and vertical separation distances with other utilities as set forth in the California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains within a right-of-way. These minimum horizontal separation distance requirements include, but are not limited to, 10 feet between the water main and sewer, 5 feet between the water main and storm drain, 7 feet from the face of curb, and 5 feet from the edge of the right-of-way. In addition, water mains must be vertically located a minimum of one foot above sewers and storm drains. EBMUD cannot maintain water mains and services installed under pervious pavement; therefore, an alternative to pervious pavement would be required if installation of EBMUD water mains or services on site is required.

Project sponsors should be aware that EBMUD will not inspect, install, or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. Project sponsors for EBMUD piping and services requiring excavation in contaminated areas must submit copies of all known information regarding soil and groundwater quality within or adjacent to the Project boundary.



In addition, project sponsors must provide a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design piping or services until

soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense.

### **WATER CONSERVATION**

Individual projects within the Project area may present opportunities to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that project sponsors comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). Project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:VDC:djr  
sb21\_147

cc: Adam Simms  
Toyota Walnut Creek  
2100 N. Broadway  
Walnut Creek, CA 94596

Steven Scanlon  
REAL Development  
5623 Desert View Drive  
La Jolla, CA 92037

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## Local Agencies

### **East Bay Municipal Utility District (EBMUD)**

#### *Response to EBMUD-1*

The commenter provides introductory material as to its role as a commenting agency. It then notes that EBMUD's original comments on the Notice of Preparation (NOP), provided to the City on June 24, 2021, still apply regarding water service and water conservation. The original comment letter is reproduced herein as comment EBMUD-2, see below.

The commenter notes that, pursuant to Section 15155 of the CEQA Guidelines and Sections 10910 through 10915 of the California Water Code, a Water Supply Assessment (WSA) is required for the proposed project because it exceeds the threshold requirement for an assessment of water supply. EBMUD received a request to prepare a WSA for the proposed project from the City that was subsequently completed and approved by EBMUD pursuant to the requirements under applicable state law (SB 610) and provided to the City on February 28, 2023. The approved WSA was subsequently included in the Draft SEIR as required under CEQA. The comment is noted and will be provided to City decision-makers. No further response is required.

#### *Response to EBMUD-2*

The commenter submits EBMUD's original comment letter provided in response to the NOP provided to the City on June 24, 2021. EBMUD's initial comment letter submitted in response to the NOP was considered in preparing the Draft SEIR, as described more fully in Section 3.15, Utilities and Service Systems and detailed below.

The commenter noted (consistent with comment EBMUD-1 above) that a revised WSA may be needed because the proposed project exceeded the applicable threshold under state law, confirmed that a previous WSA had been prepared and completed in 2018 in connection with the 2019 NDSP, and explained the process to make such a request. See Response to EBMUD-1, above.

The commenter then specified various requirements to which the proposed project would need to comply. A brief summary of each requirement as well as responses to same are as follows.

**Water Service:** EBMUD notes the water service requirements promulgated by Senate Bill (SB) 7, which encourage water conservation in multi-family and mixed-use developments. The City and applicant acknowledge the need to submit documentation demonstrating compliance with SB 7 requirements.

**Main Extensions:** The City and applicant acknowledge that any extension, relocation, or replacement would be at the applicant's expense and shall be coordinated through the EBMUD New Business Office.

**Right-of-Way:** The City and applicant acknowledge that a minimum 20-foot right-of-way is required for installation of new and replacement water mains, and that the mains must meet minimum vertical and horizontal separation distances as presented in Title 22, Section 64572.

**Contaminated soils:** The City and applicant acknowledge that EBMUD will not inspect, install, or maintain any pipeline located in contaminated soil or groundwater, and that documentation must be provided for any areas with known contamination that are proposed for excavation. It is acknowledged that if there are contaminated soils and/or groundwater, the project applicant would submit a legally sufficient remediation plan that must be completed with proof of the effectiveness for review by EBMUD. It is acknowledged that EBMUD reserves the right to perform additional sampling at the project sponsor's expense.

**Water Conservation:** The City and Applicant acknowledge that the project may present opportunities to incorporate water conservation measures. As requested, the City will include a condition of approval to require compliance with AB 325 Model Water Efficiency Landscape Ordinance. The City and applicant acknowledge that EBMUD will not provide service until all applicable water efficiency measures are installed at the project sponsor's expense.

## SECTION 3: ERRATA

The following are revisions to the Draft Supplemental Environmental Impact Report (Draft SEIR) for the Walnut Creek-Mixed Use Special District Project (proposed project).

The California Environmental Quality Act (CEQA) requires recirculation of a Draft EIR when the lead agency adds “significant new information” to an EIR after public notice is given of the availability of a Draft EIR for public review, but before EIR certification (CEQA Guidelines § 15088.5). Recirculation is not required unless the EIR is changed in a way that would deprive the decision-makers and the public of the opportunity to consider and comment on significant new information, including a new significant impact for which no feasible mitigation is available to fully mitigate the impact (thus resulting in a significant and unavoidable impact), a substantial increase in the severity of a previously disclosed environmental impact, or development of a new feasible alternative or mitigation measure that is considerably different from the alternatives and mitigation measures already evaluated in the Draft EIR and which would clearly lessen environmental impacts but which the project proponent declines to adopt (CEQA Guidelines § 15088.5(a)); see, e.g., *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 CA4th 316, 330). Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (CEQA Guidelines § 15088.5(b)).

The following revisions are minor modifications, clarifications, and/or amplifications to the document, do not change the significance of any of the environmental issue conclusions within the Draft SEIR, and do not constitute “significant new information” requiring recirculation.

The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

### 3.1 - Clarifications, Minor Revisions, and Changes in Response to Specific Comments

#### Executive Summary

##### ***Pages ES-11 through ES-13, Table ES-1: Executive Summary Matrix***

In response to CDFW-1, MM BIO-1b, has been revised to include an additional minor element in the form of a “bat house” to facilitate adjacent roosting for any active nests that may ultimately be located during pre-construction surveys. These revisions are minor modifications and mere clarifications, do not change the analysis or significance of any of the environmental issue conclusions within the Draft SEIR, and do not constitute “significant new information” that would trigger recirculation.

**Table ES-1: Executive Summary Matrix**

Impacts	Mitigation Measures	Level of Significance After Mitigation
<b>Section 3.3—Biological Resources</b>		
<p><b>Impact BIO-1:</b> The proposed project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.</p>	<p><b>MM BIO-1b: Roosting Bats</b></p> <ul style="list-style-type: none"> <li>• No more than 7 days prior to beginning ground disturbance and/or construction pursuant to a specific individual development proposal, the relevant Applicant for such proposal shall cause a qualified wildlife Biologist (i.e., one experienced with identification of species and signs of bats) to conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the relevant work area. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.). Visual surveys shall include trees within 100 feet of the relevant project construction activities. If no special-status bats are found during this pre-construction survey, then the relevant ground disturbance and/or construction related to the subject proposal may proceed.</li> <li>• Not more than two weeks prior to building demolition pursuant to a specific individual development proposal, the relevant Applicant for such proposal shall ensure that the qualified Biologist (i.e., one experienced with identification of species and signs of bats) survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition related to the subject proposal may proceed.</li> <li>• If the Biologist determines or presumes bats are present (if there are site access issues or structural safety concerns) as a result of any of the foregoing survey(s), the relevant Applicant shall ensure the following activities related to the subject proposal occur: the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. <del>After the bats vacate the space, the Biologist shall close off the space to prevent recolonization.</del> <u>Bat houses(s) shall be installed adjacent to any excluded roost(s) or as close as feasible, to be determined by a qualified wildlife Biologist, to ensure excluded bats are provided adjacent roosting habitat.</u> The relevant building demolition, ground disturbance, or other</li> </ul>	<p>Less than significant impact with mitigation incorporated.</p>

Impacts	Mitigation Measures	Level of Significance After Mitigation
	<p>construction activities shall only commence after the Biologist verifies seven to 10 days later that the exclusion methods have successfully prevented bats from returning <u>and that bats have vacated the bat house(s)</u>. To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from September 1 through March 31 (after maternity/pupping season). Exclusion efforts shall be restricted during periods of sensitive activity.</p>	

## Section 3.3—Biological Resources

### Page 3.3-16, Mitigation Measure BIO-1b

In response to CDFW-1, MM BIO-1b has been revised to include an additional minor element in the form of a “bat house” to facilitate adjacent roosting for any active nests that may ultimately be located during pre-construction surveys. These revisions are minor modifications and mere clarifications, do not change the analysis or significance of any of the environmental issue conclusions within the Draft SEIR, and do not constitute “significant new information” that would trigger recirculation.

### Mitigation Measures

#### MM BIO-1b      Roosting Bats

- No more than 7 days prior to beginning ground disturbance and/or construction pursuant to a specific individual development proposal, the relevant Applicant for such proposal shall cause a qualified wildlife Biologist (i.e., one experienced with identification of species and signs of bats) to conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the relevant work area. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.). Visual surveys shall include trees within 100 feet of the relevant project construction activities. If no special-status bats are found during this pre-construction survey, then the relevant ground disturbance and/or construction related to the subject proposal may proceed.
- Not more than two weeks prior to building demolition pursuant to a specific individual development proposal, the relevant Applicant for such proposal shall ensure that the qualified Biologist (i.e., one experienced with identification of species and signs of bats) survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition related to the subject proposal may proceed.
- If the Biologist determines or presumes bats are present (if there are site access issues or structural safety concerns) as a result of any of the foregoing survey(s), the relevant Applicant shall ensure the following activities related to the subject proposal occur: the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. ~~After the bats vacate the space, the Biologist shall close off the space to prevent recolonization.~~ Bat houses(s) shall be installed adjacent to any excluded roost(s) or as close as feasible, to be determined by a qualified wildlife Biologist, to ensure excluded bats are provided adjacent roosting habitat. The relevant building demolition, ground disturbance, or other construction activities shall only commence after the Biologist verifies seven to 10 days later that the exclusion methods have successfully prevented bats from returning and that bats have vacated the bat house(s). To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and

eviction from September 1 through March 31 (after maternity/pupping season).  
Exclusion efforts shall be restricted during periods of sensitive activity.

### Section 3.6—Geology, Soils, and Seismicity

#### **Page 3.6-20, Second Full Paragraph**

To correct a minor, non-substantive typographical error in the Draft SEIR, the following paragraph has been revised:

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to paleontological resources or unique geologic features. Pursuant to Action 24.1.1 of the General Plan, a Paleontological Records Search was conducted for the project site by Kenneth L. Finger, PhD on October 11, 2021. ~~As described more fully therein,~~

### Section 3.8—Hazards and Hazardous Materials

#### **Page 3.8-35, Cumulative Impacts**

To correct a minor typographical error in the Draft SEIR, the following language has been revised to clarify and amplify the appropriate mitigation measure references, which were thoroughly considered and described elsewhere in the Draft SEIR:

#### ***Level of Cumulative Significance Before Mitigation***

Potentially significant impact.

#### ***Cumulative Mitigation Measures***

Implement MM HAZ-2a, MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d. ~~2019 NDSP EIR MM and 2019 NDSP EIR MM HAZ-1b.~~

#### ***Level of Cumulative Significance After Mitigation***

Less than significant impact with mitigation incorporated.

### Section 6—Alternatives

#### **Page 6-12, Third Full and Fourth Full Paragraphs**

To provide further clarity and amplification as to the Draft SEIR's conclusions, the following paragraphs have been revised to incorporate minor language refinements:

As noted in Section 3.8, Hazards and Hazardous Materials, Scenario 3 is assumed to be the reasonable worst-case with respect to hazards and hazardous materials, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts with respect to routine transport, use, or disposal of hazardous materials; proximity to a public airport safety hazard; emergency response and evacuation; and wildland fires; ~~and cumulative impacts~~ would be less than significant. The proposed project's impacts related to hazardous materials upset risk; hazardous emissions proximate to a

school; ~~and~~ being located on a listed hazardous materials site; and cumulative impacts would be reduced to less than significant with mitigation incorporated.

This alternative would occur at the same location and would result in grading and other ground disturbance activities on the project site, as well as removal of existing structures, substantially similar to the proposed project. Because this alternative assumes the demolition of buildings that contain ACM or LBP, this alternative would include mitigation requiring abatement or removal of ACM and LBP (MM HAZ-2a). As described in Section 3.8, Hazards and Hazardous Materials, four USTs were removed from APNs 173-131-055 and 173-131-062 (portions of Site A) in 1989 and disposed of off-site. CCCHSD and the RWQCB concurred that no further monitoring, investigation, or remedial action was required based on the current land use of automotive repair facilities, as documented in letters dated October 31, 1996, and December 2, 1996, respectively. The RWQCB concurrence letter indicated that corrective action should be reviewed if the land use changes. Because this alternative would include development of uses similar to the current uses on Site A, which would not include residential uses, MM HAZ-2c, which is specific to residential uses on-site, would not be applicable or required. Because the alternative could result in development on APN 173-131-042 (a portion of Site A), MM HAZ-2b would still be required, and MM HAZ-2d would still be required because construction activities would occur on-site under this alternative. Similar to the proposed project, this alternative's impacts related to routine transport use, or, disposal of hazardous materials; proximity to a public airport safety hazard; emergency response and evacuation; wildland fires; ~~and cumulative impacts~~ would be less than significant, and impacts related to hazardous materials upset risk; hazardous emissions proximate to a school; ~~and~~ being located on a listed hazardous materials site; and cumulative impacts would be reduced to less than significant levels with mitigation incorporated. Although impacts would be generally the same as the proposed project because this alternative would not require MM HAZ-2c, this alternative would result in slightly reduced impacts related to hazards and hazardous materials as compared to the proposed project. However, the ultimate impact conclusions of less than significant would be the same under both circumstances.

### **Page 6-13, Second Full and Third Paragraphs**

To provide further clarity and amplification as to the Draft SEIR's conclusions, the following paragraph has been revised to incorporate minor language refinements:

As noted in Section 3.9, Hydrology and Water Quality, Scenario 3 is assumed to be the reasonable worst-case with respect to hydrology and water quality, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to groundwater supply/recharge; erosion/siltation; additional sources of polluted runoff; exceedance of storm drainage capacity resulting in flooding; impedance of flood flows from alterations to the existing drainage pattern of the site; water quality control or sustainable groundwater management plans consistency, and cumulative impacts would be less than significant; ~~and cumulative impacts would be less than significant with mitigation~~. The proposed project's impacts related to surface and



groundwater quality during construction and operation would also be reduced to less than significant levels with mitigation incorporated.

**Page 6-18, First and Second Paragraphs**

To provide further clarity and amplification as to the Draft SEIR's conclusions, the following paragraphs have been revised to incorporate minor language refinements:

As noted in Section 3.14, Transportation, Scenario 3 is assumed to be the reasonable worst-case with respect to transportation, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to bicycle, pedestrian facilities, and transit facilities, Vehicles Miles Traveled (VMT), and emergency access, ~~and cumulative impacts~~ would be less than significant. Impacts related to roadway safety hazards for both the individual project and cumulatively would be less than significant with mitigation.

Similar to the proposed project, this alternative would be developed on the same site as the proposed project and would be subject to the same applicable laws, regulations, and policies. It is not anticipated that this alternative would include the removal of any existing pedestrian, bicycle, or transit facilities, and, because of the proximity and connectivity of these facilities to the project site, similar to the proposed project, this alternative would not conflict with a program plan, ordinance, or policy of the circulation system including transit, bicycle, and pedestrian facilities. Furthermore, it is anticipated that this alternative would incorporate the construction and dedication of public trail improvements on a portion of Site A. Similar to the proposed project, this alternative would be expected to result in a less than significant VMT impact because, based on the Traffic Analysis Zones (TAZs) for the project site, the proposed employment uses associated with this alternative would be expected to result in VMT 85 percent or less of the County-wide and regional average pursuant to the criteria for employment uses and can be presumed to have a less than significant VMT impact (see Exhibit 3.14-4a in Section 3.14, Transportation). Impacts would also be less than significant with respect to emergency access as this site would be accessed at the same driveways as the proposed project, and the alternative would follow all applicable laws, regulations, and policies. Similar to the proposed project, cumulative impacts related to roadway safety hazards would also be less than significant for the same reasons with mitigation incorporated.

**Page 6-24, Third Paragraph**

To provide further clarity and amplification as to the Draft SEIR's conclusions, the following paragraph has been revised to incorporate minor language refinements:

As noted in Section 3.8, Hazards and Hazardous Materials, Scenario 3 is assumed to be the reasonable worst-case with respect to hazards and hazardous materials, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts with respect to routine transport, use, or disposal of hazardous materials; proximity to a public airport safety hazard; emergency response and evacuation; and wildland fires, ~~and cumulative impacts~~ would be less than significant. The proposed project's

impacts related to hazardous materials upset risk; hazardous emissions proximate to a school; ~~and~~ being located on a listed hazardous materials site; and cumulative impacts would be reduced to less than significant with mitigation incorporated.

**Page 6-25, First Paragraph**

To provide further clarity and amplification as to the Draft SEIR's conclusions, the following paragraph has been revised to incorporate minor language refinements:

This alternative would result in grading and other ground disturbance activities on the project site, as well as removal of existing structures development similar to the proposed project. Because this alternative would result in the demolition of buildings that contain ACM or LBP, this alternative would include mitigation requiring abatement or removal of ACM and LBP (MM HAZ-2a). As described in Section 3.8, Hazards and Hazardous Materials, four USTs were removed from APNs 173-131-055 and 173-131-062 (portions of Site A) in 1989 and disposed of off-site. CCCHSD and the RWQCB concurred that no further monitoring, investigation, or remedial action was required based on the current land use of automotive repair facilities, as documented in letters dated October 31, 1996, and December 2, 1996, respectively. The RWQCB concurrence letter indicated that corrective action should be reviewed if the land use changes. Because this alternative would include development of residential uses, MM HAZ-2c, which is related to residential uses on-site, would still be required. Because the alternative could result in development on APN 173-131-042 (a portion of Site A), MM HAZ-2b would still be required and MM HAZ-2d would still be required because construction activities would occur on-site under this alternative. Similar to the proposed project, this alternative's impacts related to routine transport, use, or disposal of hazardous materials; proximity to a public airport safety hazard; emergency response and evacuation; and wildland fires; ~~and cumulative impacts~~ would be less than significant, and impacts related to hazardous materials upset risk; hazardous emissions proximate to a school; ~~and~~ being located on a listed hazardous materials site; and cumulative impacts would be reduced to less than significant levels with mitigation incorporated. Although impacts would be generally the same as the proposed project, and this alternative would require similar mitigation as the proposed project, given the reduced density/intensity of this alternative, it would result in slightly reduced impacts related to hazards and hazardous materials as compared to the proposed project. Nevertheless, the ultimate less than significant impact conclusions would be the same under both circumstances.

**Page 6-29, First Full Paragraph, Second, and Third Paragraphs**

To provide further clarity and amplification as to the Draft SEIR's conclusions, the following paragraphs have been revised to incorporate minor language refinements:

As noted in Section 3.14, Transportation, Scenario 3 is assumed to be the reasonable worst-case with respect to transportation, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to bicycle, pedestrian facilities, and transit facilities, Vehicles Miles Traveled (VMT), and emergency

access, ~~and cumulative impacts~~ would be less than significant. Impacts related to roadway safety hazards for both the individual project and cumulatively would be less than significant with mitigation.

This alternative would be developed on the same site as the proposed project and would be subject to the same applicable laws, regulations, and policies, and include the same development parameters, and would thus similarly be screened out from further VMT analysis (and thus presumed to have a less than significant VMT impact). This alternative would not include the removal of any existing pedestrian, bicycle, or transit facilities, and because of the proximity and connectivity of these facilities to the project site, similar to the proposed project, this alternative would not conflict with a program plan, ordinance, or policy of the circulation system including transit, bicycle, and pedestrian facilities. Furthermore, this alternative would incorporate the construction and dedication of public trail improvements on a portion of Site A. Impacts would also be less than significant with respect to emergency access as this site would be accessed at the same driveways as the proposed project, and the alternative would follow all applicable laws, regulations, and policies. ~~Cumulative impacts would also be less than significant.~~

Similar to the proposed project, this alternative could require specific lane improvements needed to accommodate access to the site and queueing, which would be determined upon the completion of a sensitivity study reviewed and confirmed by the Public Works Department as required by MM TRANS-3. Similar to the proposed project, Cumulative impacts related to roadway safety hazards would also be less than significant for the same reasons with mitigation incorporated. In conclusion, this alternative would result in similar impacts related to transportation as compared to the proposed project, and therefore the ultimate less than significant conclusions would be the same under both circumstances.

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