

## **Appendix A:** **EIR Noticing and Public Involvement**

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**City of Walnut Creek  
Notice of Preparation and Notice of Public Scoping Meeting  
Mitchell Townhomes Project**

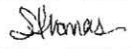
2024-00408

**Date:** November 22, 2024  
**To:** Public agencies and interested parties  
**From:** Simar Gill, Senior Planner, City of Walnut Creek  
**Project :** Mitchell Townhomes  
**Subject:** Notice of Preparation of an Environmental Impact Report and Public Scoping Meeting

**FILED**

**November 22, 2024**

KRISTIN B. CONNELLY  
CLERK-RECORDER

By   
S. Thomas  
Deputy Clerk

The City of Walnut Creek (City) will be the Lead Agency evaluating a request by Signature Development Group, Inc. (applicant) to develop the Mitchell Townhomes Project (proposed project), a new 422-unit multi-family townhome condominium development. FirstCarbon Solutions (FCS) will prepare an Environmental Impact Report (EIR) for the City regarding environmental impacts for the proposed project pursuant to requirements of the California Environmental Quality Act (CEQA).

The Project Description, location, and probable environmental effects of the proposed project are described in this Notice of Preparation (NOP) for the purposes of environmental review. An initial Study for the proposed project is not being provided as part of the NOP. The City is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the environmental information to be addressed in the EIR for the proposed project. Public agencies may need to rely on the EIR when considering whether to issue discretionary permits or other approvals in connection with the proposed project.

Because of time limits mandated by California law, public agencies must submit any comments in response to this notice at the earliest possible date but no later than 30 days after receipt of this notice. The City will also accept comments from other interested parties regarding this notice during that same time period. Accordingly, please provide your written response, along with the name of the relevant contact person, to the address shown below by **5:00 p.m., December 23, 2024**. If you wish to be placed on the notification list for this proposed project, or if you have any questions or need additional information, please contact the person below.

Simar Gill, Senior Planner  
City of Walnut Creek—Community Development Department  
1666 North Main Street, Walnut Creek, CA 94596  
Phone: 925.943.5899, ext. 2115/Email: Gill@walnut-creek.org

**Public Scoping Meeting**

Consistent with Public Resources Code Section 21083.9, a public scoping meeting will be held in person, on **Wednesday, December 11, 2024**, starting at **5:00 p.m.** The meeting will take place in the **Council Chambers at 1666 North Main Street, 1st Floor, Walnut Creek, California.**

At this meeting, public agencies, organizations, and members of the public will be able to provide oral and written comments on the scope and content of the environmental information to be addressed in the EIR for the proposed project.

x *Simar Gill*

Simar Gill, Senior Planner  
Community Development Department

## MITCHELL TOWNHOMES PROJECT

### Project Location

The approximately 22.2-acre project site is located in the City of Walnut Creek (City), in Contra Costa County (County), California; refer to Exhibit 1 (project site). The project site consists of a total of three parcels with Assessor's Parcel Numbers (APNs) 143-040-079, 143-040-099, and 143-040-100. The project site is located at 2775–2855 Mitchell Drive, 2730–2880 Shadelands Drive, and a portion of 2125 Oak Grove Road. The area in and around the project site is within the Shadelands Business Park. The project site is located on the *Walnut Creek, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map, Township 1 North, Range 1 West (Latitude: 37°55'48" North, Longitude: 122°01'14" West).

### Existing Conditions

#### Land Use Activities

The project site is currently occupied by a business park comprised of 11 office buildings between 30,000–36,000 square feet in size (built between 1973–1986) and approximately 1,481 parking stalls in a paved surface parking lot with ancillary landscaping (Exhibit 2).

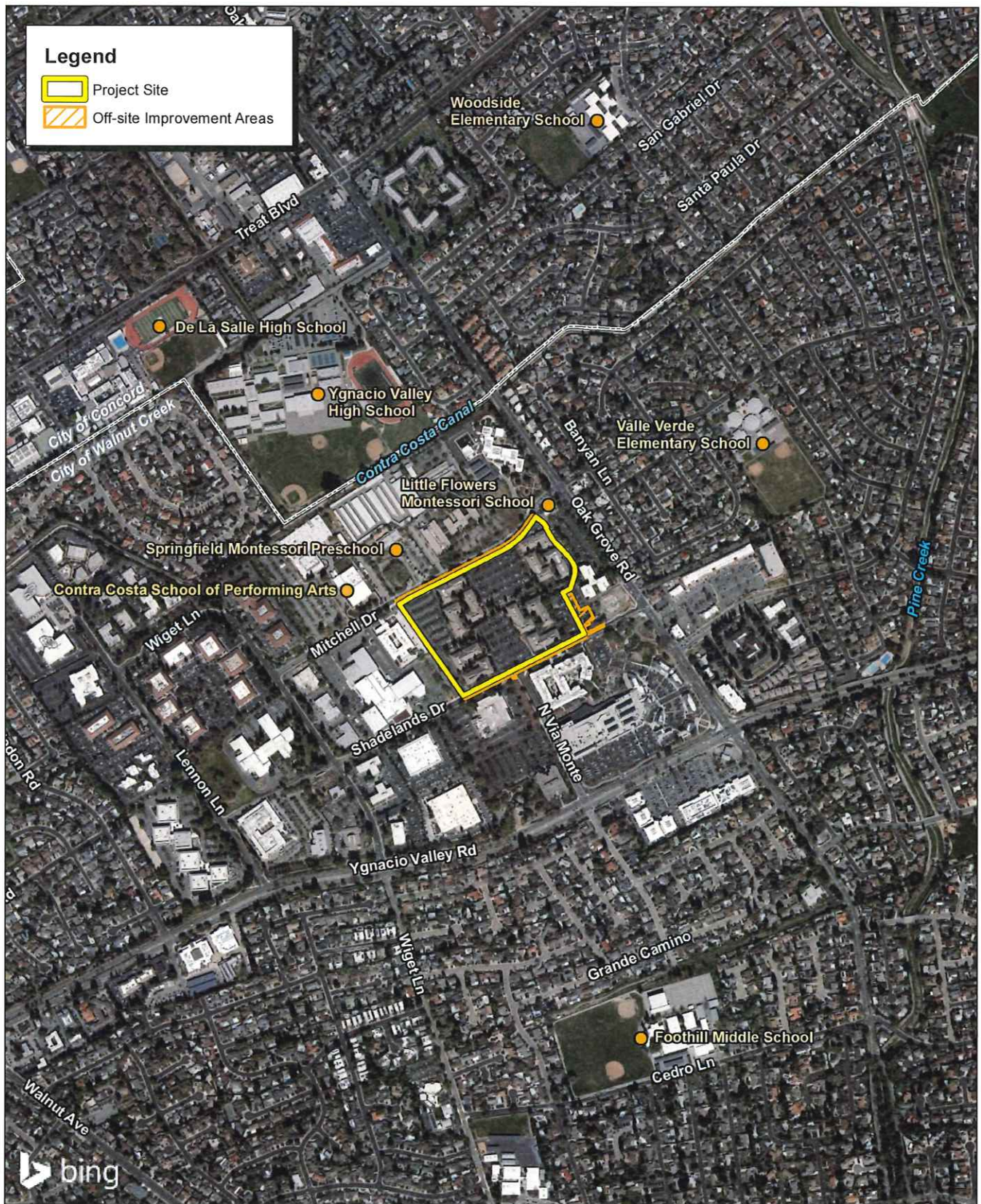
Vehicular access to the project site is provided via Mitchell Avenue to the north and Shadelands Drive to the south. The project site is also accessible via adjacent commercial parking lots to the east.

Stormwater runoff from the project site drains into the City's municipal storm drainage system. The project site is served with potable water service provided by Contra Costa Water District (CCWD) and is served with wastewater collection and treatment service provided by Central Contra Costa Sanitary District (Central San). The project site's electricity and natural gas service is provided by Pacific Gas and Electric Company (PG&E).



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).





## Surrounding Land Uses

The project site is adjacent to Mitchell Drive to the north, with Little Flowers Montessori School daycare adjacent to the project site's northeastern corner. The project site is also adjacent to the Springfield Montessori Preschool and the Contra Costa School of Performing Arts to the northwest. Further north of the project site is the Ygnacio Valley High School. The project site is also adjacent to commercial and office uses directly to the east, with a residential neighborhood further east, beyond Oak Grove Road. To the south, the project site is adjacent to Kaiser Permanente medical offices, retail commercial uses, and a retirement community. To the west, the project site is adjacent to a nursing home as well as a shopping center containing retail, recreational, and office uses.

## Land Use Designations

The project site is designated in the General Plan as Business Park (Exhibit 3). The Business Park designation is limited to a building intensity of up to 0.5 floor area ratio (FAR). Land uses allowed within this designation include employment-based businesses including administrative, professional office, and research uses.<sup>1</sup>

Additionally, the project site is also located in Specific Plan No. 2, Shadelands Administrative, Professional, Research District, which is henceforth named as SP-2 Shadelands Business Park. SP-2 Shadelands Business Park extends north to south from the Contra Costa Canal to Ygnacio Valley Road and east to west from Oak Grove Road to the Contra Costa Canal and Amberwood Lane crossing to the northwest and the Brampton Road eastern cul-de-sac to the southwest.<sup>2</sup>

Finally, according to the City of Walnut Creek Zoning Map, the project site is zoned Planned Development (PD) (PD No. 1543, Exhibit 4). PD zoning districts are intended to allow diversification in the relationship of various buildings, land uses, structures, and open spaces in order to be relieved from the rigid standards of conventional zoning. PDs generally establish zoning use and development capacity regulations separate from that of the City's Zoning Ordinance/Municipal Code but may also refer to development standards taken from the Zoning Ordinance to apply them to developments therein. For this particular PD No. 1543 covering the project site, the district designates the area to be Business Park uses and refers to the Business Park zoning district in the Zoning Ordinance for applicable development standards.

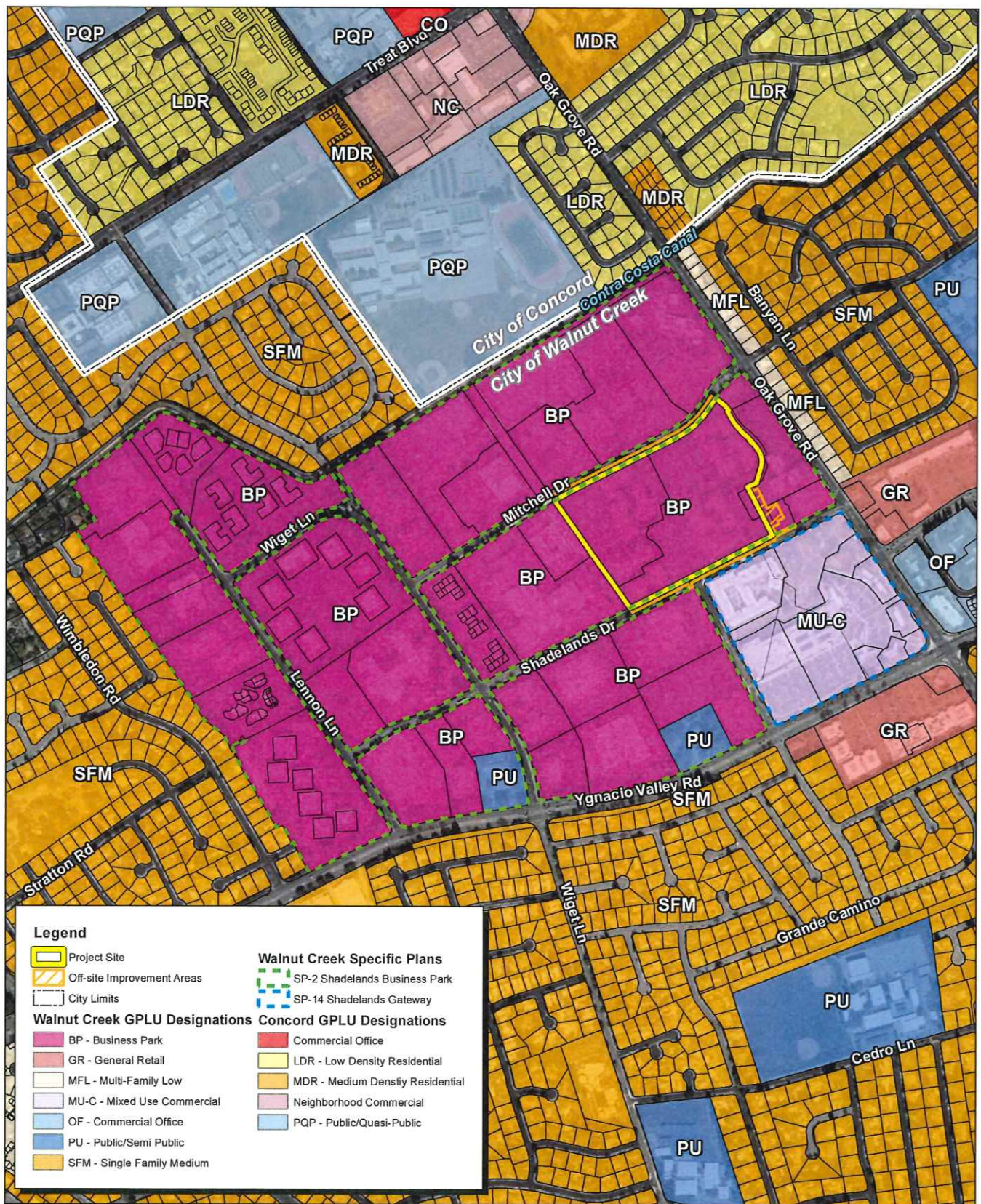
## Project Description

### Proposed Project

The proposed project includes the construction of 422 3-story multi-family dwelling units in townhome-style condominium configuration within approximately 83 buildings, totaling approximately 841,764 gross square feet of buildings (Exhibit 5). The building groups would consist of two building styles, N1 Townhouse and N2 Townhouse, and four building plans per style, identified in Table 1.

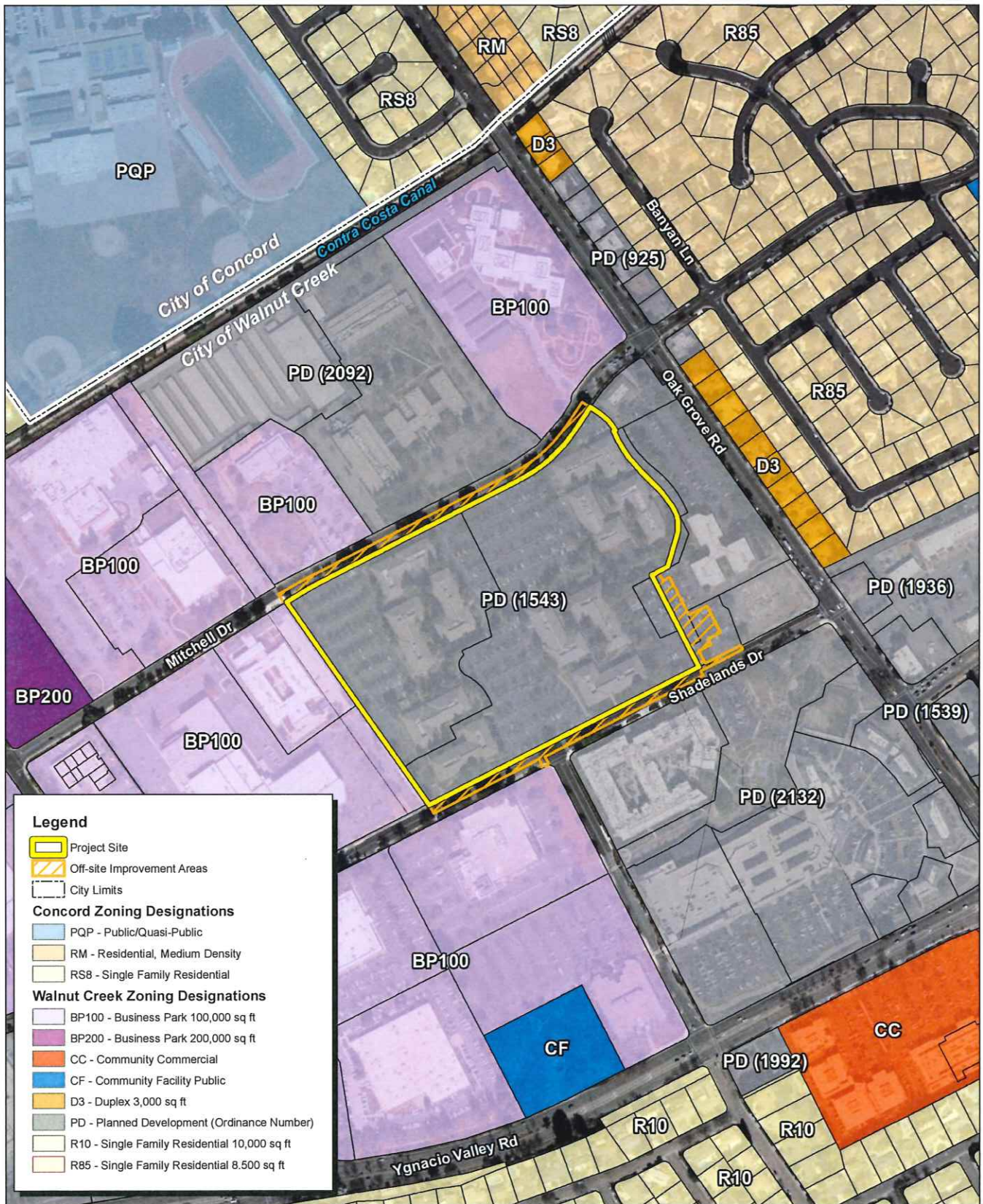
<sup>1</sup> City of Walnut Creek. 2006. General Plan 2025. Website: <https://www.walnutcreekca.gov/home/showpublisheddocument/24827/637388110158900000>. Accessed September 5, 2024.

<sup>2</sup> City of Walnut Creek. 1971. Resolution No. 2686. August 16.



Source: Bing Aerial Imagery. Carlson, Barbee & Gibson, Inc. (CBG), September 2024. County of Contra Costa. City of Concord. City of Walnut Creek.





Source: Bing Aerial Imagery. Carlson, Barbee & Gibson, Inc. (CBG), September 2024. County of Contra Costa. City of Concord. City of Walnut Creek.



**Table 1: Proposed Building Summary**

| Building Style | Unit Plan | Number of Bedrooms per Unit | Number of Bathrooms per Unit | Approximate Net Square Footage | Total Dwelling Units | Approximate Total Net Square Footage |
|----------------|-----------|-----------------------------|------------------------------|--------------------------------|----------------------|--------------------------------------|
| N1 Townhouse   | Plan 1    | 2                           | 2.5                          | 1,463                          | 64                   | 93,632                               |
|                | Plan 2    | 3                           | 3                            | 1,560                          | 76                   | 118,560                              |
|                | Plan 3    | 3                           | 2.5                          | 1,663                          | 19                   | 31,597                               |
|                | Plan 4    | 3                           | 2.5                          | 1,688                          | 63                   | 106,344                              |
| N2 Townhouse   | Plan 1    | 3                           | 2.5                          | 1,288                          | 38                   | 48,944                               |
|                | Plan 2    | 3                           | 3.5                          | 1,774                          | 38                   | 67,412                               |
|                | Plan 3    | 3                           | 3.5                          | 1,929                          | 48                   | 92,592                               |
|                | Plan 4    | 4                           | 3.5                          | 2,132                          | 76                   | 162,032                              |
| <b>Total</b>   | —         | —                           | —                            | —                              | <b>422</b>           | <b>721,113</b>                       |

Source: Signature Development Group. November 7, 2024.

Units inside of the proposed buildings would be constructed in accordance with four floor plans under the N1 Townhouse building style and four floor plans under the N2 Townhouse building style. Residential units would occupy a total of approximately 721,113 net square feet of construction. The remaining construction area from the total approximately 841,764 gross square feet of construction includes covered garages, covered decks, porches, and exterior walls.

The proposed project would also include an approximately 0.7-acre central common open space area, a rain garden common area, a dog park, and various paseo walking areas. Additionally, the proposed project would include landscaping, stormwater detention, utilities, internal streets, pedestrian paths and seating, and other infrastructure improvements.

The proposed project is a housing development project covered by the Housing Accountability Act (HAA) (Government Code § 65589.5) and has sought to utilize the provisions of Section 65589.5(d), commonly known as the Builder's Remedy. The project applicant is also seeking to utilize the State Density Bonus Law (SDBL) (Government Code § 65915, *et seq.*). These State law provisions have various impacts on the applicability of local General Plan, applicable specific plan, and zoning requirements and would allow the proposed project to exceed use and development standards thereunder, provided that certain statutory requirements are met. The Walnut Creek Municipal Code Article 10-2.3.9, Inclusionary Housing, requires that new for-sale condominium developments include seven percent of the dwelling units as low-income dwelling units. The proposed project would designate a sufficient number of dwelling units for lower-income households to satisfy the requirements of the City's Municipal Code, Builder's Remedy, and the SDBL.

### **Vehicular Access**

A total of approximately 959 parking spaces would be provided as part of the proposed project, with approximately 844 spaces located in private garages and approximately 115 spaces located on proposed internal roadways.

Primary vehicular access to the project site would occur via a network of proposed internal streets that would be developed with two points of access from Mitchell Drive in the north and two points of access from Shadelands Drive in the south. Access to the project site from adjacent parking lots to the east would be removed. The proposed internal roadways would be 20 feet wide at minimum throughout the site and would provide emergency vehicle access to all parts of the project site. In addition, the proposed internal roadways would provide standard fire apparatus turnarounds per Contra Costa County Fire Protection District (CCCYPD) requirements.

### **Landscaping**

The project site contains 457 existing trees on-site, and there are 31 trees off-site that overhang the property. The proposed project would preserve approximately eight existing on-site trees in the central open space of the project site. In addition, trees within the proposed off-site disturbance areas would be preserved. Trees within the existing parking lots would be removed and subsequently replaced by new neighborhood residential trees along the proposed private internal roadways. Overall, the proposed project would replace the existing tree count on the project site by a greater than 1:1 ratio. In total, approximately 449 of the 457 existing on-site trees and 12 off-site trees would be removed and replaced by approximately 519 new proposed trees.

The proposed project would also include multiple private and common landscaped areas, summarized in the following approximate square footages:

- 122,297 square feet of low-water-use paseo gardens;
- 56,585 square feet of medium-water-use paseo gardens;
- 43,216 square feet of bioretention treatment areas;
- 13,729 square feet of oak woodland;
- 11,587 square feet of lawns, play areas, and/or dog parks.

The proposed project would also include improved sidewalks and frontage landscaping along Mitchell Drive and Shadelands Drive.

### **Off-site Improvements**

The proposed project would include approximately 2.23 acres of off-site improvements, including, but not limited to, streetlighting, striping, signage and improvements for both Shadelands Drive and Mitchell Avenue pursuant to the Shadelands Multi Modal Plan. In addition, the project proposes to restripe the adjacent parcel to the east to accommodate required parking for the existing office buildings and commercial uses directly adjacent to the east of the project site and to construct necessary trash facilities. Off-site improvements would extend to the areas shown in Exhibit 2.

### **Storm Drainage**

The proposed project would be separated into eight Drainage Management Areas (DMAs) (City staff foresees that the eight proposed DMAs may have to be subdivided into a much greater number) and would include approximately 43,216 square feet of bioretention areas dispersed throughout the project site as well as a network of storm drains and low flow water quality pumps. Stormwater runoff would be collected by the proposed stormwater drainage collection system and subsequently routed into one of eight proposed bioretention areas. Following treatment in the proposed

bioretention areas, stormwater runoff would be drained into the City's existing stormwater collection system via pipelines in adjacent properties to the east and west, as well as the existing stormwater line in Mitchell Drive.

### Utilities

The project site would receive potable water services from CCWD, wastewater treatment services would be provided Central San, power would be supplied by PG&E, and solid waste and recycling services would be provided by Republic Services, Inc. The proposed project would construct internal utility lines throughout the project site and connect to existing utility lines within Mitchell Drive. Power lines would additionally be connected to Shadelands Drive in addition to Mitchell Drive.

### Phasing and Construction

Construction of the proposed project components and off-site improvements would occur in two phases over a period of approximately 4.5 years, starting in April 2026 and ending in December 2030. All site preparation and grading for the entire project site would also be completed at this time. Grading and site preparation would include the import of approximately 1,000 cubic yards and no materials export.

### Required Discretionary Entitlements

The proposed project requires the certification of the EIR and the following discretionary approvals from the City of Walnut Creek:

- Design Review
- Vesting Tentative Map
- Findings under the Housing Accountability Act and State Density Bonus Law, including density bonus waivers and incentives/concessions
- Tree Removal Permit
- Lot line adjustment
- Density Bonus/Inclusionary Housing Agreement

Subsequent ministerial actions would be required for the implementation of the proposed project, including issuance of one or more final maps and site development, grading, encroachment, and building permits.

### Responsible and Trustee Agencies

A number of other agencies in addition to the City of Walnut Creek will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. The Draft EIR will provide environmental information to these agencies and other public agencies which may be required to grant approvals or carry out the proposed project, as part of project implementation. These agencies may include, but are not limited to, the following:

- Contra Costa Water District (CCWD)
- Central Contra Costa Sanitary District (Central San)

- Contra Costa County Fire Protection District (CCCFPD)
- San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB)
- Bay Area Air Quality Management District (BAAQMD)

### Other External Agencies

In addition to the Responsible and Trustee public agencies identified above, the Draft EIR will also reference the following agencies due to their involvement in or relation to the proposed project. These private and/or public agencies could include, but are not limited to, the following:

- Republic Services
- Pacific Gas and Electric Company (PG&E)
- Transportation Partnership and Cooperation (TRANSPAC)
- Mt. Diablo Unified School District (MDUSD)
- Central Contra Costa Transit Authority (County Connection)

## Environmental Review

### Potential Environmental Effects

The Draft EIR will evaluate whether the proposed project (as described herein) may potentially result in one or more significant environmental effects, which will be evaluated in the relevant Draft EIR sections listed below in accordance with the following sections.

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| • Aesthetics, Light, and Glare    | • Hydrology and Water Quality   |
| • Air Quality                     | • Land Use                      |
| • Biological Resources            | • Noise and Vibration           |
| • Cultural Resources              | • Population and Housing        |
| • Energy                          | • Public Services and Utilities |
| • Geology, Soils, and Seismicity  | • Recreation                    |
| • Greenhouse Gas Emissions        | • Transportation                |
| • Hazards and Hazardous Materials | • Tribal Cultural Resources     |

### Effects Found not to be Significant

Unless specific comments are received during the NOP public comment period that indicate a potential for the proposed project to result in significant impacts, the following issues will be addressed in the Effects Found not to be Significant section of the Draft EIR. An overview of the bases for determining a lack of significance is presented below with additional details to be discussed in the Draft EIR, as necessary.

### Agriculture and Forestry Resources

The project site is located in an urbanized area and has been developed for more than 60 years with urban uses. No agricultural or forest uses occur on-site. The project site is zoned Business Park, a nonagricultural and non-forest zoning district. The proposed project would have no impact on agriculture or forestry resources.

## Mineral Resources

The project site is located in an urbanized area and has been developed for more than 40 years with urban uses. No mineral extraction activities occur on-site. In addition, the project site is not a designated mineral resource zone by either the State of California or the City of Walnut Creek. The proposed project would have no impact on mineral resources.

## Wildfire

The project site is located in an urbanized area and has been developed for more than 40 years with urban uses. The project site is not located in a Fire Hazard Severity Zone in a State Responsibility Area or a Very High Fire Hazard in a local, State, or federal responsibility area. In addition, the proposed project would not interfere with any local emergency response or evacuation plan, including the City's Emergency Management Plan. The proposed project would have no impact on wildfire hazards.

## Scoping Meeting

As mentioned above and consistent with Public Resources Code Section 21083.9, a public scoping meeting will be held in person, on **Wednesday, December 11, 2024**, starting at **5:00 p.m.** The meeting will take place in the **Council Chambers at 1666 North Main Street, 1st Floor, Walnut Creek, California.**

At this meeting, agencies, organizations, and members of the public will be able to provide comments on the scope and content of the environmental information to be addressed in the Draft EIR for the proposed project.

## Summary of NOP Comment Letters

| Agency/<br>Organization                                           | Author           | Date                 | Topics Discussed in<br>Comment Letter                                                                                                            | Location Comment is<br>Addressed/Discussed in Draft EIR                        |
|-------------------------------------------------------------------|------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Public Agencies                                                   |                  |                      |                                                                                                                                                  |                                                                                |
| California<br>Department of<br>Toxic Substances<br>Control (DTSC) | Tamara<br>Purvis | December<br>5, 2024  | Requests surveys to be conducted for hazardous building materials prior to demolition of existing structures.                                    | Section 3.8, Hazards and Hazardous Materials                                   |
|                                                                   |                  |                      | Requests the removal and disposal of hazardous building materials should abide to regulations and policies.                                      | Section 3.8, Hazards and Hazardous Materials                                   |
|                                                                   |                  |                      | Provides guidance manual for sampling of structures and imported soil and fill materials.                                                        | N/A                                                                            |
|                                                                   |                  |                      | Requests that imported soil and fill material should be tested for potential contaminants of concern.                                            | Section 3.8, Hazards and Hazardous Materials                                   |
|                                                                   |                  |                      | Requests the evaluation of origins of soil and fill material, and sampling to ensure soil and fill material are suitable for intended land uses. | Section 3.8, Hazards and Hazardous Materials                                   |
| Native American<br>Heritage<br>Commission<br>(NAHC)               | Matthew Lin      | December<br>13, 2024 | Summarizes CEQA requirements and background information.                                                                                         | N/A                                                                            |
|                                                                   |                  |                      | Summarizes Assembly Bill (AB) 52 and Senate Bill (SB) 18 requirements for cultural and tribal cultural resources.                                | Section 3.4, Cultural Resources; Section 3.16, Tribal Cultural Resources       |
|                                                                   |                  |                      | Provides Recommendations for Cultural Resource Assessments                                                                                       | Section 3.4, Cultural Resources; Section 3.16, Tribal Cultural Resources       |
| Organizations                                                     |                  |                      |                                                                                                                                                  |                                                                                |
| Friends of<br>Walnut Creek                                        | Steve Elster     | December<br>23, 2024 | Concerns regarding population growth and traffic congestion.                                                                                     | Section 3.12, Population and Housing; Section 3.15, Transportation and Traffic |

| Agency/<br>Organization      | Author                | Date                | Topics Discussed in<br>Comment Letter                                                                                                                     | Location Comment is<br>Addressed/Discussed in Draft EIR                                                                   |
|------------------------------|-----------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
|                              |                       |                     | Concerns related to zoning discrepancies in the Shadelands area and removal of local businesses.                                                          | Section 3.10, Land Use and Planning                                                                                       |
|                              |                       |                     | Lists roads that commenter asserts would potentially be impacted by traffic congestion.                                                                   | Section 3.15, Transportation and Traffic                                                                                  |
|                              |                       |                     | Requests evaluation of traffic congestion, circulation patterns, and safety of surrounding roads, the proposed project, and the Shadelands Business area. | Section 3.15, Transportation and Traffic                                                                                  |
| Viamonte<br>Resident Council | Patti<br>Bittenbender | January 2,<br>2025. | Concerns related to traffic congestion and patterns on Shadelands Drive and surrounding roads.                                                            | Section 3.15, Transportation and Traffic                                                                                  |
|                              |                       |                     | Recommends evaluation of Oakmont Project to the north in combination with the proposed project.                                                           | Section 3.12, Population and Housing; Section 3.15, Transportation and Traffic. See Cumulative Impacts under each section |
|                              |                       |                     | Recommends evaluation of pedestrian safety.                                                                                                               | Section 3.15, Transportation and Traffic                                                                                  |
|                              |                       |                     | Concerns regarding potential increased traffic and parking on surrounding shopping centers.                                                               | Section 3.15, Transportation and Traffic                                                                                  |
|                              |                       |                     | Concerns about project's visual character and density compared to surrounding land uses.                                                                  | Section 3.1, Aesthetics, Light, and Glare                                                                                 |
|                              |                       |                     | Recommends other parcels of land in the Shadelands area where the proposed project could be placed.                                                       | Chapter 6, Alternatives to the Proposed Project, Section 6.7, Alternatives Rejected from Further Consideration.           |
|                              |                       |                     | Recommends incorporating green spaces and trees from the Shadelands Business Park into the proposed project, along                                        | Section 3.1, Aesthetics, Light, and Glare; Section 3.3, Biological Resources; Section 3.14, Recreation.                   |

| Agency/<br>Organization | Author                                                          | Date               | Topics Discussed in<br>Comment Letter                                                                                                                      | Location Comment is<br>Addressed/Discussed in Draft EIR                                 |
|-------------------------|-----------------------------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
|                         |                                                                 |                    | with larger setbacks, and reducing density.                                                                                                                |                                                                                         |
|                         |                                                                 |                    | Concerns related to air pollution, noise, and traffic generated from construction of the proposed project.                                                 | Section 3.2, Air Quality; Section 3.11, Noise; Section 3.15, Transportation and Traffic |
|                         |                                                                 |                    | Concerns regarding project impacting occupancy of surrounding Viamonte and Oakmont Senior communities from excessive noise, vibration, and visual impacts. | Section 3.1, Aesthetics, Light, and Glare; Section 3.11, Noise.                         |
| Individuals             |                                                                 |                    |                                                                                                                                                            |                                                                                         |
| N/A                     | Marcos Vasquez                                                  | December 11, 2024  | References affordability and size of housing.                                                                                                              | Chapter 2, Project Description; Section 3.12, Population and Housing                    |
| N/A                     | Albert Alvarado                                                 | December 11, 2024  | Statement on how the proposed project provides additional apprenticeship opportunities to the community.                                                   | N/A                                                                                     |
| N/A                     | Jason Lester                                                    | December 11, 2024  | Indicates traffic from the proposed project would be reduced compared to existing conditions and should be addressed.                                      | Section 3.15, Transportation and Traffic                                                |
| N/A                     | Resident of Viamonte Senior Facility on behalf of Pete Hazelman | December 11, 2024. | Concerns about project scale, site, and architecture.                                                                                                      | Section 3.1, Aesthetics, Light, and Glare                                               |
|                         |                                                                 |                    | Recommends project should provide enrichment of end units and landscaping.                                                                                 | Section 3.1, Aesthetics, Light, and Glare                                               |
|                         |                                                                 |                    | Concerns of increased traffic on Shadelands Drive.                                                                                                         | Section 3.15, Transportation and Traffic                                                |
| N/A                     | Patty                                                           | December 11, 2024. | Concerns related to traffic patterns and safety.                                                                                                           | Section 3.15, Transportation and Traffic                                                |
|                         |                                                                 |                    | Suggestion that the eastern access point to the project site from Shadelands Drive to be removed.                                                          | N/A                                                                                     |

| Agency/<br>Organization | Author        | Date              | Topics Discussed in<br>Comment Letter                                                                                                                          | Location Comment is<br>Addressed/Discussed in Draft EIR                                                                                                                                                                        |
|-------------------------|---------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| N/A                     | Kathy Pearson | December 11, 2024 | Concerns about potential increase in traffic from eastern access point on Shadelands Drive impacting left turning movements from Viamonte parking garage exit. | Section 3.15, Transportation and Traffic                                                                                                                                                                                       |
| N/A                     | Steve Prisker | December 11, 2024 | Concerns regarding traffic.                                                                                                                                    | Section 3.15, Transportation and Traffic                                                                                                                                                                                       |
|                         |               |                   | Concerned about removal of existing trees and its impacts related to air quality and GHGs.                                                                     | Chapter 2, Project Description; Section 3.1, Aesthetics, Light, and Glare; Section 3.2, Air Quality; Section 3.7, Greenhouse Gas Emissions                                                                                     |
| N/A                     | Gerald Meyers | December 9, 2024  | Concerns related to traffic congestion, automobile and pedestrian safety.                                                                                      | Section 3.15, Transportation and Traffic                                                                                                                                                                                       |
|                         |               |                   | Concerns related to noise.                                                                                                                                     | Section 3.11, Noise                                                                                                                                                                                                            |
|                         |               |                   | Concerns related to air pollution.                                                                                                                             | Section 3.2, Air Quality; Section 3.1,5 Transportation and Traffic                                                                                                                                                             |
|                         |               |                   | Concerns related to disruption of wildlife habitats on project site.                                                                                           | Section 3.3, Biological Resources                                                                                                                                                                                              |
| N/A                     | Steve Rothman | December 11, 2024 | Concerns related to traffic and safety on Shadelands Drive.                                                                                                    | Section 3.15, Transportation and Traffic.                                                                                                                                                                                      |
|                         |               |                   | Concerns about project design on blocked access between northern and southern sections of the project site.                                                    | Chapter 2, Project Description; Section 3.8, Hazards and Hazardous Materials; Section 3.13, Public Services; Section 3.15, Transportation and Traffic; Chapter 4, Effects Found not to be Significant, Section 4.2.3, Wildfire |
|                         |               |                   | Concerns about tree removal.                                                                                                                                   | Chapter 2, Project Description; Section 3.1, Aesthetics, Light, and Glare; Section 3.3, Biological Resources                                                                                                                   |
|                         |               |                   | Concerns about air pollution during construction and operation.                                                                                                | Section 3.2, Air Quality                                                                                                                                                                                                       |

| Agency/<br>Organization | Author              | Date              | Topics Discussed in<br>Comment Letter                                                                                                     | Location Comment is<br>Addressed/Discussed in Draft EIR                                                   |
|-------------------------|---------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| N/A                     | Nancy J. Balles     | December 26, 2024 | Suggests careful examination of impacts generated from surrounding cumulative projects.                                                   | Chapter 3, Environmental Impact Analysis                                                                  |
|                         |                     |                   | Concerns regarding cumulative impacts related to unplanned population growth.                                                             | Section 3.12, Population and Housing                                                                      |
|                         |                     |                   | Recommends reduction of units to the proposed project.                                                                                    | Chapter 6, Alternatives to the Proposed Project, Section 6.5, Alternative 3 – Reduced Density Alternative |
|                         |                     |                   | Concerns on traffic patterns, circulation, and pedestrian safety based on entrances/exits of the proposed project along Shadelands Drive. | Section 3.13, Public Services; Section 3.15, Transportation and Traffic                                   |
|                         |                     |                   | Provides recommendations and concerns on cumulative traffic impacts and pedestrian and cyclist safety.                                    | Section 3.15, Transportation and Traffic                                                                  |
|                         |                     |                   | Provides recommendations and concerns pertaining to Air Quality during construction phase.                                                | Section 3.2, Air Quality                                                                                  |
|                         |                     |                   | Concerns related to asbestos exposure during demolition of existing structures.                                                           | Section 3.8, Hazardous and Hazardous Materials                                                            |
|                         |                     |                   | Concerns about wildfire                                                                                                                   | Chapter 4, Effects Found not to be Significant, Section 4.2.3, Wildfire                                   |
|                         |                     |                   | Concerns related to noise during construction phase.                                                                                      | Section 3.11, Noise                                                                                       |
|                         |                     |                   | Concerns on light pollution.                                                                                                              | Section 3.1, Aesthetics, Light, and Glare                                                                 |
|                         |                     |                   | Concerns on project size, density, tree removal,                                                                                          | Section 3.1, Aesthetics, Light, and Glare; Section 3.3, Biological Resources                              |
| N/A                     | Wayne D. Morris and | February 12, 2025 | Concerns regarding lack of green space and density of                                                                                     | Section 3.1, Aesthetics, Light, and Glare; 3.14, Recreation                                               |

| Agency/<br>Organization | Author             | Date | Topics Discussed in<br>Comment Letter                                                                                                                                                                                                 | Location Comment is<br>Addressed/Discussed in Draft EIR                                                             |
|-------------------------|--------------------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
|                         | Thomas P.<br>Stone |      | housing units along<br>Shadelands Drive.                                                                                                                                                                                              |                                                                                                                     |
|                         |                    |      | Concerns regarding<br>removal of mature<br>redwood trees and<br>reduction in<br>biosequestration. Suggests<br>that trees should be<br>planted in a two-to-one<br>ratio and the need for more<br>greenspace along<br>Shadelands Drive. | Section 3.1, Aesthetics, Light,<br>and Glare; Section 3.7,<br>Greenhouse Gas Emissions;<br>Section 3.14, Recreation |

Source: Compiled by FirstCarbon Solutions (FCS). 2025.



**Yana Garcia**  
Secretary for  
Environmental Protection



**Department of Toxic Substances Control**

Katherine M. Butler, MPH, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200  
[dtsc.ca.gov](http://dtsc.ca.gov)



**Gavin Newsom**  
Governor

**SENT VIA ELECTRONIC MAIL**

December 5, 2024

Simar Gill  
Senior Planner  
City of Walnut Creek - Community Development Department  
1666 North Main Street  
Walnut Creek, CA 94596  
[Gill@walnut-creek.org](mailto:Gill@walnut-creek.org)

RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR THE MITCHELL TOWNHOMES PROJECT DATED NOVEMBER 25, 2024, STATE  
CLEARINGHOUSE NUMBER [2024110923](#)

Dear Simar Gill,

The Department of Toxic Substances Control (DTSC) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Mitchell Townhomes Project (Project). The proposed Project includes the construction of 422 3-story multi-family dwelling units in townhome-style condominium configuration within approximately 83 buildings, totaling approximately 841,764 gross square feet of buildings, and 721,113 net square feet of residential units. The building groups would consist of two building styles, and four-unit plans per style. The proposed Project would also include an approximately 0.7-acre central common open space area, a rain garden common area, a dog park, and various paseo walking areas. Additionally, the proposed Project would include landscaping, stormwater detention, utilities, internal streets, pedestrian paths and seating, and other infrastructure improvements. DTSC recommends and requests consideration of the following comments:

1. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).
2. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#). Additionally, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

DTSC appreciates the opportunity to comment on the NOP of a DEIR for the Mitchell Townhomes Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Simar Gill  
December 5, 2024  
Page 3

Sincerely,

*Tamara Purvis*

Tamara Purvis  
Associate Environmental Planner  
HWMP - Permitting Division – CEQA Unit  
Department of Toxic Substances Control  
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cc: (via email)

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## NATIVE AMERICAN HERITAGE COMMISSION

December 13, 2024

Simar Gill  
City of Walnut Creek  
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Walnut Creek CA 94596

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**Re: 2024110923 Mitchell Townhomes Project, Contra Costa County**

Dear Ms. Gill:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

#### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Mathew.Lin@NAHC.ca.gov](mailto:Mathew.Lin@NAHC.ca.gov).

Sincerely,

*Mathew Lin*

Mathew Lin  
Cultural Resources Analyst

cc: State Clearinghouse

December 23, 2024

Simar Gill, Senior Planner  
City of Walnut Creek—Community Development Department  
1666 North Main Street  
Walnut Creek, CA 94596  
Gill@walnut-creek.org

*Re: Mitchell Townhomes, Notice of Preparation—comments re EIR*

Dear Ms. Gill,

The scope and content of EIR for the proposed Mitchell Townhomes Project (“the Mitchell Development”) should take into account the following facts:

- The Mitchell Development will introduce almost 1,000 additional residents’ cars to an area that already faces terrible traffic congestion and prompts drivers to seek alternative routes from major thoroughfares through residential neighborhoods in Walnut Creek.
- The Mitchell Development will uproot the local businesses currently located within the area proposed for this development. These businesses will be forced to relocate and their employees and customers will be forced to travel elsewhere, further compounding traffic congestion.
- The Mitchell Development will undermine the viability of the other business-zoned properties in the Shadelands. The City’s Planning Division stated in its January 12, 2016 Agenda Report, Agenda Item No. 4a, Page 4:

“[R]esidential development in commercial areas can lead to complaints about and interference with commercial activity, can lead to rising commercial rents that drive out established businesses, can undermine reinvestment in commercial property, and might dilute the effect of the City’s mixed-use planning efforts.”

- The Mitchell Development will motivate the other property owners in the Shadelands to seek the same windfall from the rezoning of their own currently business-zoned properties in the Shadelands that Signature Development Group is seeking for its business-zoned properties, resulting in most or all of the Shadelands being rezoned from business park to townhomes on a scale similar to the Mitchell Development. This would mean even more cars of Shadelands residents adding to traffic congestion, and the uprooting and relocation of most or all of the other businesses and medical providers currently in the Shadelands, requiring their employees, customers, and patients to travel elsewhere, further compounding traffic congestion.

- Roads and areas that would be impacted by the Mitchell Development include:
  - Ygnacio Valley Road, from Cowell Road to the 680;
  - Treat Boulevard from Cowell Road to the 680;
  - Oak Grove Road from Walnut Avenue to Treat Boulevard;
  - Bancroft Road from Ygnacio Valley Road to Treat Boulevard;
  - Walnut Avenue from Oak Grove Road to Ygnacio Valley Road;
  - Sections of the 680 and the 24 freeways that would be used by Shadelands residents and by employees, customers and patients displaced due to businesses uprooted from the Shadelands;
  - The preschools, elementary schools, middle schools and high schools east of Bancroft Road, south of Treat Boulevard, north of Walnut Avenue plus Northgate High School, and west of Oak Grove Road plus Valle Verde Elementary School;
  - The neighborhoods adjacent to the Shadelands and the neighborhoods that utilize the roads and areas described above.

Accordingly, the EIR should consider and evaluate the following impacts on the above-described roads and areas from (a) the Mitchell Development alone and (b) the rest of the Shadelands being rezoned to townhomes on a scale similar to the Mitchell Development:

1. TRAFFIC CONGESTION.
2. TRAFFIC CIRCULATION PATTERNS.
3. VEHICULAR, PEDESTRIAN, AND BICYCLIST SAFETY.

The inclusion of these issues in the EIR will allow the City to make an informed decision about the Mitchell Development.

Thank you,



Steve Elster, Friends of Walnut Creek

Simar Gill,  
Senior Planner,  
City of Walnut Creek - Community Development Agency

Re: Mitchell Townhomes Project

Dear Ms. Gill,

I am writing as Co-chair of the Resident Council at Viamonte Senior Living, located at 2801 Shadelands Drive. On behalf of the 250 residents here, we want to offer our recommendations regarding the scope of the Environmental Impact Report.

The residents are very concerned about the project currently planned for the space located directly across Shadelands Drive. We agree that more housing is needed everywhere in California and agree that affordable housing is also needed and important to solving some of the long-time problems facing California cities.

However, we feel that the size of the proposed plan for this space is exceedingly out of proportion to the infrastructure around that would support it, and we hope you will ensure that all aspects of concern, as noted below, are included in the scope of the EIR.

- First and foremost, traffic is of grave concern. The immediate and nearby streets (Shadelands, Ygnacio Valley Road, Oak Grove Road, Treat Blvd.) are already heavily congested with traffic during most of the day and especially during commute hours. It can take 20 minutes or more to drive the 3 miles to I-680 or downtown Walnut Creek. Shadelands is used by a growing number of drivers to bypass Ygnacio Valley Road and is increasingly congested. Adding an additional 500-1000 cars per day would overwhelm the traffic patterns. There is seemingly no way to alleviate the congestion without widening all the streets involved. It is unlikely this could be done.
- At the same time the EIR evaluates the impact of the Mitchell Townhomes Project, it must concomitantly consider the impact of the Oakmont Project which has been approved and will add more senior housing across the street to the north of the Mitchell Project. Oakmont will be larger than Viamonte and will add more cars, pedestrians, and shoppers to the area. The Projects' impact must be considered as one.
- Concerns about increased traffic levels must address driver safety (it will have two Senior communities directly across from both faces). This will necessarily mean additional dangers for Seniors leaving and entering their residences. The scope of the EIR should also consider pedestrian safety. The sidewalks

around the Orchards shopping center and our Viamonte community allow bike riders. This has been hazardous for senior pedestrians walking to and from the markets or just walking around the block as many residents do. Possible mitigation is to block street parking on Shadelands and create bike lanes as been done on other Shadelands streets.

- There are only two grocery stores in the immediate vicinity (Whole Foods and Safeway). Both the parking lots and stores are very busy. Trader Joes is a mile away and that shopping center is also very busy—during commute hours and when school starts and ends, traffic can be badly tied up. Adding 500 new customers to the area might well overwhelm the small shopping centers and make parking extremely difficult, resulting in lost business. While the 3 local small shopping centers are walking distance, when you must carry heavy bags of groceries, driving is necessary.
- The residential areas surrounding the immediate vicinity (south of Ygnacio Valley Road and east of Oak Grove are single family homes. The proposed project bears no resemblance to the surrounding suburban environment (business park and S/F homes). As proposed, the Mitchell Project is ungainly, and resembles a dense, urban plan that does not utilize space in an attractive way. From the plans, it would not be a welcoming place to live, but rather, over-crowded and difficult to traverse. Buildings are crammed against each other, with little open/green space.
- The Mitchell and Oakmont Projects throw a very high volume of new residents (with cars, shopping needs, etc) into a small area pushed up against Oak Grove Road. There are other vacant lots in the Shadelands area where residential housing could be gracefully added to create a live/work community. While Senior housing is a good fit for the area, as it generally creates less traffic than other residential options, very high density residential projects are not a good fit.
- The Shadelands Business Park is currently a lovely area with green spaces, walkways and many shade trees. Residents and employees of the area walk on the sidewalks and pathways throughout the area. The Canal pathway is nearby. The business park that would be torn down for the Mitchell Project has extensive waterways, mature trees and is a restful spot where neighbors, and employees from the nearby businesses walk and sit. A plan incorporating those features within the project would be far more desirable to the neighborhood and the residents and still allow additional housing for the Walnut Creek Community. It is our understanding the proposal will remove 457 trees from the site. We also understand the City of Walnut Creek will require an arborist's report and that has not yet been done. We look forward to seeing that report. Consider a recommendation of a set back larger than 15 feet, which would be in accordance with other businesses in Shadelands. Also consider greatly reducing the number of units, at least by half.

- Issues of air quality and noise arise for Viamonte Senior Living residents during the construction period, which is estimated to take 4.5 years to complete. Long-term construction will only add to traffic problems when trucks leave and enter the work site and streets are torn up and/or closed off for construction purposes.
- The Mitchell Project could negatively impact both Viamonte and Oakmont's desirability and occupancy due to the long term construction, noise and the general lack of aesthetic appeal of the project when completed.

In closing I would like to include language from the California Public Resources Code:

DIVISION 13. ENVIRONMENTAL QUALITY [21000 - 21189.91] ( Division 13 added by Stats. 1970, Ch. 1433. )

**21001.** The Legislature further finds and declares that **it is the policy of the state** to: (a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state. (b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

Respectfully Submitted,

/s/

Patti Bittenbender,  
Co Chair Viamonte Resident Council,  
on behalf of the residents  
2801 Shadelands Drive  
Walnut Creek, CA 94598



**December 11, 2024**  
**Mitchell Townhomes Scoping Meeting**  
**Walnut Creek City Council Chambers**  
**5:00pm**

Public Comments:

**Marcos Vasquez** – Apprentice with Local 104 Sheet Metal Workers union, citizen of WC, supports project, references affordability of housing and sizing of housing.

**Albert Alvarado** - Apprentice with Local 104 Sheet Metal Workers union, WC resident, supports project, expressed appreciation that developer plans to employee sheet workers union. Indicates the project provides additional apprenticeship opportunities for the community.

**Jason Lester** – Business agent for Plumbers and Steamfitters local union. Supports project. Indicates traffic would be less than the existing business park and should be addressed. States that residents would help support local economy.

**Resident of Viamonte Senior Facility across the street speaking on behalf of Pete Hazelman, architect** with concerns regarding change to the environment specific to scale, site, and architecture. Project would be a downgrade to the neighborhood with regards to scale and would bring down the value and atmosphere of the neighborhood particularly related to additional traffic on Shadelands. Compared proposed project to Auschwitz. Indicated that, architecturally, the project should seek enrichment of end units and landscaping.

**Patty**, Resident of Viamonte Senior Facility, Chair of the Resident Council. Expressed concerns related to the traffic patterns and safety due to size of project. Indicated concern about existing congestion of traffic at all times of day on Ygnacio and Treat and the traffic that this project would add including impacts to flow of traffic. Stated that project would negatively contribute to the speed of traffic and traffic backing up between intersections. Would like the proposed exit directly across from the Viamonte parking garage exit removed.

**Kathy Pearson**, Resident at Viamonte Senior Facility, sympathetic to comments supporting project related to affordable housing, but has concerns about exiting Viamonte parking garage exit, specifically left turning movements with the addition of Mitchell Townhomes access point across the street.

**Steve Prisker** – Resident of Viamonte Resident Senior Facility, expressed concerns regarding traffic. Referenced Shadelands name and expressed appreciation of existing insite trees. Says proposed project does not have trees, would cut down exiting trees and expressed concern about tree removal and impacts to air quality and GHGs in relation to the loss of trees. Referenced preference for previous plan and respect for site's history and environment.

**From:** [Gerald Meyers](#)  
**To:** [Simar Gill](#)  
**Subject:** Fwd: Mitchell Townhomes Development  
**Date:** Tuesday, December 10, 2024 9:23:51 PM

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This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

**ALWAYS** hover over the link to preview the actual URL/site and confirm its legitimacy.

Sent from my iPad

Begin forwarded message:

**From:** Gerald Meyers <meyersgconsulting@gmail.com>  
**Date:** December 9, 2024 at 4:57:46 PM PST  
**To:** Gill@walnutcreek.org  
**Cc:** Melody Allan <MAllan@sequoialiving.org>  
**Subject:** Mitchell Townhomes Development

Dear Simar Gill, Senior Planner,

As a resident of 2801 Shadelands Drive, Viamonte at Walnut Creek, I am writing in regards to the Environmental Impacts Application of Mitchell Townhomes Development CEQAN # Y24-026 at Mitchell Drive, Oak Grove Road, and Shadelands Drive.

The area referenced above is already one of the busiest and congested in Walnut Creek and Contra Costa County. The addition of a 422 unit, 3 story Townhome development will unquestionably have an adverse environmental impact.

There will be considerably more noise with resultant adverse mental health effects, more traffic, especially automobiles and trucks, with resultant increased accidents, increased air pollution, and increased pedestrian injuries. Disruption of existing wildlife habitats should also be expected.

Without a substantial reduction in the size and scope of this development, it should be denied approval to proceed.

Yours truly,

Gerald Meyers, MD  
2801 Shadelands Drive, Apt. 327  
Walnut Creek, Ca, 94598

Sent from my iPad

**From:** [Simar Gill](#)  
**To:** [Chip Griffin](#)  
**Subject:** Fwd: scoping meeting Mitchell Townhomes development  
**Date:** Wednesday, December 11, 2024 3:53:42 PM

---

Regards,  
Simar Gill

Begin forwarded message:

**From:** Simar Gill <Gill@walnut-creek.org>  
**Date:** December 11, 2024 at 11:39:44 AM PST  
**To:** Steve Rothman <slrothman788@gmail.com>  
**Subject: Re: scoping meeting Mitchell Townhomes development**

Thank you Steve, we will make sure your concerns are addressed in the various studies that will be conducted as part of the CEQA analysis.

Regards,  
Simar Gill

On Dec 11, 2024, at 10:53 AM, Steve Rothman  
<slrothman788@gmail.com> wrote:

This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

**ALWAYS** hover over the link to preview the actual URL/site and confirm its legitimacy.

Hi Simar,

I am a resident at the Viamonte/Sequoia CCRC at 2801 Shadelands Drive, and I am writing regarding the meeting scheduled for today concerning this proposed development. FYI the developer made a presentation to our community earlier this week, which, candidly, raised more questions than answers about this major change proposed

for this site.

I see that this scoping session meeting is focused on environmental impact/issues, and the following concerns we have related to these broad issues include the following:

1- Traffic congestion/auto emissions would be expected to dramatically increase on Shadelands Drive. Traffic on Shadelands Drive is already extremely high during peak hours, and would be exacerbated by these new plans. In addition, for reasons not explained by the developer, their plans include a blockage to prevent residents from crossing the border between the south and northern sections of the overall site. The developer's spokesperson was unable to explain why this differentiation/blocked access was planned, with one result the inability of access to Mitchell drive exits by residents nearer to Shadelands (noting that Mitchell is a less congested street for traffic.) In addition, this blocked access would present a problem for firefighters in case of an emergency.

2- The developer stated that they are planning to cut down many trees, which are both beautiful and provide both shade and air quality benefits. In particular, I note the large/mature trees along Shadelands- which I would think are part of the design/plan of this street by the Town.

3- The question was raised about air pollution, etc. during both demolition and construction- and we received a generic response that all regulations would be followed. (note that our community consists of older people, many with health problems.)

4- Our residents are very concerned about traffic safety (getting in and out of our underground garage), and this is a current problem and likely to become more hazardous in the future.

Thanks for considering our concerns at your meeting later today.

Best regards,

Steve Rothman

(cell 908-591-6088 moved here from New Jersey, but still using our old cell number)

February 12, 2025

Simar Gill  
Senior Planner  
City of Walnut Creek

RE: Concerns with MTP

Dear Ms. Gill:

I am writing on behalf of myself and my partner to express concerns with the proposed Mitchell Townhouse Project (MTP). I realize that this letter is beyond the first official comment period but we hope our views could still receive consideration during the preparation of the Environmental Impact Report (EIR) and consideration by the Walnut Creek City Council.

We are residents of the Viamonte senior community owned and operated by the nonprofit Sequoia Living. For 9 years prior to moving into Viamonte we owned a home on Kane Circle, just a few blocks away from Viamonte, and we were happy to be able to stay in the neighborhood by moving to Viamonte.

We first want to express our support for adding additional housing in Walnut Creek, especially housing that can be affordable for working people. Walnut Creek is a very attractive place to live, and we believe that efforts to build more housing should meet two goals - more housing **and** retaining features that make people want to live in Walnut Creek in the first place.

Our primary concerns are in the following areas:

1. **Need for green space on Shadelands Drive.** The developer, Signature Development Group (SDG), is proposing to construct 82 3-story buildings with 422 dwelling units. This dense project area is four sided, and three of the four sides have some green space. There is no green space along Shadelands Drive, however; SDG is proposing a solid wall of three story townhomes along the length of Shadelands Drive, and the homes would be a mere 15 feet from the curb, a significant reduction from the setback of the two two story office buildings currently on the site along Shadelands Drive. Further, most of the green space proposed for the project is in neighborhood one, and very little is in neighborhood two, fronting on Shadelands Drive. **The**

**proposed solid wall of three story housing along Shadelands Drive will radically change the character of the community.**

To address this issue, we ask that the four buildings proposed to be built directly across from Viamonte be eliminated from the project in order to create a small “buffer” between the project and Viamonte, and this area could be used to develop a new small green space (see below). The four buildings we propose eliminating contain 22 units, just 5% of the total project, but would provide a significant benefit in providing some privacy and “buffering” of the project, as well as an area for an additional small green space along Shadelands Drive. This would help the environment as well as provide some aesthetic relief.



A question might arise as to how to accomplish this change. We would suggest the following:

a. The Builder's Remedy Law applies CEQA to a Builder's Remedy project, and the EIR under CEQA must consider changes to the environment, including its impact on the community and its aesthetics. As stated above, we believe a very reasonable argument can be made that a solid line of three story townhouses fifteen feet from the curb on Shaddelands Drive would have a significant negative impact on the low density, low height development aesthetic that exists currently on the site. Adoption of our recommendation to eliminate the four buildings would help to ameliorate this issue.

b. We would hope that the project review is not solely one of what the developer can do, but also includes a review of what the developer should do. Adoption of our recommendation to eliminate four buildings and develop a new green space would significantly increase the attractiveness of the project for its future residents and also for the surrounding neighborhood. It would also have a positive environmental impact. We hope SDG would cooperatively and voluntarily adopt this proposal.

2. **Fewer trees should be destroyed, and replacement trees should be planted at a two-to-one ratio. SDG is proposing to destroy 449 mature trees on the property, including 96 coast redwoods.** Replacing mature trees with younger replacement trees at barely more than a one-to-one ratio (SDG is proposing to replace the 449 destroyed trees with just over 500 trees) will result in a significant reduction of the environmental benefits of trees on the project site. The destruction 96 mature redwoods will have an especially negative environmental impact as redwoods absorb and retain 2-3 times the amount of carbon as deciduous trees. They are also fire resistant, and they are a symbol of California. Further, the arborist's report for the project notes that of the 103 total redwoods on the property, 82 are in good condition, with 34 having a high suitability for preservation, but only 7 are listed for actual preservation. **At a minimum, we strongly believe that the 34 redwoods identified by the arborist as having a high suitability for preservation should actually be preserved.**

To address these issues, we suggest that **SDG be required to replace every destroyed tree with a substantial replacement tree at a two-to-one ratio, and that all 34 redwoods identified as being suitable for preservation actually be preserved.**

**Conclusion. Two of the biggest contributors to global warming are adding more cars and the destruction of trees. This proposed project would do both.**

We believe the above recommendations are reasonable adjustments to the project that will permit the needed housing to go forward while protecting the environment and preserving the features that make Walnut Creek an attractive place to live.

Thank you for your consideration of our views and please let me know if you have any comments or questions for us.

Sincerely yours,

Wayne D. Morris and Thomas P. Stone  
2801 Shjadlands Drive,  
Apt. 203  
Walnut Creek

CC. :

SDG

Walnut Creek Planning Commission

Walnut Creek City Council

Sequoia Senior Living Leadership

Viamonte Staff Leadership

Viamonte Residents' Council

# WRITTEN RESPONSE OF SEQUOIA LIVING'S VIAMONTE TO THE NOTICE OF PREPARATION RE THE MITCHELL TOWNHOME PROJECT

## I. SEQUOIA LIVING'S VIAMONTE FACILITY

It is located on four acres at 2801 Shadelands Dr., Walnut Creek. Since the front entrance to the lobby of Viamonte and the sole entrance to its underground parking garage are directly across the street from the location of the Mitchell Townhomes Development Project (MTP) which is on 22.2 acres, Viamonte will be greatly impacted by the Project.

### A. History and Description of Viamonte

The construction of Sequoia Living's Viamonte facility was approved by the City of Walnut Creek several years ago as a continuing care retirement community (CCRC) for residents 60 years of age and above. The building is a four-story high apartment-type building. It currently houses a total of 246 residents: 232 residents live in 173 apartments for independent living; and 8 residents in memory care and 6 in assisted living. The average age is about 82. Occupancy began in Dec. 2020. It is now near 100%. Some residents have pets: eight indoor-only cats and seventeen dogs which need to be walked outside three times a day or more.

The building is on four acres owned by Sequoia Living which shares the condominium of the Orchards Shopping Center common areas and open space with Terramar Retail Centers. Viamonte has two enclosed courtyards. The building has an underground garage with 165 slots for residents' vehicles and 20 slots for visitors. Viamonte has one hundred employees who park on the street and in 50 slots in the business park across the street. Those slots will be eliminated by MTP. There are also several private caretakers who assist some residents in independent living units. Those caretakers usually park on Shadelands Drive and in the surrounding area.

Many vehicles come daily to the front entrance of Viamonte on Shadelands Drive. Those include emergency vehicles, U.S. Post office trucks, vendor vehicles---- such as UPS, FedEx and Amazon trucks, other vendors doing repairs, the Sequoia van which takes residents to medical appointments and on shopping trips and excursions, and visitors' vehicles dropping off or picking up residents. All these vehicles enter the reverse U-shaped short driveway to the front entrance. The driveway also goes to the sole entrance to the underground parking garage for residents and visitors. An estimated ninety vehicles enter the garage daily. On the left side of Viamonte, there is a deliveries driveway to the receiving garage for food and other supplies. The right side of Viamonte runs parallel to a paved path (to be shared by pedestrians and bikes) and with N. Via Monte Street. The back side of Viamonte runs parallel to a paved walkway and the Safeway wall.

B. Viamonte's outreach to the developer. Signature Development Group was invited to make a presentation to Viamonte residents. This occurred on Dec. 9, 2024, when Jonathan Fearn, Sr. Vice President, Development, gave a presentation and answered questions.

C. Viamonte's attendance at the "scoping session meeting"

A contingent of residents from Viamonte attended the session held by the City of Walnut Creek (the City) as the lead agency on Dec. 11, 2024. A couple of residents offered brief oral comments about their concerns, after hearing the presentation by the Project Manager from FirstCarbon Solutions (FCS). He stated that FCS will prepare an Environmental Impact Report (EIR) for the City pursuant to the requirements of the CA Environmental Quality Act (CEQA). Thereafter, the report will be published, and a public hearing on it will occur.

D. This response

1. This written response is filed to provide more extensive comments regarding the scope and content of the environmental information to

be addressed in the EIR for the proposed Mitchell Townhomes Project (MTP.) Our understanding is that the City extended the deadline for receiving written responses until 5 p.m. on Dec. 27, 2024.

2. Viamonte residents recognize the mandate of CA state law regarding the need to build more housing, especially affordable housing. (See CalMatters' columnist Dan Walters' article of Dec. 13, 2024: "CA's Housing Crisis has gotten worse in last 30 years.") At the fall 2024 Citizens' Institute, City officials explained that the City filed a required housing plan with the state agency and has a mandate to build 5805 additional housing units by 2031. The City's position is that its key focus for economic development is to achieve a jobs/housing balance: attracting corporations and businesses to move to Walnut Creek and provide jobs which pay people enough to allow them to live nearby in new housing. The conversion of old office buildings in the Shadelands is extremely difficult and expensive. Expanding the residential market there is what makes the most sense now. However, the City did not plan for a large, non-age restricted housing development in the Shadelands like MTP. Its filing as a "builders' remedy" project was a surprise.
3. Documents reviewed in preparing this Response
  - a. The Mitchell Townhomes Development Project (MTP): "Notice of Preparation" (NOP). This provides a detailed description of the Mitchell Townhomes Development application as a "residential project" which is not age restricted on 22.2 acres at 2775-2855 Mitchell Dr., 2730-2880 Shadelands Dr., and a portion of 2125 Oak Grove Road. The developer invoked the builders' remedy during a narrow window of time before the state housing agency gave its final approval to the City's revised housing plan. The project is for 422 three story multi-family dwelling units in townhome-style condominium configuration, 959 parking spaces (854 in private garages) and 115 spaces on proposed internal

roadways. The project will involve the demolition of eleven existing office buildings dating from the 1970's and the surrounding large asphalt parking lots. Site preparation and grading and the construction process is set to commence in April 2026 and end in Dec. 2030.

- b. Appendix G: Environmental Checklist Form. This fourteen page Form provides an explanation of the twenty environmental factors which could potentially be affected by a particular development project. This Appendix is specific guidance for non-lead public agencies in commenting about initial studies of environmental impacts. It also provides useful guidance for other interested groups and individuals. The Checklist is part of the CEQA Guidelines Appendices.
- c. The 2024 Citizens' Institute by the City of Walnut Creek. Documents reviewed include those regarding community development presented to the twenty-six participants, including Nancy Balles, a Viamonte resident who prepared this Response.
- d. The City of Walnut Creek's map of its major development projects near Viamonte and website descriptions. Besides the Mitchell Townhomes Project (MTP), there are six other projects. Those are:
  - (1) Oakmont Senior Housing and Residential Care Facility for the Elderly at 2800 Mitchell Dr. & 1925 Oak Grove Rd.  
This residential project on a 9.5-acre site is approved by the City. Demolition of the old existing building on site commenced in mid-Dec. 2024. The project will involve the construction of four buildings containing 254 age restricted apartments and 467 parking spaces, and a residential care facility for the elderly (RCFE) with 114 living units for 136 residents/beds and 98 parking spaces.

- (2) Primrose Preschool at 2291 Oak Grove Rd, in The Orchards.

This community facilities project project was recently completed on a previously small vacant parcel within the Orchards Shopping Center. The Preschool is set to open in early 2025. The drop off entrance is via an internal driveway into the Orchards which is accessed either from an entry from Oak Grove Road going south (which is not directly at the Preschool) or from the Shadelands Dr. entrance to an internal road.

- (3) Chick Fil-A Restaurant at 2290 Oak Grove Rd. in the Citrus Marketplace Shopping Center. This commercial project is currently approved by the City. The existing 6300 square foot BoA building will be demolished so that a new 5250 square foot building can be built on the existing parking lot. No drive-thru or pick up window is proposed.

- (4) Club Studio at 2270 Oak Grove Road, in the Citrus Marketplace Shopping Center. This project is completed and recently opened for business on Nov. 13, 2024. The old 38,000 square foot Nob Hill grocery store was renovated to create a health club with five fitness studios and recovery services.

- (5) The Shadelands SecureSpace/Calicraft project at 2700 Mitchell Dr. This is a commercial project currently approved by the City. It is a multi-use development on a 7.8-acre site. A tap room currently exists there. The project will include a three-story self-storage facility, a single-story leasing office building, and a two-story redeveloped Calicraft building, a dog park, and a community garden.

- (6) The Glen at Heather Farm, at 850 Seven Hills Ranch Road, is a residential project approved by the Contra Costa Board of

Supervisors as a continuing care retirement community (CCCR) for persons aged sixty and above. It will be built on a site of 30.4 acres in unincorporated Walnut Creek. The development will have 354 dwelling units, a 410-car garage, and a health center with 100 care rooms. In December 2023 the City agreed to sell the developer, Spieker Senior Development Partners, a narrow 50 square foot strip of land owned by the City, so that site development and construction can commence. Occupancy is set for 2027. The Glen project is located about 2.4 miles away from Viamonte. The site is accessed from Ygnacio Valley Road at the intersection with N. San Carlos Dr. The Glen will be behind Heather Farms Park near the Seven Hills School.

## II. VIAMONTE'S DETERMINATION ON THE BASIS OF ITS INITIAL EVALUATION

The proposed Mitchell Townhome Project (MTP) may have a significant effect on the environment, and an EIR should evaluate several issues.

Appendix G re the Environmental Checklist Form states that a brief explanation should be given for all answers. Further, it states at page 347 at 2. that "all answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts." Supporting information sources are to be cited. Potential mitigation measures should be identified.

Within the last two years or so, six significant development projects near Viamonte have either been approved or completed. See the list above at pages 4-5 at d. The Mitchell Townhome Project (MTP) is the seventh project. The cumulative impact of these projects should be carefully examined in the EIR.

### A. POPULATION AND HOUSING ISSUE

MTP will induce substantial unplanned population growth in the Shadelands by building new homes which are not age restricted. To date, Viamonte has been the only operating residential facility in the Shadelands. It is age restricted; its residents are not employed and not commuting to jobs. Also, the residents do not have minor-age children living with them who need childcare and schooling. The same is true of the approved Oakmont Project, and the approved Glen at Heather Farm.

The cumulative impact of population growth from these residential housing projects in the vicinity of Viamonte can be “guesstimated” from the descriptions of the development projects. The residential population for the Oakmont Project could potentially be about 650 people who are age 60 and above. The residential population for the Glen could be about 800 people who are age 60 and above. The total elderly population increase from these two projects could be about 1450.

The residential population for the unplanned Mitchell Townhome Project, which is not age restricted, could be almost 1700 people. That figure could include an unknown number of minor children who need childcare and schooling.

Adding the MTP population to the population resulting from Oakmont Project and the Glen Project, the total could be about 3,150 persons in the Shadelands/Glen corridor along Ygnacio Valley Road. That figure is a substantial increase in residential population compared to the current figure of 246 persons at Viamonte.

Hence, the EIR should carefully consider reducing the density of the residential housing proposed for MTP. For example, consider cutting the proposed number of housing units of 422 by half, so that

the total population in MTP would be reduced to a more reasonable level.

## B. TRANSPORTATION

1. The proposed entrances/exits from Shadelands Drive into MTP would probably cause major problems for Viamonte.

MTP proposes that there will be no internal street in the project directly connecting Shadelands Drive and Mitchell Drive. Half of the units will be able exit only from two entrances/exits onto Mitchell Drive. The other half of the units will be able to exit only onto Shadelands Drive.

The one proposed entrance/exit from Shadelands Drive is an extension of N. Via Monte St. into the Project. This would be at the existing intersection with Shadelands Drive, which is already hazardous. Traffic on N. Via Monte is quite heavy now during daylight hours. There are the frequent large buses (No. 7 free shuttle bus), the County Connection bus, 18-wheeler trucks and smaller delivery trucks taking goods into the Safeway delivery entrance from N. Via Monte Dr., and many cars. The stop sign at the intersection is ignored by a significant minority of drivers, thus endangering the pedestrians who attempt to walk over the crosswalk to the north side of Shadelands or who attempt to walk across the intersection toward 25 N. Via Monte St. (the Kaiser IT building.)

The second proposed entrance/exit from Shadelands Drive into the MTP is directly across from the reverse U-shaped driveway to the front entrance of Viamonte and the only entrance to its underground parking garage. Emergency access vehicles and other medical transportation vehicles drive up to the Front

Entrance. The location of MTP's entrance could result in inadequate emergency access for Viamonte.

In addition, many vehicles go daily to the front entrance of Viamonte. Those include vehicles of the U.S. Postal Service, UPS, Amazon, FedEx, vendors called to do urgent repairs, the Sequoia Living van which provides medical and shopping transportation, and visitors' vehicles dropping off or picking up Viamonte residents. This entry should remain unimpeded.

The proposed entrance/exit would also impede Viamonte residents who want to drive their vehicles to enter or exit the underground garage. They would probably face significant traffic backup, especially during commuting hours for the new residents of MTP.

A stop light at this proposed location is not the right mitigation answer. Viamonte proposes that there be no entrances/exits from Shadelands Drive into the MTP. The two entrances/exits from Mitchell Avenue into MTP should be sufficient, especially if the number of housing units were reduced.

**Viamonte's successful operation over the last four years should not be compromised by the MTP.**

2. The EIR should analyze the cumulative traffic impact of the MTP on multiple roadways.

The MTP proposes 116 guest parking spaces and 422 two car garages. That potentially could mean about 960 more vehicles on multiple roadways.

MTP asserts that this is not really a significant increase, noting that the current business park would eventually fill up with many more vehicles as employees return to offices (after remote work during the pandemic.) But this position ignores the

fact that the business park currently has a 26% vacancy rate and that the parking lots are now less than a quarter full.

City officials have recently stated that Ygnacio Valley Road (YVR) currently has about 70,000 vehicle trips per day. Stoplights are every mile or so on roadway which is six to eight lanes wide. There are frequent travel advisories about accidents, lane closures, or other problems which cause serious traffic backups. YVR is the major thoroughfare to highway 680, which intersects the City of Walnut Creek. YVR is highly congested now, especially during mornings and mid-afternoons.

Treat Boulevard (part of which is in the City of Concord and part in the City of Walnut Creek) connects from Oak Grove Road to highway 680. It is significantly less congested than YVR.

Oak Grove Road, which also connects YVR and Treat Boulevard, has numerous stoplights on it. It has significant traffic backups during commute hours.

To avoid these bottlenecks, many drivers currently use Shadelands Drive (both from the intersection with Oak Grove Road and from the intersection with Lennon Lane). During the commute hours starting at 7:00 a.m. until mid-morning, the vehicles on Shadelands are numerous and going at speeds frequently exceeding thirty-five miles per hour.

Consideration should be given to potential mitigation measures including reducing the speed limit, installing license plate readers and surveillance cameras, and significantly increasing traffic law enforcement by the police.

Mitchell Drive between Oak Grove Road and Lennon Lane is also used by some commuters but significantly less so than Shadelands Drive.

The EIR should analyze the cumulative traffic impacts during the construction period for the MTP, the Oakmont Project, and the Glen Project.

The proposed construction periods of these three projects will occur during the same period of the next four to five years. That means that large 18-wheeler diesel-powered trucks will be traveling from highway 680 on YVR, Treat Boulevard, and Oak Grove Road to bring large milling machines, bulldozers, backhoes, excavators, earthmovers and graders, dump trucks, and trucks carrying construction materials to the development sites.

If those trucks were to use N. Via Monte Road and Shadelands Drive, the negative impact on Viamonte would be significant.

Consideration should be given to routing the trucks for the MTP and Oakmont Projects from highway 680 to Treat Boulevard, then to Oak Grove Road, and then to Mitchell Drive to the MTP. This would be preferable compared to further clogging YVR. Unfortunately, the trucks for the Glen Project will have to use YVR to access the site.

3. The EIR should also analyze the cumulative traffic impacts of the recent openings of the Primrose Preschool at the Orchards and the Club Studio, and the planned construction of the Chick Fil-A Restaurant across from the Preschool.

These three projects are all near Viamonte; they are at the intersection of Shadelands Drive and Oak Grove Road and will likely involve an increase in traffic on those two roads. When the City of Walnut Creek previously approved these projects, the traffic surveys may not have considered the cumulative impact of these multiple projects.

Currently, the internal road to the Orchards from Shadelands Drive is the principal way for parents to drop off their babies

and toddlers at the new Primrose Preschool. There are three stop signs on that internal road and a marked crosswalk at the intersection with Shadelands. Some drivers speed on that road and ignore the stop signs, thus endangering pedestrians at the crosswalk. Speed bumps on that internal road should be considered.

(Note the Patch article of Dec. 17, 2024 “Pedestrian Fatally Struck by Car in Walnut Creek.” It states that it occurred at 6:25 a.m. on westbound YVR, just east of Oak Grove Road.)

#### 4. Safety Issues for Pedestrians and Bicyclists

The cumulative impact of MTP and the other development projects on bicyclists and pedestrians should be examined. The State of California has passed laws encouraging micro-mobility and e-bike use. The low-emission bicycles can travel up to 28 miles per hour, are convenient, relatively affordable, can reduce congestion, and allow riders to cover more distance with less effort. The MTP and other development projects around Viamonte contemplate bicycle paths and usage. The State of CA is now offering up to \$2000 to buy an e-bike. (See The Patch article on Dec. 18, 2024.)

Accidents involving e-bike riders, vehicles, and pedestrians have doubled every year from 2017 to 2022 and have spurred some Bay Area cities to take another look at regulation. (See The Patch article dated Aug. 19, 2024; see also the Dec. 16, 2024 article by the Bay Area News Group—“Bay Area Cyclists Demand Safer Streets after Stanford Employee Killed.”) California Governor Newsom signed a law to improve bike safety, which will be effective in 2026. (See The Patch article on new laws signed on Oct. 4, 2024.)

The population increase contemplated by the MTP will likely cause a significant increase in the usage of the paved pathway which surrounds the entire circumference of Orchards Shopping Center. The pathway is marked for shared use by pedestrians and bicyclists. New residents of MTP will want to go to the Orchards Shopping Center at the corner of YVR and Via Monte or go to the Encina Shopping Center across YVR or take their children to the park in the Orchards.

The pathway immediately surrounding Viamonte on the N. Via Monte side and Shadelands side is currently used daily by a significant number of students on bicycles and e-bikes, local residents walking their dogs, and by the elderly Viamonte residents. The latter include those in wheelchairs, those using walkers or canes, and those walking their pet dogs and trying to scoop up poop from the grassy strip of land. The serious safety problem is that bicyclists and e-bike riders usually fail to exercise reasonable safety precautions. There have been several near misses which could have caused significant injury.

Consideration should be given to two potential mitigation measures: creating bike lanes on N. Via Monte Street and on Shadelands Drive and banning bicyclists and e-bike riders from riding on the paved internal pathway in the Orchards. The pathway which is not marked for shared pedestrian and bicyclist use, is nonetheless regularly used by bicyclists and e-bike riders. The pathway runs from the children's play area and along the parallel to the Safeway wall. These measures would improve the safety of Viamonte's residents walking on the paved pathways immediately surrounding the facility.

Absent those measures, signage should be posted on all the paved pathways around the Orchards Shopping Center. The signage should state the duty to yield to pedestrians, especially

those walking dogs who may make unexpected moves when relieving themselves. Low speed limits should be posted, as well as the requirement of headlight use at night, and the requirement to ring a warning bell and/or to call out loudly “passing on the left or right” several seconds before passing a pedestrian. Security cameras should be installed with signage “you are being photographed.”

Currently, California law does not require bicyclists and/or e-bikers to be licensed or to have training in the applicable traffic laws. The result is ignorance of traffic laws, or willful failure to obey them, and lack of accountability if significant injury or death occurs.

### C. AIR QUALITY

During the demolition/construction period for the MTP, Oakmont Project, and the Glen, the diesel-powered trucks bringing machinery and construction supplies to the sites will have an adverse impact on air quality. The State of California has enacted an aggressive mandate for phasing out diesel-powered trucks and instead using zero-emission trucks powered by electricity or hydrogen. The reason for the mandate is that diesel exhaust (nitrogen oxide and the key ingredient of smog) is dangerous. It is known to trigger asthma attacks and heart attacks, aggravate allergies, and cause other respiratory problems, including lung cancer. (See the Patch article dated Dec. 10, 2024: “Polluted Communities Hold Their Breath ...”)

In addition, substantial amounts of dust and dirt are likely to occur during the demolition/construction period for the MTP, the Oakmont Project, and the Glen.

Many Viamonte residents suffer from respiratory problems. The MTP should be required to use only zero-emission trucks during the multi-year demolition/construction period.

Also, MTP should be required to use various measures to control and reduce airborne dust and dirt.

#### D. HAZARDS AND HAZARDOUS MATERIALS

##### 1. Asbestos

The MTP intends to demolish eleven two-story office buildings, many of which date from the 1970's. Buildings from that era have asbestos-related concerns. Asbestos was commonly used to provide fire resistance, insulation, and durability in materials such as fireproofing materials on steel beams and ceiling, insulation for pipes, boilers, and ductwork, flooring tiles and adhesives, ceiling tiles and plaster, and drywall joint compounds. When these asbestos-containing materials are disturbed, damaged, or degraded, asbestos fibers are released into the air. When inhaled, they can cause serious health issues over time.

Proper asbestos testing and abatement procedures should be required for MTP before the demolitions occur, and strict air quality monitoring should be conducted during and after abatement to confirm that no fibers remain airborne. Only after the City of Walnut Creek deems the area to be safe should the demolition proceed. The asbestos waste should be transported to approved landfills that handle hazardous materials.

Given the dangers of asbestos, it is particularly important that children at schools within one-quarter mile of MTP be protected from hazardous emissions. There are nine schools or child facilities which are located close to MTP. They are: the Springfield Montessori School at 2780 Mitchell Dr., the Little Flowers Montessori School at 2875 Mitchell Dr., the School for the Performing Arts at 2730 Mitchell Drive, the Primrose School at 2291 Oak Grove Road, the KLA Preschool at 298 N.

Wiget (the corner of Mitchell Drive and Wiget Lane), and the SafariKid Preschool in the Citrus Shopping Center at 2210 Oak Grove Road, and My Gym for kids at 2256 Oak Grove Rd. in the Citrus Shopping Center, the Valle Verde Elementary School at 3275 Peachwillow Drive, and the Shadelands Sports Mall at 2675 Mitchell Drive.

## 2. Fire

A wildland urban interface exists in the vicinity of MTP because of the C&O Canal. It runs parallel to Mitchell Drive and is immediately behind the Oakmont Senior Housing Project. The land on either side of the Canal and the paved pathway has significant wild vegetation and fallen tree branches. This gets very dried out during the months of drought and can fuel vegetation fires. Clean-up of the vegetation needs to occur on a regular basis. That is not happening now.

The other worry about fire danger arises from the possibility of arson during the construction phase of MTP. Oakland has had a series of arson fires of new housing under construction or renovation. Embers from the fires spread to other locations. (See [ktvu.com/news/fire-at-oakland-construction-site](http://ktvu.com/news/fire-at-oakland-construction-site).)

Surveillance cameras and other security upgrades should be installed throughout the 22.4 acres of MTP to detect and to deter fires.

## 3. Excessive Noise

The demolition and construction period for the MTP is likely to cause excessive noise over a period of four-five years. The demolition of asphalt parking lots and eleven buildings, and then the construction of 422 housing units will subject Viamonte residents to new significant levels of noise.

The City of Walnut Creek has a nuisance ordinance (Municipal Code 4-6.101 and 201 et seq.) which regulates noise pollution and states the purpose of protecting residents against unreasonable noise, sound, or vibration in residential areas. The Code has a provision that regulates construction noise. Construction activities which require building or grading permits are allowed only from 7 a.m. to 6 p.m. on weekdays.

The City of Walnut Creek should apply this provision to the MTP.

#### 4. Light Pollution

The MTP application does not describe its plans for exterior lighting to ensure safety and security.

The City's EIR should consider the potential light pollution issue. See the Editorial Board of the Washington Post on Dec. 11, 2024: "All the Light We Would Rather Not See: light pollution is bad for our health and the environment..." The article notes that light pollution is disrupting human health and natural ecosystems. "Skyglow" which is the phenomenon by which the night sky itself grows brighter than its natural state is worse over cities where streetlamps, porch lights, and office buildings stay lit all night. The sharp rise in satellites and drones in low Earth orbit has worsened the problem. Migratory birds careen into non-glare windows. Pollinators are deterred from their activities at night. Human circadian rhythms are disrupted. The article sets forth five principles for responsible outdoor lighting---make it useful, targeted, controlled, low-level, and warm colored.

#### E. AESTHETICS

Mr. Fearn, the Senior V.P. of Development for the Signature Development Group, made factual assertions about MTP at his

presentation on Dec. 5, 2024, at Viamonte which assertions affect aesthetics.

1. Setback of the units from Shadelands Drive

Mr. Fearn stated that the housing units facing Shadelands Drive would be thirty-five feet high (three stories) and would be only fifteen feet from the current sidewalk, which is ten feet wide.

That would mean that the new housing units would be closer to Shadelands Drive than the current existing office building directly opposite the front entrance of Viamonte. (That building would be demolished.)

The solid wall of housing units that close to Shadelands Drive would be aesthetically unpleasing. The setback for the housing units should be increased.

2. Trees and Landscaping

a. The 22.2-acre site is currently a pleasing setting with significant space between the office buildings and substantial set-back from Shadelands Drive. There are enchanting ponds and canals filled with water and with geysers at strategic points. Interspersed among the waterways which meander in between the office buildings are very tall, mature redwood trees as well as other trees. The total number of trees on site according to MTP is 457. All but eight would be removed. MTP asserts that “overall, the proposed project would replace the existing tree count on the project site by a greater than 1:1 ratio.”

b. The City of Walnut Creek’s Notice of Preparation filed Nov. 22, 2024, regarding the preparation of an EIR report regarding MTP states at page 11 that the project requires

discretionary approvals from the City of Walnut Creek on tree removal permits. This is so despite the invocation of the “Builder’s Remedy” by Signature Development Group for the MTP.

- c. The Municipal Code of Walnut Creek deals with Preservation of Trees on Private Property. (See Title 3, Chapter 8.) The Code states that preservation of trees of a certain size enhances natural scenic beauty, retains the tempering effect on extreme temperatures, and encourages quality development. Section 3-8.04 details the “Tree Removal Permit Procedure” which was revised in Sept. 2024. Subsection b. provides that, where the tree removal involves development, the applicant shall provide an arborist report including a tree survey which provides detailed information about the precise number, species, size, and location of the trees to be cut down.”
- d. To date, Signature Development Group has not filed an arborist report including the detailed tree survey. Hence, Viamonte cannot provide specific comments. Generally, the extent of tree removal appears excessive. The planting of new, small trees may also be inadequate.

Respectfully submitted,

  
Nancy J. Balles

Viamonte Resident and graduate of the 2024 Citizens’ Institute

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