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FINAL
Environmental Impact Report
Mitchell Townhomes Project
City of Walnut Creek, Contra Costa County, California

State Clearinghouse Number 2024110923

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SECTION 1: INTRODUCTION

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Walnut Creek (Lead Agency) has evaluated the comments received on the Mitchell Townhomes Project Draft Environmental Impact Report (Draft EIR). Pursuant to CEQA Guidelines Section 15132, this Final EIR includes a list of persons, organizations, and agencies that provided comments on the Draft EIR; responses to the comments received regarding the Draft EIR; and errata, or revisions to the Draft EIR; as well as a Mitigation Monitoring and Reporting Program (MMRP) for use by the City of Walnut Creek during its review.

This document is organized into the following sections:

- **Section 1—Introduction.** Provides an introduction to the Final EIR.
- **Section 2—Master Responses.** Provides a single, comprehensive response to similar comments about a particular topic.
- **Section 3—Responses to Written Comments.** Provides a list of the agencies, organizations, and individuals who commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 4—Errata.** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

The Final EIR includes the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR Appendices (provided under separate cover)
- Responses to Written Comments on the Draft EIR and Errata (Sections 2 and 3 of this document)
- MMRP (provided under separate cover)

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SECTION 2: MASTER RESPONSES

Master responses address similar comments made by multiple public agencies, businesses, organizations, or individuals through written comments submitted to the City of Walnut Creek.

2.1 - List of Master Responses

- Master Response 1—Non-CEQA Issues Not Addressed in Final EIR
- Master Response 2—Unsubstantiated Environmental Comments Not Addressed in Final EIR
- Master Response 3—Adequacy of Police and Fire Protection Services
- Master Response 4—Vehicle Miles Traveled and Level of Service
- Master Response 5—Traffic and Traffic Safety
- Master Response 6—Tree Removal

2.2 - Master Responses

Master Response 1—Non-CEQA Issues Not Addressed in Final EIR

Summary of Relevant Comments

Various comments received address issues that either (1) reference non-environmental issues outside of the scope of recognized California Environmental Quality Act (CEQA) frameworks; or (2) relate to social, economic, or general health and safety topics that are not project impacts on the physical environment and thus fall outside the scope of CEQA. Generally, these comments, referred to herein collectively as "Non-CEQA Issues" involve, but are not limited to, the following topics:

- Economic effects or other similar perceived impacts related to property values, development costs, taxation, maintenance costs, and infrastructure costs;
- New suggestions for elements of the proposed project or conditions of approval unrelated to environmental topic areas;
- Existing resident privacy;
- Parking concerns;
- Social effects or other similar concerns related to the proposed project's impact to community culture; or
- General objection to either the merits of the entire proposed project, or a portion thereof, but did not raise any specific issues related to the adequacy of the environmental impact analysis.

These comments do not raise significant environmental issues or provide input about the environmental analysis or conclusions in the Draft EIR. This Master Response addresses why these Non-CEQA Issues are not further addressed in the Final EIR and confirms that these comments will nonetheless be included in the administrative record and provided to City decision-makers for consideration during the proposed project's public hearing process.

Response

In compliance with CEQA, the Draft EIR evaluates the potential for the proposed project to adversely impact the physical environment based upon an assessment of identified significance thresholds. Under CEQA, the Lead Agency must evaluate comments on the Draft EIR and prepare written responses for inclusion in the Final EIR. (Public Resources Code [PRC] § 21091(d); CEQA Guidelines §§ 15088(a), 15132). The written responses must describe the disposition of any "significant environmental issues" raised by commenters. (CEQA Guidelines § 15088(c)).

However, CEQA does not require that a lead agency respond to every comment received on an EIR, but only comments raising significant environmental issues. (PRC § 21091(d)(2)(B); CEQA Guidelines §§ 15088(a), (c), 15132(d), 15204(a)).

The CEQA Guidelines specify that comments on an EIR should focus on the sufficiency of the document's identification and analysis of significant environmental impacts, and measures to avoid or mitigate those impacts (CEQA Guidelines § 15204(a)). "Economic or social effects of a project" in and of themselves "shall not be treated as significant effects on the environment." (CEQA Guidelines § 15131(a)). Economic and social effects that are not related to physical impacts shall not be evaluated in an EIR. (CEQA Guidelines § 15604(e), 15131(a), 15131(b)). Accordingly, issues related to revenue loss, infrastructure cost, budget deficits, parking and similar economic and/or social concerns are appropriately not addressed in this environmental document.

Additionally, as identified in the "Thresholds of Significance" section within each topical section (Section 3.1, Aesthetics, Light, and Glare through Chapter 4, Effects Found not to be Significant), the City as Lead Agency elected to analyze the proposed project against the significance thresholds in CEQA Guidelines Appendix G Environmental Checklist to determine whether the proposed project would have significant environmental impacts to that specific environmental topical area, which is the City's standard practice for EIRs.

Several comments identify concerns that could be generally characterized as relating to a specific topical section, but these comments neither relate nor apply to any of the thresholds utilized by the Lead Agency and detailed in CEQA Guidelines Appendix G, nor otherwise specifically relate to an adverse physical impact of the project on the environment.

For the reasons explained above, the Final EIR will not provide further responses to comments on Non-CEQA Issues. However, as previously indicated, each comment will be included in the administrative record on the proposed project and will be provided to City decision-makers for consideration as part of the public hearing process on the proposed project. In this regard, the City will review, evaluate, and consider, as determined appropriate, all comments received as part of the decision-making process. See also Master Response 2, General Opposition Comments Not Addressed in Final EIR. No changes are warranted, and no further response is required.

Master Response 2—Unsubstantiated Environmental Comments Not Addressed in Final EIR

Summary of Relevant Comments

Several commenters provided general comments about the proposed project, but did not raise any significant environmental issues related to the adequacy of the environmental impact analysis; and/or objected generally regarding the adequacy of the environmental impact analysis but did not provide a specific basis to support the asserted inadequacy. CEQA Guidelines Section 15088 requires that a lead agency respond to comments that raise significant environmental issues. Comments on the proposed project's merits do not raise significant environmental issues or provide input about the environmental analysis or conclusions in the Draft EIR. The City reviewed all such general comments and prepared this Master Response to address them accordingly. Comments that were more specific in nature and provided supporting information are addressed in the individual, unique responses (see Section 3, Response to Comments). The general opposition comments addressed in this Master Response fall into one of several categories:

- The comment broadly identified environmental topics and/or requested additional evaluation but did not provide supporting information as to why additional evaluation would be required;
- The comment identified general concerns or questions related to broad topical areas, but did not provide any specifics related to the project or the analysis in the Draft EIR;
- The comment asked for additional studies, mitigation, or alternatives without explanation, supporting information, or rationale;
- The comment presented generalized claims challenging the adequacy of the analysis in the Draft EIR which were not supported by data or references offering facts; and
- The comment stated an opinion, speculation, or conclusion regarding the proposed project but did not (1) provide any rationale, or (2) raise any issues related to the adequacy of the environmental impact analysis.

The foregoing types of comments received in response to the Draft EIR are referred to herein collectively as "general opposition" and are the focus of this Master Response.

Response

As also discussed in Master Response 1, Non-CEQA Issues Not Addressed in the Final EIR, above, comments on an EIR should focus on the sufficiency of the document's identification and analysis of significant environmental impacts, and the adequacy of measures designed to avoid or mitigate those impacts (CEQA Guidelines § 15204(a)). "Reviewers should explain the basis for their comments" and provide data, references, or other evidence to support their comments (CEQA Guidelines § 15204(c)).

CEQA requires that the Final EIR address comments submitted during the public comment period that raise significant environmental issues on the adequacy of the Draft EIR (PRC § 21091(d)(2)(B); CEQA Guidelines § 15088(c)). CEQA considerations are limited to significant issues as these relate to potential adverse physical impacts of the proposed project on the environment. General comments

and comments that consist merely of speculation or unsupported criticism may be rejected or answered with only a general response.

CEQA Guidelines Section 15204, in part states:

> In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and the ways in which the significant effects of the project might be avoided or mitigated. . . . [R]eviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of [specified] factors. . . . CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR. (CEQA Guidelines § 15204(a)).

Pursuant to CEQA, personal opinions expressing general support for, or opposition to, the proposed project are noted and will be included within the administrative record for the proposed project for consideration by the City, but do not require a specific written response if they do not relate to a significant environmental issue that is addressed within the Draft EIR and/or otherwise within the purview of CEQA. Likewise, opinions about the general desirability, merits, and/or purely economic, social, or political considerations of the proposed project are not within the purview of CEQA and do not require a specific written response in this Final EIR. See also Master Response 1, Non-CEQA Issues Not Addressed in the Final EIR, above.

In cases where the commenter provides an opinion and/or generalized concerns about the merits of the proposed project and/or the scope and nature of the environmental review but does not identify any particular issue concerning the sufficiency of the Draft EIR, the City notes the opinion in this Final EIR for informational purposes and consideration by the decision-makers as part of the public hearing process on the merits of the proposed project.

Where a commenter offers unsubstantiated assertions about an environmental issue or the adequacy of the Draft EIR, the City notes the assertion in this Final EIR for informational purposes and consideration by the decision-makers but does not alter or augment the analysis in the Draft EIR, pursuant CEQA Guidelines Section 15204.

Each comment will be included in the administrative record on the proposed project and will be provided to City decision-makers for consideration as part of the public hearing process on the merits of the proposed project. In this regard, the City will review, evaluate, and consider, as determined appropriate, all comments received prior to making a decision on the proposed project.

Master Response 3—Adequacy of Police and Fire Protection Services

Summary of Relevant Comments

Multiple comments addressed the adequacy of fire protection and police protection services as a result of construction and operation of the proposed project. Specifically, the comments noted that the increase in residences on the project site would result in more vehicular trips that would increase congestion on the roadway, impacting emergency fire and police response times and access throughout the project area. These comments stated that the Draft EIR analysis did not account for altered traffic patterns due to construction of the proposed project affecting public services. In addition, they noted that the increase in population associated with the proposed project would cause an increased demand for fire and police services that would worsen response times. They also noted that the cumulative analysis of fire and police protection service adequacy for the proposed project solely relied on project-level analysis. These comments are addressed below.

Response

Fire Protection and Emergency Medical Services

The proposed project's impacts on public services, including fire protection and emergency medical services, are evaluated in Draft EIR Section 3.13, Public Services. The project site is located within the Contra Costa County Fire Protection District (CCCFPD). As stated on Draft EIR page 3.13-1, the CCCFPD also provides emergency medical services and ambulance services under contract with Contra Costa County Health Services. Potential impacts on the CCCFPD district are evaluated under Impact PUB-1. Therefore, this response evaluates potential impacts on CCCFPD services.

The significance criterion for fire protection services is contained in Impact PUB-1, which considers whether the proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection. That is, it is the need for physical facilities that is the focus of the analysis under CEQA.

As noted in Draft EIR Section 3.13, Public Services, page 3.13-2, the project site is within an approximate 3-mile radius of six CCCFPD fire stations. The nearest fire station is Fire Station 10, located approximately 0.6 mile northwest of the project site. The analysis on page 3.13-13 calculates that, based on this distance, CCCFPD fire protection and emergency medical services would be able to access the project site (either during construction or operation) within four minutes, which is consistent with the City's General Plan service standards outlined in General Plan Policy 5.2. This calculation was derived from an equation formulated by the University of Tennessee Institute for Public Service, which is based on data from various types of fire apparatuses utilized by the New York Fire Department to determine the average speed of a fire engine on an emergency response over average terrain, with average traffic and weather condition, and slowing for intersections.[1] As such, the formula has proven reliable over time for estimating fire response times in urban areas. Further,

[1] University of Tennessee Municipal Technical Advisory Service. 2023. Estimating the Travel Time of Fire Apparatus. Website: https://www.mtas.tennessee.edu/reference/estimating-travel-time-fire-apparatus. Accessed October 24, 2025.

the fire protection service analysis did not solely rely on fire station proximity. The Draft EIR also discussed how the CCCFPD conducted a review of the proposed construction and operation of the project to ensure consistency with the Contra Costa County Ordinance Code and the California Fire Code. As noted in Draft EIR Section 3.13, Public Services, page 3.13-14, internal roadways that are designated as fire apparatus access roadways would be paved with asphalt. These roadways would have applicable width and turning radius requirements, accessible fire hydrants, and suitable turnarounds for dead-end apparatus roads over 150 feet in length. Additionally, the installation of automatic sprinkler systems and use of fire-resistant building materials would be mandated by the California Building Standards Code (CBC). The proposed project would not result in substantial changes to roadways not located within the project site, and would not result in the removal of existing traffic lanes. This review of the proposed project's features was consistent with the Public Facilities and Services Element of the Contra Costa County 2045 General Plan Policy 6.3, which encourages consultation with the applicable fire district to determine the potential increase in demand for fire protection and emergency medical services, and to identify needed upgrades or equipment to mitigate fire hazards. No issues were raised or mitigation required after the CCCFPD's review of the proposed project. In addition, according to the California Department of Motor Vehicles (DMV), emergency vehicles have the right-of-way when their sirens and red lights are on and other vehicles on the road must allow emergency vehicles to pass.[2] Emergency vehicles responding to incidents also are not required to stop for red traffic lights, which would aid in minimizing emergency response times during construction and operation periods. Moreover, according to the CCCFPD, firefighters have been enrolled in paramedic schools, new emergency medical service captain and support roles were filled, and old emergency medical services equipment was replaced in 2023.[3]Additionally, as referenced in Draft EIR Section 3.15, Transportation, page 3.15-21, the proposed project would require the approval of an encroachment permit for construction activities within the public right-of-way during the associated construction period, which would be reviewed by the City's Public Works Director to ensure that no risks to public health and safety would occur. Please also refer to Master Response 5, below, for further discussion on traffic congestion as it relates to emergency responses.

As discussed in Draft EIR Section 3.13, Public Services, pages 3.13-13 and 3.13-14, although the proposed project would result in an approximate population growth of 874 residents (excluding the potential for current Walnut Creek residents to inhabit the project site), the CCCFPD already provides services to the existing office buildings on the project site, along with any customers or visitors during the average work week. As such, the CCCFPD would be able to maintain services to the project site despite the land use change from commercial uses to residential uses. Further, the CCCFPD reviewed the contents of this Master Response and expressed concurrence with this discussion related to the proposed project. Therefore, under Impact PUB-1, the proposed project would have a less than significant impact related to substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental

[2] California Department of Motor Vehicles (DMV). 2025. California's Driver Handbook Section 7: Laws and Rules of the Road (Continued). Website: https://www.dmv.ca.gov/portal/handbook/california-driver-handbook/laws-and-rules-of-the-road-cont1/. Accessed December 17, 2025.

[3] Contra Costa County Fire Protection District (CCCFPD). 2023. Annual Report 2023. Website: https://www.cccfpd.org/DocumentCenter/View/365/2023-CCCFPD-Annual-Report-PDF?bidId=. Accessed December 17, 2025.

impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.

In terms of cumulative impacts, as discussed in Draft EIR Section 3.13, Public Services, page 3.13-22, the Draft EIR does not solely rely on proposed project-level impacts. All cumulative projects would be required to comply with local and Statewide ordinances and policies to avoid resulting in environmental impacts from the need for the provision of, or need for new or altered fire protection facilities. Moreover, as stated on page 3.13-1 of the Draft EIR, the CCCFPD underwent an expansion in 2023 which included the annexation of East Contra Costa Fire Protection District, the expansion of services to the City of Pinole, as well as the reopening and opening of fire stations across Pinole, Bay Point, Antioch, and Brentwood. In addition, the CCCFPD is currently in the process of constructing three new fire stations in eastern Contra Costa County to assist in meeting the City's demand for fire services. The updated Annual Report 2024 for the CCCFPD also notes that the CCCFPD welcomed two new ladder trucks and six new engines; opened the Byron Wildland Fire Center; broke ground on a new regional fire and emergency medical services communications center; continued planning for the construction of two new fire stations in Brentwood and one replacement station in Pacheco; initiated the annexation of the Rodeo-Hercules Fire Protection District; and established continuing education units for in-house emergency medical service training.[4]

In summary, as indicated in Draft EIR Section 3.13, Public Services, page 3.13-14, because the proposed project would comply with design standards established in the California Fire Code, CBC, and amendments in the Contra Costa County Ordinance Code, and has been reviewed by the CCCFPD resulting in no identified issues, operation of the proposed project would not necessitate new or physically altered fire protection facilities and impacts would be less than significant. Therefore, no changes were made to the Draft EIR in response to this comment. However, the comment regarding concerns over the provision of fire protection services is included in the record for consideration by decision-makers.

Police Protection Services

Draft EIR Section 3.13, Public Services, page 3.13-2 states that the project site receives police services from the Walnut Creek Police Department (WCPD). The Draft EIR relies on the most up-to-date emergency response time metric provided by the WCPD, cited on page 3.13-16 of the Draft EIR, which is from 2022. However, the average response time for emergencies between 2018 to 2022 are all within the City's required emergency response time of less than five minutes for emergency-related calls as established under the City's General Plan Policy 5.2. The WCPD already provides services to the existing office buildings on the project site, along with any customers or visitors during the average work week and would be able to maintain services to the project site despite the land use change from commercial uses to residential uses. Moreover, in assessing service ratios, the proposed project would result in a service ratio of 1.8 WCPD staff per 1,000 residents in the City, which is similar to the existing service ratio of 1.9 WCPD staff per 1,000 residents. Thus, as noted on page 3.13-16 of the Draft EIR, the projected increase in population from operation of the proposed project would not generate the provision of, or need for new or altered police protection facilities.

[4] Contra Costa County Fire Protection District (CCCFPD). 2024. Annual Report 2024. Website: https://www.cccfpd.org/DocumentCenter/View/389/2024-CCCFPD-Annual-Report-PDF?bidId=. Accessed December 17, 2025.

Impacts would be less than significant. Further, the WCPD reviewed the contents of this Master Response and expressed concurrence with this discussion related to the proposed project.

The cumulative analysis for police protection services on page 3.13-23 of the Draft EIR does not solely rely on impacts related to the proposed project. The analysis notes that cumulative projects would be located within different police beats and, as such, demand for police services would not be concentrated in one specific area. Furthermore, the increase in population for the reasonably foreseeable cumulative projects would result in a similar service ratio to the existing service ratio for police services. As such, as provided on page 3.13-23 of the Draft EIR, there would be a less than significant cumulative impact requiring the provision of, or need for new or altered police protection facilities and the project's contribution to the already less than significant impact would not be cumulatively considerable because, among other reasons, the proposed project would not impair response times or result in the need for new or expanded facilities related to police services. Therefore, no changes were made to the Draft EIR in response to this comment. However, the comment regarding concerns over the provision of police services is included in the record for consideration by decision-makers.

Master Response 4—Vehicle Miles Traveled and Level of Service

Summary of Relevant Comments

A number of comments questioned the use of Vehicle Miles Traveled (VMT) as the threshold of significance for the Draft EIR. These commenters requested that the Draft EIR address potential traffic delays, increased congestion, and level of service for the proposed project.

Response

Under CEQA, VMT refers to the amount of automobile traffic attributable to a project and the average distance traveled by the vehicles associated with project-generated traffic. It is measured as the accumulated change in miles traveled on a daily basis within a study area, such as within a city, county, or other defined region, that can be attributed to a proposed project.[5] VMT does not measure the delay or degree of congestion experienced by drivers along roadways as a result of a proposed development. By its nature, VMT is a cumulative metric that considers the regional vehicle miles traveled for a given area from projected regional growth, not simply from an individual project.

Level of Service (LOS) describes the operating conditions experienced by users of a transportation facility. LOS is a quantitative stratification of a performance measure or measures representing quality of service. The measures used to determine LOS for transportation system elements are called service measures.

Adopted in 2013, Senate Bill 743 directed the California Office of Land Use and Climate Innovation (formerly the Office of Planning and Research) to administer new CEQA guidance for jurisdictions that removes automobile vehicle delay and LOS from CEQA analysis and replaces it with VMT analysis or other measures that "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses," to be used as a

[5] Office of Planning and Research. 2018. Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA. Website: https://opr.ca.gov/ceqa/docs/20190122-743_Technical_Advisory.pdf. Accessed October 24, 2025.

basis for determining significant transportation impacts. The use of VMT as the metric for evaluating traffic impacts under CEQA replaces the earlier practice of evaluating traffic primarily on the basis of vehicle delay. Under the CEQA statute and Guidelines, vehicle delay as measured by LOS or similar standards "shall not" be considered a significant impact on the environment in CEQA evaluations, except in the case of roadway capacity projects. (PRC § 21099(b)(2); CEQA Guidelines § 15064.3(b)(2)). Additionally, the Caltrans memorandum *Traffic Safety Bulletin 20-02-R1: Interim Local Development Intergovernmental Review Safety Review Practitioner's Guidance* provides guidance on how jurisdictions and practitioners may assess transportation safety topics associated with local development projects. While the memorandum does not establish thresholds of significance for determining safety impacts, it states that "automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment" (PRC § 21099(b)(2)), and traffic safety should not be used as a proxy for road capacity. The change from LOS to VMT is intended to contribute to addressing Statewide goals related to infill development, the promotion of public health, and the reduction of greenhouse gas emissions. Therefore, as required by the CEQA Guidelines, the Draft EIR analyzes the proposed project's potential transportation-related impacts in terms of VMT, and is not required to provide a discussion of LOS or traffic delay. While LOS may still be used by the City as a tool for other purposes relating to project review and approval, it is no longer the CEQA-mandated metric for environmental impact.

In 2018, the Office of Planning and Research (since renamed the Governor's Office of Land Use and Climate Innovation (LUCI)), prepared a Technical Advisory on Evaluating Transportation Impacts in CEQA providing guidance to lead agencies on how to evaluate a project's VMT impacts. As provided in the technical advisory, lead agencies can use maps created with data from a travel survey or travel demand models to illustrate areas that are currently below LUCI's recommended VMT threshold of 15 percent or more below the existing residential VMT per capita. Because new development in such locations would likely result in a similar level of VMT, such maps can be used to screen out residential projects from needing to prepare a detailed VMT analysis. As noted in Draft EIR Section 3.15, Transportation, page 3.15-18, the City adopted its own VMT criteria in October 2020 in Resolution 20-70 including the establishment of five screening thresholds that, when present, would exempt a project from needing a detailed VMT analysis and would be assumed to have a less than significant impact on VMT. One of these screening criteria is for residential projects that are located in an area with a residential VMT of 85 percent or less than the countywide average; projects in these areas are assumed to have a less than significant impact on VMT. According to the screening maps published in the City of Walnut Creek's Citywide Transportation Demand Management Requirements document, the proposed project is located within a traffic analysis zone having a VMT per capita of 85 percent or less than the countywide average. As such, the proposed project is assumed to have a less than significant impact on VMT.

Master Response 5—Traffic and Traffic Safety

Summary of Relevant Comments

Several comments expressed concerns regarding increased roadway traffic as a result of development of the proposed project. Commenters noted that increased traffic would impede vehicular access surrounding the project site, which includes access to and from schools, as well as

emergency vehicle access and response time. Commenters also stated that the proposed project would result in increased traffic delays. Commenters expressed concern for increased congestion, compared to existing conditions, along Shadelands Drive between the North Via Monte Street and Oak Grove Road intersections, as well as Ygnacio Valley Road. Commenters also requested additional traffic analysis be completed to determine the operational transportation impacts of the proposed project.

Response

Informational Traffic Operations Analysis

As discussed in Master Response 4, above, a LOS analysis is not required under CEQA. However, a Traffic Operations Analysis for the Mitchell Townhomes Project was prepared by W-Trans in 2025 to support the City's project review process. This report is included as Attachment A of this document for informational purposes. The Traffic Operations Analysis evaluated vehicular traffic service levels at key intersections for consistency with General Plan policies by determining the number of new trips that the proposed use would be expected to generate, distributing these trips to the surrounding street system based on anticipated travel patterns specific to the proposed project, then analyzing the effect the new traffic would be expected to have on the study intersections.

Pages 9 and 10 in Appendix A of this document outline the study area and study period for the traffic analysis, as determined in conjunction with City staff and the City's *Transportation Analysis Guidelines*. The study area for the proposed project included nine different intersections:

1. Mitchell Drive/North Wiget Lane
2. Mitchell Drive/Oak Grove Road
3. Shadelands Drive/North Wiget Lane
4. Shadelands Drive/North Via Monte
5. Shadelands Drive/Oak Grove Road
6. Oak Grove Road/Citrus Avenue
7. Ygnacio Valley Road/Wiget Lane
8. Ygnacio Valley Road/Via Monte
9. Ygnacio Valley Road/Oak Grove Road

For study periods, operating conditions during the AM and PM peak periods were evaluated to capture the highest potential impacts for the proposed project, as well as the highest volumes on the local transportation network. The morning peak-hour occurs between 7:00 and 9:00 a.m. and reflects conditions during the home to work or school commute, while the PM peak-hour occurs between 4:00 p.m. and 6:00 p.m. and typically reflects the highest level of congestion during the homeward bound commute. Counts were obtained for the study intersections on Tuesday, September 17, 2024, while local schools were in session. Under existing conditions, all intersections operated at acceptable LOS levels. The Ygnacio Valley Road, between I-680 and Oak Grove Road roadway segment was also evaluated and determined to be operating unacceptably in existing conditions.

Trip generation values and associated distribution are presented on pages 5 through 7 in Attachment A of this document. Trip generation was calculated for the proposed project and was determined to

result in a net change of an average decrease of 62 trips each day, including 231 fewer trips during the morning peak-hour and 171 fewer trips during the evening peak-hour. Trips associated with the existing project site land use include a 20 percent reduction since the building occupancy was estimated to be 80 percent by the City. Applying a 20 percent trip reduction is conservative since trip credits for a fully occupied office building could have been applied to reflect the entitled land use of the project site.

Baseline conditions were also evaluated to determine existing peak-hour volumes in addition to trips from approved and expected to be approved developments, which included the Chick-fil-A at 2290 Oak Grove Road, Calicraft, Oakmont Senior Housing, and Spieker Walnut Creek. The baseline conditions were compared to conditions in which the proposed project would be developed. The LOS analysis concluded that each intersection would continue operating acceptably under all volume scenarios considered, both without and with the proposed project according to the methodologies prescribed by the City's Transportation Analysis Guidelines, except at Shadelands Drive/North Wiget Lane which would operate unacceptably with or without proposed project trips added. As such, an adverse effect is not attributed to development of the proposed project.

Under all scenarios evaluated without or with the proposed project, the roadway segment of Ygnacio Valley Road between I-680 and Oak Grove Road is expected to operate unacceptably westbound during the AM peak-hour. During the PM peak-hour, eastbound Ygnacio Valley Road is expected to operate unacceptably under all evaluated conditions. However, an adverse effect is not attributed to the proposed project since neither the delay index nor average vehicle speeds would operate unacceptably with or without the proposed project.

Appendix A also evaluated cumulative conditions, in conjunction with the development of the proposed project, that account for forecasted growth for the year 2040 derived from Contra Costa County's Countywide Travel Demand Model. The cumulative analysis found that the study intersections would operate acceptably under cumulative plus proposed project conditions.

Construction Traffic and Access

Refer to Master Response 4, above, for a discussion of how traffic safety should not be used as a proxy for road capacity. CEQA's intent is to focus on long-term operational effects and not short-term disruptions such as a construction period. Therefore, traffic congestion associated with construction activities is considered a less than significant impact since it is a temporary condition that is not permanent. During construction of the proposed project, traffic from the existing land use within each construction phase, as identified in Draft EIR Exhibit 2-13, would cease. Additionally, a Construction Traffic Management Plan (CTMP) would be prepared and reviewed by the City of Walnut Creek prior to the start of construction. Typically, a CTMP addresses potential changes to pedestrian, bicycle, transit, and emergency vehicle access within the study area for each phase of construction. Surrounding streets would also remain open during construction activities. Therefore, no significant impact is identified in the Draft EIR since any changes to roadway configurations would be temporary and reviewed separately by the City.

Traffic Congestion and Emergency Response Times

Under SB 743 (Senate Bill 743), LOS can no longer be used as the standard for determining transportation impacts under CEQA. Therefore, LOS standards such as those listed in the Walnut Creek General Plan can no longer be used for determining transportation impacts.

Refer to Master Response 3, above, for a discussion of emergency service response times. Any potential change in response time is speculative as it depends on the day of the week and the time of day. As discussed in Draft EIR Section 3.8, Hazards and Hazardous Materials, page 3.8-26, the proposed project would comply with the City's Municipal Code Section 4-8.02, which allows construction materials to be stored adjacent to the project site by obtaining an encroachment permit, and CCCFPD Ordinance Section 3301.3, which requires construction projects to obtain permits for establishing temporary fire department access roads. Additionally, Draft EIR Section 3.15, Transportation and Traffic, pages 3.15-20 and 3.15-21 states that the proposed project would obtain an encroachment permit for construction of the proposed project and would submit plans for review and approval by the fire code official. This analysis determined that impacts to emergency transportation access would be less than significant with adherence to the applicable regulations. Further, please refer to page 3.13-26 of the Draft EIR, which clarifies that a Traffic Operations Engineer would be assigned, as part of the CTMP, to designate alternative detours in the event of construction-related street closure to guarantee response times and performance objects are maintained for emergency services. This would ensure continuous access within the proposed project area. Also, since all roadway users must yield the right-of-way to emergency vehicles when using their sirens and lights, the added project-generated traffic is not anticipated to impact access for emergency vehicles at either the project site or the adjacent land uses such as the Viamonte Senior Living Facility.

School-related Traffic

The project site is within the attendance zone for Bancroft Elementary School. It is noted that approximately 20 percent of the students at Bancroft Elementary currently chose to walk or ride a bike as their primary means of transportation to the school via the Contra Costa Canal Trail. A portion of the future Bancroft Elementary School students at the project site may also choose to walk or ride a bike based on the relatively close location of the school and convenience of the canal trail, which in turn would partially reduce any potential increased traffic between the school and project site along Oak Grove Road. Moreover, as noted on page 3 in Appendix J of the Draft EIR, the proposed project would result in an average of 62 net fewer daily trips than the existing use on the project site. Specifically, the change from employment to residential would result in a marked decrease in inbound traffic for the morning and outbound traffic in the evening, and a corresponding (but lesser) increase in outbound traffic in the morning and inbound traffic in the evening.

Master Response 6—Tree Removal

Summary of Relevant Comments

Several comments expressed concerns regarding tree removal on the project site. Some commenters requested that fewer trees be removed for proposed project development, while some commenters specifically requested that all existing redwood trees on the project site be preserved. Additional commenters expressed that no trees should be removed for construction of the proposed project. Commenters also noted that the removal of trees would impact the environment.

Response

According to the Biological Resource thresholds under CEQA outlined in Appendix G of the CEQA Guidelines, the proposed project would have an impact if it would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. As provided in Draft EIR Section 3.3, Biological Resources, page 3.3-23, a total of 488 trees were evaluated within or adjacent to the project site, 461 of which are proposed for removal and 27 proposed for preservation. Of the 27 trees proposed for preservation, seven would be redwood trees. Although the Walnut Creek General Plan aims to protect tree resources on private property, it does not prohibit the removal of trees or limit the number of trees that can be removed on private property; rather, it establishes a municipal process to remove existing trees on private property regardless of condition or suitability. The City of Walnut Creek Municipal Code Chapter 8 – Preservation of Trees on Private Property (Tree Ordinance) regulates and permits tree removals through City approvals. The Tree Ordinance defines a protected tree with a minimum of nine inches diameter at breast height (DBH). The Municipal Code establishes the limit of the City's authority with respect to removal of trees on private property. Any tree proposed for removal on a private property must undergo the City's mandated approval process, including the review of the project-specific arborist report, site plans, and proposed tree removal mitigation outlined in the Tree Ordinance (i.e., on-site tree replacement and/or in lieu fees). This process includes the review of the project-specific arborist report, site plans, and proposed tree removal. City review would account for the eight factors listed in Draft EIR, Section 3.3, Biological Resources, on page 3.3-16. Tree removal associated with the proposed project would adhere to all City tree removal requirements and would be subject to consultation efforts should the City disagree with the results of the project-specific arborist report conclusions.

Specifically, the proposed project would replace all removed trees by planting 510 trees throughout the project site. In addition, the proposed project would comply with City's Tree Ordinance Chapter 3-8.05–Preservation and Maintenance of Existing Trees, and Chapter 3-8.07–Preservation and Maintenance of Existing Trees During Development, through the installation of barrier fencing surrounding the dripline of all highly protected trees proposed to be retained and avoidance of harmful activities within designated Tree Protection Zones. Redwood trees are not identified as highly protected trees under the City's Tree Ordinance. Upon compliance with these ordinances, tree removal from the proposed project would result in less than significant impacts to biological resources, as noted in Draft EIR Section 3.3, Biological Resources, page 3.3-25. Moreover, as discussed in Draft EIR Section 3.1; Aesthetics, Light and Glare; the proposed project, including the removal and replacement of trees, would not result in a significant impact to the visual character of the project site and would be consistent with the City's Design Guidelines.

Further, reducing the number of trees removed from the project site would likely require design changes that would alter the number of residential units developed on the project site. This would reduce the proposed project's potential to meet Project Objectives related to the provision of housing and economic feasibility. Therefore, the Draft EIR's assessment remains accurate and the removal of on-site trees within the project site does not undermine the existing project impact analysis.

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SECTION 3: RESPONSES TO WRITTEN COMMENTS

3.1 - List of Authors

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

Author **Author Code**

Organizations

Hanson Bridgett, LLP (dated October 1, 2025) ..... HBLLP
Viamonte Senior Living (dated October 2, 2025) ..... VRC
Friends of Walnut Creek (Updated letter, dated November 17, 2025) ..... FOWC

Individuals

Dongme Isaacs-Sun Family (dated October 12, 2025) ..... DIS
Matt Bush (dated October 16, 2025) ..... MB
Teresa Drouillard (dated October 16, 2025) ..... TD
Michael Kotsos (dated October 21, 2025) ..... MK
Dongme Isaacs-Sun and Wayne Robin Isaac (dated October 26, 2025) ..... DWR
Dana Burch (dated November 13, 2025) ..... DB
Lannette Carscadden (dated November 13, 2025) LC
Sussan and Michael Kotsos (dated November 13, 2025) ..... SMK
Lori Altabet (dated November 14, 2025) ..... LA
Anonymous (dated November 15, 2025) ..... ANO
Carol Elizondo (dated November 15, 2025) ..... CE
Sean Williams (dated November 15, 2025) ..... SW
Susan B. (dated November 15, 2025) ..... SB
Kurt Riemer (dated November 17, 2025) ..... KR
Liza Wallach-Kloski (dated November 17, 2025) ..... LW
Liza Wallach-Kloski (dated November 17, 2025) ..... LWK
Marge Joehnk (dated November 17, 2025) ..... MJ
Ryan Price (dated November 17, 2025) ..... RP
Tori Caiton (dated November 17, 2025) ..... TC
Carol and David Nishihara (dated November 18, 2025) ..... CDN
Deborah Fruchey (dated November 18, 2025) ..... DF
Maya Lawrence (dated November 18, 2025) ..... ML
Sally Doherty (dated November 18, 2025) ..... SD
Sandra Hartz (dated November 18, 2025) ..... SH
Sarah Foster (dated November 18, 2025) ..... SF
Anne and Jim Burk (dated November 19, 2025) ..... AJM

Arlene Hovsepian (dated November 19, 2025) ..... AH
Bruce and Gala Mowat (dated November 19, 2025) ..... BGM
Charlotte Lingo (dated November 19, 2025) CL
Elizabeth Salmon-Omski (dated November 19, 2025) ..... ESO
Gerald Meyers (dated November 19, 2025) ..... GM
JoAnn Moore (dated November 19, 2025) ..... JM
Kathleen Bell (dated November 19, 2025) ..... KB
Kurt Riemer (dated November 19, 2025) ..... KRI
Lori Altabet (dated November 19, 2025) ..... LAL
Mark Pearson (dated November 19, 2025) ..... MP
Marlene Tolegian (dated November 19, 2025) ..... MT
Merilyn Milam (dated November 18, 2025) ..... MM
Nancy Lewis (dated November 19, 2025) ..... NL
Sanford and Jenny Schafell (dated November 19, 2025) ..... SJS
Skip Cressman (dated November 19, 2025) ..... SC
Tory Keaton (dated November 19, 2025) ..... TK
Elaine Coyne (dated November 20, 2025) ..... EC
Eunice Swenson (dated November 20, 2025) ..... ES
Gary Lawrence (dated November 20, 2025) ..... GL
Joan Dyer (dated November 20, 2025) ..... JD
Mary Laux (dated November 20, 2025) ..... ML
Michael Coyne (dated November 20, 2025) ..... MC
Minh Le (dated November 20, 2025) ..... MLE
Nina Dale (dated November 20, 2025) ..... ND
Sarah and Jeremy Jardin (dated November 20, 2025) ..... SJJ
Tak Mizuno (dated November 20, 2025) ..... TM
Wendy Williams (dated November 20, 2025) ..... WW
John Fitzgerald (dated November 21, 2025) ..... JF
Kay Merritt (dated November 21, 2025) ..... KM
Lainey Holmes (dated November 21, 2025) ..... LH

3.2 - Responses to Comments

3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Walnut Creek, as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2024110923) for the Mitchell Townhomes Project, and has prepared the following responses to environmental issues identified in the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

3.2.2 - Comment Letters and Responses

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

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October 1, 2025

Simar Gill, Senior Planner
City of Walnut Creek–Community
Development Department
1666 North Main Street
Walnut Creek, CA 94596
gill@walnutcreekca.gov

Re: Comments on Mitchell Townhomes Project Draft EIR

Dear Ms. Gill:

Our office represents Sequoia Living, the non-profit operator of Viamonte at Walnut Creek Senior Living Campus ("Viamonte") located at 2801 Shadelands Drive. Viamonte houses a vibrant community of nearly 200 residents, all of whom are 60 and over, and has been a proud part of the Walnut Creek community. We write regarding the City's Draft Environment Impact Report ("DEIR") for the Mitchell Townhomes Project ("the Project"), and request that the City conduct further review on certain issues that are important to the residents of our client's facility. 1

The Project will be located just across Shadelands Drive from Viamonte. As a result, any impacts that the Project has on the surrounding neighborhood will be acutely borne by Viamonte's residents, who are sensitive receptors under the law. Under separate cover, the Mitchell Townhomes Ad Hoc Committee of Viamonte's Resident Council are submitting detailed comments on the Project's DEIR, including proposed conditions that would address the resident's concerns. We have reviewed this letter and, based on our years assisting in the environmental review of projects on behalf of public agencies and applicants, find the Resident Council's comments are comprehensive, well-evidenced, and raise important issues the City must address to have a CEQA-compliant document. 2

Sequioa Living does not oppose the City efforts to place housing at the Project site and further expand the neighborhood. Sequoia Living's sole purpose in submitting these comments is to ensure that the proposed Project, like all projects in California, undergo the proper environmental review – especially with regard to potential health and safety impacts that could harm the senior residents of Viamonte. 3

The comments below focus on particular aspects of the City's analysis of Project emissions, the Project's construction noise, the Project's handling of potential hazardous materials, and the Project's impacts on the ability of emergency response vehicles to access Viamonte Senior Living. Each of these topics will require further analysis from the City to comply with the mandates of CEQA, and ensure that the Project will not result in any significant impacts to its future neighbors. 4

We urge the City to revise and recirculate the DEIR as necessary to ensure that the document adequately discloses and mitigates all potential health and safety impacts to the Project's neighbors, including both the matters raised herein and those raised by the Resident Council. 4 cont.

I. The DEIR Fails to Analyze the Impacts of Toxic Air Contaminants from Construction of the Traffic Roundabout.

The DEIR Project description outlines a potential variant of the Project that will involve construction of a single-lane traffic roundabout at the intersection of Shadelands Drive and Via Monte, immediately south of the Project site. (DEIR at p. 2-41). Viamonte is located immediately Southeast of this intersection, and any impacts resulting from the described roundabout construction will particularly affects Viamonte residents.

The DEIR includes an HRA purporting to evaluate the impact of Toxic Air Emissions on the Project's neighbors. The HRA focuses on the impacts to the "maximally exposed individual receptor," identified as Little Flowers Montessori School Daycare, located approximately 23 feet northeast of the boundaries of the Project site. However, the DEIR does not include an HRA evaluating the impact of the Project with the roundabout construction variant. Construction of the proposed roundabout will occur immediately northwest of the Viamonte facility – not even allowing for the meager 23 foot buffer separating construction on the Project site and Little Flowers Montessori School Daycare. If the City pursues the roundabout construction variant, Viamonte will be the maximally exposed receptor. The City cannot properly rely on an HRA that evaluates impacts on a receptor 23 feet removed from the Project when potential Project construction will occur immediately adjacent to Viamonte. The City must revise the DEIR to include further information on the scope of potential roundabout construction activities, and include an appropriate HRA for the roundabout construction variant evaluating Viamonte as the maximally exposed individual receptor. Upon revision, the DEIR must be recirculated for public review and comment. 5

II. The DEIR Fails to Analyze the Impacts of Toxic Air Contaminants on Phase 1 Residents.

The DEIR discloses that the Project will be constructed in two phases over a period of approximately 4.5 years, starting in April 2026 and ending in December 2030, with approximately half of the Project's residential units left to be constructed in the second phase. (DEIR at pp. 2-37; Exhibit 2-13). Under this Project timeline, residents may occupy homes Phase 1 homes during while intense construction of Phase 2 homes is occurring on the same site. 6

The DEIR claims that its air quality analysis follows the guidance set forth in the Bay Area Air Quality Management District's ("BAAQMD) 2022 CEQA Guidelines. However, the DEIR's analysis fails to comply with BAAQMD's guidance regarding the analysis of Toxic Air Contaminants for phased projects. BAAQMD recommends that the analysis include separate HRAs for each phase of construction, with an identification of the maximally exposed receptor for each phase. (*See* 2022 BAAQMD CEQA Guidelines at Appendix E, p. E-19). For later phases, the maximally exposed receptor may be a resident inhabiting Phase 1 of the project. (*Id*. at p. E-20). The DEIR does not conduct separate analyses for each phase, and does not analyze whether occupants of the Phase 1 housing units may be impacted by construction of

Phase 2. The City must revise the DEIR to comply with BAAQMD guidance and correctly identify the maximally exposed receptor for each phase of construction. 6 cont.

III. The DEIR fails to Account for Proximate Noise and Vibration Receptors.

The DEIR concludes that Project construction will not have any significant noise or vibration impacts based on analysis of the noise levels and vibration levels at receptors that the DEIR claims will be maximally exposed. For noise impacts, the DEIR analyzes a building 90 feet away from construction equipment (DEIR at pp. 3.11-16; 17), and for vibration impacts, the DEIR analyzes a building 45 feet away from construction equipment. (DEIR at p. 3.11-20). The DEIR does not provide any explanation for its selection of noise and vibration receptors and, in fact, there clearly are sensitive receptors located closer to the Project site. The DEIR's air quality analysis identifies the Little Flowers Montessori School Daycare as being approximately 23 feet from Project construction. Though not properly disclosed or discussed in the DEIR, Viamonte is directly adjacent to proposed construction under the roundabout construction variant. The City must revise the DEIR to properly analyze noise impacts at these proximate noise and vibration receptors, or must otherwise explain why these receptors have been omitted from the noise and vibration analysis. 7

IV. The DEIR Fails to Analyze the Impacts of Hazards Materials Handled and Transported During Demolition.

The DEIR notes that construction activities on the project site would include the demolition of the existing 11 office buildings currently located on the Project site. (DEIR at p. 3.1-16). It further discloses that a Phase 1 study for the Project concluded that these existing buildings may contain hazardous materials, such as lead paint and asbestos. (DEIR at p. 3.8-22). The DEIR does not impose any mitigation measures regarding these potential hazardous materials. Instead, the DEIR cites several Federal and State guidelines, and concludes that compliance with these laws are sufficient to ensure that impacts are less than significant. While compliance with regulations may be sufficient to establish less than significant impacts under certain circumstances, such conclusions need to be supported by evidence, including, at a minimum, disclosure of which hazardous materials are present, and which activities may result in significant impacts. Conclusory statements that a Project will comply with governing regulations are not sufficient to support a finding of no significant impact under CEQA. (*See Californians for Alternatives to Toxics v. Dep't of Food & Agric.* (2005) 136 Cal. App. 4th 1, 17). The City must update the DEIR to include a more robust discussion of potential impacts relating to demolition of buildings, at the very least including measures to inventory and disclose what hazardous substances are present, and to develop an adequate handling or transport plan to ensure that hazardous materials are properly and safely disposed. 8

V. The EIR Fails to Property Analyze Emissions from Vehicle Miles Traveled.

The DEIR relies on Walnut Creek's screening threshold criteria for VMT, concluding that the project is presumed to have a less than significant VMT impact (and corresponding less-than-significant greenhouse gas and carbon monoxide hotspot impacts) because it is located in an area with an existing home-based VMT per capita that is 85 percent or less of the existing countywide average. However, the State regulatory guidance underpinning Walnut Creek's screening threshold criteria states that the criteria is intended to apply to projects that incorporate similar features (i.e., density, mix of uses, transit accessibility) to existing projects in 9

the area. (*See* December 2018 Governor's Office of Planning and Research Technical Advisory On Evaluating Transportation Impacts in CEQA at pp. 12-13). Here, the Project is atypical for the area – it is a Builder's Remedy project siting high density residential uses on a site that would be otherwise reserved for office uses, and residential development in the surrounding area to the east of the project site is composed of low-density, single family homes. The City must revise the EIR to either include a Project-specific VMT analysis, or further explain why the Project incorporates similar features to surrounding development. 9 cont.

VI. The EIR Uses an Unsupported Baseline to Assess Public Services and Trip Generation.

In analyzing the Project's impact on public services, water services, and trip generation, the DEIR attempts to use a baseline of the current office worker population on the Project site. However, there are flaws in the City's approach to estimating this baseline. The DEIR claims that the office buildings have an 80-percent occupancy rate, which the DEIR translates to 1,144 employees. The DEIR offers no source for its claim of an 80-percent occupancy rate, nor any explanation as to how this rate corresponds to employee numbers. The DEIR does not, for instance, explain whether the 1,144 employee estimate accounts for the recent shift to hybrid and work from home models, nor does it explain whether the type of business located on the Project site has any impact on the expected number of employees on site. While existing employees at the site may serve as a valid baseline for determining impacts, any CEQA baseline must be supported by substantial evidence. (*See Communities for a Better Env't v. S. Coast Air Quality Mgmt. Dist.* (2010) 48 Cal. 4th 310, 328). The DEIR offers no evidence or explanation for its estimation of on-site employees, and without such support, the DEIR's analysis of public services, water service, and trip generation is devoid of informational value for neighbors and City decisionmakers alike. A project's baseline is a fundamental component of an environmental analysis, as it is the level of activity against which project impacts are assessed. The City must revise the DEIR to reflect an evidence-based baseline for its analyses. 10

VII. The EIR Fails to Properly Analyze Project and Cumulative Impacts on Emergency Fire and Medical Services.

The DEIR's conclusion that the Project will not result in any impacts on Emergency Fire and Medical Services relies heavily on a series of factually unsupported assumptions. The City must revise the DEIR to provide accurate, evidence-based analysis of the Project's impacts on fire and emergency medical services to determine whether mitigation measures are required to ensure that Viamonte residents maintain access to crucial emergency medical and fire services. 11

For the analysis of both construction and operational impacts, the DEIR cites the proximity of Contra Costa County Fire Protection District, located approximately 0.6 mile northwest of the Project site, as a basis of making impact determinations. No further details are provided, and such details are necessary to assess whether the project meets the City's significance thresholds. 12

To this end, the DEIR's analysis of fire emergency facilities is based on the Project's consistency with the Contra Costa County General Plan public safety response time standard of four minutes or less for 90 percent of fire suppression incidents and emergency medical services. The DEIR states that this emergency response metric is currently satisfied because "a fire engine traveling from Fire Station No. 10 approximately 0.6 mile to the construction site 13

would arrive in 1 minute and 40 seconds with average traffic patterns, terrain, weather conditions, and slowing due to intersections." (DEIR at p. 3.13-13). However, this calculation of potential response time is based entirely on an equation developed by the University of Tennessee, and it is not location-specific and does not account for the existing conditions in the local neighborhood, including the presence of a high school and associated high school traffic between Fire Station 10 and the Project site. The City may not rely on a generic formula to demonstrate that fire emergency response times would meet the thresholds set forth in the General Plan; rather, it must establish, through substantial evidence and reasoned explanation, that the actual response times in Walnut Creek are equivalent to the response times calculated under the University of Tennessee equation. (*See, e.g., Ctr. for Biological Diversity v. Dep't of Fish & Wildlife* (2015) 62 Cal. 4th 204, 227, *as modified on denial of reh'g* (Feb. 17, 2016)). 13 cont.

Furthermore, the DEIR's calculation of response time does not even attempt to compare response times without the Project to response times during construction or operation of the Project. The DEIR provides no explanation as to why increased area traffic from construction vehicles, resident trips, or construction-related road closures would not impact response times. Therefore, it fundamentally fails to analyze the actual impact that the Project may have on emergency response times. 14

With regards to Project operation, the DEIR seems to imply, without any evidence, that the demand of the Project's 874 future residents are equivalent to "services to the existing office buildings on the project site consisting of approximately 1,144 employees, along with any customers or visitors during the average work week." (DEIR at pp. 3.13-13; 14). As discussed above, the DEIR's assumption of 1,144 employees as the Project site's current population has no evidentiary basis. Additionally, the DEIR fails to explain or analyze whether the emergency fire demands of office park employees, who are on site for limited hours and engage in limited activities, are at all comparable to the emergency fire demands of City residents. 15

The DEIR's analysis of cumulative impacts to emergency fire and medical services are similarly deficient. The DEIR concedes that future development will increase populations, and therefore increase demand for emergency services. However, the DEIR includes no analysis of actual response times, and instead relies on a conclusory assumption that future project's compliance with local ordinances and policies will be sufficient to ensure that emergency services will not result in impacts. The DEIR relies solely on its analysis of Project-level impacts to conclude that the Project will not have a cumulatively considerable contribution to any cumulative impacts; however, as discussed above, the Project-level analysis is deeply flawed. Furthermore, California case law on this point is clear — a finding that a project has a less than significant project-level impact is not sufficient to establish that it does not have a considerable incremental contribution to a cumulatively significant impact. (*See Kings Cnty. Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 720, *reh'g denied and opinion modified* (July 20, 1990)). The DEIR must independently analyze whether the Project will result in a cumulatively significant impact on emergency fire and medical services. 16

VIII. The EIR Fails to Properly Analyze Project and Cumulative Impacts on Emergency Police Services. 17

The DEIR's analysis of the Project's impacts on emergency police services relies on outdated data and flawed assumptions. This section must also be revised to provide an accurate analysis

of the Project's potential impact on emergency police services to determine whether mitigation measures are required.

Similar to the emergency fire analysis, the emergency police analysis is based on compliance with Walnut Creek General Plan Policy 5.2, which requires an emergency response time of less than five minutes for emergency-related calls, and less than 20 minutes for other calls 95 percent of the time. The DEIR notes that a WCPD Field Office is located approximately 0.25 mile from the Project site, and uses the WCPD-reported city-wide average response time of 3 minutes and 7 seconds for emergency related calls in 2022 to demonstrate the emergency response time requirement is currently satisfied. (DEIR at 3.13-16). This figure is not based on site-specific data, and does not account for the surrounding neighborhood and traffic patterns. Furthermore, of the five years of data (2018-2022) provided on the WCPD website, the 2022 response time is the fastest response time by over 35 seconds. The DEIR does not include any explanation as to why 2022 is the most representative approximation of current police response times. 17 cont.

As with fire and emergency response, nor does the DEIR attempt to compare response times without the Project to response times during construction or operation of the Project, and provides no explanation as to why increased area traffic from construction vehicles, resident trips, or construction-related road closures would not impact response times. The DEIR also assumes, without evidence, that the police demand of the Project's 874 future residents are equivalent to police demand of existing office buildings on the Project site and the DEIR's estimated 1,144 employees. For the reasons outlined in Section VII, this assumption is wholly unsupported. 18

Similar to the emergency fire analysis, the DEIR's analysis of cumulative impacts on police services is cursory. The DEIR recognizes that a population increase in the surrounding neighborhood could result in an increased demand and need for police facilities; however, the DEIR improperly relies entirely on its flawed Project-level analysis to conclude that the Project will not have a cumulatively considerable impact. 19

* * *

We urge the City to revise the DEIR to remedy the deficencies detailed above and in the enclosed comments, and to ensure that it adequately discloses and mitigates the Project's impacts on the health and safety of residents in the surrounding neighborhood. Upon revision, the DEIR must be recirculated for public review and comment. 20

Sincerely,



Sean Marciniak
Partner

Organizations

Hanson Bridgett (HBLLP)

Response to HBLLP-1

The commenter's statements regarding Sequoia Living and Viamonte's Senior Living Facility are noted and included in the record for consideration by decision-makers. Please refer to Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, and Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, which address comments that express general opposition to or disapproval of the proposed project or the environmental analysis. This comment does not raise any specific significant environmental issues and therefore no response is required under CEQA.

Response to HBLLP-2

This comment's general introductory statements do not raise any specific issues with respect to the proposed project or the Draft EIR. Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR. This master response provides additional information on the scope of CEQA. Further, as noted in Draft EIR Section 3-2, Air Quality, page 3.2-8, the Viamonte Senior Living Facility is identified as a sensitive receptor within the proposed project vicinity. Additionally, the project includes mitigation measures, including Mitigation Measure (MM) AIR-1, MM AIR-2, and NOI-1 to mitigate construction impacts to nearby sensitive receptors to a less than significant level. This comment does not raise any specific significant environmental issues or deficiency in the Draft EIR and therefore no response is required under CEQA.

Response to HBLLP-3

The comment does not raise any specific issues with respect to the proposed project or the EIR, nor does it provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required. See also Master Response 1 (Non-CEQA Issues) and Master Response 2 (Unsubstantiated Environmental Comments).

Response to HBLLP-4

The comment provides a general introductory statement of comments addressed below and does not raise any specific issues with respect to the proposed project or the Draft EIR. See Master Response 2 (Unsubstantiated Environmental Comments). Responses to comments concerning the project's impacts associated with air quality and greenhouse gas (GHG) emissions, noise, hazardous materials, emergency access, and recirculation are addressed below. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to HBLLP-5

The Project's Community Benefit Variant includes the construction of a proposed roundabout as described in Draft EIR Chapter 2, Project Description, Section 2.4, Community Benefits Variant, and the potential environmental impacts associated with the Community Benefit Variant are evaluated in each environmental topic section in Draft EIR pages 3.1-15 through 4-14. As discussed under Impact AIR-3 in Draft EIR Section 3.2, Air Quality, a Health Risk Assessment (HRA) was prepared for the proposed project, including the Community Benefit Variant, that evaluated potential health risks from construction at all nearby sensitive receptors, including the Viamonte Senior Living Facility. The

HRA assumed a conservative construction duration of approximately 4.75 years and modeled emissions and health risks using American Meteorological Society/EPA Regulatory Model (AERMOD) and Hotspots Analysis and Reporting Program (HARP). Receptor locations analyzed in the HRA are shown in Appendix B of the Draft EIR, with results after incorporation of MM AIR-2 beginning on page 132. Further, the estimated schedule for roundabout construction under the Community Benefits Variant was included in Attachment B of this document and is anticipated to occur for a duration of approximately 2 months.

As shown on page 132 of Attachment B to this document, the Viamonte Senior Living Facility was analyzed as Receptor ID 245 (UTM coordinates 586155.50, 4198347.67; equivalent to latitude 37.9286, longitude -122.0197). The coordinates of Receptor ID 245 are at the northwest corner of Viamonte Senior Living Facility (which is the closest point between the Viamonte Senior Living Facility and the roundabout, approximately 40 feet). The estimated cancer risk at Receptor ID 245, which is the location within the Viamonte Senior Living Facility that is closest to the roundabout at approximately 40 feet distance, is 4.599 in one million. This is well below the Bay Area Air Quality Management District's (Bay Area Air District) threshold of 10 in one million. By comparison, the Little Flowers Montessori School Daycare was identified as the Maximally Exposed Individual Receptor (MEIR) because modeled cancer risks were slightly higher and estimated as being 5.214 in one million at a distance of approximately 60 feet from the project site.

The Draft EIR analysis did include information on the scope of the potential roundabout construction activities and the emissions associated with construction of the roundabout were estimated and included in the Draft EIR. Construction of the roundabout would involve approximately 26 additional days of work using one to two pieces of equipment per day within the context of the 4.75-year construction period. As noted in the Draft EIR, MM AIR-2 would apply to all construction activities, requiring Tier 4 Final equipment and other exhaust controls. Implementation of Tier 4 Final Equipment substantially reduces diesel particulate emissions. The roundabout construction would add a *de minimis* level of emissions and would not cause exceedances of applicable health risk thresholds at any receptor, including Viamonte Senior Living Facility.

Therefore, the Draft EIR appropriately evaluated and disclosed potential health risks to all nearby receptors, including Viamonte Senior Living Facility, for both the proposed project and the roundabout variant. Recirculation of the Draft EIR is not warranted.

Response to HBLLP-6

A phased construction schedule would result in the overlap of construction and operation. Specifically, the first phase is anticipated to include development of approximately half of the dwelling units, while the second phase would develop the remaining half of the proposed dwelling units, as shown on Exhibit 2-13 in Draft EIR Chapter 2, Project Description, page 2-39. For the construction HRA, the off-site MEIR, which is located directly adjacent to the northeast of the project site and in the path of the prevailing wind direction (as shown in the Wind Rose in Attachment B of this document), would be exposed to potential toxic air contaminants (TACs) for the entirety of project construction, which serves as a conservative indicator of the level of health risks experienced by new receptors moving into the site while building construction is ongoing.

As previously noted, a phased construction schedule is expected to result in the overlap of construction and operation. Although Phase 1 on-site receptors may be occupied while Phase 2 construction activities are occurring, the HRA already represents a conservative evaluation of potential exposure for these future residents. Future on-site Phase 1 receptors would be located at distances similar to the primary emission sources compared to the modeled off-site MEIR. In addition, these receptors would be exposed to a shorter construction period—they would only experience emissions from Phase 2, not the entire multi-year construction schedule evaluated for the MEIR. Therefore, their cumulative exposure would be materially lower than the exposure assumed for the MEIR and other off-site receptors. Consequently, the HRA inherently and conservatively accounts for potential exposure to new on-site receptors during the overlap of construction and early occupancy. As such, because the off-site MEIR's modeled risk remains below applicable health risk significance thresholds, and because future on-site receptors would experience less TAC exposure than the conservative MEIR scenario, the resulting health risks for on-site receptors during the phased construction period would not result in greater impacts than those disclosed in the Draft EIR.

Given the proposed project's cancer risk and chronic non-cancer Hazard Index (HI) at the off-site MEIR during the entire construction is significantly below the Bay Area Air District thresholds with incorporation of MM AIR-1 and MM AIR-2, the proposed project would not exceed the acceptable cancer risk or chronic non-cancer HI even if new receptors moved into the site and become exposed to the construction diesel particulate matter (DPM) emissions and health risks associated with the second phase of construction. No further response is required.

Response to HBLLP-7

The noise analysis of the Draft EIR explained that it analyzed the reasonable worst-case scenario for construction noise impacts, which is multiple pieces of the heaviest construction equipment operating simultaneously at the nearest point to sensitive receptors. The analysis identifies on page 3.11-7 that the closest impacted noise-sensitive receptor would be the Shadelands Post Acute nursing home located west of the project site boundary approximately 90 feet from the acoustic center of construction activity, where multiple pieces of heavy construction equipment could potentially operate at the project site. The analysis identified that reasonable worst-case construction noise levels would range up to 76 dBA L_{eq} at the façade of the nearest noise-sensitive receptor when multiple pieces of equipment operate simultaneously at the nearest center of construction activity. Therefore, the analysis demonstrated that these reasonable worst-case construction noise levels would not exceed the Federal Transit Administration (FTA) daytime construction noise threshold of 80 dBA $L_{eq(8hr)}$ at residential land uses. In addition, the Draft EIR further identified that the project would comply with MM NOI-1, which requires adherence to the permissible construction hours and also requires implementation of best management noise reduction techniques and practices, which would ensure that construction noise levels would not result in a substantial temporary increase in nighttime ambient noise levels that would result in annoyance or sleep disturbance of nearby sensitive receptors. Other phases of construction, such as the roundabout improvements, were not specifically quantified in the Draft EIR as it was determined that they would result in similar or lower construction noise impacts than what was analyzed in the reasonable worst-case scenario. The commenter does not provide any evidence to the contrary.

A reasonable worst-case assumption for construction noise levels at the roundabout improvement location would consist of an analysis of the two loudest pieces of equipment (a paver and a roller) that could operate simultaneously at points nearest to the closest sensitive receptor to the roundabout improvements. The average operational noise level of this equipment operating across the entire roundabout improvements area during an 8-hour work day as measured at the closest receptor, the Viamonte Senior Living Facility located 30 feet southeast of the roundabout's construction footprint where heavy construction equipment would operate, would be 75 dBA $L_{eq(8hr)}$. This is lower than the reasonable worst-case construction noise level of 76 dBA L_{eq} that was identified in the Draft EIR. Therefore, the Draft EIR appropriately discloses the worst-case construction noise impacts and applies mitigation measures that would ensure potential impacts would be reduced to less than significant. These mitigation measures would reduce noise impacts to all nearby sensitive receptors, which include the Viamonte residents.

The commenter states that the air quality analysis identified the Little Flowers Montessori School Daycare as being located 23 feet from the "Project construction." However, the Draft EIR actually states that the Little Flowers Montessori School is "approximately 23 feet northeast of the boundaries of the ***project site***." Multiple pieces of heavy equipment do not operate simultaneously at the project edge—they would operate within the proposed construction footprint. The actual closest construction footprint where multiple pieces of heavy construction equipment could potentially operate simultaneously (to calculate a reasonable worst-case construction noise level) would be over 40 feet from the Little Flowers Montessori School receptor. At this distance, reasonable worst-case construction noise levels would result in 8-hour average noise levels of 76 dBA $L_{eq(8hr)}$. This is equivalent to the reasonable worst-case construction noise levels identified in the Draft EIR. In addition, while the Little Flowers Montessori School is considered a commercial land use and therefore the applicable FTA construction noise threshold is 85 dBA $L_{eq(8hr)}$, the reasonable worst case construction noise to this use is also below the residential receptor level of 80 dBA $L_{eq(8hr)}$. Therefore, the Draft EIR appropriately discloses the worst-case construction noise impacts and applies mitigation measures that would ensure potential impacts would be reduced to less than significant. The commenter does not provide any evidence to the contrary.

Similarly, the vibration impact analysis in the noise chapter of the Draft EIR explained that it analyzed the reasonable worst-case scenario for construction vibration impacts and concluded that related potential impacts would not exceed the FTA's Construction Vibration Impact Criteria thresholds as measured at receiving structures. The Draft EIR specifically identified that construction of the Community Benefit Variant (that includes the roundabout improvements) would not result in additional or increased impacts related to excessive groundborne vibration or groundborne noise levels beyond the analysis already done as a part of the reasonable worst-case scenario evaluation. The commenter does not provide any evidence to the contrary.

However, to prove this point, the closest that heavy construction equipment would potentially operate near the Viamonte Senior Living Facility southeast of the roundabout would be 30 feet from the façade. At this distance, groundborne vibration levels from the operation of construction equipment that would produce the greatest groundborne vibration levels could range up to 0.16

in/sec PPV. [1] This is well below the FTA's Construction Vibration Impact Criteria of 0.5 in/sec PPV for this type of structure, which is a building of reinforced concrete construction. This represents a difference of 0.34 compared to the applicable threshold, versus a difference of 0.16 compared to the applicable threshold for the reasonable worst-case impact identified in the Draft EIR. Therefore, the Draft EIR appropriately discloses the reasonable worst-case construction vibration impacts and correctly identifies that construction of the project, including construction of the roundabout improvements, would not result in significant impacts related to excessive groundborne vibration or groundborne noise levels. No additional response is required.

Response to HBLLP-8
As noted in Draft EIR Section 3.8, Hazards and Hazards Materials, page 3.8-22, the Draft EIR discloses that lead-based paint and asbestos products may be present on the project site due to the age of the existing structures. The discussion on this page goes on to explicitly state that demolition activities, as well as transportation and deposition of the aforementioned hazardous materials, may result in potential impacts to the health of construction workers and the surrounding public. As noted in Draft EIR Section 3.8, Hazards and Hazardous Materials, page 3.8-22, under the Code of Federal Regulations Title 40, the proposed project would be required to perform an inspection prior to demolition of existing structures, which would include identification of any asbestos-containing materials for removal prior to demolition.

If hazardous building materials encountered during building demolition, a host of existing statutes and regulations govern handling and disposal of such materials as well as worker safety measures. If potentially hazardous materials are identified, the proposed project would be required to obtain permits from the Bay Area Air District for asbestos removal to ensure the sufficient removal, handling, and disposal of asbestos-containing materials. Additionally, the proposed project would be required to comply with California Code of Regulations Sections 1532.1, 1529, and 5192, which include proactive measures to ensure worker safety when exposed to lead-based paints and asbestos, as well as requirements for specialized training and medical supervision for workers at hazardous waste sites. Thus, the proposed project would comply with federal, State, and local rules and regulations pertaining to the proper removal, transportation, and disposal of hazardous materials and building materials, and construction of the proposed project would not create a significant hazard through the transportation, use, and disposal of hazardous materials to the public and surrounding environment. Compliance with these regulations will ensure reduction of impacts through proper training, response, and management of hazardous materials. Impacts would be less than significant.

A lead agency may appropriately find that compliance with regulatory requirements is sufficient to reduce impacts. The CEQA Guidelines explicitly specify that reliance on compliance with a regulatory permit or similar process is sufficient mitigation if compliance with such standards can be reasonably expected, based on substantial evidence, to reduce the impact to the specified performance standard —as is the case for the proposed project. (CEQA Guidelines § 15126.4(a)(1)(B)); see, e.g., *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App. 5th 814, 860 (compliance with applicable standards for treatment of water for agricultural use reduces impacts); *Leonoff v.*

[1] Assumes a large vibratory roller operating within the proposed paved area of the roundabout.

Monterey County Bd. of Supervisors (1990) 222 CA3d 1337, 1355 (upholding mitigated negative declaration that included requirement that project comply with environmental laws on registering hazardous materials and monitoring underground tanks for leaks). The comment did not identify any grounds suggesting the proposed project would not comply with applicable laws, nor does it provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to HBLLP-9

As stated in Draft EIR Section 3.15, Transportation and Traffic, pages 3.15-8 and 3.15-9, according to the Transportation Impacts (Senate Bill [SB] 743) *CEQA Guidelines Update and Technical Advisory*, 2018, use of map-based screening is an acceptable method to quickly identify when a project is expected to result in a less than significant Vehicle Miles Traveled (VMT) impact. The map used by the City of Walnut Creek was developed based on the Contra Costa Transportation Authority (CCTA) Travel Demand Model data which includes characteristics such as density, mix of uses and transit accessibility to determine Home-Based VMT per resident estimates.

The VMT associated with a residential development is influenced by its density, with an inverse relationship between the two. The proposed project would be expected to result in lower per capita VMT levels than the surrounding development; including lower-density, single-family development types in surrounding neighborhoods, office buildings, and commercial businesses, rather than a higher VMT per capita as inferred by the commenter. This relationship is quantified in a methodology contained in the industry-standard publication *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity*, California Air Pollution Control Officers Association (CAPCOA), 2021. Accordingly, accounting for the differences in the project's density versus that in surrounding areas would have a *beneficial effect* on VMT, and the less than significant impact conclusion would remain unchanged. Additionally, please refer to the Response to HBLLP-6 for a discussion of how vehicle emissions were included in the analysis of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to HBLLP-10

The baseline used in the Draft EIR is based on substantial evidence and follows standard practice. The occupancy rate of the office building at the time of the Notice of Preparation was based on leased square footage provided by the existing owner documenting 80.45 percent occupancy, independent City of Walnut Creek staff observations, as well as traffic counts taken by National Data & Surveying Services establishing the existing conditions. The estimate of the number of office-generated vehicle trips used in the traffic analysis was based on standard trip generation rates published by the ITE in their publication *Trip Generation Manual* for an office land use.[2] The trip rates may be conservative in that they assume full occupancy of an office on a weekday, which is then reflected in the AM, PM, and daily trip forecasts.

[2] Institute of Transportation Engineers (ITE). 2021. Trip Generation Manual. 11th Edition.

It is noted that applying a trip credit for a fully occupied and entitled office building would have resulted in a lower number of net new trips, but assuming the existing building is only 80 percent occupied provided a conservative approach and a higher number of net new trips to be applied to the traffic analysis.

Using an 80 percent occupancy rate when considering existing public services and utilities baseline similarly presents a conservative approach; assuming a higher occupancy rate would have resulted in a lower number of net new need for services. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to HBLLP-11
This is a general comment and does not include any specific information related to the adequacy of the Draft EIR or the proposed project. Please refer to Master Response 3, Adequacy of Police and Fire Protection Services, in Section 2, Master Responses, of this document. This master response provides additional information related to emergency public services and development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to HBLLP-12
Please refer to Master Response 3, Adequacy of Police and Fire Protection Services, in Section 2, Master Responses, of this document. This master response provides additional information related to emergency public services and development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to HBLLP-13
Please refer to Master Response 3, Adequacy of Police and Fire Protection Services, in Section 2, Master Responses, of this document. This master response provides additional information related to the demand for fire services as a result of the proposed project development. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to HBLLP-14
Please refer to Master Response 3, Adequacy of Police and Fire Protection Services, in Section 2, Master Responses, of this document. This master response provides additional information related to emergency fire services and development of the proposed project. Additionally, refer to Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. This response discusses the proposed project's transportation impacts and impacts related to traffic and emergency response times. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to HBLLP-15
Please refer to Master Response 3, Adequacy of Police and Fire Protection Services, in Section 2, Master Responses, of this document. This master response provides additional information related to the demand for fire services as a result of the proposed project development. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required. Please refer to the Response to HBLLP-10 above for an explanation of the baseline for the proposed project. The baseline used in the Draft EIR is based on substantial evidence and follows common standard practice.

Response to HBLLP-16
Please refer to Master Response 3, Adequacy of Police and Fire Protection Services, in Section 2, Master Responses, of this document. This master response provides additional information related to the cumulative demand for fire services as a result of the proposed project development. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to HBLLP-17
Please refer to Master Response 3, Adequacy of Police and Fire Protection Services, in Section 2, Master Responses, of this document. This master response provides additional information related to the available data related to emergency response times from police services and discusses the impacts from the proposed project on police demand. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to HBLLP-18
Please refer to Master Response 3, Adequacy of Police and Fire Protection Services, in Section 2, Master Responses, of this document. This master response provides additional information related to police services and development of the proposed project. Additionally, refer to Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. This response discusses the proposed project's impacts related to traffic and emergency response times. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to HBLLP-19
This comment asserts that the Draft EIR's cumulative police services analysis is cursory, improperly relying on the "flawed" project-level analysis to claim no cumulative significant impact.

Please refer to Master Response 3, Adequacy of Police and Fire Protection Services, in Section 2, Master Responses, of this document. This master response provides additional information related to the cumulative demand for police services as a result of the proposed project development. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to HBLLP-20
This comment provides a closing statement, urging the City to revise and recirculate the Draft EIR to address its deficiencies.

Per the Responses to Comments HBLLP-1 through -20, the comment letter did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, recirculation is not required.

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Response And Comments
Mitchell Townhomes Committee of the Resident Council

Viamonte Senior Living

October 2, 2025

For more information contact:

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Introduction:

- This document has been prepared on behalf of the Viamonte Resident Council in response to The Mitchell Townhomes Project (MTP) Draft Environmental Impact Report (Draft EIR). Viamonte Senior Living (VSL) is located directly across Shadelands Drive on the south side of the street from the proposed Mitchell Townhomes Project. It is a Continuing Care Retirement Community (CCRC) with approximately 250 residents ranging in age from 65 to 100 years old. The average age of our residents is 86. VSL's population is identified as a sensitive receptor group for several health-related medical concerns.

- VSL residents are updated at monthly meetings, and this document includes their feedback. Living directly across Shadelands Drive from the proposed project, our interests focus on the potential adverse impacts to traffic and pedestrian safety, our health, the neighborhood, and natural resources both before, during and after construction.

- MTP is a proposed 422-unit residential project planned to replace the Walnut Creek Executive Center located within the Shadelands Business Park. Signature Development is seeking approval from the City of Walnut Creek under the Builder's Remedy and Housing Accountability Act (SB 330), to demolish 11 office buildings and replace them with a townhome development. The current plan requires eight waivers of various development standards for project approval. 1

- The Housing Accountability Act (including "Builders Remedy") allows for a project to be disapproved as designed if the local agency makes certain written findings. One of those findings is that a project will have a "significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies or conditions as they existed on the date the application was deemed complete."

- Since we do not oppose construction of needed housing, this document ends with a list of proposed conditions of approval to mitigate the project's significant adverse effects on health and safety as much as possible.

- What follows are VSL's comments on the Draft EIR.

Chapter 2. Project Description – Demolition and Construction Activities

- The Draft EIR obscures the fact that there will be two discrete construction periods. The first covers the construction of Phase 1, the eastern portion of the project. The second period of construction will occur when Phase 2 is built. The occupants of Phase 1 may move in before the construction of Phase 2 begins. 2

- It is unclear whether the estimated 4.5-years of construction applies only to the construction of Phase 1. If it does, the residents of VSL should be informed of the estimated duration between completion of Phase 1 construction and the initiation of Phase 2 construction, as well as the estimated construction duration of Phase 2.

- Since it is unknown when the construction of Phase 2 will begin, applicant's responsibilities to steward the Phase 2 portion of the site must be enumerated. More information is provided in the Conditions of Approval section.

2 cont.

- Despite two separate episodes of construction likely lasting well beyond five years in total, the Draft EIR states that traffic impacts during construction need not be addressed specifically because "construction activities would not result in geometric design hazards, as no temporary or permanent modifications to roadway alignments, lane configurations, or intersection designs are proposed that could introduce unsafe conditions for vehicles, bicycles, or pedestrians."

- This statement is clearly incorrect for these reasons:
    - There will be temporary modifications to roadway alignments, lane configurations, and intersection design. Given the total construction duration of phases 1 and 2, these temporary modifications could persist for an extended period. As discussed below, these "temporary" modifications will significantly adversely affect EMS response times because of off-site work and construction traffic. This will significantly affect the health and safety of the residents of VSL. Emergency access is critical for the existing VSL and Shadelands Post-Acute facilities (a licensed Skilled Nursing Facility also adjacent to the MTP site), and to the proposed Oakmont facility. Oakmont, as proposed, will be a larger facility than VSL, housing Independent, Assisted Living, Memory Care and a Skilled Nursing Unit. Its demographic will be like VSL's. Because of recent regulations, the number of 911 calls from these facilities will increase, as discussed in Section 3.13 Public Services.
    - A large number of haul trucks will be required to bring in the necessary fill material and remove demolition debris, including the substantial number of trees that will need to be chipped on-site.
    - In addition to a large volume of haul truck activity, construction would also include activities such as lane closures, removing existing driveways, constructing off-site improvements (e.g., sidewalks, streetlights, utility connections, adjustments to abutting properties), and worker parking.
    - The current construction of Chick-fil-A demonstrates that construction activities significantly disrupt traffic circulation on Oak Grove Road and Shadelands even when standard construction traffic mitigation is employed (see Picture 2). We observe that this adverse impact specifically includes EMS access to VSL. For example, EMS vehicles northbound on Oak Grove Road turning left onto Shadelands have been delayed by several rounds of traffic light changes due to lane closures on Oak Grove Road, generating increases in ambulance response times. Because the scale and duration of MTP construction will be significantly

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more than Chick-fil-A, EMS response will likely be significantly delayed for an extended period. 3 Cont.

- The demolition and construction phasing plan for the Project does not define: 4
  - How many existing buildings will be demolished in each phase or if all buildings will be demolished in the first phase.
  - How many residential units will be built in each phase.
  - There is no description of the total disturbance area for MTP, including the total disturbance areas for onsite and offsite improvements and the potential roundabout.
  - There is no description of the amount of demolition materials that will be generated by construction and hauled off-site.
  - There is no description of construction hours or if the MTP will require nighttime construction activities and for how many days.
  - The Project site is surrounded by multiple sensitive receptors (as discussed in Section 3.10) and with the potential for 80 trucks per day at the project site for construction hauling, there is no description of the location of construction staging areas, hauling routes, or where construction work trucks will be located related to the sensitive receptors.

Section 3.1 – Aesthetics, Light and Glare

- To provide privacy to VSL residents on Shadelands Drive, consideration should be given to visual buffers to the units (e.g., privacy screens or fins, awnings, larger trees/vegetation, etc.). 5

- As the proposed Project provides minimal setbacks from Shadelands Drive, consideration should be given to improving the finished edge of MTP to have it blend in with the surrounding uses. In addition, no information is included regarding what would happen to the finished edge of the Project should Phase 2 not move forward. 6

- We note that reducing the number of units (as stated in Alternative 2) would allow for more pleasing visual buffers. 7

- The MTP and Draft EIR do not specifically address construction hours, and other factors impacting VSL and other neighboring properties. 8

Section 3.2 – Air Quality

- As a CCRC with the average age of residents being 86-years, VSL and Shadelands Post Acute, the proposed project poses a disproportionate health threat to our community. Many residents already experience chronic respiratory and cardiovascular conditions and have reduced resilience to pollutants. Even small increases in diesel exhaust could lead to hospitalizations or serious health declines. Studies show that seniors face 2-3 times higher hospitalization rates from exposure compared to younger adults. 9

- According to the CA Air Resources Board (CARB) several adverse health impacts have been associated with exposure to both PM2.5 and PM10. PM2.5 short-term exposures have been associated with premature mortality, increased hospital admissions for heart or lung causes, acute and chronic bronchitis, asthma attacks, ER visits, respiratory symptoms and restricted activity days. Long-term exposures to PM2.5 (months to years) has been linked to premature death, particularly in people who have chronic heart or lung diseases and reduced lung function in children.

- Short-term exposures to PM10 have been associated primarily with worsening of respiratory diseases, including asthma and COPD, leading to hospitalization and ER visits.

- The International Agency for Research on Cancer (IARC), part of the World Health Organization, published a review in 2015 that concluded that particulate matter in outdoor air pollution causes lung cancer.

- To ensure that the project adequately protects nearby seniors, we request that the Final EIR include the following measures:
    - Install air quality monitors at the project boundary nearest our community, calibrated to EPA standards and positioned at breathing height (4-6 feet).
    - Measure PM2.5, PM10, and diesel particulate matter daily during construction.
    - Make monitoring data publicly available in real time (online and in weekly summaries provided to our facility).
    - Require the use of 100% Tier 4 diesel or electric equipment for all heavy-duty construction vehicles.
    - Limit truck idling to no more than one minute on site.
    - Apply active dust suppression measures daily, not just when visible dust is detected.
    - Schedule grading, excavation, and hauling during hours that minimize impact on vulnerable populations (e.g., avoid early mornings when residents are outdoors).
    - Install temporary, aesthetic barriers (sound/air quality fencing or enclosures) of sufficient dimensions to reduce diesel exhaust, fugitive dust and construction noise intrusion into adjacent senior housing.
    - Require notification and emergency response protocols if pollutant levels exceed thresholds. These include 24-hour advance notice of high-impact construction activities, timely alerts to facility managers and community contacts, and immediate work cessation if health-protective thresholds are exceeded.
    - Appoint a qualified third-party monitor to oversee compliance with air quality mitigation. This person must have authority to stop construction if air quality exceeds allowable limits.
    - Establish clear enforcement mechanisms, including work stoppages or penalties if monitoring shows exceedances.

9 cont.

- The air quality analysis notes that grading and site preparation would include the import of approximately 1,000 cubic yards of fill dirt but no materials export. However, the

10

analysis does not discuss the assumptions related to the Project **demolition** activities and the quantity of materials to be removed from the site. 10 cont.

- The air quality analysis does not outline the assumptions related to the possible construction of the roundabout as mentioned in the variant, including the disturbance area, the phase during which it would be constructed, and the associated construction equipment. 11

- On page 3.2-46, the Air Quality Section of the Draft EIR notes that the Maximally Exposed Individual Receptor (MEIR) is the Little Flowers Montessori Pre-School at the corner of Oak Grove and Mitchell Drive. The Draft EIR states this pre-school would not experience toxic air contaminants more than the Bay Area Air District health risk threshold for diesel particulate matter (DPM) resulting from the entire project construction. Because of this, the air quality analysis determines that it is reasonable to expect that the first group of occupants' exposure would not exceed the Bay Area Air District health risk threshold from DPM generated during the subsequent vertical construction. The MEIR at the pre-school has different age sensitivity factors than a residential receptor. The Health Risk for the residential and elderly receptors needs to be provided and explained qualitatively in more detail regarding why it is less than the MEIR's risk factor. 12

- If this project goes forward, particulate emissions will increase, necessitating more frequent changing of VSL's HEPA filters. The applicant should cover the associated increased costs 13

Section 3.3, Biological Resources

- This section of the Draft EIR was prepared after conducting a review of relevant federal, state and local laws and policies, surveys by federal and state wildlife services and one survey on-site. As discussed below, this section contains significant errors, including inaccurate statements, unsupported assertions, inaccurate impact analyses, and lacks analyses of several important topics.

- Failure to identify common bird species. (page 3.3-6). The survey observed only three types of bird species, while even a casual observer throughout the year may observe several other species, including hummingbirds, mourning doves, ducks, egrets, herons and scrub jays. 14

- Failure to identify and protect special status birds. (page 3.3-8). The report inaccurately states that no special status birds "have the potential to occur within the project site." However, earlier in the year both duck and geese nested on the existing site and raised ducklings and goslings in water features there. These are protected migratory birds and the lack of identification of these birds on the site is a significant omission and it follows that failure to protect them is also a significant omission.

- Failure to protect nesting birds. The report notes that "active nests of most resident and migratory birds are protected, and it admits that "nesting birds have the potential of being present on the site." The report, however, omits the crucial information about how the project will identify and then protect the nests from being disturbed during the long nesting season of February 1 through August 31. (page 3.3-8)

14 cont.

- Failure to protect returning birds. Most nesting birds will return to the same nesting site year after year. Again, the report fails to discuss the significant impact the project will have on birds returning to the nesting sites in the years following removal of the trees where they have been nesting. Small replacement trees will not be a substitute for the large established trees that they have been nesting in, and removal of these trees will cause significant loss of habitat for these birds, and this loss needs to be acknowledged in the Draft EIR.

- Failure to identify and protect a wildlife movement corridor (page 3.3-9). The report admits that while "no formal corridor movement studies were carried out," it asserts without evidence that "the project site does not constitute a potential wildlife movement corridor." This unsupported assertion is incorrect. The size of the project site is lightly built upon, especially in comparison with the proposed project, and its location less than two miles from Heather Farm Park with its open fields and large lake and water feature, makes the project site a very likely wildlife movement corridor for the ducks and geese that nest in the project site. Since the project site is not identified as a wildlife movement corridor, the report makes no effort to describe how the corridor may be protected, a significant omission.

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- Failure to identify and protect birds of prey. (page 3.3-10) Even a casual observer may view birds of prey frequently flying over the project site. Disturbing or killing these birds of prey would be a violation of many state and federal laws, including the Migratory Bird Treaty Act. The Draft EIR completely ignores this significant issue.

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- Excessive Tree Removal and Violation of Walnut Creek General Plan. (page 3.3-14). As noted on page 3.3-15, a key element of the Walnut Creek General Plan is to "protect tree resources on public and private property." And page 3-3.16 lists all the factors the city must review before granting a permit to remove a tree. The proposed project site contains 457 trees plus 31 that are off site but closely adjacent. Of these 488 trees, only 27 trees would be preserved (page 3.3-23). Further detail shows that of these 488 trees,103 are California coastal redwoods; the city arborist has reported that 82 of these 103 redwoods are in good condition, and that 34 have high suitability for preservation. Applicant, however, is proposing to preserve only 7 of these redwoods.

17

- The Applicant has given no rationale to support the destruction of 461 trees. Applicant says it will seek a permit to destroy each of the 461 trees, and the Draft EIR seems to assume that the applicant will receive a permit to remove each of the trees. This is an unsupported assertion. In reviewing an application for a permit to destroy each tree, the city must review: 1. the species, size, age, condition and value of the tree; 2. whether the tree is part of an important grove of trees; 3. whether the tree has particular historic or

heritage value; 4. the visibility and value of the tree to the neighborhood and the public; 5. the contribution of the tree to the character of the site and the neighborhood; 6. whether the development provides a public benefit; 7. the extent of hardship to the applicant in constructing the development using a different design, size or on-site location; and 8. whether measures short of removing the tree can be employed consistent with the development. We believe that removing 461 trees fails a number of these considerations, especially nos. 1, 2, 4, 5, 7 and 8. Many of these trees, especially the coast redwoods, are large, in good condition, part of an important grove, are very visible and important to the character of the neighborhood, would not constitute a hardship to preserve, and there are other good measures to preserve them. We strongly suggest that the city denies permits to destroy the 461 trees.

- The arborist's report for the project notes that of the 103 coast 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. We strongly suggest that, at a minimum, the 34 coast redwoods identified by the arborist as having a high suitability for preservation should be preserved.

17 cont.

- Applicant seems to believe that securing a permit to destroy 461 trees, which we oppose for the reasons discussed above, and replacing them with just over 500 replacement trees, will mitigate the impact of this significant removal of trees. Again, we believe that this is an unsupported assertion. Replacing 50–60-year-old trees, including 99 redwoods that are over 150 feet tall, with replacement saplings in 15-gallon tubs, is not a suitable mitigation and this portion of SDG's plans should be denied.

- Removal of 461 trees would have significant impact on wildlife on factors listed in the report, including movement of wildlife within a migratory wildlife corridor, significant harm to nesting birds, and significant harm to returning nesting birds after the trees have been removed. As stated above, we do not believe that 500 replacement saplings will mitigate these significant harms, and we believe the Draft EIR must analyze each of these issues rather than accept the unsupported assertion that there will be no significant impact.

- The Draft EIR completely omits any discussion of the significant increase in greenhouse gases that will occur if the 461 mature trees are destroyed and replaced with much smaller "replacement" trees. It is accepted that big trees store far more carbon than smaller trees, and big trees also absorb more CO2 per year than small trees, simply because they add more biomass each year; a large redwood adds more wood each year than several small saplings combined. Destruction of large mature trees with smaller saplings will release huge amounts of greenhouse gases and result in a smaller absorption of CO2 for years to come. In a time of significant global warning, it is surprising that the Draft EIR fails to discuss this issue.

18

- Three of the four sides of the proposed project contain at least one green space, but the side facing Shadelands Drive contains no green space, just a solid row of townhouses with a small setback. To increase green space and to provide some "buffer" to a

19

significant retirement community, the applicant should consider eliminating the four buildings proposed directly across Shadelands Drive from VSL and this area should be planted with additional trees and shrubs. 19 cont.

Section 3.7, Greenhouse Gas Emissions

- Impacts associated with carbon sequestration were not calculated using CalEEMod, and instead the analysis assumed emissions due to carbon sequestration were balanced based on the number of trees to be removed and the number of trees to be planted. However, the analysis does not consider the reduction of carbon sequestration for the period when all vegetation will be removed from the site, nor from the replacement of large trees with very small ones. 20

Section 3.8, Hazards and Hazardous Materials

- Based on the age of the existing buildings, lead-based paint and asbestos may be present. As these buildings will be demolished and are in proximity to multiple sensitive receptors, surveys of the buildings for lead-based paint and asbestos should promptly be completed to determine if any project-specific mitigation measures will be required and discussed in the Draft EIR. 21

- The Project site is located across from VSL and next to Shadelands Post-Acute Nursing Home, which regularly requires emergency medical services and transportation. Impact HAZ-6 on page 3.8-26 of the Draft EIR should discuss the staging areas or any anticipated road closures during Project construction (including construction of the roundabout) and demonstrate that emergency vehicles will have continued access to these facilities during Project construction. 22

Section 3.9, Hydrology and Water Quality

- Impact HYD-2 (page 3.9-15) does not discuss removal of the on-site groundwater wells; the depth of groundwater at the site; or the depth of excavation for construction activities, including the excavation depth for utility construction and the new on-site stormwater detention vault and whether mitigation for dewatering will be required. 23

- After grading establishes the new drainage patterns for MTP, we have the following questions: 24
    - Will there be stormwater impacts on adjacent properties?
    - How will existing drainage patterns at the Shadelands Post Acute Facility, the Shadelands Sports Mall and the parcel to the East of MTP be affected after the site has been elevated and regraded to incorporate all the fill material being brought in?
    - Will the newly elevated MTP site cause ponding on adjacent properties and will there be overland flow from MTP to adjacent properties?
    - How will adjacent property owners be notified about potential impacts to their properties?

- The MTP will increase the on-site impervious ground surface to nearly 80%. Walnut Creek's Policies 32.3 and 32.4 on pg. 3.9-10 seek to maximize infiltration of rainwater into soil and reduce urban run-off. Increasing the impervious ground surface has the opposite effect. It increases run-off and decreases groundwater recharge. This should be included in the Draft EIR. 24 cont.

- Regarding the 14 DMAs (Drainage Management Areas), the Draft EIR does not discuss what treatment the stormwater will undergo. Since contaminants move through the soil column and the property was previously an agricultural site, will the water be tested and/or treated for pesticides/fertilizers/herbicides before release? What other contaminants will dictate the type of treatment the stormwater receives before release? 25

- It is assumed the stormwater management facilities would become the responsibility of an HOA once created, but who will be responsible for the cost of maintaining the system until the new HOA can be established? 26

- Regarding per- and polyfluoroalkyl substances (PFAS), is it appropriate to assume the yet to be adopted regulations of the CCWD will be met? 27

- Under the impact analysis, it states the CCWD doesn't use groundwater as part of its water supply during regular, non-drought conditions. Where does the CCWD pump groundwater from during periods of drought? Does it pump ground water for potable use from the Shadelands Area during drought conditions? 28

- As stated on page 3.9-22, "The proposed stormwater collection and treatment system would be designed in accordance with all applicable standards and would provide adequate stormwater run-off detention capacity to accommodate the project site during 10-year storm events…" Climate change is happening more rapidly than previously thought resulting in more frequent and intense storms. Five of the 10 biggest storms that hit CA going back to the 1860's have happened between 1997- 2017. The Draft EIR should evaluate the adequacy of the proposed system. 29

- Many municipal stormwater collection systems are old and outdated. The following questions regarding the stormwater collection system were not addressed in the Draft EIR: 30
    - When was the existing stormwater system on Mitchell Drive built?
    - Does it have enough excess capacity given the more intense and frequent storms forecast for our future?
    - Does it have enough excess capacity given that the Shadelands area is considered a low-lying urban area?
    - Does it have enough excess capacity given that the current proposed dense housing project will increase the impervious surface on the site to nearly 80%?
    - Does it have enough excess capacity to accommodate all the proposed and approved construction projects in the area including the Oakmont Senior Housing

development, if all the new projects depend on the Mitchell Drive. storm drain system as a backup to their on-site systems. 30 cont.

- It is stated that the new stormwater vault to be built can be expanded if necessary to reduce run-off rates. The Draft EIR does not address the cost and responsibility for this. What would be the approximate cost to do it in the future? Who would pay for it? How does the size of the existing stormwater vault located on the northwest corner of the site compare with the size of the stormwater vault to be built under bioretention area 3, particularly if it is considered a replacement for the one removed? 31

- The Draft EIR needs to clarify the following statements: 32
    - "As previously discussed, the proposed project would also compensate for the *previously* existing stormwater vault on the northwest corner of the project site by constructing a new vault under bioretention area 3…"
    - "However, as discussed above, the proposed project's addition of new bioretention areas and having sufficient detention capacity to construct a new stormwater retention vault on the northwest corner of the project site would create enough capacity to serve the proposed project."

- Was there a stormwater vault on the northwest corner of the property that was removed already? Will a new one be constructed on the northwest corner of the property in addition to the new one under bioretention area 3? If not, how will this be done and by whom? 33

- Prior to the on-site well closures, what contaminant analyses will be performed on the groundwater? Will that dictate the treatment in the 14 stormwater collection areas on-site? Will the treatment remove contaminants above standards before release back to ground water? 34

- Significant Adverse Effects are more likely to occur during future intense storms when all the "insignificant" effects are added together for the proposed MTP. Looking ahead, with all the new construction planned and some already approved for Mitchell and Shadelands Drives, the Draft EIR should discuss how this will be managed. 35

Section 3.10, Land Use and Planning

- MTP's siting in a central location amidst sensitive receptors create land use conflicts. To the north is Springfield Montessori School, to the northeast across Mitchell Drive is the proposed Oakmont Senior Living facility, 23 feet to the east is the Little Flowers Montessori School, to the south is VSL and Primrose School (infant to pre-K), to the west is the Shadelands Sports Mall, which primarily serves children and teens, and to the northwest is the Shadelands Post-Acute Center. Together, these land uses comprise a "campus" of facilities and residences that serve predominantly the young and older segments of Walnut Creek's population. This cluster of facilities serving groups needing special attention arose in part because of the concentration of a wide range of medical services stretching from the Shadelands District to John Muir Hospital that help all of Contra Costa County and beyond. 36

- The impacts of the multi-year construction of the MTP will negatively affect the health and safety of some of the most susceptible segments of the population. Particulate matter, including PM10 and PM2.5, diesel exhaust, extended durations of construction noise, the maintenance of ADA-compliant pedestrian ways through offsite construction areas and many other factors will adversely affect emergency response times to sick and aging residents, and endanger those living and working for an extended period very closely to construction activities. Detailed discussions of each item are provided in the sections addressing specific categories of impact. 37

- The applicant should consider the recommendation made by the Walnut Creek Design Review Commission at its June 18, 2025, meeting. The Commission suggested the developer should decrease the project's density and add green space to make the project a more desirable place to live. 38

Section 3.11, Noise and Vibration

- The construction noise analysis in the Draft EIR does not include discussion or modeling of the noise levels associated with demolition and construction activities for the Project and whether those noise levels would exceed thresholds and require mitigation. The applicant should assume modeling will require a suitable noise wall along Shadelands Drive, and perhaps other locations as well. Please provide details of where this will be located, what its dimensions will be, and for how long it will need to be in place. 39

- On page 3.1-16, the Noise Section of the Draft EIR notes that site preparation for the proposed project is estimated to last approximately 131 days. However, this is not consistent with the air quality modeling, which assumed site preparation would last 88 days. The construction schedule for the Project should be outlined in the Project Description and consistent for all resources.

- On page 3.11-16, the Noise Section of the Draft EIR identifies the Shadelands Post Acute Facility as the nearest off-site noise-sensitive receptor and within 90 feet from the acoustic center of construction activity, where multiple pieces of heavy construction equipment could potentially operate at the project site. On page 3.11-20, the noise analysis also notes that the nearest off-site structure is a commercial building located east of the project site, approximately 45 feet from the nearest construction footprint where small vibratory rollers would potentially operate. This description of the nearest sensitive receptors is inconsistent with the Air Quality Section, which notes on page 3.2-45 of the Draft EIR that the nearest sensitive receptor is the Little Flowers Montessori School Daycare located within 23 feet of the northeast boundaries of the Project site. As the Little Flowers Montessori School Daycare is located within 23 feet of the project site, the noise analysis should consider potential construction, and vibration impacts to this sensitive receptor since those impacts could severely detract from activities at the school only 23 feet away. 40

Section 3.13, Public Services

- This section of the Draft EIR considers the impact of the project on Fire Protection and Emergency Medical Services, Police Protection, Schools, and Libraries. The analysis regarding the impact on Libraries requires no comment, but analysis of the MTP impact on Schools, Fire Protection and Emergency Medical Services (EMS), as well as Police Protection, is significantly flawed. 41

- As the Project will provide housing opportunities for families, the Public Services section of the EIR should provide an estimate of school-aged children that will be generated by the Project and their need to be supported by the local school district. 42

Emergency Medical Services:

- In addition to VSL the Oakmont Senior Housing and Residential Care Facility for the Elderly is expected to have 475 residents. Just West of the MTP site is Shadelands Post Acute, a 59-bed licensed Skilled Nursing Facility. These facilities located on three sides of MTP all require greater than average demand for EMS services. The MTP plans as presently described will likely result in a significant likelihood the existing public safety response time standards cannot be met for many reasons. In addition, our comments here and in the Transportation Section discuss how various aspects of the proposed project (e.g., driveway locations, on-street parking, bike lanes, utility assumptions, and traffic management arrangements) each contribute to a likely deterioration in the safety and access to EMS services for the elderly population at VSL. 43

- The Draft EIR, in Section 3.13.1, quotes Contra Costa County's planning goal PFS-6: Efficient and effective law enforcement, fire, and emergency medical services for all communities. But the analysis provided doesn't focus on **all** communities. Rather, it focuses almost exclusively on the new MTP residents.

- The Draft EIR assesses the ability of fire apparatus to access the MTP if the internal roads are clear, but actual EMS clearances and access cannot be verified without showing the arrangement of the 111 proposed on-street parking spaces. The document states the CCCFPD has reviewed and accepted the adequacy of the project site for fire apparatus and vehicle access. It concludes that "the proposed project would not result in inadequate emergency access" but its conclusion applies only to MTP residents. It does not address the question of whether fire and EMS personnel are able to readily make their way down Shadelands Drive or Mitchell Drive, particularly during construction. The analysis ignores the significant localized adverse impact on emergency response to seniors' medical needs when there is congestion along these two streets.

- The elderly residents of VSL currently average almost six EMS visits per month. This figure is certain to rise soon, due to a new regulation from the California Department of Social Services (the licensing and standards agency for entities like VSL and Oakmont). This new requirement, PIN 25-06-ASC, significantly expands the circumstances under

which the RCFE **must** call 911 for EMS response. Most EMS responses consist of two vehicles, one for the Fire Fighter/Paramedics and one Ambulance. 43 cont.

- The Draft EIR states that CEQA now focuses on VMT and no longer considers vehicle delay as being an environmental impact. But this presumably refers to delay as a factor **in and of itself**, not delays directly leading to ambulances failing to reach sensitive RCFE populations in a timely manner. We also note that the Walnut Creek General Plan, in Policy 3.1, requires maintaining the Level of Service (LOS) standard for roadways within the City.

- Effect of Driveways: The traffic study prepared for the Draft EIR focuses on total traffic counts along various streets including Shadelands Drive, and at certain intersections. No attention at all was given to traffic flows into and out of VSL, nor to traffic flows into and out of the parking facilities of The Orchards at Walnut Creek shopping center, nor to traffic flows into and out of the Shadelands Sports Mall, a large indoor fitness facility that is a significant traffic generator, especially during the afternoon peak period. Importantly, the study did not include any evaluation of congestion and queuing delays along Shadelands Drive and other nearby streets stemming from driveways and their locations, particularly as they might affect EMS response along the street.

- Section 3.13.3 says, in part, that County codes "would require any necessary changes to project design if project features interfere with response times or any performance objectives." The Draft EIR concludes that a fire engine traveling from Fire Station No. 10 approximately 0.6 miles to the construction site would arrive in 1 minute and 40 seconds with ***average traffic patterns***, terrain, weather conditions, and slowing due to intersections and would be within the acceptable public safety response time standard of four minutes. The proposed driveways and other project features will result in **much worse** than *average traffic patterns*, especially on Shadelands Drive. 44

- The Applicant has proposed that one of the two MTP driveways on Shadelands Drive be located directly opposite the VSL driveway, thus creating maximum potential for traffic conflicts and delays of emergency vehicles coming to VSL. For example, traffic exiting VSL climbs an uphill driveway ramp from the garage and provides very little "stacking" room between the ramp, the pedestrian sidewalk, and Shadelands Drive in which to wait while traffic clears during times of congestion on Shadelands Drive.

- The Draft EIR analysis scope was to "evaluate the proposed entrances and exits along Shadelands Drive interfering with emergency access to the Viamonte Facility." The Draft EIR does not address this issue at all and ignores the significant adverse impact this choice of driveway locations (in essence, creating a dangerous 4-legged intersection with no signals), would have on EMS access.

- On-Roadway Parking: Section 2.2.2 of the Draft EIR states that applicant will provide "111 parking places located along the proposed internal roadways." The draft document does not provide information on the exact location of such parking, but this can be critical to EMS access, especially near the driveways. The proposed 20-foot street width (Exhibit

2-7) may not be adequate, with regards to fire truck clearances and ambulance access if parking along one or both sides of streets is allowed. 44 cont.

- Bicycle Lane Adverse Impacts: Since Shadelands Drive has only two lanes, one in each direction, a single car waiting to turn left into a driveway, such as those for VSL or the Shadelands Sports Mall, already causes significant back-ups, sometimes blocks long. In the Community Benefit Variant, bicycle lanes are proposed along Shadelands Drive, and will likely narrow the vehicular travel lanes, thus making congestion and back-ups all the worse, exactly as the recent changes at the intersection of Shadelands Drive and North Wiget have. The Draft EIR has not analyzed this effect, and the significant adverse impact it will have on all emergency vehicles attempting to respond to locations along Shadelands Drive. 45

- Utility Assumptions: According to the Draft EIR, water is currently supplied to the future MTP site from a 12-inch water main under Shadelands Drive. The draft does not call out that this same water main supplies water to VSL (for the automatic sprinkler system and FDCs, as well as for resident use), as well as to the Shadelands Sports Mall and other buildings along Shadelands Drive. The applicant proposes to meet water requirements for the new MTP residents, the MTP landscaping, and the fire sprinkler systems in the MTP buildings by tapping into this existing 12-inch main line. The Draft EIR utilizes a water consumption "average per capita" of 142 gallons per day, based on CCWD figures, and assumes a net reduction in daily water usage by comparing existing Business Park employees with projected MTP residents. This analysis is flawed because the 24-hour water use for a residence, say two adults and one child, can significantly exceed that of three adults coming to an office for 1/3 of the day. The Draft EIR doesn't provide any water flow and pressure studies, or assurances from CCWD, to validate this design, and confirm it would not compromise fire safety water supply parameters to other water users along Shadelands Drive. 46

Section 3.14, Recreation

- As MTP is only providing 2 acres of on-site open space, the Project could result in an increased use of Orchard Park, a small much-used play area directly across Shadelands Drive and next to VSL. VSL and the businesses located near the playground presently assume the park's upkeep. A condition could be considered for requesting assistance with the need for additional maintenance of the park due to the increased use, as well as an option for surrounding residents to also use the Project's on-site open space amenities. 47

- The Project does not provide access through the site or connections to the perimeter sidewalks/walking paths. A condition must be considered for the project design to provide such access. 48

- Concerns about pedestrian safety along the bi-modal pathway that surrounds the Orchards and VSL are not addressed in the Draft EIR. This path is used night and day by seniors walking dogs and walking for exercise. The path is also used by Jr High and High School students who ride electric bikes and scooters to and from school to the small park, 49

or to the stores in the Orchards. The riders do not adhere to posted signs to slow down, nor do they follow protocols such as making walkers aware of their presence. Already this makes it hazardous for seniors (especially those using mobility aids). We expect that once MTP is built, there will be many more electrified vehicles as well as traditional ones on the pathway, as the 3 and 4-bedroom units would be expected to have children of all ages. A condition would be for MTP to work with VSL and Orchards Management to create and implement a pedestrian safety protocol applicable to all users. 49 cont.

- It is unclear what the applicant proposes for bike facility upgrades in the base project, without the Community Benefit Variants. Page 2-23 only discusses on-site bicycle parking. Page 2-41 states that bike facilities "would be provided along the project frontages as part of the base project, consistent with the Shadelands Multi Modal Plan." However, the nature of those facilities is not described, nor is a drawing showing a section across the Shadelands frontage of the project. There is no commitment to construct a Class IV facility across the project frontage on Shadelands. If MTP will not provide a bike lane separated from vehicular traffic along its Shadelands Drive frontage, an unsafe condition will be created while cyclists on the bike lane extensions must merge into either general traffic lanes at a particularly narrow section of Shadelands Drive, or onto the sidewalk. There could also be interference with the operation of the VSL driveway if the Class IV bike facility narrows vehicular lane widths. This could result in serious accidents.

- Consequently, while the project would enhance the surrounding pedestrian network through off-site improvements, it would create new significant adverse impacts detracting from the public health and safety of pedestrians, especially seniors and children. The impacts of bike facility improvements across the Shadelands frontage of the MTP cannot be assessed because they are not described. Consequently, related conditions of approval are suggested in the closing section of this discussion. 50

- Additionally, the maintenance of pedestrian and bicycle movements within the public's transportation ROW during construction will be problematic. Many of the seniors at VSL require mobility aids such as wheelchairs and walkers. The impact of off-site work on pedestrian routes taken by seniors with mobility impairment must be disclosed and fully mitigated.

- The significant adverse impacts of construction-related traffic cannot be dismissed by asserting in the face of evidence to the contrary that standard traffic controls would address unsafe conditions. There will be significant adverse impacts over a protracted period to health and safety due to interference with EMS response and ADA compliant pedestrian walkways. 51

- The proposed project contains no community recreation areas and fails to meet the standard for parkland dedication. The report gives the standard that residential subdivisions in Walnut Creek must dedicate 5 acres of land or parks for each 1,000 persons living in a subdivision (page 3.14-7). The project is projected to have 874 residents, so the project would need 4.37 acres of parkland to meet the parkland standard 52

within the city's general plan. The applicant, however, is proposing only 2 acres of open space, and those are dedicated for private residential use, so those acres do not contribute to the city's parkland standard (page 3.14-9). Because the project fails to meet the city's parkland standard, the applicant must pay a fee in lieu of dedicating parkland (page 3.14-9), but the Draft EIR does not calculate the amount of the required payment or state when such payment would be due or how it would be used to provide mitigation. 52 cont.

- Open green space should be created on Shadelands Drive. As noted in the biological resources review, Shadelands Drive, the southern boundary of the MTP, contains no green space. Along Shadelands Drive a solid line of three-story townhomes set close to the sidewalk and street is proposed. We strongly suggest that the four buildings proposed along Shadelands Drive that are directly opposite the Viamonte retirement community should be eliminated from the project and that that land should be dedicated to open green space. 53

- MTP will partially address existing gaps in sidewalks by providing new 10-foot-wide sidewalks along the project frontages on Mitchell Drive and Shadelands Drive. However, the existing bike facility on Shadelands Drive between N. Viamonte and Oak Grove Road is only on the south side of Shadelands and is only a Class 1 facility (multi-use path). It experiences substantial interference between pedestrians, electrified scooters, pedestrians with walkers and canes, electrified bikes, standard bikes, people in wheelchairs, skateboarders and people walking dogs. Because the multiuse path crosses in front of VSL, a substantial portion of the pedestrians are seniors, many of whom require mobility aids. 54

- The rapid adoption of electric bikes and scooters poses additional dangers to pedestrians. These high-velocity machines exceed the posted 5 MPH speed limit on the Orchards property. The problem is particularly serious at night for seniors with impaired mobility, vision, and hearing. The number of these electrified devices will increase with occupancy of the MTP since many residents will have school-age children. 55

- While the project would enhance the surrounding pedestrian network through off-site improvements, it would create new significant impacts detracting from the public health and safety of pedestrians, especially seniors. The impacts of bike facility improvements across the Shadelands frontage of the MTP cannot be assessed because they are not described. Consequently, conditions of approval are suggested in the closing section of this document. 56

Section 3.15, Transportation and Traffic

- Several of the MTP's significant adverse impacts would impair public health and safety in the immediate vicinity of the project. The discussion in this section will show how police, fire and EMS responses will be significantly adversely affected during construction and operation should the project be approved in its current form. We will also show how the proposed project risks the health and safety of pedestrians that require mobility assistance during construction. Since we do not oppose construction of needed 57

housing, this document ends with a list of proposed conditions of approval to mitigate the project's significant adverse effects on transportation services as much as possible.

- Additionally, the maintenance of pedestrian and bicycle movements within the public's transportation ROW during construction will be problematic. Many of the seniors at VSL require mobility aids such as wheelchairs and walkers. The impact of off-site work on pedestrian routes taken by seniors with mobility impairment must be disclosed and fully mitigated.

- The significant adverse impacts of construction-related traffic cannot be dismissed by asserting in the face of evidence to the contrary that standard traffic controls would address unsafe conditions. There will be significant adverse impacts over a protracted period to health and safety due to interference with EMS response and ADA compliant pedestrian walkways.

57 cont.

- We believe the project will limit the capacity of Walnut Creek to accommodate future growth in the area. The Draft EIR contains only a vague, generic, and minimal discussion to address the requirement to assess cumulative impacts. The applicant proposes three-story vertical walls, with only minimal anti-massing features, set back only 10 feet from the Shadelands Drive curb. No other structure along the north side of Shadelands Drive comes anywhere near this close to the curb. Consequently, MTP uniquely precludes the important public purpose of preserving the Shadelands Drive transportation corridor. Especially as development in the vicinity of the Shadelands Drive/Oak Grove Road intersection intensifies, placing buildings so close to Shadelands Drive at its eastern end will lock in the narrowest section of Shadelands Drive right next to a rapidly developing intersection. MTP would therefore have a unique, long-term, significant, adverse impact on the ability of the eastern end of Shadelands Drive to accommodate future growth in travel demand through multimodal means. This will endanger health and safety by constraining EMS response times, especially at the eastern end of Shadelands where VSL is located.

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- Further, the proposed Community Benefit Variants may not be advisable considering public health and safety concerns. Consequently, any offsetting benefit that these variants could provide may in fact be overshadowed by significant adverse effects. A discussion of the health and safety concerns of the Community Benefit Variants is also provided.

59

- Present Levels of Congestion Already Impair Emergency Response to VSL: At present, we observe that congestion during certain peak periods already creates safety issues, such as delays in EMS response times. The standard traffic controls employed during the current Chick-Fil-A construction has exacerbated the problem. There are several reasons for the existing delays in EMS response times.
    - VSL experiences EMS delays from a combination of intersections with insufficient turning movement capacity (e.g., turning pockets non-existent or so short that queues extend into through lanes), insufficient signal phasing and coordination for movements (e.g., inbound traffic queues originating on Shadelands Drive because of blocked left turns, extending through the westbound

60

turn from Oak Grove Road onto Shadelands Drive with queues blocking northbound through traffic on Oak Grove Road, thereby creating long queues in the right turn pocket on YVR),

- Sufficiently frequent traffic disruptions on YVR cause spillover congestion on local roads,
- A concentration of existing major traffic generators in the immediate vicinity of the MTP, such as:
  - The Orchards Shopping Center, which has more than 35 businesses, including a new tenant, Sky Zone, that will attract new families and the traffic they bring with them.
  - Primrose School
  - Encina Grande contains only surface parking that already is inadequate during peak periods
  - Citrus Marketplace, which, with the opening of Club Studio, has inadequate surface parking during certain times of the day.
  - In addition, parking and traffic will become much more congested when the Chick-fil-A, now under construction, opens
  - Shadelands Sports Mall which has such inadequate parking during peak periods that arrangements for overflow parking are required
  - Police Station/Bass Medical Complex (across from Shadelands Sports Mall); and
  - Viamonte Senior Living

60 cont.

- Future projects, such as MTP and Oakmont Senior Housing and Residential Care, will only exacerbate congestion.

- There is already a high Density of driveways serving major traffic generators between N. Via Monte St. and Oak Grove Rd.: The Traffic Study for the MTP is flawed in that it doesn't address driveways at all. There are presently eight driveways on Shadelands Drive between N. Via Monte St. and Oak Grove Road. Gridlock occurs when vehicles making left turns across oncoming traffic encounter a solid queue of vehicles in the opposing traffic lane. This gridlock impairs emergency access now. With the addition of the traffic generated by MTP, gridlock on Shadelands will increase, further impairing emergency access.

61

- Parking at several of the major traffic generators is already so inadequate that queues of vehicles waiting for scarce parking can extend into through lanes. For example, while the Chick-fil-A construction does not include a drive-through window, parking capacity at Citrus Marketplace is already stretched during peak times. Therefore, once Chick fil-A opens, vehicles will queue on Oak Grove Road and Citrus Avenue while vehicles already in the shopping center look for parking. Vehicle queuing on Oak Grove Road and Citrus Avenue will significantly decrease the capacity of these roads during peak times. Increased congestion at the Oak Grove Road/Citrus Avenue intersection will result in slower EMS response times resulting in potentially life-threatening situations at VSL.

- Placement of a MTP driveway opposite the VSL driveway creates a "de facto 4-leg intersection" with dangerously high conflicting traffic flows. Traffic on Shadelands Drive will be competing with traffic entering and leaving both VSL and the MTP, while at the same time traffic using the MTP and VSL driveways will compete with each other. Gridlock is expected when vehicles attempt to turn left when leaving and entering the driveways but are blocked by congested traffic in the opposing lane. The resulting impairment of timely emergency response will be a significant adverse impact affecting the health and safety of VSL residents. One mitigation would be to relocate the east driveway from MTP onto Shadelands to opposite the Orchards/Primrose School Driveway on Shadelands. That would allow the resulting four-way intersection to be signalized. This and other mitigation to lessen MTP's impact on VSL's only driveway is described more fully in the Proposed Conditions of Approval section. 62

- Internal Circulation Risks Health and Safety: EMS access to and emergency evacuation from the entire project needs to be feasible. If either Mitchell or Shadeland is congested, emergency vehicles will not be able to access the opposite side of the development. Further, should evacuation be necessary, congestion on one of these roads will completely prevent residents on the opposite side of the project from leaving. MTP's internal circulation pattern should therefore connect Shadelands Drive and Mitchell. This internal roadway connection between Mitchell and Shadelands would also help mitigate MTP's impairments to EMS access to VSL. 63

Section 3.17, Utilities and Service Systems

- On page 3.17-13 and page 3.17-14, the Utilities Section of the Draft EIR notes that the Project would be served by the existing 12-inch water line in Mitchell Drive and Shadelands Drive, as well as the existing sewer line in Mitchell Drive. However, the analysis does not consider whether the existing lines can accommodate fire flows with conversion of commercial to residential uses nor does it address whether there could be disruption to other nearby fire protection systems. 64

Chapter 6, Alternatives to the Proposed Project

- Mitchell Townhomes Project, as proposed, does not meet several of the stated objectives pursuant to CEQA and it is only because of the Builder's Remedy law that it is being considered at all. Residents of VSL strongly support the Reduced Density Alternative. 65

- Under the Reduced Density Alternative (Alternative 2), the existing 11 office buildings, parking lots, and associated landscaping would be demolished. In their place, a reduced number of dwelling units would be constructed on the same 22.2-acre site. These new units would feature similar design elements, landscaping, and lighting as the proposed project. 66

- The reduced Density Alternative would consist of a maximum of 338 multi-family units as compared to the 422 dwelling units as proposed in the original project. This would be below the 20% decrease needed in order not to have to redo its application. We believe this is a fair compromise. The developer can meet its goals in keeping with a Builder's Remedy project and at the same time offer reduced overall impacts in the community.

66 cont.

- We do note, however, that no site plan has been provided for this alternative, making it difficult to review the impacts it would have on the site itself as well as the surrounding community.

- Two Community Benefit Variants are suggested. They are not part of the proposed project, and there is no commitment currently to construct them. We are opposed to both Proposed Community Benefit Variants because they will adversely affect the health and safety of VSL residents.

- The first variant includes a proposed 80-foot diameter roundabout at the intersection of N. Viamonte Street and Shadelands Drive. This variant is conditioned on fitting within the existing roadway Right of Way.

    - While a site distance analysis of the roundabout was performed, the layout of the roundabout shown in the Draft EIR is conceptual and was not evaluated for the types of vehicles which would need to use it. In addition to cars, fire ladder trucks, ambulances, 18-wheelers, articulated buses, and large cargo delivery trucks will need to navigate this intersection. Our concerns are:
    - Should the proposed 80-feet roundabout be constructed at North Viamonte Street and Shadelands Drive, the ability of EMS vehicles to reach VSL from the west would be severely impacted. Fire trucks can be up to 52 feet long and 10 feet wide. In addition, articulated buses pass through the intersection of North Viamonte Street and Shadelands Drive and can be 59 feet long. Such a bus navigating an 80-foot diameter roundabout could clog the roundabout, affect EMS response times, and create unsafe conditions for passengers. The small-diameter roundabout could also be clogged by 18-wheelers, again affecting emergency response times.
    - The Draft EIR reference to striped pedestrian crosswalks set away from the roundabout is inadequate considering the senior population in the immediate area, and the added traffic congestion caused by traffic through the roundabout being delayed by slow-moving pedestrians using these walkways. Pedestrian walkways crossing the exits of the roundabout will impede vehicles from exiting the roundabout resulting in backing up traffic. An additional danger is commuters in a rush to get to or from work who use Shadelands as a shortcut when Ygnacio Valley is backed up.
    - How will the roundabout tie into the network of bicycle facilities being developed in Shadelands?
    - How will the roundabout be cleared when congested to allow for a police or EMS response to VSL?

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- It is unclear what category of bike facility will be constructed across the Shadelands frontage of the property. Community Variant 2, bike lane extensions, will draw bicycle traffic to the north side of Shadelands Drive between North Via Monte Street and Oak Grove Road. At the Shadelands frontage of MTP, that bicycle traffic will need to merge either into the vehicular lane or into the 10-feet sidewalk. This merging will occur at the narrowest part of Shadelands Drive. The merging of bicycles will create a safety issue that can only be mitigated by provision of a protected, continuous bike lane along the north side of Shadelands Drive.

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APPENDIX A

Proposed Conditions of Planning Commission Approval

October 2, 2025

Introduction

The purpose of this appendix is to summarize mitigation measures that we believe will help keep MTP's adverse impacts to acceptable levels, particularly during demolition and construction. We propose these mitigations become conditions of approving the project.

Chapter 2. Project Description--Demolition and Construction

- In consideration of the many sensitive populations that surround MTP's site, the applicant shall proactively obtain the contact information of the managers of affected facilities. This includes but is not limited to: Shadelands Post Acute, Shadelands Montessori School, Little Flowers Montessori School, the Shadelands Sports Mall, Primrose School, The Orchards, and VSL. The applicant shall provide the manager of each facility with information on how to reach the project's construction manager should they experience particulate emissions, diesel exhaust, noise emissions, traffic blockages, or other construction activities.

- Additionally, because of drop-off and pick-up traffic at the three schools and the Shadelands Sports Mall, and traffic at VSL and Shadelands Post-Acute, the MTP's construction manager shall provide written information to these facilities with details of the project's traffic plan prior to making any changes to the existing traffic pattern. The traffic plan should indicate staging areas, haul truck routes, lane and road closures, sidewalk blockages and any other construction activity affecting vehicle, bicycle and pedestrian movements. This will provide the affected facilities time to inform their communities of the proper way to access their facilities during traffic disruptions.

- The Traffic Plan shall explicitly describe how emergency vehicles will access the facilities containing sensitive populations throughout project construction. The emergency access route shall provide timely, expedited EMS service despite congestion caused by construction activities, such as large haul-trucks making 80 trips per day (one every six minutes!) over a 3-month period during the building demolition phase.

- In consideration of the lower traffic volume on Mitchell Drive, the applicant shall assess an alternative phasing plan wherein the northern half of the property is developed first. All construction access to MTP site would be limited to Mitchell Drive, except for the minimum amount of work needed to tie into Shadelands when Phase 2 is built. Construction of the southern section shall be achieved through a road providing circulation between the northern and southern portions of the site.

68 cont.

- Temporary pedestrian routes that are fully ADA compliant under all weather conditions shall be provided in all off-site areas affected by construction so that seniors with mobility aids can safely cross the area.

- On-street parking lost during construction shall be temporarily replaced in the immediate vicinity of the spaces lost.

- There shall not be any night-time construction and instead all work shall be done during normal business hours.

- Attractive visual buffers such as sound walls of sufficient dimension to control off-site construction noise and air emissions shall be built and maintained during demolition and construction.

- Since it is not known when the construction of Phase 2 will commence, the applicant shall steward the Phase 2 portion of the site until development of the entire MTP site is complete. This includes but is not limited to soil stabilization, off-site runoff, rubbish removal, maintenance of the construction/noise wall (including visual appearance), dust control, and prevention of light emissions extending beyond the construction wall. Prior to construction, the applicant shall provide a performance bond to be used to maintain the undeveloped area should Phase 2 be delayed or cancelled.

- Phase 2 construction shall not significantly adversely affect transportation services provided to residents of Phase 1.

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Section 3.1--Aesthetics, Light and Glare

- Because MTP will construct a three-story wall of windows directly across from VSL, applicant shall install privacy fins on windows facing Viamonte.

- The less dense project alternative shall proceed so that the finished edge of the Shadelands side of the project blends in better with the surrounding land uses.

- The finished edge of Phase 1 shall blend in with surrounding land uses should Phase 2 not move forward.

Section 3.2--Air Quality

- The applicant shall install and maintain temporary, aesthetic barriers (sound/air quality fencing or enclosures) of sufficient dimensions to reduce diesel exhaust, fugitive dust and construction noise intrusion into adjacent senior housing, medical, and education facilities below health threatening levels.

- Particulate emissions from MTP construction will necessitate more frequent changing of VSL's HEPA filters. The applicant shall cover the associated increased costs.

- The applicant shall install air quality monitors at the project boundary nearest VSL, calibrated to applicable federal and State standards, and positioned at breathing height (4-6 feet).

- The applicant shall measure PM2.5, PM10, and diesel particulate matter daily during construction.

- The applicant shall make monitoring data publicly available in real time (online and in weekly summaries provided to VSL).

- The applicant shall require the use of 100% Tier 4 diesel, or electric equipment, for all heavy-duty construction vehicles.

- The applicant shall limit truck idling to no more than one minute on site.

- The applicant shall apply active dust suppression measures daily, not just when visible dust is detected (PM2.5 is invisible).

- The applicant shall schedule grading, excavation, and hauling during hours that minimize impact on vulnerable populations (e.g., avoid early mornings when residents are outdoors).

- The applicant shall implement notification and emergency response protocols if pollutant levels exceed thresholds. These include 24-hour advance notice of high-impact construction activities, timely alerts to facility managers and community contacts, and immediate work cessation if health-protective thresholds are exceeded.

- The applicant shall appoint a qualified third-party monitor to oversee compliance with air quality mitigation. This person must have authority to stop construction if air quality exceeds allowable limits.

- The applicant shall establish clear enforcement mechanisms, including work stoppages or penalties, if monitoring shows exceedances.

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Section 3.3--Biological Resources

- Applicant shall increase the number of existing trees being preserved.

- Applicant shall install shrubs and mature replacement trees in 30–50-gallon containers along the borders of the property, particularly Shadelands Drive, and in adequate numbers to accommodate nesting and returning birds.
- Applicant shall develop a plan to protect nesting birds from February 1 through August 31.
- Applicant shall develop a plan to protect returning birds.
- Applicant shall maintain the function of the "wildlife movement corridor" that the current site presently provides.
- Applicant shall implement measures to protect birds of prey.

Section 3.7--Greenhouse Gas Emissions

- Applicant shall offset the CO2 emissions resulting from destroying the trees that currently sequester CO2.

Section 3.8--Hazards and Hazardous Materials

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- A complete characterization of the site for hazardous materials shall occur prior to groundbreaking. This shall occur so the full extent of required hazardous materials remediation is known prior to the start of construction.

Section 3.9--Hydrology and Water Quality

- The applicant shall not affect drainage patterns and runoff volume on adjacent parcels.
- The applicant shall monitor discharges to stormwater collection systems to ensure pre-treatment standards are met.
- The applicant shall maintain MTP's stormwater system until the HOA assumes responsibility.
- The applicant shall increase on-site stormwater detention capacity to a higher standard than the 10-years storm event.

Section 3.10--Land Use and Planning

- Applicant shall build a multi-modal (bike and pedestrian) path from Shadelands Drive to Mitchell Drive to facilitate access to and from adjoining recreational assets.
-
- The applicant shall implement the recommendation of the Walnut Creek Design Review Commission to decrease the project's density and add green space to make the project a more desirable place to live.

Section 3.11--Noise and Vibration

- Applicant shall build and maintain attractive, temporary noise walls to sufficiently mitigate offsite noise emissions throughout demolition and construction. Applicant shall provide details of where this will be located, what its dimensions will be, and for how long it will need to be in place.

- Applicant shall implement additional noise controls if necessary to allow Little Flowers Montessori School to operate throughout construction (e.g., window upgrades).

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Section 3.13--Public Services

- To mitigate the significant adverse impact on EMS emergency response to the elderly at VSL, the east driveway from MTP onto Shadelands shall be relocated to opposite the Primrose School/Orchards driveway on Shadelands. The resulting four-way intersection shall be signalized. If the east driveway is not so relocated, the east MTP driveway shall be restricted to "right in/right out (RIRO)."

- To provide an alternate emergency access route, a limited-use vehicle connection shall be provided between the north and south neighborhoods of MTP.

Section 3.14—Recreation

- Due to the expected increased use of Orchard Park by MTP residents, the applicant shall fund the additional maintenance of the park that will be necessary resulting from additional usage. This includes repair of vandalism, increased trash pickup, and equipment maintenance.

- In return for the residents of MTP's ability to use Orchard Park (on private property), the open space provided in the MTP shall be open to the public.

- Applicants shall revise the traffic study to analyze the effects on traffic flow and congestion caused by the proposed bicycle lanes along Shadelands Drive. The study shall address the health and safety issues resulting from mixing bicycle traffic with pedestrians or vehicles along the Shadelands frontage of the project.

- Because of the influx of bicycles (some motorized) and other personal transportation belonging to the residents of MTP, the applicant shall work with VSL to create, implement and publicize a pedestrian safety protocol applicable to all users. The protocol shall address conflicts between seniors with mobility aids and bicycles.

- Since the project does not provide access through the site or connections to the perimeter sidewalks/walking paths, MTP shall provide a multi-use path linking Shadelands and Mitchell Drives.

Section 3.15--Transportation and Traffic

- The sections of Shadelands Drive providing access to VSL's loading dock and underground garage shall be striped "MUST KEEP CLEAR". 68 cont.

- A traffic control device shall be installed to prioritize vehicles exiting the underground VSL garage should the vehicle queue extend into the enclosed garage, causing unacceptable air pollution.

- MTP's internal circulation pattern shall be changed to provide a roadway connection between Shadelands and Mitchell because should there be congestion on one of those roads, the only timely access would be via the other road.

- The recently installed and heavily used signal at the pedestrian crossing on Shadelands just east of the Viamonte exit driveway, shall either remain, or be repurposed to benefit pedestrians including the residents of VSL.

- The MTP shall provide a protected bicycle lane on the north side of Shadelands Drive between North Viamonte Street and Oak Grove Road.

- The Shadelands Drive Transportation Corridor shall be preserved in consideration of current and increasing traffic volumes between Oak Grove Road and destinations to the west. MTP's setback from Shadelands Drive shall increase to comply with current requirements to preserve the efficiency of the

eastern end of this important collector road. Specifically, the setback shall be modified if necessary so a future left turn pocket could be constructed on Shadelands Drive for westbound traffic turning left to enter the Primrose School/Orchards driveway. Currently traffic turning left from Shadelands Drive into this driveway blocks through traffic.

Section 3.17--Utilities and Service Systems

- Applicant shall provide an analysis to confirm that the existing 12-inch water main under Shadelands Drive can provide adequate flow and pressure to ensure safe operation of the existing fire sprinkler system and Fire Department Connections at VSL once MTP's water demand is established. This includes consideration of flow and pressure should MTP's sprinkler system be activated.

68 cont.

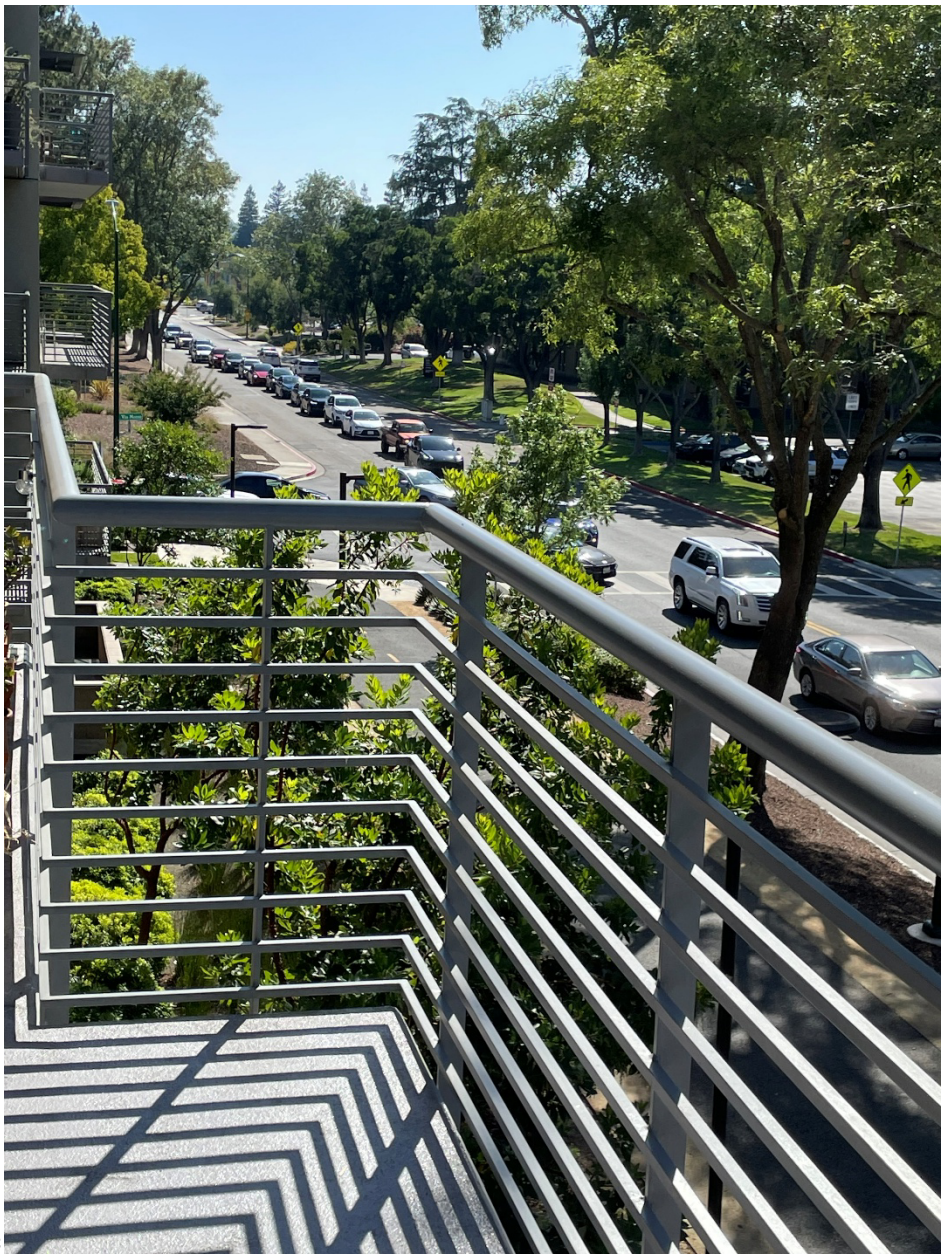
Chapter 6--Alternatives to the Proposed Project

- The less dense version of the project described in the Draft EIR shall be built in one phase. The redesign shall include a protected bicycle lane on the northern side of Shadelands, a green buffer on Shadelands, and provision for a potential future left turn pocket for westbound traffic on Shadelands Drive to enter the Primrose School/Orchards driveway.

- The possible roundabout at North Viamonte and Shadelands shall be replaced with a stop light to maintain the health and safety of pedestrians using that intersection.

PICTURES

PICTURE 1: Congestion on East-Bound Shadelands Drive



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PICTURE 2: Congestion on Northbound Oak Grove Road Created by Standard Traffic Control Measures Deployed During Chic-fil-A Construction



PICTURE 3: Small EMS Vehicle Occupying Traffic Lane on Shadelands Drive



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Viamonte Senior Living (VRC)

Response to VRC-1
The commenter's statements regarding the Viamonte's Senior Living Facility are noted and included in the record for consideration by decision-makers. This comment does not raise any specific significant environmental issues and therefore no response is required under CEQA. This comment's general introductory statements do not raise any specific issues with respect to the proposed project or the Draft EIR. Specific issues summarized in the introduction are addressed in detail in the responses below.

Response to VRC-2
Draft EIR Chapter 2, Project Description, Section 2.2.5, Phasing and Construction at page 2-7 states that the total construction period for the proposed project would include two phases occurring over a singular period of 4.75 years. Additionally, Draft EIR Section 3.2, Air Quality, page 3.2-22 provides a construction schedule table. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-3
As stated in Draft EIR Chapter 2, Project Description, Section 2.2.5, Phasing and Construction, page 2-7, the construction of the entire proposed project would occur over a period of 4.75 years. Please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project, explain the transportation metrics utilized under CEQA to evaluate project impacts, and informationally discuss the proposed project's effect on public services related to traffic. Additionally, Draft EIR Section 3.15, Transportation and Traffic, page 3.17-5 states that construction-related traffic would be temporary, managed through standard traffic control measures, and would not involve alterations to roadway geometry or long-term changes to traffic patterns.

Further, pages 15 and 16 of the Traffic Operations Analysis for the Mitchell Townhomes Project, included as Attachment A to this FEIR, state that data from the traffic operations analysis for the Chick-fil-A restaurant at 2290 Oak Grove Road was factored in as part of the baseline conditions for traffic operations modeling conducted for the proposed project.

Moreover, the commenter asserts that the proposed project would have the same impacts as the nearby Chick-fil-A project. The Chick-fil-A project underwent a separate, thorough review process, including detailed traffic analysis and coordination with the applicable reviewing parties. The recommended improvements were evaluated and addressed through the Chick-fil-A project-specific review process and implemented where appropriate. The Chick-fil-A project is separate and independent from the proposed project development and is referenced here to reflect cumulative conditions for purposes of presenting a complete traffic analysis. Inclusion of the Chick-fil-A project is for informational context only and does not expand the scope of review or approvals associated with the separate development. The comment did not provide new, substantial evidence with

respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-4
As described in the Draft EIR, the proposed project would involve demolition of a total of 11 existing office buildings, associated parking areas, and landscaping. Exhibit 2-13 in Draft EIR Chapter 2, Project Description, page 2-39, shows that the first phase of proposed project development would be anticipated to demolish approximately six buildings, while the second phase would involve the demolition of five buildings. For the purposes of estimating air pollutant emissions, all demolition, site preparation, and grading were assumed to occur in a single phase over approximately 3–9 months (April–November 2026).

Construction of the 422 residences was assumed to occur in two continuous phases from August 2026 through October 2030 (approximately 51 months). The first phase is anticipated to include development of approximately half of the dwelling units, while the second phase would develop the remaining half of the proposed dwelling units, as shown on Exhibit 2-13 in Draft EIR Chapter 2, Project Description, page 2-39. See Response to HBLLP-6 for a detailed explanation of how the HRA conservatively accounts for the construction-period impacts to both existing and future sentive receptors.

The area of disturbance evaluated in the Draft EIR includes all on-site and off-site improvements, including the proposed roundabout, as shown in Draft EIR Chapter 2, Project Description, Exhibit 2-2.

Appendix B of the Draft EIR documents the air quality modeling assumptions, including 45,164 tons of demolition debris, 15 one-way worker trips per day, and 176 one-way haul trips per day during demolition. Pages 79–81 of Appendix B provide tables summarizing estimated haul trips for each construction phase.

As stated in Draft EIR Section 3.10, Land Use and Planning, on page 3.10-24, the proposed project may include limited instances of nighttime, early morning, or weekend construction. While CalEEMod defaults assume an 8-hour workday, 5 days per week, the air quality and health risk analyses applied a conservative, worst-case exposure scenario that assumes the potential for nighttime construction. Appendix B documents the modeling assumption of 1,735 construction days, Monday through Friday, totaling 41,640 hours (reflecting a 24-hour exposure window). The AERMOD–Construction figure included as Attachment B to this Final EIR identifies the locations of construction-related emission sources, anticipated staging areas, construction traffic routes, and the sensitive receptors evaluated in the HRA.

Moreover, refer to Draft EIR Section 3.11, Noise and Vibration, pages 3.11-15 through 3.11-17 and 3.11-20 for a discussion of construction noise impacts associated with the proposed project. As stated in Draft EIR Section 3.11, Noise and Vibration, the proposed project would incorporate a construction noise logistics plan as part MM NOI-1 to reduce potential construction noise, which limits hours of operation and types of equipment used during construction. Implementation of MM NOI-1 would result in a less than significant impact related to construction noise. Please also see the Response to Comments HBLLP-7 and HBLLP-10 addressing noise, vibration, and sensitive receptors

for further information. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-5
Privacy is best understood as a social issue and is not identified by the City as a potential physical impact on the environment. CEQA Guidelines Sections 15064(e) and 15382 state that economic and social changes may not be treated as significant effects on the environment. Additionally, Public Resources Code Section 21080(e) provides that evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment is not substantial evidence of a significant effect on the environment. See also Public Resources Code Section 21082.2(c). As determined in Draft EIR Section 3.1, Aesthetics, Light, and Glare, physical impacts on the environment would be less than significant. Accordingly, there is no anticipated environmental impact that could be associated with privacy related to the proposed project. Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document ,which provides additional information on the scope of CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-6
The commenter's statements regarding the proposed project's finished edge are noted and included in the record for consideration by decision-makers. This comment does not raise any specific significant environmental issues and therefore no response is required under CEQA Guidelines.

As determined in Draft EIR Section 3.1, Aesthetics, Light, and Glare, impacts would be less than significant. Further, Draft EIR Chapter 2, Project Description, Exhibit 2-9, Tree Planting Plan, depicts that vegetation would be planted to act as a buffer between the project site and existing uses. As stated in Section 3.1.7 of the Draft EIR, the proposed project would be consistent with the applicable zoning requirements and land use policies, including the City's Tree Preservation Ordinance, and Municipal Code standards pertaining to setbacks. Further, as noted on page 3.1-25 of the Draft EIR, the proposed project would be required to undergo design review by the applicable design review authority for compliance with applicable objective design standards previously adopted by the City, which would ensure design consistency among adjacent properties. As such, there are no conflicts that warrant any additional project elements related to the edge of the project site. The comment does not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-7
The commenter's statements regarding reducing the number of units are noted and included in the record for consideration by decision-makers. This comment does not raise any specific significant environmental issues and therefore no response is required under CEQA Guidelines. See also Master Response 1, Non-CEQA Issues Not Addressed in Final EIR.

To the extent the comment addresses aesthetic impacts, as determined in Draft EIR Section 3.1, Aesthetics, Light, and Glare, impacts would be less than significant. Further, as noted on Draft EIR

Chapter 6, Alternatives to the Proposed Project, pages 6-21 and 6-22 while Alternative 2 may slightly reduce aesthetic impacts compared to the proposed project's already less than significant impacts, this alternative would not fully meet all of the Project Objectives. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-8

Anticipated construction hours are stated in Draft EIR Section 3.10, Land Use and Planning, page 3.10-14. Additionally, the construction schedule for the proposed project is discussed in Draft EIR, Chapter 2, Project Description, Section 2.2.5, Phasing and Construction. Please also refer to Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response provides additional information on the scope of CEQA, including any non-CEQA issues, and responds to comments that express general comments on the proposed project or the environmental analysis, such as economic impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-9

The commenter's statements pertaining to residents of Viamonte Senior Living and Shadelands Post Acute and other background information are noted for the record. As discussed in Draft EIR Section 3.2, Air Quality, an HRA was prepared for the proposed project, which identified and considered the existing Viamonte Senior Living Facility in its analysis. The Draft EIR found that with the implementation of MM AIR-1 and MM AIR-2, construction-related cancer risk would be mitigated to levels below identified significance thresholds and impacts would be less than significant after incorporation of mitigation. Additionally, a cumulative HRA was conducted in accordance with Bay Area Air District recommendations. The cumulative health risk values were derived by adding the health risk values from refined modeling of the proposed project's construction to the screening-level health risk values from each individual stationary and mobile source within a 1,000-foot radius of the project site. The cumulative HRA disclosed that the main sources of health risks in the project vicinity come from existing sources (i.e., nearby roadways) rather than the proposed project's construction. The analysis results presented in the cumulative HRA are contained in Appendix B of the Draft EIR. Health risks to nearby sensitive receptors would not exceed the Bay Area Air District cumulative health risk significance thresholds and impacts would be less than significant. This comment does not identify any specific flaw in the Draft EIR's analysis of air quality impacts.

The commenter requests that the Final EIR include a number of mitigation measures. Please note that several of the measures requested by the commenter are already incorporated into MM AIR-1 and MM AIR-2, including dust suppression measures (MM] AIR-1) and the use of Tier 4 diesel engines for construction equipment (MM AIR-2). MM AIR-1 upholds Bay Area Air District standards, which impose a maximum truck idling time of 5 minutes. Further, the proposed project would implement MM NOI-1, which establishes multi-part measures in which the construction contractor would ensure that all equipment driven by internal combustion engines shall be equipped with mufflers which are in good condition and appropriate for the equipment, utilize "quiet" models of air compressors and other stationary noise sources, ensure that stationary noise generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is

directed away from adjacent residences, and designate construction staging areas at the greatest feasible distance between the staging area and noise-sensitive receptors nearest the project site. These measures address noise and air quality impacts on nearby sensitive receptors and, as such, are not considerably different from the measures requested by the commenter. Because the Draft EIR adequately demonstrates that implementation of MM AIR-1 and MM AIR-2 would reduce impacts to levels below identified significance thresholds, no additional mitigation is warranted (including those listed by the commenter).

Response to VRC-10
Please note that the proposed project would require soil import for grading and site preparation, as noted in the air quality analysis. Soil export is different from the off-hauling of debris from demolition activities. The demolition quantities (along with other modeling assumptions and parameters) are disclosed and available in Appendix B of the Draft EIR. According to Appendix B of the Draft EIR, the modeled demolition would result in the removal of 45,164 tons of debris from the site.

Response to VRC-11
As shown in Draft EIR Section 3.2, Air Quality, construction-related emissions associated with the roundabout are analyzed in the Community Benefit Variant section of the Draft EIR. As shown in Draft EIR Table 3.2-10, construction-related emissions would be significantly below applicable thresholds. In addition, the modeling inputs are provided in Appendix B. Further discussion on impacts from the Community Benefit Variant are discussed further in Draft EIR Section 3.2, Air Quality, pages 3.2-44 to 3.2-45; no further response is needed. See also Response to Comments HBLLP-2 and HBLLP-5, above.

Response to VRC-12
The use of the Little Flowers Montessori Pre-School as the MEIR in the Draft EIR's HRA is both justified and conservative. Age Sensitivity Factors (ASFs) are multipliers used in the California Office of Environmental Health Hazard Assessment (OEHHA) and HARP to account for the increased susceptibility of children to TACs, including DPM. Preschool-age children have the highest ASFs. This is because their bodies are still developing, making them more vulnerable to toxic exposures and they breathe more air per unit of body weight than adults, increasing their dose.

OEHHA guidance assigns a higher cancer potency weighting to exposures during early childhood, reflecting scientific evidence that early-life exposures result in a greater lifetime cancer risk. HARP uses higher breathing rates for young children, further increasing their calculated exposure. The risk assessment for a pre-school assumes a child could be present for the full duration of construction activities, maximizing potential exposure. The calculation assumes continuous exposure during sensitive developmental windows.

Adults including those over the age of 65 have lower ASFs and lower breathing rates per body weight. Lifetime cancer risk calculations for adults are less sensitive to short-term exposures than for young children. As a result, the same DPM concentration at a residential or adult receptor would yield a lower calculated cancer risk than at a pre-school receptor, thus the Draft EIR's analysis of

impacts based on the higher risk associated with young children presents a more conservative analysis.

As discussed in Response to HBLLP-5, the Bay Area Air District's health risk thresholds are not exceeded at the pre-school MEIR or at the Viamonte Senior Living Facility. No further response is needed.

Response to VRC-13
This comment raises potential economic impacts and not impacts on the physical environment. Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general comments on the proposed project or the environmental analysis, such as economic impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-14
Under CEQA, an impact would occur if the proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS). The reconnaissance field survey did not exclude identification of common bird species, and as discussed in Draft EIR Section 3.3, Biological Resources, on page 3.3-6, select common bird species were identified in the reconnaissance field survey (e.g., Canada goose, house finch, red-eared slider). Although several other common avian species may occur on-site throughout the year, the reconnaissance field survey described and recorded the species identified during the site visit, which were limited. However, the Draft EIR does not conclude that additional common avian species cannot or do not occur on-site. All common avian species referenced in Comment VRC-14 (i.e., hummingbirds, mourning doves, ducks, egrets, herons, and scrub jays) may occur on-site, as referenced on pages 66 through 104 in Appendix C of the Draft EIR. Therefore, the Draft EIR's assessment remains accurate and the omission of potential common avian species that may pass through the project site does not undermine the existing project impact analysis.

The Draft EIR's assessment that special-status bird species are unlikely to occur on-site remains accurate. The project site is fully developed and lacks suitable foraging and/or nesting habitat to support special-status avian species. Additionally, the site experiences frequent anthropogenic disturbances (light pollution, high noise levels, foot traffic, etc.), discouraging special-status species from utilizing the project site for foraging or nesting opportunities. While potential common avian species referenced in the comment letter may utilize existing trees on-site for nesting opportunities, none are considered State or federally protected species.

Potential common avian species may utilize the project site for nesting opportunities during the nesting season (February 1 through August 31), and are considered protected under the Migratory Bird Treaty Act (MBTA) and CDFW, and would receive all required protections during construction-

related activities, including pre-construction nesting bird surveys. Consistent with MBTA regulations, the project-specific mitigation of MM BIO-1 (Draft EIR Section 3.3, Biological Resources) states that if any active nests are detected on-site during the pre-construction nesting bird survey, a buffer will be established around the active nest, as recommended by CDFW, and avoided during all project-relatedactivities until the young have fledged. Potential migratory birds nesting on-site would receive all protections under the MBTA and all construction-realted impacts would be minimized/avoided. Therefore, the Draft EIR's assessment remains accurate and the potential for migratory avian species to occur within the project site does not undermine the existing project impact analysis.

Despite the potential presence for common avian species to utilize the project site for nesting, the Draft EIR concluded that the site contains low-quality habitat with limited nesting and/or foraging opportunities to support other migratory and special-status birds. Although the project proposes to remove existing on-site trees that may serve as potential nesting opportunities for urbanized avian species, existing habitat is considered poor quality and is not a significant location for wildife nursery sites.

The proposed project would include on-site replacement trees that nesting birds returning to the site could utilize. Trees in the project vicinity could also be used by returning birds. Furthermore, it should be noted that CDFW, the Trustee Agency responsible for CEQA review who maintains the requisite biological expertise to review and comment upon CEQA documentation, did not provide comment regarding potential impacts to either common or special-status birds.

As supported by the preceding information, the Draft EIR's assessment remains accurate and the potential for common and/or migratory avian species to occur within the project site does not undermine the existing project impact analysis.

Response to VRC-15

As provided in Draft EIR Section 3.3, Biological Resources, page 3.3-9, the project site is fully developed and is surrounded by dense urban developments in all directions which precludes the use of the project site as a wildlife movement corridor. Although the Draft EIR analysis states that "no formal corridor movement studies were carried out," a qualified Biologist evaluated the potential wildife movement corridor on-site through a standard and accepted desktop analysis. According to CDFW's Areas of Conservation Emphasis (ACE), the project site has a terrestrial connectivity score of one, the lowest possible score, and provides limited connectivity opportunities for migratory wildlife. Moreover, the project vicinity is largely comprised of urban development which significantly prohibits wildlife movement to and from the site. Some isolated open space fields and aquatic features are located within the project vicinity, however, these do not contain habitat linkage to the project site and are not considered wildlife movement corridors. Therefore, the Draft EIR's assessment remains accurate and the project site does not constitutes a potential wildlife movement corridor. The potential presence of migratory birds does not undermine the existing project impact analysis and conclusions. Furthermore, it is noted that during the recent public review of the Draft EIR, no CDFW comments were submitted to refute the conclusions presented in the project impact analysis.

Response to VRC-16
See Response to VRC-14 for additional information regarding impacts to common and special-status avian species. Protected raptors (birds of prey) are analyzed within the discussion of common and special-status avian species of the Draft EIR. The project site is fully developed and does not contain suitable foraging and/or nesting habitat for raptors and other birds of prey. Potential impacts to these species remain addressed through project compliance with MBTA and CDFW avoidance and minimization measures, as well as Draft EIR MM BIO-1, inclusive of pre-construction nesting bird surveys, regulatory consultations, and establishing Environmentally Sensitive Area (ESA) buffers to avoid nest disturbance, if present. Furthermore, during the recent public review of the Draft EIR, no CDFW comments were submitted to refute the conclusions presented in the project impact analysis. Therefore, the Draft EIR's assessment remains accurate and the potential for common and/or migratory avian species, including birds of prey, to occur within the project site does not undermine the existing project impact analysis.

Response to VRC-17
Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. Under CEQA, the proposed project would have an impact if it would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. As provided on Draft EIR page 3.3-23, a total of 488 trees were evaluated within or adjacent to the project site, 461 of which are proposed for removal and 27 proposed for preservation. Although the Walnut Creek General Plan aims to protect tree resources on private property, it does not prohibit the removal of trees or limit the number of trees that can be removed on private property; rather, it establishes a municipal process to remove existing trees on private property regardless of condition or suitability. The City of Walnut Creek Municipal Code Chapter 8– *Preservation of Trees on Private Property* (Tree Ordinance) regulates and permits tree removals through City approvals. The Tree Ordinance defines a protected tree with a minimum of nine inches diameter at breast height (DBH). The Municipal Code establishes the limit of the City's authority with respect to removal of trees on private property.

Any tree proposed for removal on a private property must undergo the City's mandated approval process, including the review of the project-specific arborist report, site plans, and proposed tree removal mitigation outlined in the Tree Ordinance (i.e., on-site tree replacement and/or in lieu fees). This City review would account for the eight factors listed in Draft EIR, Section 3.3, Biological Resources, on page 3.3-16. The removal of the 461 trees on the project site would adhere to all City tree removal requirements and would be subject to consultation efforts should the City disagree with the results of the project-specific arborist report conclusions. Regardless, the proposed project would remain in compliance with local policies and ordinances, as outlined in the Draft EIR analysis. Further, reducing the amount of trees removed from the project site by approximately 27 trees would require design changes that would alter the number of residential units developed on the project site. This would reduce the proposed project's potential to meet Project Objectives related to the provision of housing and economic feasibility. Therefore, the Draft EIR's assessment remains accurate and the removal of on-site trees within the project site does not undermine the existing project impact analysis.

As noted in Draft EIR Section 3.1, Aesthetics, Light and Glare, the proposed project, including the removal and replacement of trees, would not result in a significant visual character impact. See Response to VRC-14 for additional information regarding the assertion that the proposed tree removals would have a significant impact on special-status or migratory wildlife. Potential avian species may utilize the project site for nesting opportunities. Potential impacts remain addressed through project compliance with MBTA and CDFW avoidance and minimization measures, as well as MM BIO-1, including pre-construction nesting bird surveys, regulatory consultations, and establishing ESA buffers to avoid nest disturbance, if present. It is noted that during the recent public review of the Draft EIR, no CDFW comments were submitted to refute the conclusions presented in the project impact analysis. As discussed in Response to VRC-15 above, there is no wildlife corridor on the project site. Therefore, the Draft EIR's assessment remains accurate and the potential for bird species to occur within the project site does not undermine the existing project impact analysis.

Response to VRC-18

The carbon sequestration impacts from tree removal and subsequent tree planting associated with the proposed project are discussed on Draft EIR page 3.7-19. As stated in the Draft EIR, approximately 449 of the existing on-site trees and 12 off-site trees, or 461 trees in total, would be removed and replaced by approximately 519 new proposed trees. This replacement and addition of trees would contribute to carbon sequestration. However, the precise impact of this tree planting on carbon sequestration is still challenging to determine accurately. For this analysis and calculations in CalEEMod, emissions due to carbon sequestration were assumed to balance. As determined in Draft EIR Section 3.7, Greenhouse Gas Emissions, this is a conservative assumption, as newly planted trees typically sequester more carbon annually as they grow compared to mature trees, leading to increased carbon uptake over time. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-19

The comment proposes that four of the proposed project buildings (approximately 48 units) be eliminated along Shadelands Drive to create a green space. This comment does not identify any specific environmental concerns related to the proposed project or the Draft EIR. Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response provides additional information on the scope of CEQA. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required. Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document.

To the extent this comment raises a potential aesthetics issue, as determined in Draft EIR Section 3.1, Aesthetics, Light, and Glare, impacts would be less than significant. Further, Draft EIR Section 3.14, Recreation, determined that impacts to parks and public spaces would be less than significant. To the extent this comment purports to suggest additional mitigation, it is unclear what impact such

mitigation would address. The proposed project would include 2 acres of common open space to provide outdoor green space for residents.

Response to VRC-20
Please refer to the Response to VRC-18 for a discussion of carbon sequestration associated with the removal of existing trees and replacement with new trees. This comment does not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-21
Draft EIR Section 3.8, Hazards and Hazardous Materials addresses potential impacts associated with demolition of existing buildings on the site. Specifically, Section 3.8.3 of the Draft EIR addresses asbestos-containing materials and federal guidelines for removal. As specified therein, the proposed project would adhere to all federal and local regulations including Walnut Creek General Plan Action 3.6.1, which requires environmental investigation for possible hazardous material releases of lead and asbestos from previous land uses, and Bay Area Air District Regulation 11, Hazardous Pollutants: Rule 2 Asbestos Demolition, Renovation, and Manufacturing, which would require the project applicant to obtain permits from the Bay Area Air District for asbestos removal and abide by other regulations to ensure the sufficient removal, handling, and disposal of asbestos-containing materials. Additionally, the proposed project would be required to comply with California Code of Regulations Section 1532.1, which includes proactive measures to ensure worker safety when exposed to lead-based paints. Therefore, the Draft EIR's assessment remains accurate. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required. See also Response to Comment HBLLP-8.

Response to VRC-22
As discussed in Draft EIR Section 3.8, Hazards and Hazardous Materials, page 3.8-26, the proposed project would comply with the City's Municipal Code Section 4-8.02, which allows construction materials to be stored adjacent to the project site by obtaining an encroachment permit, and CCCFPD Ordinance Section 3301.3, which requires construction projects to obtain permits for establishing temporary fire department access roads. Additionally, as stated in Draft EIR Section 3.15, Transportation and Traffic, pages 3.15-20 and 3.15-21, the proposed project would obtain an encroachment permit for construction of the proposed project and would submit plans for review and approval by the fire official. This analysis determined that impacts to emergency transportation access would be less than significant with adherence to the applicable regulations. The proposed project would also adhere to all applicable County regulations in these respects.

Please also refer to Master Response 3, Adequacy of Police and Fire Protection Services, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These master responses include a discussion of vehicle access during construction of the proposed project and the ability of emergency services to meet response time criteria. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-23

The estimated depth of groundwater on the project site is between 12 to 16 feet, as stated in Draft EIR Section 3.6, Geology and Soils, page 3.6-5. Draft EIR Section 3.9, Hydrology and Water Quality, pages 3.9-23 and 3.9-24 include a discussion of the removal of the existing on-site groundwater wells. As noted on page 3.9-23 of the Draft EIR, the proposed project would be subject to Condition of Approval (COA) HYD-1, which would include securing permit approval from the enforcing agency to proceed with well destruction, and meeting material, sealing, and filling requirements. Implementation of COA HYD-1 would reduce groundwater impacts related to construction activities to a less than significant level. Further, Draft EIR Section 3.9, Hydrology and Water Quality, page 3.9-14 states that the City determined that there would be sufficient room to construct a stormwater detention vault larger than the proposed stormwater detention vault beneath bioretention area 3. According to the analysis on Draft EIR pages 3.9-12 through 3.9-29, no dewatering mitigation would be required during construction of the proposed project because with compliance related to applicable C.3 requirements and adherence to the County Municipal Regional Permit's (MRP's) design standards for low impact development, impacts related to groundwater would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-24

Development of the proposed project would occur solely on the project site and adjacent, already developed roadway. Please note the less than significant impact determination in Draft EIR Section 3.9, Hydrology and Water Quality. As acknowledged in the Draft EIR on page 3.9-12, the proposed project would increase the total impervious surface on the project site from 72 percent to 78 percent; as such, the project includes the construction of a new stormwater runoff system. As noted on page 3.9-19 of the Draft EIR, surface runoff from the project site would continue to be directed into the existing storm drain within Mitchell Drive, similar to existing conditions. As further stated on page 3.9-19 of the Draft EIR, the proposed project would include the construction of 14 new bioretention areas and a new stormwater vault to allow for stormwater infiltration. This system would also retain stormwater on-site prior to being released into the City's existing storm drainage system and would be designed with adequate capacity in accordance with all applicable standards to accommodate stormwater flows at the project site. Additionally, the proposed project would construct a new stormwater vault that would create sufficient stormwater capacity to serve the project site as well. Because stormwater would be treated through bioretention areas and with the new stormwater vault to ensure no net increase in off-site stormwater flow, the proposed project would not result in an exceedance of storm drain capacity or the potential for release of stormwater pollutants, as shown in pages 2 through 4 of Appendix G of the Draft EIR. The proposed project would not cause ponding on, or overland flow to, adjacent properties.

Further, the proposed project would comply with the National Pollutant Discharge Elimination System (NPDES) permit requirements, which prevent pollutant release and ensure that drainage patterns are not substantially altered through implementation of BMPs, such as limiting the use of fertilizers and/or pesticides and ensuring clearance of any debris and sediment from the stormwater vault. The comment did not provide new, substantial evidence with respect to the disposition of

significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-25

As provided in Draft EIR Chapter 2, Project Description, page 2-31, the proposed drainge management areas (DMAs) would include approximately 35,661 square feet of bioretention areas dispersed throughout the project site, as well as a network of storm drains and low flow water quality pumps. As discussed in Draft EIR Section 3.9, Hydrology and Water Quality, pages 3.9-12 and 3.9-13, the DMAs would include low impact development strategies, including routine maintenance of landscaped areas. These treatments are also outlined in Appendix G of the Draft EIR and include "No Dumping" signs, implementation of pest-resistant plants, and annual inlet marking inspections. Following treatment in the proposed bioretention areas, stormwater runoff would be drained into the City's existing stormwater collection system via existing pipelines in adjacent properties to the east and west, as well as the existing stormwater line in Mitchell Drive. Stormwater runoff would primarily come from impervious surfaces on-site and therefore would not be likely to carry any significant soil contaminants, should they be present, off-site. No evidence of significant soil contamination on-site has been identified. The increase in impervious surface on the project site as a result of the proposed project would potentially reduce the presence of soil in runoff. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-26

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The proposed project applicant would be responsible for the stormwater management facilities prior to establishment of the Homeowner's Association (HOA). Once the units are constructed and an HOA formed, the maintenance obligations are the responsibility of the HOA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-27

Per- and polyfluoroalkyl substances (PFAS) are generated as a result of chemical practices associated with agricultural, industrial, and manufacturing land uses.[3] The proposed project would involve the development of residences, open space, and bioretention areas, which are not anticipated to generate PFAS. As noted in Draft EIR Section 3.9, Hydrology and Water Quality, page 3.9-14, the proposed project would be consistent with current adopted state regulations regarding PFAS. The Draft EIR does not assume compliance with "yet to be adopted" regulations. Construction of the proposed water storage and bioretention treatment facilities would remain consistent with federal and State regulations related to PFAS, so as not to increase these compounds. The comment did not

[3] United States Environmental Protection Agency (EPA). Our Current Understanding of the Human Health and Environmental Risks of PFAS. Website: https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas. Accessed January 6, 2026.

provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-28

As noted on page 3.9-16 of the Draft EIR, the Contra Costa Water District (CCWD) derives most of its water supply from surface water; however, the agency is able to utilize groundwater supplies from the Eastern Contra Costa Irrigation District during dry periods or periods of low surface water availability. The Eastern Contra Costa Irrigation District sources its water from the San Joaquin Valley East Contra Costa Groundwater Basin. Accordingly, no groundwater would be pumped from the Shadelands Area during drought conditions. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-29

As noted in Draft EIR Section 3.17, Utilities and Service Systems, pages 3.17-14 and 3.17-15, the stormwater facilities for the proposed project would be designed in accordance with NPDES regulations and would also implement stormwater BMPs into the on-site storm drainage system consisting of bioretention areas, pumps, and vault and flow control structures to ensure that runoff from the proposed project would not exceed existing conditions. As discussed in Appendix G of the Draft EIR, the bioretention areas are sized based upon the anticipated flows from proposed project development. Collectively, project features, as well as compliance with federal, State, and local regulations regarding stormwater runoff would serve to slow, reduce, and meter the volume of stormwater runoff leaving the project site and ensure that downstream storm drainage facilities are not inundated with project-related stormwater. As such, the proposed project would not require construction of new or expanded stormwater facilities beyond those proposed on the project site. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-30

All CEQA-related impacts to hydrology and water quality are discussed in Draft EIR Section 3.9, Hydrology and Water Quality. Specifically, Draft EIR page 3.9-19 notes that the proposed project stormwater infrastructure would be designed to meet existing standards, including the NPDES General Permit and MRP C.3 development requirements. These standards and regulations ensure that the proposed project's stormwater flow would not exceed the available capacity of the receiving system. Because stormwater would be treated through bioretention areas to ensure no net increase in off-site stormwater flow, the proposed project would not result in an exceedance of storm drain capacity. Furthermore, because stormwater would be treated through bioretention areas and with the new stormwater vault to ensure no net increase in off-site stormwater flow, the proposed project would not result in the potential for release of stormwater pollutants, as shown in pages 2 through 4 of Appendix G of the Draft EIR. As described in Draft EIR Section 3.9.7, Cumulative Impacts, any cumulative projects located within incorporated and unincorporated Contra Costa County would be required to comply with the Contra Costa County Water Program, therefore not resulting in any net increase in off-site stormwater diversion. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-31
Potential expansion is not part of the proposed project and is not necessary to address any reasonably foreseeable project impacts. Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis.

As stated in Draft EIR Section 3.9, Hydrology and Water Quality, page 3.9-22, the proposed project's 14 bioretention areas and the new stormwater drainage vault would have sufficient capacity to serve the proposed project; future expansion of the stormwater detention vault would only occur if additional capacity is needed, though the proposed project's stormwater infrastructure would have adequate stormwater runoff detention capacity to accommodate the project site during 10-year storm events. Such an event is too speculative to evaluate at this time. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-32
As discussed on pages 3.9-18 and 3.9-17 of the Draft EIR, the proposed construction of a new vault under bioretention area 3 would provide sufficient capacity to convey stormwater runoff while not substantially altering the existing drainage pattern. The two statements addressed in this comment are reiterating that this proposed action would provide sufficient capacity to serve the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-33
Draft EIR Section 3.9, Hydrology and Water Quality, page 3.9-14 states that the stormwater vault identified in the Preliminary Drainage and Stormwater Control Plan as being located in northwest corner of the project site was previously removed. Please also refer to the Preliminary Utility Plan in the Draft EIR (Exhibit 2-11). As noted on Draft EIR page 3.9-14, the proposed project would construct a new stormwater vault beneath bioretention area 3. Analysis related to the construction of the stormwater vault is included in Draft EIR Section 3.9, Hydrology and Water Quality, pages 3.9-12 through 3.9-24, and found that impacts would be less than significant with adherence to standards, including the NPDES General Permit and MRP C.3 development requirements. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-34
Draft EIR page 3.9-3 notes that the existing wells would not be used by the proposed project and would be abandoned. As noted on page 3.9-23 of the Draft EIR, the proposed project would be subject to COA HYD-1, which would include securing permit approval from the enforcing agency (the Contra Costa County Environmental Health Division) to proceed with well destruction, and meeting material, sealing, and filling requirements in accordance with California Water Code Section 13801

and the minimum standards outlined in the State Water Resources Control Board's Bulletin 74-81 and Bulletin 74-90. As such, testing of the well would occur if deemed necessary by the Contra Costa County Environmental Health Division.

Further, Draft EIR page 3.9-12 details that DMAs would collect additional stormwater runoff that would be dispersed into the proposed bioretention areas consisting of landscape depressions with mixtures of soils, sands and gravels, allowing natural pollutant removal through plant uptake and filtration before being transported into the City's existing stormwater drainage collection system and infiltrated into the stormwater line beneath Mitchell Drive. These areas would be compliant with the Phase II Municipal Stormwater Regional Permit. Further, the Hydrology and Water Quality impacts were determined to be less than significant in regard to groundwater and water quality impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-35

Please refer to page 3.9-14 of the Draft EIR, which further details stormwater plans for the proposed project. As stated, in storm events larger than a 10-year storm, runoff would bypass the proposed bioretention areas via gravity and flow into the existing stormwater collection line under Mitchell Drive. The less than significant determination for Hydrology and Water Quality would not change due to large storms, as this is accounted for in the analysis. In addition, the Draft EIR analyzed cumulative impacts related to the proposed project and other reasonably foreseeable developments within the City. As stated in Draft EIR Section 3.9, Hydrology and Water Quality, page 3.9-27, the proposed project's bioretention areas and stormwater treatment infrastructure would be designed to have sufficient capacity to accommodate development from the proposed project during storm events to ensure no net increase in off-site flow or stormwater would occur. Thus, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impact. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-36

The proposed project's impacts related to land use and planning were discussed in Draft EIR Section 3.10, Land Use and Planning, pages 3.10-10 through 3.10-38.

Development of the proposed project would result in a significant impact if it were to conflict with applicable land use plans and policies of the General Plan, Municipal Code, Zoning Ordinance, or design guidelines adopted to avoid or mitigate environmental impact. A policy inconsistency is considered a significant adverse impact only if the inconsistency would result in a significant adverse physical impact based on the established significance criterion. Draft EIR Chapter 2, Project Description, page 2-8 states that the proposed project is proposed under the the Housing Accountability Act (California Government Code § 65589.5) (HAA) including the Builder's Remedy and State Density Bonus Law (California Government Code § 65915). The HAA establishes the process for the City to review and process a project submitted pursuant to the Builder's Remedy provisions and does not require such projects to obtain a general plan, zoning, or other legislative amendments. State Density Bonus Law applies similarly to establish a process for the density

bonuses, waivers, incentives and concessions for otherwise applicable standards, and parking reductions for a eligible projects that include affordable units, and no separate zoning or development standards amendments would be required. Given the foregoing, the proposed project type is a permissible and consistent use as prescribed by State law.

In addition, the proposed project would be consistent with the City's Design Review Standards and Guidelines by utilizing State Density Bonus Law and related waivers and concessions to allow for the density of the proposed project. As such, impacts related to land use and planning were determined to be less than significant in the Draft EIR. Further, Draft EIR Chapter 3, Environmental Impact Analysis, includes analysis of proposed project impacts, including the potential for impacts on sensitive receptors. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-37

This is a general comment that introduces concerns addressed in the responses to comments below. Please refer to Draft EIR Section 3.11, Noise and Vibration, pages 3.11-15 through 3.11-17 and 3.11-20 for a discussion of construction noise impacts associated with the proposed project. As stated in Draft EIR Section 3.11, Noise and Vibration, the proposed project would incorporate MM NOI-1 to reduce potential construction noise and would result in a less than significant impact related to construction noise. Draft EIR Section 3.15, Transportation and Traffic, page 3.15-19 notes that construction activities would not result in geometric design hazards, as no temporary or permanent modifications to roadway alignments, lane configurations, or intersection designs are proposed that could introduce unsafe conditions for vehicles, bicycles, or pedestrians, and related traffic would be managed by standard traffic controls. Further, Draft EIR Section 3.15, Transportation and Traffic, pages 3.15-19 and 3.15-20, found that the proposed project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as were none found to be significant.

Please also refer to Draft EIR Section 3.2, Air Quality, pages 3.2-45 through 3.2-51 for a discussion of emissions of particulate matter and diesel exhaust and potential associated health risks. The proposed project would incorporate MM AIR-1 and MM AIR-2 to reduce fugitive dust emissions and exhaust emissions from construction equipment.

Please also refer to Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. This response discusses traffic congestion in relation to emergency response times. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-38

The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required. See also Master Response 1, Non-CEQA Issues Not Addressed in Final EIR.

Response to VRC-39

The noise analysis of the Draft EIR identified and quantified reasonable worst-case construction activity noise levels for all phases of construction. Draft EIR Section 3.11, Noise and Vibration, page 3.11-16 states that the phases which include demolition, excavation, and grading activities, would be likely to generate the highest noise levels because the noisiest construction equipment is earthmoving equipment. The analysis then identified the calculated reasonable worst-case construction noise levels for these phases of construction. The analysis identified that reasonable worst-case construction noise levels would not exceed the FTA's daytime noise performance standard of 80 dBA $L_{eq(8hr)}$ at the nearest impacted receptors during all phases. In addition, as detailed in the Draft EIR, the project would comply with MM NOI-1, which requires adherence to the permissible construction hours and also requires implementation of best management noise reduction techniques and practices, which would ensure that construction noise levels would not result in a substantial temporary increase in nighttime ambient noise levels that would result in annoyance or sleep disturbance of nearby sensitive receptors. Accordingly, impacts would be less than significant and no temporary sound barriers are needed to reduce potential construction noise impacts to less than significant. The commenter does not provide any evidence to the contrary.

There is no discrepancy in the construction schedule referenced in the noise analysis compared to that referenced in the air quality analysis, because, as indicated in the noise analysis, the "site preparation phase" referenced in the noise analysis referred to both the "site preparation" (88 days) and the "grading" (43 days) phases, and 88 days plus 43 days equals 131 days, as indicated in the analysis. In addition, this difference in how the phases are referred to in each section has no bearing on the disclosure of or findings of potential impacts. No additional response is required.

Response to VRC-40

The commenter states that the air quality analysis identified the Little Flowers Montessori School Daycare as being located 23 feet from the northeast of the boundaries of the project site. However, as identified in the noise analysis of the Draft EIR, the reasonable worst-case construction noise calculations are based on where multiple pieces of the loudest construction equipment could potentially operate simultaneously during project construction. It is not simply based on the closest receptor to the project boundaries. Therefore, the noise analysis correctly identified that the closest most impacted sensitive receptor is the Shadelands Post Acute Facility located approximately 90 feet from the acoustic center of construction activity. The analysis identified that reasonable worst-case construction noise levels would range up to 76 dBA L_{eq} at the façade of the noise-sensitive receptor when multiple pieces of equipment operate simultaneously at the nearest construction footprint. Therefore, the analysis demonstrated that these reasonable worst-case construction noise levels would not exceed the FTA's daytime construction noise threshold of 80 dBA $L_{eq(8hr)}$ at residential land uses. In addition, the Draft EIR identified that the project would comply with MM NOI-1, which requires adherence to the permissible construction hours and also requires implementation of best management noise reduction techniques and practices, which would ensure that construction noise levels would not result in a substantial temporary increase in nighttime ambient noise levels that would result in annoyance or sleep disturbance of nearby sensitive receptors. Construction noise levels at other impacted receptors, such as the Little Flowers Montessori School Daycare, were not specifically quantified in the Draft EIR as it was determined that they would result in similar or lower construction noise impacts. The commenter does not provide any evidence to the contrary.

The actual closest construction footprint where multiple pieces of heavy construction equipment could potentially operate simultaneously (to calculate a reasonable worst-case construction noise level) would be over 40 feet from the Little Flowers Montessori School receptor. At this distance, reasonable worst-case construction noise levels would result in 8-hour average noise levels of 76 dBA $L_{eq(8hr)}$. This is equivalent to the reasonable worst-case construction noise levels identified in the Draft EIR. In addition, the Little Flowers Montessori School is considered a commercial land use and therefore the applicable FTA construction noise threshold is 85 dBA $L_{eq(8hr)}$, although the worst-case construction noise for this use would also be under the residential threshold of 80 dBA $L_{eq(8hr)}$ as it is for the nearest residential impacted receptors identified in the EIR. Therefore, the Draft EIR appropriately discloses the worst-case construction noise impacts and applies mitigation measures that would ensure potential impacts would be reduced to less than significant. The commenter does not provide any evidence to the contrary.

Similarly, the vibration impact analysis in the noise chapter of the Draft EIR explained that it analyzed the reasonable worst-case scenario for construction vibration impacts and concluded that related potential impacts would not exceed the FTA's Construction Vibration Impact Criteria thresholds as measured at receiving structures. The commenter does not provide any evidence to the contrary.

A small vibratory roller is the equipment that would be used on the site that would generate the highest groundborne vibration levels. The closest that small vibratory rollers would potentially operate near the Little Flowers Montessori School Daycare building would be approximately 100 feet, where the internal roadway is located. At a distance of 100 feet, operation of this equipment would produce groundborne vibration levels of up to 0.01 in/sec PPV. This is well below the FTA's Construction Vibration Impact Criteria of 0.3 in/sec PPV for this type of structure, which is a building of engineered concrete and masonry construction. This represents a difference of 0.29 compared to the applicable threshold, versus a difference of 0.16 compared to the applicable threshold for the reasonable worst-case impact identified in the Draft EIR. Therefore, the Draft EIR appropriately discloses the reasonable worst-case construction vibration impacts and correctly identifies that construction would not result in significant impacts related to excessive groundborne vibration or groundborne noise levels. No additional response is required.

Response to VRC-41
Please refer to Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, and Master Response 3, Adequacy of Police and Fire Protection Services, in Section 2, Master Responses, of this document. These master responses address comments that express general opposition to or disapproval of the proposed project or the environmental analysis and discuss the adequacy of public services. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-42
As provided in Draft EIR Section 3.13, Public Services, page 3.13-23, the proposed project would result in an estimated 214 school-aged residents who may contribute to increased enrollment in nearby schools. Draft EIR Section 3.13, Public Services, pages 3.13-17 and 3.13-18 note that schools likely attended by the school-aged residents of the proposed project include Bancroft Elementary

School, Foothill Middle School, and Northgate High School, and all schools within two miles of the project site have experienced an overall 3.1 percent decrease in enrollment from 2019-2024. Further, as noted in Draft EIR Section 3.13, Public Services, page 3.13-18, the proposed project would be required to pay development fees to the Mt. Diablo Unified School District (MDUSD) to accommodate the increased number of students generated by the proposed project. These statutory fees provide full and complete school facilities mitigation, in compliance with California Government Code Section 65996(b)). The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-43

Please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project, explain the transportation metrics utilized under CEQA to evaluate project impacts, and discuss the proposed project's impacts related to traffic.

Additionally, as discussed in Draft EIR Section 3.8, Hazards and Hazardous Materials, page 3.8-26, the proposed project would comply with the City's Municipal Code Section 4-8.02, which allows construction materials to be stored adjacent to the project site by obtaining an encroachment permit, and CCCFPD Ordinance Section 3301.3, which requires construction projects to obtain permits for establishing temporary fire department access roads. Additionally, as stated in Draft EIR Section 3.15, Transportation and Traffic, pages 3.15-20 and 3.15-21, the proposed project would obtain an encroachment permit for construction of the proposed project and would submit plans for review and approval by the fire official. This permit would only be approved if the encroachment does not pose a risk to public health and safety. This analysis determined that impacts to emergency transportation access would be less than significant with adherence to the applicable regulations. In addition, as discussed on Draft EIR page 3.8-26, compliance with Municipal Code 4-8.02 and General Plan Policy 4.2 will ensure that the proposed project would not impair emergency response or evacuation. Further, please refer to page 3.13-26 of the Draft EIR, which clarifies that a Traffic Operations Engineer would be assigned to designate alternative detours in the event of construction-related street closure to guarantee response times and performance objectives are maintained for emergency services. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-44

With respect to the comment regarding vehicle delay and driveways, refer to Master Response 4, Vehicle Miles Traveled and Level of Service, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses discuss the transportation metrics utilized under CEQA to evaluate project impacts and traffic congestion in relation to emergency response times. Attachment A of this Final EIR discusses the study intersection analysis locations and data periods, which were selected in consultation with City staff, as well as operational traffic analyses. Thus, traffic study locations were established based on CEQA and City guidelines. Please

refer to Master Response 4, Vehicle Miles Traveled and Level of Service, in Section 2, Master Responses, of this document. This response explains the transportation metrics utilized under CEQA to evaluate project impacts. Please also refer to Master Response 3, Adequacy of Police and Fire Protection Services, in Section 2, Master Responses, of this document. This response provides additional information related to response times for emergency public services. Further, Draft EIR Section 3.17, Transportation and Traffic, determines that the anticipated trip generation for the proposed project is an average of 62 net fewer daily trips when compared to existing conditions (assuming only 80 percent occupancy).

Regarding the commenter's statements on parking locations and internal drive aisles and driveway access, as stated in the Draft EIR on page 3.15-21 in Section 3.15, Transportation and Traffic, all proposed internal drive aisles would be at least 22 feet wide, which exceeds the minimum width of 20 feet for fire access required by the California Fire Code, Section 503.2.1, which states, "fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than thirteen feet and six inches."

As described in Draft EIR Section 3.15, Transportation and Traffic, the proposed project would provide 844 parking spaces within private garages and 111 parking spaces along the internal roadways. This provision of parking would be consistent with General Plan Policy 12.1 and 12.2, as stated in Draft EIR Section 3.10, Land Use and Planning, pages 3.10-20 and 2.11-20. The California Fire Code-compliant 20-foot-wide minimum width would be maintained even at locations where on-street parking is provided, which would also enable access for emergency vehicles. Please also refer to Master Response 3, Adequacy of Police and Fire Protection Services, in Section 2, Master Responses, of this document. This response provides additional information related to emergency public services and development of the proposed project. Average traffic patterns are utilized to account for both low and high traffic levels. Moreover, emergency vehicles are given the right-of-way with sirens and therefore reduce effects of on-street traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-45

Under SB 743, Level of Service (LOS), and vehicle delay, can no longer be used as the standard for determining transportation impacts under CEQA. (Public Resources Code [PRC] §21099(b)(2)). Further, implementation of bike lanes along Shadelands Drive is consistent with the Shadelands Multimodal Improvement Plan and will not conflict with emergency vehicle access as discussed in Draft EIR Section 3.15, Transportation and Traffic, pages 3.15-15 through 2.15-. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-46

Draft EIR Section 3.17, Utilities and Service Systems, page 3.17-13 notes that the existing project site water usage was calculated assuming 80 percent occupancy of the existing buildings and did not account for water usage from daily customers and other users. Further, page 3-8 of CCWD's Urban Water Management Plan (UWMP) notes that residential water use can vary from 50 to 1,000 gallons

per day, with high water use customers consisting of units in larger parcels with more irrigated landscape and multi-family residential uses with minimal irrigated landscapes, like the proposed project, comprise the CCWD's low-end water users. The City confirmed that the water service line that would serve the project site would not conflict with other utilities or facilities. In addition, the proposed project would require plan approval from the CCWD related to water flow for this water line. The proposed project would be reviewed by the CCWD for water line service adequacy and be required to address any potential concern raised prior to approval.

The analysis in Draft EIR Section 3.17, Utilities and Service Systems, page 3.17-16 discusses the water demand associated with the generation of 874 new residents from the proposed project. This analysis relies on the average per capita water consumption for the CCWD's service area, which accounts for all uses within the service area. This discussion notes that the proposed project would result in 0.12 million gallons per day (mgd), which represents approximately 0.1 percent of the CCWD's near-term, average water year, and single-year drought scenarios contained in the CCWD UWMP. The Draft EIR found that adequate water supplies would be available to serve the proposed project and reasonably foreseeable future development during normal, dry, and multiple dry years. In addition, the Draft EIR analysis explains that the CCWD would implement demand management measures (which are already established and applicable to all CCWD consumers), such as alternative water conservation methods and incentives to accommodate water services during long-term droughts. Therefore, impacts related to sufficient water supply availability would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-47

As stated in Draft EIR Chapter 2, Project Description, page 3.2-24, the proposed project would include multiple private and common recreational and open space areas, including 122,297 square feet of low-water-use paseo gardens, 56,585 square feet of medium-water-use paseo gardens, 13,729 square feet of oak woodland, 4,855 square feet of redwood grove, and 11,587 square feet of lawns, play areas, and/or dog parks. These areas are included on Draft EIR Exhibit 2-10, Landscaping Plan. Draft EIR Section 3.14, Recreation, page 3.14-12 states that, in addition to the recreational facilities that would be constructed as part of the proposed project, in lieu fees for park maintenance would be paid to the City pursuant to the City's Parkland Dedication Ordinance. In addition, as determined in Draft EIR Section 3.13, Public Services, the proposed project includes recreational amenities, which would remain substantially above the City of Walnut Creek's parkland standard. The City utilizes the Capital Investment Program to plan and schedule parkland, open space, and recreational projects.[4] As such, the proposed project would contribute to the projects outlined in the Capital Investment Program through payment under the local ordinance and would reduce impacts to parks and recreational facilities to a less than significant level

With regard to allowing public use at the proposed open space amenities, please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this

[4] City of Walnut Creek. 2025. Ten-Year Capital Improvement Program Fiscal Years 2026-2035. Website: https://www.walnutcreekca.gov/home/showpublisheddocument/32943/638990718857430000. Accessed December 18, 2025.

document. This master response provides additional information on the scope of CEQA, including any non-CEQA issues. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-48

Please refer to Draft EIR Exhibit 2-5, Illustrative Site Plan, which depicts public pedestrian ingress and egress points on both Mitchell Drive and Shadelands Drive that provide access through the site and connection to perimeter sidewalks. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-49

Please refer to Draft EIR Section 3.15, Transportation and Traffic, page 3.15-16, which states that the proposed project would comply with the General Plan Action 23.2.2 by constructing new streetlights and sidewalks within the Shadelands Business Park and would comply with General Plan Action 6.4.1, which requires City review of the proposed project and associated off-site improvements to determine adequate accessibility for pedestrians of all abilities. With adherence to these policies, the proposed project was determined to be consistent with policies related to pedestrian accessibility and safety and would have a less than significant impact. Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response provides additional information on the scope of CEQA, including any non-CEQA issues. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-50

Draft EIR Chapter 2, Project Description, page 2-23, states that the proposed project would develop 422 long-term bicycle parking spaces inside the proposed parking garages and 30 short-term bicycle parking spaces on-site. Construction of a Class IV bikeway would occur with development of the Community Benefit Variant, as noted in Draft EIR Chapter 2, Project Description, Section 2.4, Community Benefits Variant. The commenter's claims pertaining to the creation of new significant adverse impacts to pedestrian safety are unsubstantiated. Please refer to Master Response 2, Unsubstantiated Environmental Comments Regarding the Project's Merits.

As discussed on Draft EIR Section 3.15, Transportation and Traffic, pages 3.15-16 and 3.15-17, the proposed project would not conflict with the City's General Plan, Transportation Strategic Plan, and recommendations from the Shadelands Multimodal Improvement Plan by providing the required amount of bicycle parking spaces. Additionally, please refer to Response to VRC-49 above for a discussion of pedestrian safety associated with development of the proposed project. Draft EIR Section 3.15, Transportation and Traffic, page 3.15-19 states that construction activities would not result in geometric design hazards, as no temporary or permanent modifications to roadway alignments, lane configurations, or intersection designs are proposed that could introduce unsafe conditions for vehicles, bicycles, or pedestrians. Further, the Class IV bikeways are discussed in Draft EIR Chapter 5, Other CEQA Considerations, page 5-9. The Draft EIR states that the Class IV bikeways

would be 5 feet wide with 3-foot buffers separating the bikeways with vehicular travel lanes and would be consistent with the Shadelands Multimodal Improvement Plan. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-51
Please refer to Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. This master response provides additional discussion of emergency service response times associated with development of the proposed project. Please also refer to Response to Comments VRC-3 and VRC-44, which both address previous traffic comments. Further, as discussed on page 12 in Appendix J of the Draft EIR, there are existing non-Americans with Disabilities Act (ADA) compliant sidewalks within the vicinity of the project site that the proposed project would update to be ADA compliant. Draft EIR Section 3.15, Transportation and Traffic, page 3.15-19 states that construction activities would not result in geometric design hazards, as no temporary or permanent modifications to roadway alignments, lane configurations, or intersection designs are proposed that could introduce unsafe conditions for vehicles, bicycles, or pedestrians. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-52
The City's Parkland Dedication Ordinance requires new residential projects to either dedicate land or pay a fee in lieu of dedicating land when the residential project is not being constructed on land designated for recreational uses. Residential projects can be provided with reductions in paying a fee in lieu of dedicating land if projects incorporate recreational areas for the use of future residents.

As stated in Draft EIR Chapter 2, Project Description, page 3.2-24, the proposed project would include multiple private and common recreational and open space areas, including 122,297 square feet of low-water-use paseo gardens, 56,585 square feet of medium-water-use paseo gardens, 13,729 square feet of oak woodland, 4,855 square feet of redwood grove, and 11,587 square feet of lawns, play areas, and/or dog parks. These areas are included on Draft EIR Chapter 2, Project Description, Exhibit 2-10, Landscaping Plan. Moreover, Draft EIR Section 3.14, Recreation, page 3.14-12 states that, despite the need for 4.37 acres of additional parkland with the implementation of the proposed project, the City would continue to achieve its parkland standard of 5 acres of parkland per 1,000 residents with 47.2 acres per 1,000 residents in 2024 as implementation of the proposed project would lower the current ratio to 46.6 acres per 1,000 residents without considering the City's Parkland Dedication, as well as acreage provided by surrounding regional and State parks.

In addition to the recreational facilities that would be constructed as part of the proposed project, in lieu fees for park land dedication would be paid to the City pursuant to the City's Parkland Dedication Ordinance. The formula for payment is included in Section 10-1.602 of the City's Municipal Code, which also notes that the date of payment and calculated fee shall be scheduled at the time of approval for the final map.[5] The fees collected by the City will be used to acquire or

[5] City of Walnut Creek. Municipal Code 10-1.602 Park Land Dedication. Website: https://www.codepublishing.com/CA/WalnutCreek/#!/WalnutCreek10/WalnutCreek1001.html#10-1.602. Accessed December 18, 2025.

improve parkland, open space, and other recreational facilities. These fees may also be used for ongoing maintenance of existing facilities, as outlined in the City's Capital Investment Program. The Capital Investment Program is updated annually, and is used to plan and schedule parkland, open space, and recreational projects. As such, through payment of in lieu fees for park land dedication, the proposed project would contribute to the creation of new and maintenance of existing recreational facilities through projects outlined in the Capital Investment Program. Impacts to parks and recreational facilities would therefore be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-53

Please refer to the Response to VRC-19 for a discussion related to the removal of four buildings for green space. Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response provides additional information on the scope of CEQA. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-54

Please refer to Response to Comments VRC-37 and VRC-48 above. Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues. Please also refer to Draft EIR Section 3.15, Transportation and Traffic, page 3.15-16, which states that the proposed project would comply with the recommendations in the Shadelands Multimodal Improvement Plan and General Plan Action 23.2.2 by constructing new streetlights and sidewalks within the Shadelands Business Park and would comply with General Plan Action 6.4.1, which requires City review of the proposed project and associated off-site improvements to determine adequate accessibility for pedestrians of all abilities. With adherence to these policies, the proposed project was determined to be consistent with policies related to pedestrian accessibility and safety and would have a less than significant impact level. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-55

The comment addresses generalized complaints regarding electric bikes and scooters that have no relationship to the proposed project's impacts. Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-56
Please refer to Responses to VRC-49 and VRC-50 above for a discussion of pedestrian safety and bicycle facilities associated with development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-57
Please refer to Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. This master response provides additional discussion of emergency service response times associated with development of the proposed project. Please also refer to Responses to VRC-49, VRC-50, and VRC-51 for a discussion of pedestrian safety, sidewalk accessibility, and emergency response times. Please also refer to responses to HBLLP-14, HBLLP-17, and HBLLP-18. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-58
As noted in Draft EIR Section 3.15, Transportation and Traffic, page 3.15-22, the proposed project complies with the transportation objectives listed in the Shadelands Multimodal Improvement Plan, with several multimodal improvements proposed including pedestrian and bicycle facilities which are intended to encourage increased walking and biking activities.

The comment reflects an opinion and does not present evidence or reference any relevant environmental policy, threshold of significance, or standard relevant to CEQA analysis. Please refer to Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response addresses comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-59
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-60
Please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. Please also refer to Response to VRC-44. These responses provide additional information related to emergency public services and development of the proposed project, explain the transportation metrics utilized under CEQA to evaluate project impacts, and discuss the proposed project's impacts related to traffic. In addition, Draft EIR Section 3.17, Transportation and Traffic, determines that the anticipated trip generation for

the proposed project is an average of 62 net fewer daily trips when compared to existing conditions (assuming only 80 percent occupancy). Further, a queueing analysis was conducted for the study location along Ygnacio Valley Road for the proposed project and is included in Attachment A of this Final EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-61

Vehicle delay at the Viamonte Senior Living Facility driveway (or any other driveway) cannot be used as a standard for determining transportation impacts under CEQA according to Public Resources Code, Section 21099(b)(2) which states, "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment." Moreover, the transportation analysis for the proposed project included existing, baseline traffic conditions, which would include trips from existing uses that generate trips. As noted in Draft EIR Section 3.17, Transportation and Traffic, the anticipated trip generation for the proposed project is an average of 62 net fewer daily trips when compared to existing conditions (assuming only 80 percent occupancy).As stated in the Draft EIR Section 3.15, Transportation and Traffic, page 3.15-19, the easterly project driveway on Shadelands Drive was analyzed with respect to the driveway for the Sequoia Living facility. The driveway for the Sequoia facility is located opposite of the proposed easterly project driveway, and it was determined that site distance conflicts due to inadequate visibility would not be anticipated since drivers exiting each of these driveways would have an unobstructed sight line for vehicles exiting the other driveway. Refer also to Master Response 3, Adequacy of Police and Fire Protection Services, for a discussion of emergency service provision associated with the development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-62

Please refer to the Response to VRC-61 above. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-63

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR; Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety; in Section 2, Master Responses, of this document. These responses provide additional information related to the scope of CEQA; emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-64
Please refer to Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response responds to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The City confirmed that the water service line does not conflict with other utilities or facilities. In addition, the proposed project would require plan approval from the CCWD and CCCFPD related to water flow. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-65
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-66
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR. Provision of an alternative's site plan is not required under CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-67
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR. Please refer to Draft EIR Section 3.8, Hazards and Hazardous Materials, page 3.8-27, which confirms that the roundabout would be designed in compliance with the National Cooperative Highway Research Program, ensuring safe maneuverability and efficiency for emergency vehicles, including fire apparatuses, per CCCFPD requirements. Since the roundabout would be designed to allow for maneuverability of fire apparatuses, trucks would also be able to maneuver similarly through the roundabout. Further, as detailed on page 3.15-21, review by City staff would ensure that the roundabout would have no obstructions or features that would limit sight distance, resulting in less than significant impact to traffic hazards.

As provided in Draft EIR Chapter 2, Project Description, the proposed project would incorporate many off-site pedestrian improvements such as constructing new 10-foot-wide sidewalks along the project frontages on Mitchell Drive and Shadelands Drive where segments are currently missing; would provide an additional crosswalk to the northwest corner providing access to the Contra Costa Canal Trail to the north; and would install new streetlights. All these improvements would be consistent with Action 6.1.4 of the General Plan which requires new developments to eliminate gaps in sidewalks and support the additional connections to regional trails. In addition, the proposed Community Benefits Variant improvements, including the proposed single-lane roundabout at the intersection of Shadelands Drive/North Via Monte, extended sidewalks and marked crosswalks, and

bike lane extensions were considered in the Shadelands Multimodal Improvement Plan and would be constructed for consistency with the approved plan, as verified by the City during the plan check process. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to VRC-68

Draft EIR Executive Summary pages ES-8 through ES-37 contain a table summarizing the impacts related to development of the proposed project, which are noted for the record. The proposed project would not result in any significant and unavoidable impacts with implementation of the proposed mitigation measures included in the Draft EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

To: The City of Walnut Creek
From: Friends of Walnut Creek
Re: Amended Comments on the Draft EIR for the Mitchell Townhomes Project
Date: November 17, 2025

Friends of Walnut Creek ("FOWC"), an association of Walnut Creek residents, submits the following amended comments to the Draft Environmental Impact Report ("EIR") for the proposed Mitchell Townhomes Project (the "Mitchell Townhomes" or the "Project"). While the EIR dismisses the traffic and transportation impacts as "less than significant," the Mitchell Townhomes will in fact create real and lasting problems for the community and cannot be properly approved on the existing record and a senior living facility should be considered as an alternative. As well, the EIR is inadequate because it is based on the erroneous assumption that the Project qualifies for the Builder's Remedy. 1

I. TRAFFIC IMPACTS

1. Compounding Congestion on Already Failing Roads, Misleading Focus on Net Daily Trips with No Data re Traffic Direction, and No Data re Treat Blvd.

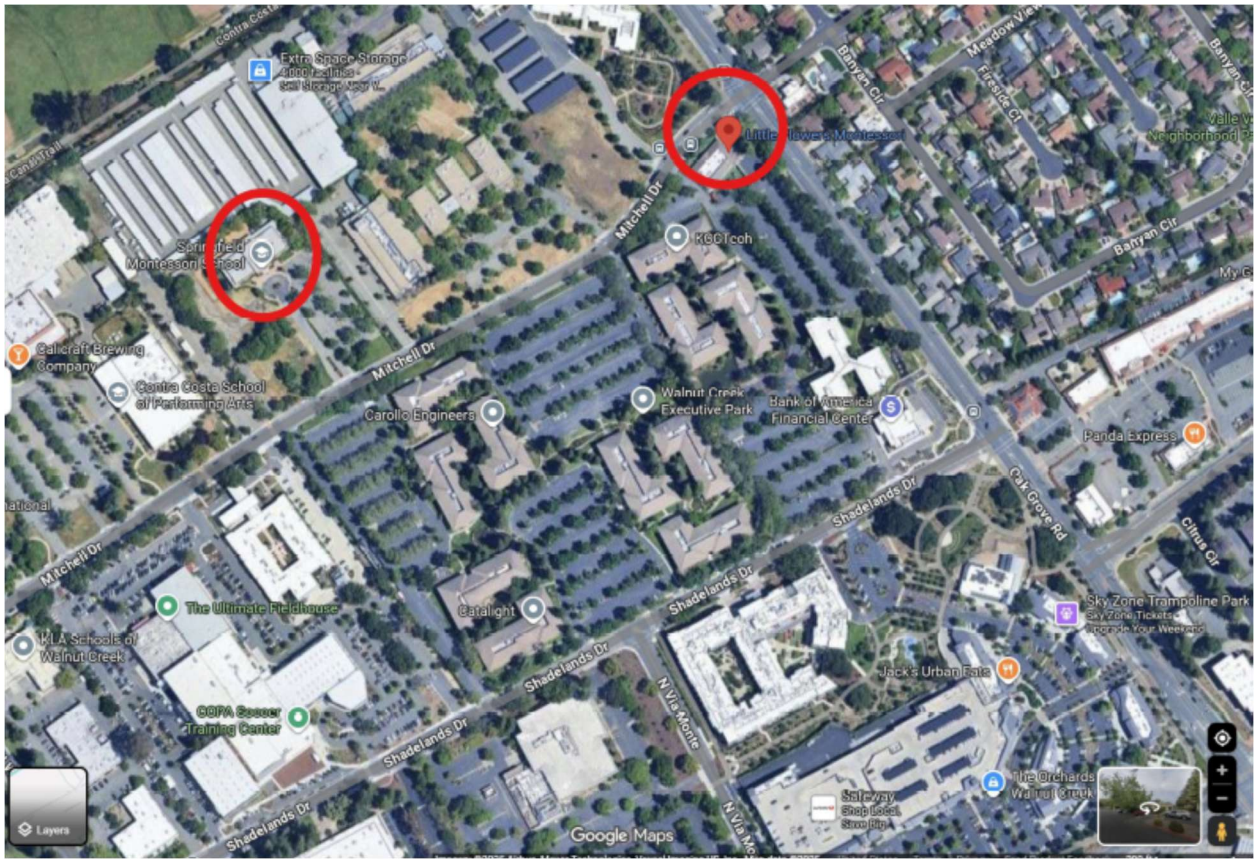
Ygnacio Valley Road already operates at an *unacceptable level of service*, with peak-hour speeds of just 13–14 mph. Adding hundreds of new homes will intensify AM and PM commute congestion, especially outbound traffic in the AM and inbound traffic in the PM. The EIR's focus on "net daily trips" in its Trip Generation discussion ignores the actual impact of the direction of these trips, which will worsen exactly when congestion is already at its peak. The EIR admits that the Project "would result in a corresponding increase in outbound traffic during the AM peak-hour and for inbound traffic during the PM peak-hour," but it fails to quantify those impacts. Focusing instead on just "net daily trips" and failing to provide any data regarding the timing and direction of those trips is how the EIR purports to summarily dismiss concerns about the Project compounding traffic congestion. 2

The EIR also provides no data regarding Treat Blvd., another Route of Regional Significance that will be negatively impacted by the Mitchell Townhomes. To reach the 680 at Treat, or if Mitchell Townhomes children are allocated to Bancroft Elementary, Mitchell Townhomes residents will compound congestion at the intersection of Oak Grove Road and Treat and then on Treat itself, adding to existing backups at De La Salle and Carondelet High Schools, John Muir on Treat, and drivers bound for the 680. Thus, the EIR is incomplete until it provides data regarding the Project's impacts on Treat.

2. Neighborhood Safety and Cut-Through Traffic

Higher traffic volumes and congestion due to the Mitchell Townhomes will encourage cut-through driving, putting drivers, pedestrians, and particularly children at greater risk. Two Montessori preschools are immediately adjacent to the Project. One of the proposed new driveways is located directly across from the Springfield Montessori School. The mix of drop-offs at both preschools and Project outbound AM traffic will endanger children.

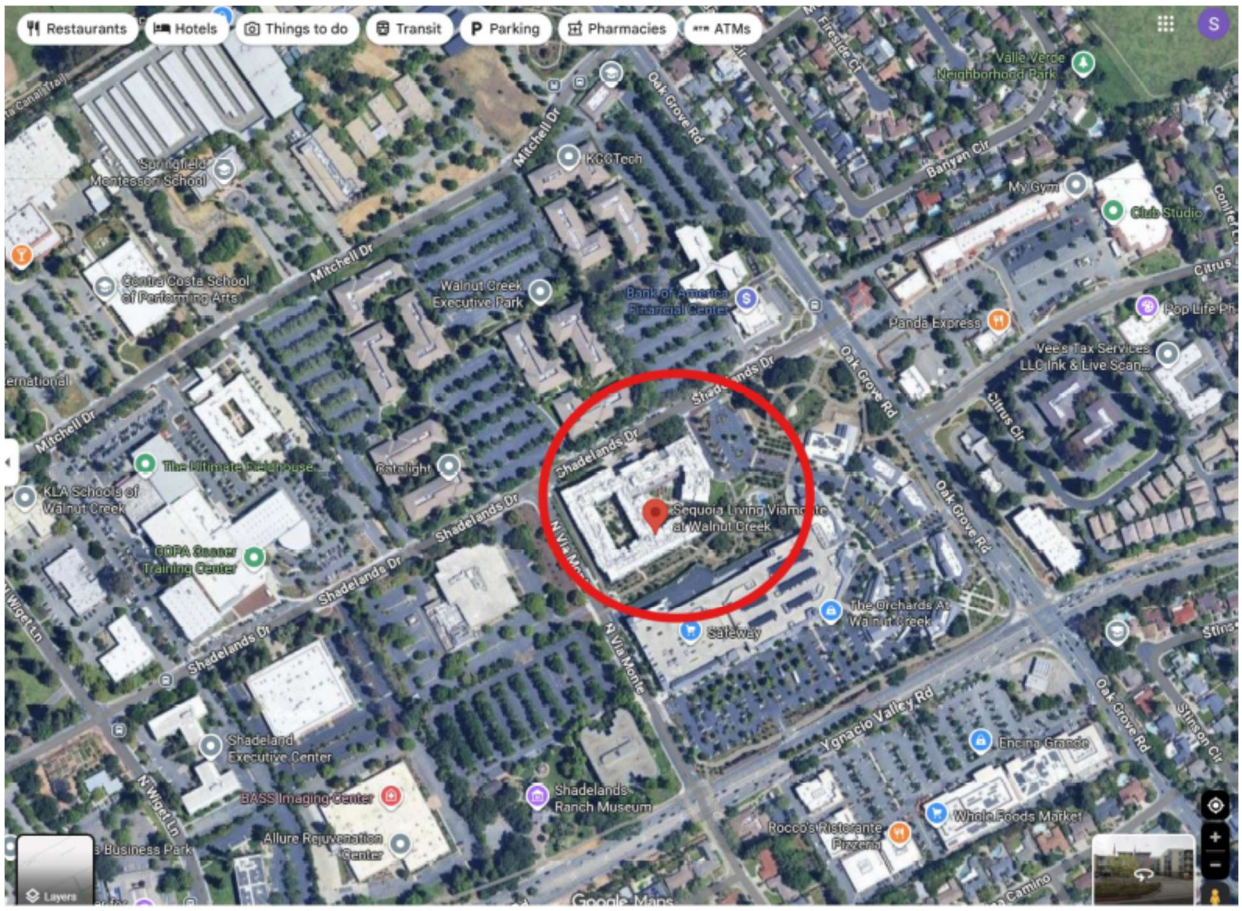
Spring Field Montessori on the left; Little Flowers Montessori on the right



3. Vehicular Safety Worsened and Emergency Access Risks

Consolidating eight existing driveways into four new ones will create bottlenecks for emergency response, especially near the Viamonte Senior Living facility ("Viamonte"). In addition, senior residents at Viamonte will be compromised as pedestrians and as drivers by a driveway just east of the facility. The Project's driveway will exacerbate vehicular safety concerns of Viamonte residents who are trying to enter or leave the facility by car.

Viamonte Senior Living facility at Walnut Creek



4 Cont...

4. Parking Spillover and Circulation

While the Project includes private garages, townhouse garages are often converted to storage or are too small for larger vehicles. Overflow parking will likely spill into surrounding streets, reducing access for existing businesses and emergency vehicles. 5

5. Cumulative Traffic Impacts

The EIR lists other nearby projects (Oakmont Senior Housing, Chick-fil-A, Calicraft Storage). Each may be "less than significant" on its own, but combined, they will increase congestion, slow emergency response, and make local streets more dangerous. The community experiences the *combined effect*—not isolated project-by-project analyses. 6

6. Construction Phase Hazards

Construction truck traffic will overlap with peak school commute times, worsening congestion and increasing hazards for children at the preschools and Viamonte residents trying to enter or exit the facility. 7

ALTERNATIVE: Senior Living Facility Instead of the Mitchell Townhomes Project

Other than the impact from construction phase hazards, all of the specific, adverse impacts on public health and safety described above would be completely avoided or satisfactorily mitigated by the construction of another senior living facility instead of the hundreds of townhomes proposed by the Project. The Viamonte Senior Living facility has been a successful addition to the community, without the introduction of the negative traffic impacts that would be created by the Mitchell Townhomes.

A senior living facility can also offer housing to low- and moderate-income households of seniors as a part of a mix of senior housing. The EIR says that a senior living facility "does not meet the proposed project's affordable housing goals" but that is not the legal standard for the city to disapprove the Mitchell Townhomes over its specific, adverse impacts on public health and safety—the standard is that "there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households." Gov. Code § 65589.5(d)(2). There is no reason why a senior living facility could not offer housing that is affordable to low- and moderate-income households of seniors along with market-rate housing for seniors. If a senior living facility does require a new preliminary application, that is not a reason to disregard this viable and reasonable alternative. The current preliminary application already does not qualify for the Builder's Remedy (as discussed below), so a new preliminary application would have the same posture before the City as the current application. Moreover, the City has already recognized the appropriateness of senior living facilities in the Shadelands so another such project instead of the Mitchell Townhomes would likely face a much smoother path to approval and significant community support. 8

In addition, a senior living facility would actually add more to the area's supply of housing than the Mitchell Townhomes because residents at a senior living facility move from "family-sized" homes that would be placed on the market when the seniors residing in them moved to a senior living facility. The density of a senior living facility, populated by seniors who have moved out of "family-sized" homes, would thus free up more housing inventory than the Mitchell Townhomes would create. A senior living facility should be considered as a reasonable (and superior) alternative to the Mitchell Townhomes.

II. SCHOOL ASSIGNMENTS

While the Mitchell Townhomes should not be approved at all due to the impacts of the Project on the community, if it is built, children residing at the Project should be zoned for MDUSD public schools where the school populations are declining and where the traffic impacts will be minimized:

1. Enrollment Trends and Capacity Considerations

The EIR identifies Bancroft Elementary, Foothill Middle School, and Northgate High School as the schools that might serve the Project. However, enrollment data in the EIR shows these schools have all experienced enrollment increases in the past five years:

- **Bancroft Elementary**: +3.8%
- **Foothill Middle**: +4.9%
- **Northgate High**: +3.2%

9

By contrast, schools located closer to the Project are experiencing declining enrollments:

- **Woodside Elementary**: –15.6%
- **Oak Grove Middle**: –12.4%
- **Ygnacio Valley High**: –13.5%

Directing new students from the Mitchell Townhomes to Bancroft, Foothill, and Northgate would place additional pressure on school populations that are already increasing, while the nearby schools of Woodside, Oak Grove, and Ygnacio Valley, with excess capacity and declining student populations, remain underutilized.

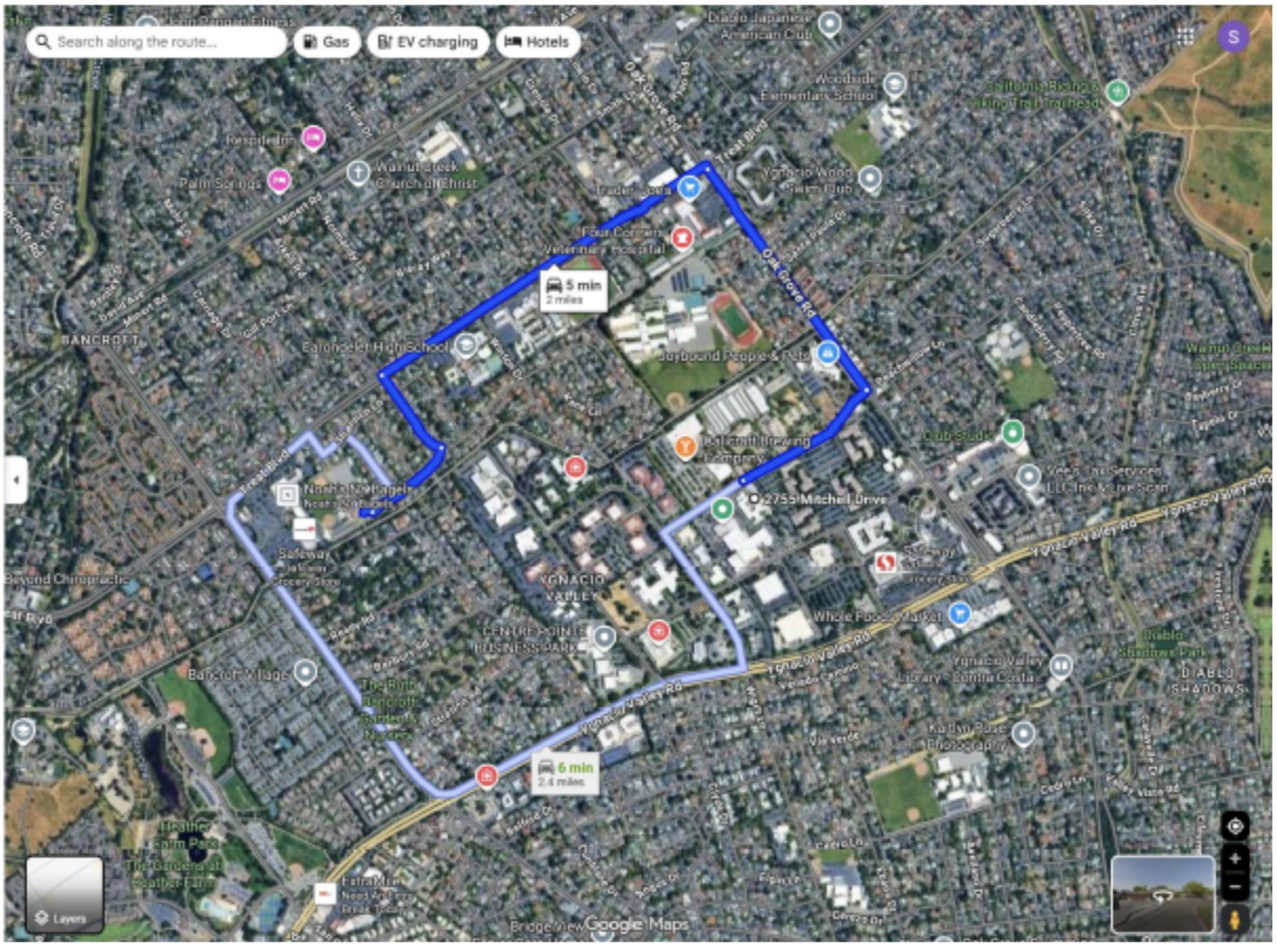
2. Morning Traffic Impacts from Mitchell Townhomes School Designations

Bancroft Elementary or Woodside Elementary

- **Impact if Bancroft:** Driving from the Mitchell Townhomes to Bancroft Elementary means:
  --Left turn from Oak Grove onto Treat, already subject to backups.
  --Traveling west on Treat Boulevard so adding to the commute congestion and congestion due to De La Salle and Carondelet and drivers bound for the 680.
  This corridor already experiences significant peak-hour congestion due to commuter traffic and nearby school drop-offs (although the EIR provides no data regarding Treat). Adding trips to Bancroft Elementary would worsen westbound congestion on Treat Blvd., particularly at choke points.
- **Contrast if Woodside:** If students were assigned to Woodside Elementary, elementary school commutes from the Project would be largely local and avoid Treat Blvd., resulting in far fewer regional traffic impacts.

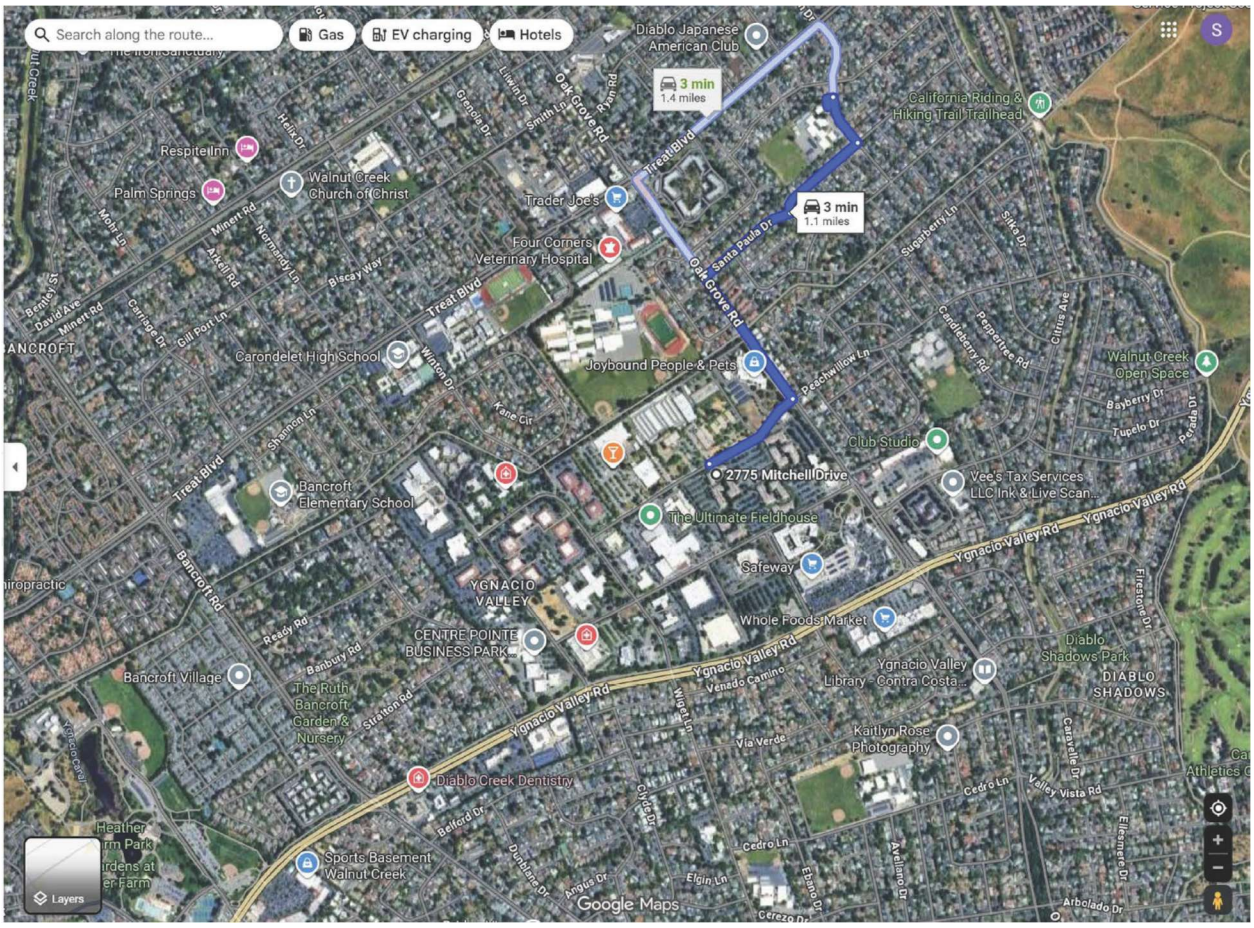
(Note that the travel times in the Google Maps below are based on trips with no traffic present.)

Mitchell Townhomes to Bancroft Elementary



10

Mitchell Townhomes to Woodside Elementary

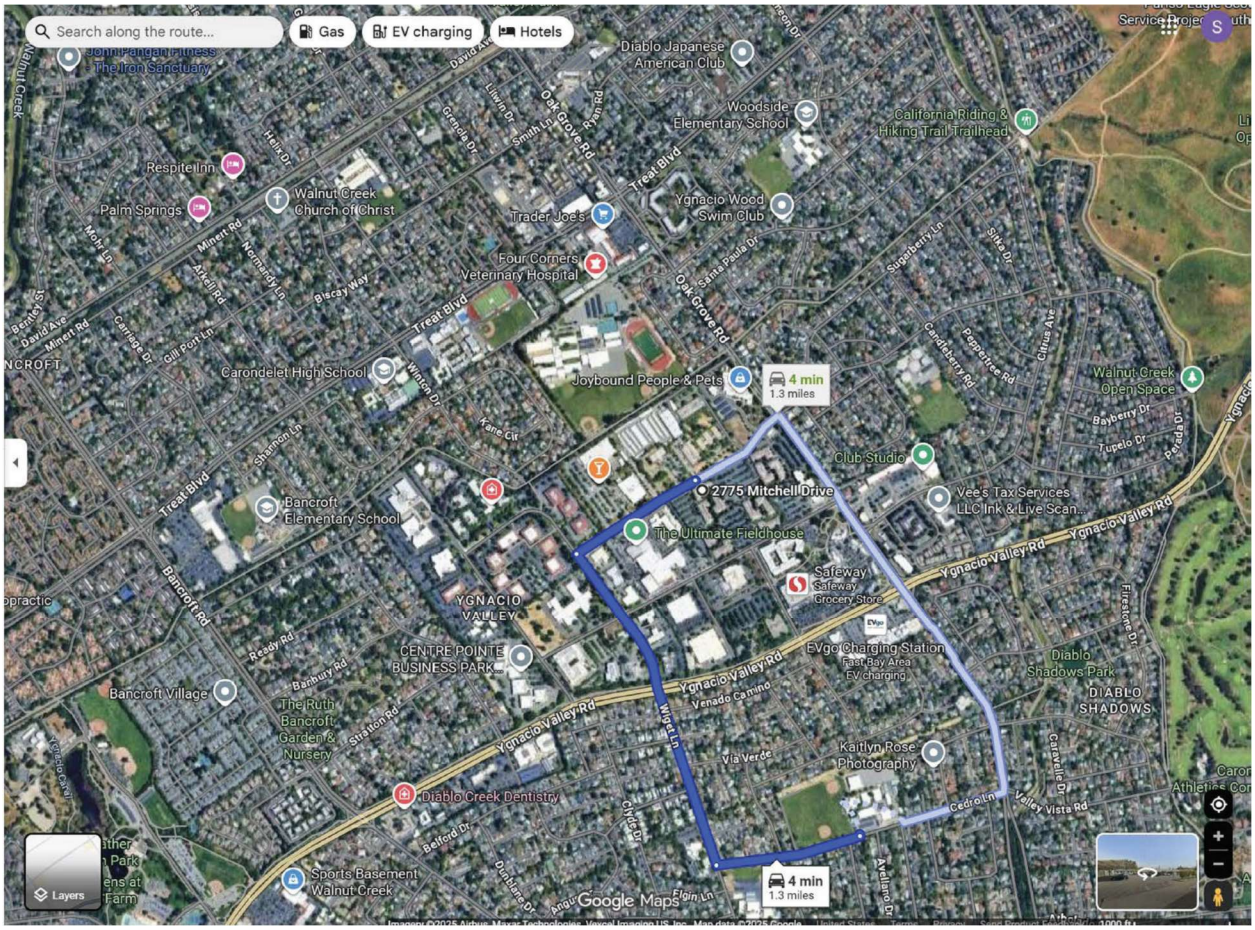


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Foothill Middle or Oak Grove Middle

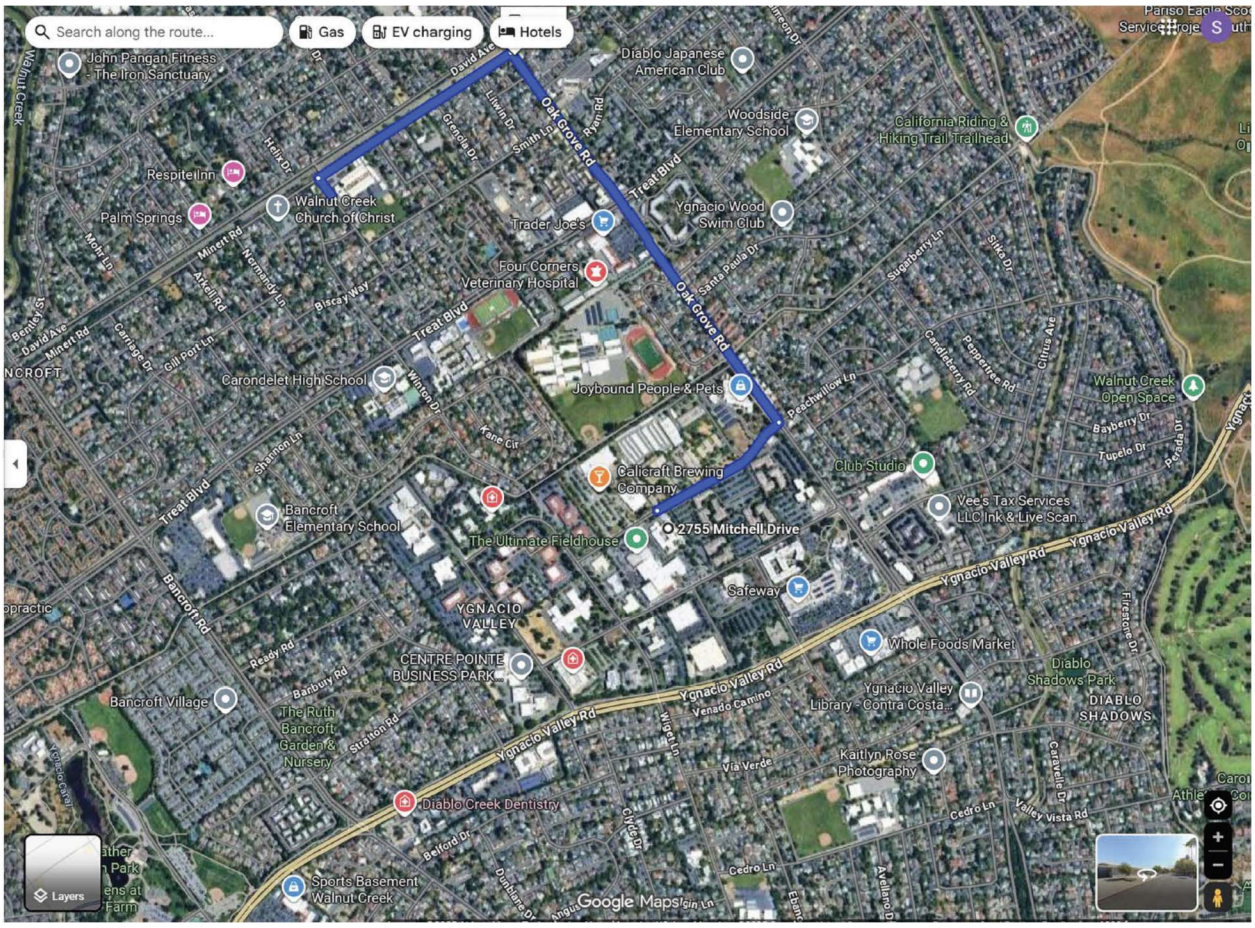
- **Impact if Foothill:** Students traveling to Foothill Middle would increase morning congestion due to existing Foothill drop-off traffic and Northgate traffic.
- **Contrast if Oak Grove:** The AM commute to Oak Grove from the Project is a northbound trip on Oak Grove and then westbound on Minert, a relatively uncongested journey. Routing Project-generated students to Oak Grove Middle avoids added strain on local roads.

Mitchell Townhomes to Foothill Middle School



11

Mitchell Townhomes to Oak Grove Middle School

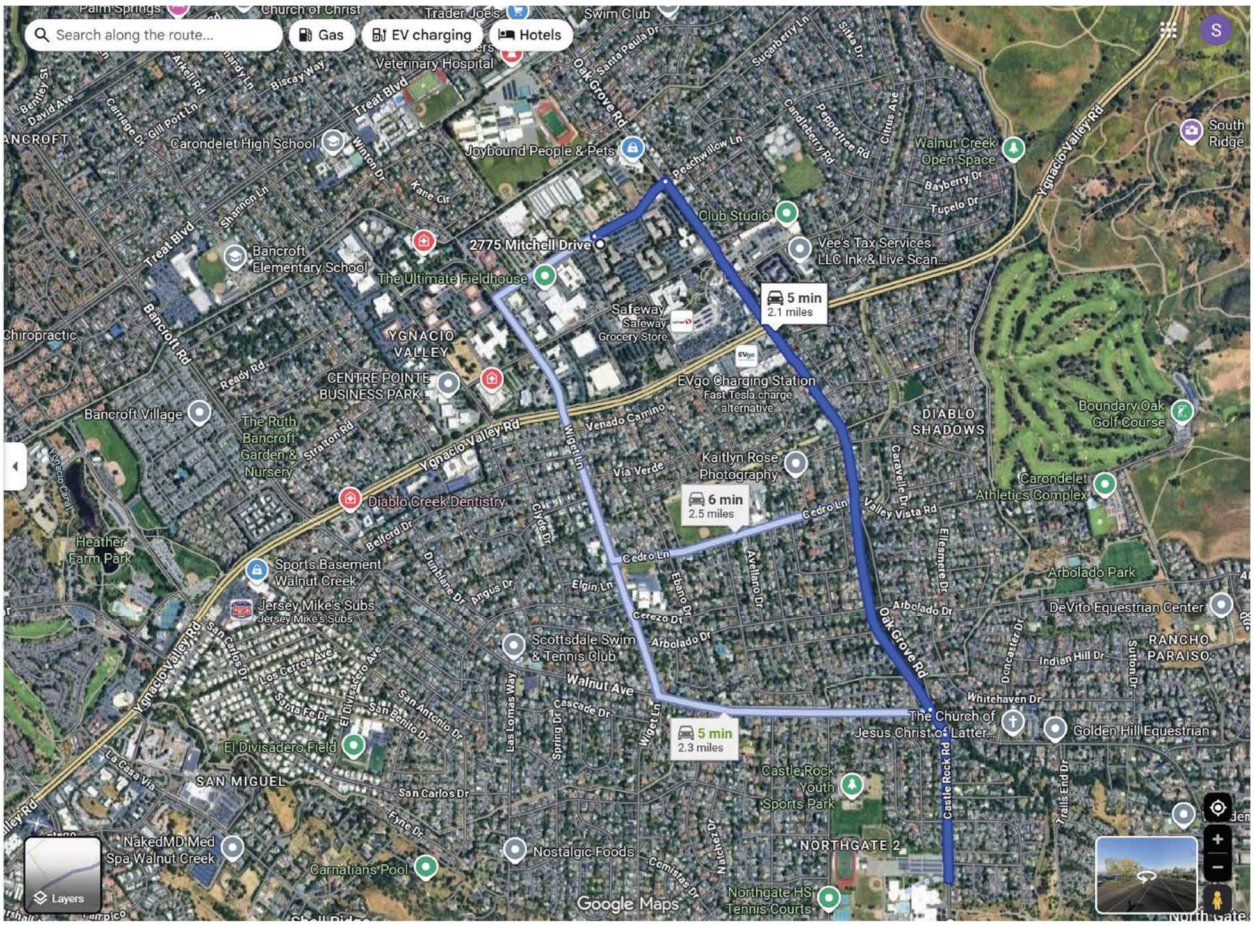


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Northgate High or Ygnacio Valley High

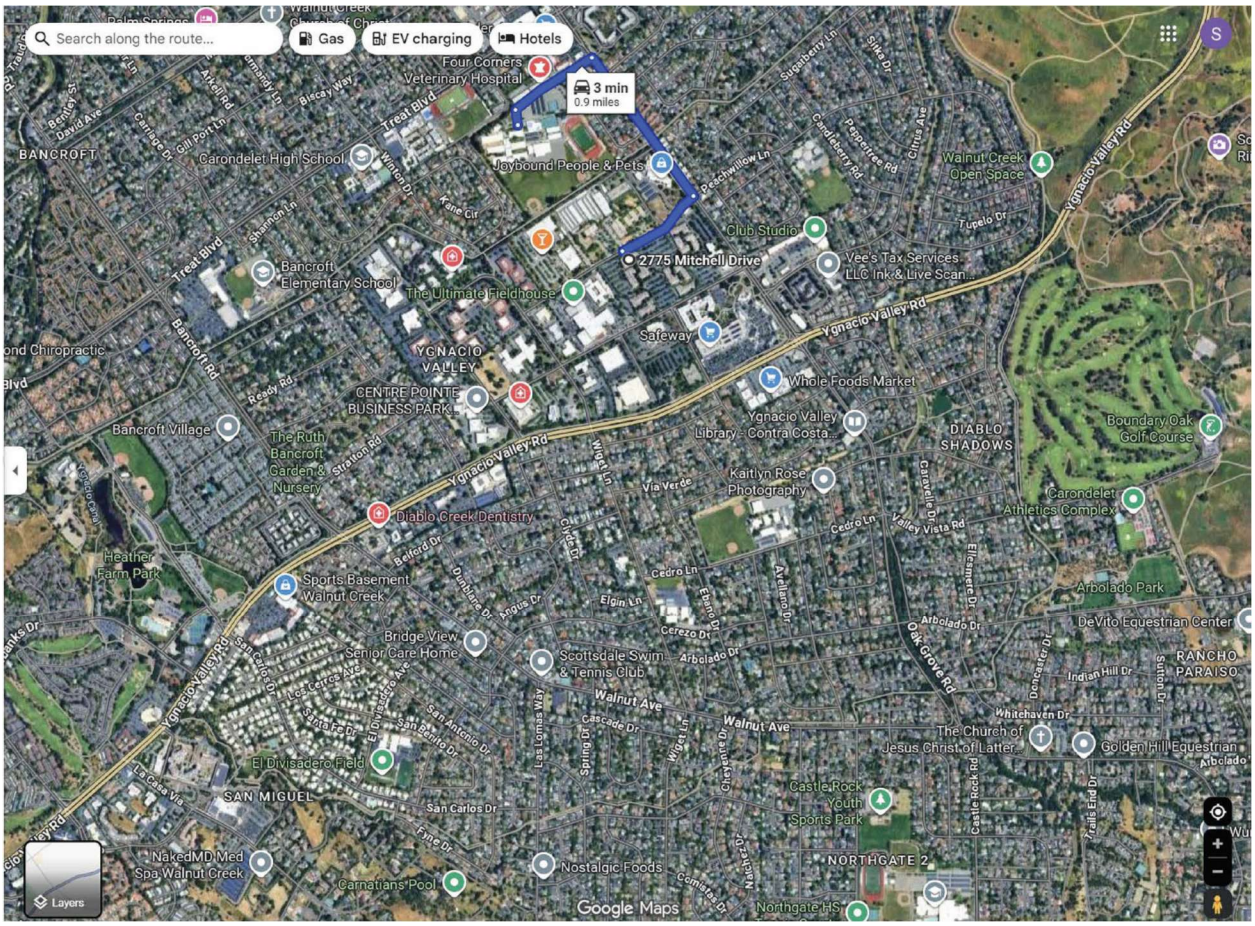
- **Impact if Northgate:** Routing students to Northgate High creates additional demand on Oak Grove Road during peak morning hours, which already operates with heavy congestion due to both school and commuter traffic.
- **Contrast if Ygnacio Valley:** Ygnacio Valley High is within close walking distance via neighborhood streets without entering major arterial congestion. Mitchell Townhomes high schoolers attending Ygnacio Valley High would require almost no vehicle trips.

Mitchell Townhomes to Northgate High School



12

Mitchell Townhomes to Ygnacio Valley High School



12 Cont...

3. Superior Use of District Facilities

Given the documented enrollment declines and proximity advantages, assigning Mitchell Townhomes students to Woodside Elementary, Oak Grove Middle, and Ygnacio Valley High would support a more efficient use of existing district facilities. If the Mitchell Townhomes is approved, the school assignments should be to these closer, underutilized schools. These are the most appropriate receiving schools for the Mitchell Townhomes. This adjustment would lessen the impacts on schools, better balance district capacity and resources, and minimize environmental and traffic-related impacts. In addition, allocating Mitchell Townhomes students to these underutilized schools would also have no impact whatsoever on the project itself.

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III. MITCHELL TOWNHOMES INELIGIBLE FOR BUILDER'S REMEDY

The Builder's Remedy applies only if at the time a project application was submitted, the City had not already adopted a housing element in substantial compliance with State law. Gov. Code § 65589.5(d). Under Government Code § 65585.03(b), a court may determine substantial compliance as of the date of adoption. *New Commune DTLA LLC v. City of Redondo Beach* (2025) 115 Cal. App. 5th 111, 125 ("An adopted housing element may be found to be in substantial compliance by either HCD or a court."). Accordingly, the law expressly authorizes a court—not merely the HCD—to evaluate when substantial compliance existed.

Here, as described in the attached letter of April 15, 2025, the City's Housing Element was adopted on August 1, 2023 and later certified by HCD on October 24, 2023. The later HCD certification is confirmatory evidence that the Housing Element was substantially compliant as of the date of adoption by the City and a court could and should find that substantial compliance was achieved as of the August 1 adoption date, not the later certification date. "Any interested party may bring an action for traditional mandamus under Code of Civil Procedure section 1085 to ensure a housing element's conformity with the Housing Element Law." *New Commune*, 115 Cal. App. 5th at 128. Any housing development application submitted or deemed complete after August 1, 2023—including the Mitchell Townhomes Project—falls outside the window in which the Builder's Remedy applies. 14

Because the Builder's Remedy is inapplicable, the Draft EIR's assumption that the project is exempt from General Plan and zoning consistency consideration is erroneous.

To remedy this, the City should:

1. Revise the Draft EIR in light of the project's ineligibility for the Builder's Remedy and re-evaluate environmental analyses based on the correct regulatory baseline;
2. Identify the necessary legislative approvals—such as a General Plan Amendment or rezoning—that must be adopted before the City can approve the project
3. Circulate a Revised Draft EIR for a new public-review period pursuant to CEQA; and
4. Refrain from certifying the EIR or approving the project until the legal and factual basis for Builder's Remedy eligibility is resolved.

Correcting the Builder's Remedy error will materially change the land use and planning analyses that form the basis of the EIR. Failure to correct this foundational legal assumption leaves the EIR inadequate under CEQA, because it omits the full scope of discretionary approvals and associated impacts.

IV. CONCLUSION

For these reasons, the EIR cannot be certified in its current form. The EIR fails to disclose and analyze the Project's full traffic and safety impacts and it disregards a reasonable, environmentally superior alternative without meaningful consideration. The EIR also overlooks a reasonable and environmentally superior school-allocation approach that would reduce vehicle trips and better utilize nearby under-capacity schools. Most critically, the EIR is based on the incorrect assumption that the Project qualifies for the Builder's Remedy, an error that undermines the entire regulatory baseline and the scope of discretionary approvals required. Until these deficiencies are corrected and the EIR is revised and recirculated, the City cannot lawfully approve the Mitchell Townhomes Project. 15

/s/Steve Elster

Steve Elster, on behalf of Friends of Walnut Creek
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Attachment

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BY E-MAIL AND US MAIL

April 15, 2025

Mayor Cindy Darling
Honorable Members of the City Council
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RE: Builder's Remedy Process Briefing
April 15, 2025, Agenda Item 6a

Dear Mayor Darling and Honorable Members of the City Council:

I am writing on behalf of the Friends of Walnut Creek ("FOWC"), an association of Walnut Creek residents, concerning the Builder's Remedy Process Briefing, scheduled to be discussed at the April 15, 2025 meeting of the City Council as Agenda Item 6a. FOWC is pleased that the City Council is researching the scope and application of the Builder's Remedy. However, we believe that the Staff Report for the April 15, 2025 meeting overlooks an aspect of the law relevant to projects proposed in Walnut Creek.

On January 24, 2023, the City Council adopted the current 2023-2031 Housing Element, including modification authority to address changes requested by the Department of Housing and Community Development ("HCD"). The Housing Element was submitted to HCD on January 27, 2023, prior to the January 31, 2023, statutory deadline. The first addendum to the Housing Element was approved by Council on March 21, 2023, and sent to HCD which issued a letter on March 27, 2023, requesting changes to the Housing Element. On August 1, 2023, Council approved a second addendum to the Housing Element which was submitted to HCD on August 25, 2023. On October 13, 2023, a technical update to the adopted Housing Element was prepared, submitted to HCD and posted for a seven-day public review. Upon the conclusion of the public review period on October 20, 2023, the City submitted the technical update for final review by HCD. HCD sent a letter to the City on October 24, 2023 certifying that the Housing Element adopted on August 1 was substantially compliant.

The Agenda Report notes that "substantial compliance" means HCD certification. (Agenda Rpt. p. 2). That may be true in certain circumstances, but it omits to mention

that the law also allows a court to determine substantial compliance as occurring on the date that the City adopted a compliant Housing Element.

> Government Code section 65589.5(d)(5) states in relevant part:
>
> (d) For a housing development project for very low, low-, or moderate-income households, or an emergency shelter, a local agency shall not disapprove the housing development project or emergency shelter, or condition approval in a manner that renders the housing development project or emergency shelter infeasible, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:
>
> (5) On the date an application for the housing development project or emergency shelter was deemed complete, the jurisdiction had adopted a revised housing element that was in substantial compliance with this article, and the housing development project or emergency shelter was inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan.

This makes clear that the question is whether the city had adopted a substantially compliant Housing Element on the date the housing development application was deemed complete. The statute does not even mention the date of HCD approval. Here, Walnut Creek adopted a substantially compliant Housing Element on August 1, 2023.

16 Cont...

In the recent case of *600 Foothill Owner LP v. City of La Canada Flintridge*, Los Angeles Superior Court Case no. 23STCP02575 (Beckloff, J.) ("600 Foothill") (attached hereto), the court held that the relevant time period to determine compliance was the date that the city adopted a substantially compliant Housing Element, not the date of HCD approval. While the court defers to the HCD's determination as the expert agency, the court held that it is a judicial function for the court to determine if the Housing Element was substantially compliant at the time it was adopted by the city. (*600 Foothill* at p. 20). The court cited the case of *Martinez v. City of Clovis* (2023) 90 Cal. App. 5th 193, 237, which held that the court must "independently determin[e] whether the housing element at issue is in substantial compliance with applicable statutory requirements, i.e., does it contain the elements mandated by the statute." In the *600 Foothill* case, HCD determined that Flintridge's Housing Element did *not* substantially comply with state law. The court made an independent judgment, with deference to HCD's determination, that the Flintridge's Housing Element did not comply with state law at the time of its adoption by the city.

Walnut Creek's situation is essentially the opposite of Flintridge's. Here, HCD found that the Housing Element adopted by Walnut Creek on August 1, 2023 did in fact comply with state law. Therefore, a court can reasonably find that Walnut Creek's Housing Element was in substantial compliance at the time of its adoption on August 1, 2023. If substantial compliance is determined by a court, the relevant date of the City coming into substantial compliance is not the date of HCD's decision, but rather, the date

of the City's adoption of the substantially compliant Housing Element – August 1, 2023. A court can find that HCD's determination is merely evidence that Walnut Creek's Housing Element was, in fact, substantially compliant as of August 1, 2023.

16 Cont...

Any other interpretation would put a city at risk of the draconian Builder's Remedy simply as a result of agency inaction. HCD's bureaucratic delays could put cities in jeopardy of haphazard development, in blatant disregard of zoning, simply due to staffing shortages, administrative delays or agency inaction.

For the reasons discussed above, Walnut Creek's Housing Element was substantially compliant as of August 1, 2023 and an application submitted after that date is not subject to the Builder's Remedy.

Sincerely,

Richard Toshiyuki Drury
LOZEAU DRURY LLP

Attachment: 600 Foothills, LP v. City of La Canada Flintridge

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Friends of Walnut Creek (FOWC)

Response to FOWC-1

Please refer to Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response addresses comments that express general opposition to or disapproval of the proposed project or the environmental analysis. This comment does not raise any specific significant environmental issues and therefore no response is required under CEQA.

Response to FOWC-2

Please refer to Master Response 4, Vehicle Miles Traveled and Level of Service, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses explain the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic data and congestion. Additionally, these responses discuss the study area for the proposed project for which road-specific traffic data was collected based on City guidance. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to FOWC-3

Please refer to Master Response 4, Vehicle Miles Traveled and Level of Service, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses explain the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic safety and school traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to FOWC-4

Please refer to Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. This response discusses the proposed project's impacts related to traffic congestion and emergency services access. Please also refer to Response to VRC-44 and VRC-61 for a discussion of driveways associated with the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to FOWC-5

The comment reflects a personal opinion speculating on future residents' personal use of private garages and does not present evidence or reference any environmental policy, threshold, or standard relevant to CEQA analysis. Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Additionally, please refer to Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. This master response discusses traffic and on-street parking impacts associated with the proposed project. The comment did not provide new, substantial evidence with

respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to FOWC-6
Please refer to Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Additionally, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project, explain the transportation metrics utilized under CEQA to evaluate project-level and cumulative-level impacts, and discuss the proposed project's impacts related to traffic. A list of projects included in the cumulative analysis, in consultation with the City, is included within Draft EIR Chapter 3, Environmental Impact Analysis, Section 3.1, Cumulative Effects, Table 3-1: Cumulative Projects, on pages 3-5 and 3-6. This table, and all associated cumulative impact analysis, accounts for the Oakmont Senior Housing project, Chick-fil-A project, and Calicraft Storage project. As noted on Draft EIR Section 3.15, Transportation and Traffic, page 3.15-23, transportation modeling for the proposed project included vehicle trips from cumulative future developments that are not related to the proposed project, including the projects listed in Table 3-1. Cumulative impacts related to transportation were determined to be less than significant as noted on page 3.15-24 of the Draft EIR.

Additionally, please refer to Master Response 3, Adequacy of Police and Fire Protection Services. This response provides additional information related to emergency public services and development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to FOWC-7
Please refer to Master Response 4, Vehicle Miles Traveled and Level of Service, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses explain the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic data, traffic congestion, and school-related traffic. Further, cumulative transportation impacts were evaluated in Draft EIR Section 3.15, Transportation and Traffic, pages 3.15-22 through 3.15-24. This analysis found that cumulative impacts related to transportation would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to FOWC-8
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Additionally, please refer to Response to FOWC-14 below regarding Builder's Remedy and the proposed project.

As noted in Draft EIR Chapter 6, Alternatives to the Proposed Project, page 6-28, factors that may eliminate alternatives from detailed consideration include (i) failure to meet most of the basic project objectives, (ii) infeasibility taking into account economic, environmental, social, technological, and legal factors, and (iii) inability to substantially lessen or avoid significant environmental impacts of the proposed project. Draft EIR Executive Summary pages ES-8 through ES-37 contain a table summarizing the impacts related to development of the proposed project. The proposed project would not result in any significant and unavoidable impacts with implementation of the proposed mitigation measures included in the Draft EIR. As discussed in Draft EIR Chapter 6, Alternatives to the Proposed Project, page 6-30, a Senior Living Alternative would require a new planning application due to the revision in project type compared to the proposed project and would conflict with the existing Business Park land use designation. In turn, this would extend the project schedule for redesign and necessitate substantial project revisions. The circumstances suggest that applicant is not a senior housing developer to undertake such revisions.. In addition, this alternative would not support the affordable housing goals of the proposed project and, as such, was rejected from further consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to FOWC-9

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Additionally, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service, in Section 2, Master Responses, of this document. This response explains the transportation metrics utilized under CEQA to evaluate project impacts and discusses the proposed project's impacts related to traffic.

Further, as explained in Draft EIR Section 3.13, Public Services, page 3.13-4, MDUSD—not the City—divides neighborhoods into separate zones and designates specific street addresses with an elementary, middle, and high school. School assignments were determined in accordance with the existing MDUSD school assignment zones. As noted in Draft EIR Section 3.13, Public Services, page 3.13-18, the proposed project would be required to pay development fees to the MDUSD to accommodate the increased number of students generated by the proposed project. These statutory fees provide full and complete school facilities mitigation. (See California Government Code § 65996(b)). The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to FOWC-10

Please refer to Master Response 4, Vehicle Miles Traveled and Level of Service, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses explain the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic congestion and school-related traffic. The comment reflects a personal opinion and does not present evidence or reference any environmental policy,

threshold, or standard relevant to CEQA analysis. In addition, the City does not determine school assignments; as identified in FOWC-9, assignments are made by MDUSD. Because the comment does not identify a specific environmental impact or deficiency in the EIR, no further response is required.

Response to FOWC-11

Please refer to Master Response 4, Vehicle Miles Traveled and Level of Service, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses explain the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic congestion and school-related traffic. The comment reflects a personal opinion and does not present evidence or reference any environmental policy, threshold, or standard relevant to CEQA analysis. Because the comment does not identify a specific environmental impact or deficiency in the EIR, no further response is required.

Response to FOWC-12

Please refer to Master Response 4, Vehicle Miles Traveled and Level of Service, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses explain the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic congestion and school-related traffic. The comment reflects a personal opinion and does not present evidence or reference any environmental policy, threshold, or standard relevant to CEQA analysis. Because the comment does not identify a specific environmental impact or deficiency in the EIR, no further response is required.

Response to FOWC-13

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. See also Response to FOWC-9 regarding MDUSD's determination rather than the City's. As noted in Draft EIR Section 3.13, Public Services, page 3.13-18, the proposed project would be required to pay development fees to the MDUSD to accommodate the increased number of students generated by the proposed project. These statutory fees provide full and complete school facilities mitigation. (See California Government Code § 65996(b)). The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to FOWC-14

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response provides additional information on the scope of CEQA. As noted in Draft EIR Section 3.12, Population and Housing, page 3.12-14, the City's Housing Element was certified by the State Department of Housing and Community Development (HCD) on October 24, 2023. Draft EIR Executive Summary, page ES-5 states that the preliminary application for the proposed project was considered submitted on October 18, 2023. Thus, the proposed project is being processed under the Builder's Remedy provisions of the HAA. Draft EIR Section 3.10, Land Use and Planning, page 3.10-12 also notes that the application for the proposed project has been

submitted and processed in accordance with the HAA including its Builder's Remedy provisions. This process is supported by the HAA, which applies to "housing development projects" for which this project qualifies, and by the recently enacted Government Code Section 65585.03 which states that an adopted housing element is considered to be in substantial compliance with State law when either HCD certifies the housing element or a court makes such compliance finding, and where neither has been overturned by subsequent court decision or statute. In any event, the foregoing issues are non-CEQA legal arguments.

Moreover, the proposed project's impacts related to land use and planning were included in Draft EIR Section 3.10, Land Use and Planning, pages 3.10-10 through 3.10-38. The proposed project would be consistent with the City's Design Review Standards and Guidelines by utilizing State Density Bonus Law and related waivers and concessions to allow for the density of the proposed project. As such, impacts related to land use and planning were determined to be less than significant in the Draft EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to FOWC-15
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA and address comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Additionally, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project, explain the transportation metrics utilized under CEQA to evaluate project impacts, and discuss the proposed project's impacts related to traffic.

Moreover, the proposed project application was processed in accordance with the HAA including its Builder's Remedy provisions, as noted in Draft EIR Section 3.10, Land Use and Planning, page 3.10-12. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to FOWC-16
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response provides additional information on the scope of CEQA, including any non-CEQA issues. Please also refer to Response to FOWC-14. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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Dear Sir/madam.

1

Thanks for the notice.

We don't have time to attend meetings for the project NO. Y24-026.

We paid a lot money to have property at grove road we CA94598, we are busy with our jobs, we need a quiet place to take rest for next workday. we don't want a crowd residents around our properties that will disrip the value of our properity. it is not ~~fair~~ fair to ours. We need quiet and simply living environment. We don't want crowd and busy around our properies.

We clearly say "NO. project NO. Y24-026" around our places. Don't put some projets around our properties. please respect ours rights, ~~to~~ protecting our properies value.

Sincerely Dongmei Zhang-Su family 10/12/2025

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Individuals

Dongme Isaacs-Sun Family (DIS)

Response to DIS-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis.

Additionally, please refer to Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. This response discusses the proposed project's impacts related to traffic. Please also refer to Response to HBLLP-7 for an explanation of noise impacts for the proposed project. Further, see Response to VRC-19 for a discussion of eliminating units for the proposed project. The public review period for the proposed project was extended to ensure the applicable public noticing procedures were implemented, and copies of the Draft EIR were made available on the City's website, as well as the City of Walnut Creek Community Development Department, Walnut Creek Library, and the Ygnacio Valley Library for members of the community to review. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Matt Bush
To: Simar Gill
Subject: Mitchell Townhomes comment
Date: Thursday, October 16, 2025 12:22:08 PM

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

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I live in a single family home in the Woodlands, on Banyan Circle, directly across Oak Grove from the proposed development. I fully support the project and I'm excited to welcome my new neighbors. 1

Concerns I've heard from some of my neighbors around traffic and parking seem overblown. Between the 1 and 7 bus routes, the bike trails, BART, and the 5 different shopping centers within easy walking/biking distance, I rarely even get in a car. The Shadelands area is a gem of walkability, and adding more, denser housing here is a clear win.

The community benefit alternatives described in the draft EIR sound great, and encompass most of my preferred improvements. 2

-Matt Bush

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Matt Bush (MB)

Response to MB-1

The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MB-2

The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: teresa drouillard
To: Simar Gill
Subject: Townhome project on Mitchell Dr, Walnut Creek
Date: Thursday, October 16, 2025 9:16:12 AM

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,

I am a Walnut Creek resident living close to the Woodland area. I understand that there a proposed project to build a townhome community at the Woodland area on Michelle Drive.

I would like to express my concern about the traffic in that area with ygnacio valley going both directions, towards the 680 freeway and to Clayton. The big fast food chain is already being built there. And now a big town house community. This is going to disrupt the traffic of our community with 3 elementary schools, 1 middle school and 1 high school around. Parents will be have very difficult time for drop off and pick up during school hours.
The current residents will have a difficult time to travel to work.

I am definitely opposed to this project. Please take all the above concerns into consideration.

Thank you
Teresa Drouillard

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Teresa Drouillard (TD)

Response to TD-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA and address comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Additionally, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses explain the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's informational impacts related to traffic. Further, pages 15 and 16 of the Traffic Operations Analysis for the Mitchell Townhomes Project, included as Attachment A to this Final EIR, state that data from the traffic operations analysis for the Chick-fil-A restaurant at 2290 Oak Grove Road was factored in as part of the baseline conditions for traffic operations modeling conducted for the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Michael Kotsos
To: Simar Gill
Subject: Re: 422 Unit Mitchell Drive EIR
Date: Tuesday, October 21, 2025 9:09:42 AM
Attachments: image001.png

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

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Hello Simar,

Thanks for the information.

Is there a paper version of the draft EIR available in the WC library (as indicated on the public poster?

Why was the review date extended?

1

Pls. ask or forward to me the developer contact info so I can obtain unit pricing, HOA fees, trash, etc..
There is a perception amongst folks that these townhomes will be “affordable”, compared with current rental rates or with current single family home prices. I’d like to get the facts and share.

Know that a majority of Woodlands residents were not aware of this project until I posted information a few weeks ago on NextDoor. The response has been overwhelming; 23 reactions and 176 comments!

I found out about this project walking my dog along Mitchell and saw the poster on the opposite side of the street to the proposed project.

2

I look forward to obtaining more information.
Thanks,
Michael

On Tue, Oct 21, 2025 at 8:21 AM Simar Gill <Gill@walnutcreekca.gov> wrote:

> HI Michael, I am not sure about the purchase costs, if you like I can have the developer email you directly for additional questions.
>
> Here is the link to the entire EIR and sections. Please let me know if you need anything else. When you click this link, scroll down and you will see the Draft EIR and the Appendices (provided a snippet below)

https://www.walnutcreekca.gov/government/community-development-department/development-projects/mitchell-townhomes

CEQA

Mitchell Townhomes December 11, 2024 CEQA Scoping Session Meeting

Notice of Preparation (Filed November 22, 2024)

Notice of Availability (Filed August 21, 2025)

- Notice of Availability Extension (Filed October 7, 2025)

Draft EIR_Mitchell Townhomes

Appendix A - EIR Public Involvement

Appendix B - AQ-GHQ-Energy Supporting Information

Appendix C - Biological Resources Supporting Information

Appendix D - Cultural Resources Supporting Information

Appendix E - Geology and Soils Supporting Information

Appendix F- Hazards and Hazardous Materials Supporting Information

Appendix G - Hydrology and Water Quality Supporting Information

Appendix H - Noise Supporting Information

Appendix I - Recreation Supporting Information

Appendix J - CEQA Analysis for the Mitchell Drive Townhomes Project

Appendix K - Tribal Cultural Resources Supporting Information

Entitlements Requested

1. Tentative Condo Map
2. Design Review
3. Lot Line Adjustment
4. Tree Removals

Thanks,

Simar

2
Cont.

From: Michael Kotsos <tipringer@gmail.com>
Sent: Monday, October 20, 2025 1:14 PM
To: Simar Gill <Gill@walnutcreekca.gov>
Subject: Fwd: 422 Unit Mitchell Drive EIR

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

---------- Forwarded message ---------
From: **Michael Kotsos** <tipringer@gmail.com>
Date: Mon, Oct 20, 2025 at 9:41 AM
Subject: 422 Unit Mitchell Drive EIR
To: <gill@walnutcreekgov.ca>

Hello Ms. Gill,

I am requesting a hard copy or PDF of current draft EIR for this project.

Does the builder have estimates on purchase costs yet?

Thanks,

Michael Kotsos

(925)765-8858

2
Cont.

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Michael Kotsos (MK)

Response to MK-1

The public review period for the proposed project was extended by an additional 45 days through November 20, 2025, to ensure the applicable public noticing procedures were implemented. Copies of the Draft EIR were also made available at the City of Walnut Creek Community Development Department, Walnut Creek Library, and the Ygnacio Valley Library for the duration of the public review period, including the extended review period, and also available online at https://ceqanet.lci.ca.gov/Project/2024110923. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MK-2

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response provides additional information on the scope of CEQA. Further, as noted on Draft EIR Executive Summary page ES-2, 13 percent of the total 422 proposed units would be dedicated for low-income housing and would be consistent with the affordability requirements. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Mei Mei
To: Simar Gill; Mei Mei
Subject: review commission mitchell townhouse No y24-26
Date: Sunday, October 26, 2025 3:39:08 PM

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.

Dear Simar gill, senior planner,

Our names : Dongme isaacs-sun and Wayne Robin Isaac.
We own the property : 2010 -2012 Oak Grove Road Walnut creek CA 94598.
We paid a lot money got the property. We pay huge amount property tax to county annual.
We stronger protest the project No. Y24-026. We are exist owning the property. We stronger against on the project no Y24-26. The city, Walnut Creek will let the applicant: Jonathan Fearn develop Group, LLC, to put Mitchell Townhouses and close to our property.
It is not extreme correct to the NEIGHBORS who paid huge money for the houses. The OAK GROVE ROAD is already super busy and noise to the neighbors.
Every body work hard for survive of families. The street already noise and busy if Mitchell Townhouses will be located in the area. Please tell us: How to get relax life after work the neighbors. The street can be undertook so many drivers. That may be deafening to the neighbors. How to get a good rest at nights to ensure and have certain energy to work, How to support
families and pay governments? How to keep a healthy life neighbors if street to get extra extreme noise to the neighbors ? Put the Mitchell Townhouses that will reduce the neighbors' properties value and the neighbors have to pay huge properties tax rates every year. Do Walnut creek city thinks fair to the neighbors? Put to Mitechell Townhouse the neighbors blood will be taken. Many vacancy land in Walnut Creek area why the neighbors' interest will be killed if the Mitechell Townhouses will be allowed to build at the neiborbors. The neighbors alreay are there and already pay huge property taxes to County. Why the neighbors could not to be protected and fair by The city?
Protest!! Against!! the Mitchell Townhomes locate to the neighbors in Walnut Creek city!

Mei

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Dongme Isaacs-Sun and Wayne Robin Isaac (DWR)

Response to DWR-1

There is no evidence that the proposed project would have an impact on property values or that such any such economic impact would result in an adverse impact on the physical environment. (*See Gray v. County of Madera* (2008) 167 CA4th 1099, 1121 (upholding EIR against economic impact claim because no evidence supported assertion that potential reduction in property values of neighboring lands would have physical environmental consequences)). Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA and address comments that express general opposition to or disapproval of the proposed project or the environmental analysis. To the extent this comment raises general concerns about noise, Draft EIR Section 3.11, Noise and Vibration, pages 3.11-1 through 3.11-23 evaluated noise impacts related to development of the proposed project and determined that impacts to noise would be less than significant with incorporation of MM NOI-1, which requires a construction noise logistics plan. Please also refer to Master Response 4, Vehicle Miles Traveled and Level of Service, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses explain the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic data and congestion. The public review period for the proposed project was extended to ensure the applicable public noticing procedures were implemented. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Dana Burch
To: Simar Gill
Subject: No to Mitchell Townhome Project
Date: Thursday, November 13, 2025 10:29:06 PM

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

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As a resident of the Woodlands neighborhood in Walnut Creek, I want to raise concerns regarding the Mitchell townhome project, adding a substantial number of townhomes in the Shadeland‘s business park. I am concerned that this will cause major traffic issues in an already congested area. I am also concerned about over crowding in schools, limited access to emergency services, etc. please do not proceed with building townhomes in the Shadeland’s business park. Instead, it would be better to improve economic rules within our city to encourage businesses to move into the Shadeland‘s business park.

1

2

Kind Regards,

Dana Burch

Sent from my iPhone

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Dana Burch (DB)

Response to DB-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Additionally, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic. Please also refer to Response to VRC-42 and FOWC-9 for a discussion of impacts to schools associated with the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to DB-2

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response provides additional information on the scope of CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Chris Carscadden
To: Simar Gill
Subject: Mitchell Townhome Project
Date: Thursday, November 13, 2025 9:23:18 PM

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

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I have serious concerns about traffic, more accidents, more frustration and challenges for EMS. Our town feel has long been lost because of these types of builds. Walnut Creek chooses profit in multi dwelling units over quality of life for its residents. This may be planned by the builder and not WC, which brings heightened concern. Please reconsider ruining Shadelands in this way. Leave the beauty and nature (trees). We live in a world where we need this more than ever. Ygnacio Valley Road is in poor condition. Potholes are not repaired. The traffic over YVR is horrendous. This will only add more wear and tear. 1

Thank you for your time.

Lannette Carscadden
Sent from my iPhone

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Lannette Carscadden (LC)

Response to LC-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Additionally, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project, explain the transportation metrics utilized under CEQA to evaluate project impacts, and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft

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From: Sussan Kotsos
To: Simar Gill
Cc: Mayor - City Council; michael.e.kotsos@gmail.com
Subject: Mitchell Townhome Project
Date: Thursday, November 13, 2025 5:35:45 PM

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.

Dear Ms. Gill,

We are writing to express our feedback and concerns regarding the Environmental Impact Report (EIR) for the Mitchell Townhome Project. We are also cc'ing our WC Mayor, City Council members including Matt Francois who we voted for and supported during his 2022 re-election. I wanted to also thank you for providing additional project and contact information via email recently.

We only recently learned of the project when walking our dogs on Mitchell and noticed a yellow paper attached to a utility pole adjacent to the former *Genome Research Institute location and across the street from the proposed development* stating extension of the EIR review period for a housing project under consideration. It feels like there is a lack of transparency from the City of Walnut Creek (WC). We saw nothing mentioned on social media or in local periodicals. 1

We moved to this city specifically for its small-town feel; the open spaces, the number of old growth trees, excellent schools, parks for children to safely play in, and not feeling like we live right on top of surrounding neighbors. We wanted to live in the *suburbs*; not in an *urban* area that it's starting to become.

First let's begin with saying that we believe that we need to find a better use for this area that is no longer a successful business park; in part due to the economy, and in part due to working from home in a post-Covid era. We agree that housing is needed in this area and do not believe that the Shadelands Business Park is a central location for people looking to use public mass transportation; those areas closer to the downtown and BART are better suited to prevent additional vehicles on the streets. There is limited busing. High density housing makes sense where mass transit within walking distance is available. 2

It is truly reprehensible and irresponsible of our elected WC city government that the State of California mandates were not met. I was told by a reputable source that plans submitted by the WC city government were rejected and subsequently the re-submission deadline lapsed. Thus under the "Builder's Remedy" provision of State law, a builder came in, made a plan devoid of 3

conventional WC guidance with respect to the Walnut Creek General Plan (zoning, esthetics, crowding, green space, etc.). I was told the State of CA requirement was to build 300 units, however, to maximize their profit, the builder requested 422 units. I have seen the plans. For the prices that the builder is suggesting the units sell for, there is little if no front or rear patio/yard. Only allotting 13% of the housing as "low income" seems laughable; the mid to upper $600K does not seem like a price that a low-income family could afford. I cannot image 800+ people moving into a 22-acre area without serious impact on the surrounding communities. I live in the Woodlands across the street where similarly priced properties come with an actual property, an elementary school with field and side-park, available swimming pool (Cabana Club) and have no HOA fees. 3 cont...

It is my understanding that many of the full growth trees including tall Coastal Redwoods (total of 450+) will be cut down, the lovely water feature removed. I imagine any new trees planted will not offer the shade needed in the summer months for many years to come. 4

Where is everyone going to park? People already park on the streets of both Shadelands and Mitchell when the business park is barely full. To assume 122 *additional* street spaces will be available is delusional. There is a sports area that brings in a lot of cars on game practice days. 5

What about the street safety? Many of the elderly in the Sequoia Senior Living that I meet complain about high traffic and inconsiderate drivers. Don't forget that there is another planned senior living area that will be going in next to *Joybound* (off of Mitchell) that will also bring in extra people and cars. From what I read, it does not seem like the EIR took any of this into consideration. It is difficult to find parking in the Orchards and Encina shopping Centers off of Ygnacio and Oak Grove as it is. Imagine 950 more cars? Yikes! The same parking difficulty goes for the medical offices off of Shadelands. The Traffic survey, albeit difficult to decipher, stated in summary a net reduction in traffic on arterial streets, due to the 80% loading of the current Shadelands traffic. What the survey ***did not take into account*** was that a large portion of the additional 950 cars will be travelling ***in the same commute directions*** as current residential traffic on Oak Grove, Ygnacio Valley Road, Treat, etc. The ***same direction*** to drop off and pick up additionally hundreds of school-aged children at the same neighborhood Mt. Diablo schools. How can this not impact our Environment? 6 7 8

Speaking of safety, where are the kids in this new housing project going to play, especially if the homes do not have their own yards? What about animals? Where are people going to take their dogs to exercise and relieve themselves? The surrounding streets are major throughfares (people use the Mitchell, Shadelands, Wiget and Lennon streets to bypass the shopping centers to get onto Ygnacio. I do not see any community center or pool in the plans for this new housing project. Where are people going to BBQ? Plant gardens? Are rooftop gardens part of the townhouse plans? Are all the buildings 3-story? I would hate to be elderly or disabled trying to traverse multiple floors. 9

What about the other under or non-utilized areas within the Shadelands area? Empty and unused land off of Lennon Lane? Will everything just turn into high-density housing? Our infrastructure can barely support traffic from YVR and Treat boulevards not to mention Bancroft and Oak Grove Roads 10

which are bypass arteries to get around the area. It can take me 25-35 minutes to get from Ygnacio and Oak Grove to John Muir Hospital during rush hour (especially during the school year). 10 Cont...

We hope that you take our thoughts into account as you consider allowing this project to move forward. Please consider informing on social media the public hearing date as well. 11

Respectfully,

Sussan and Michael Kotsos
WC Homeowners for 28 years
668 Banyan Lane
Walnut Creek, CA 94598
Zkotsos@yahoo.com
Michael.e.Kotsos@gmail.com

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Sussan and Michael Kotsos (SMK)

Response to SMK-1

Please refer to Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The public review period for the proposed project was extended to ensure the applicable public noticing procedures were implemented. A copy of the Draft EIR was made available at the City of Walnut Creek Community Development Department, Walnut Creek Library, and the Ygnacio Valley Library. The comment did not provide new, substantial evidence with respect to the adequacy of public notices or the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SMK-2

With respect to the commenter's opinion on a better use of the project site, please refer to Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. While land use policy and economic considerations are considered by City decision-makers, CEQA focuses on physical environmental effects rather than the economic viability of a business park or broader planning preferences. Please also refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety. The Draft EIR analyzes transportation impacts, including VMT, and considers proximity to transit as part of that analysis. See generally, Draft EIR Section 3.15, Transportation and Traffic. CEQA does not mandate that projects be located only near mass transit; rather, it requires disclosure of potential impacts and identification of feasible mitigation. Accordingly, the Draft EIR provides a thorough evaluation of potential impacts for consideration by City decision-makers. The comment does not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SMK-3

The commenter's opinion regarding the City's Housing Element process is noted for the record. Applicable land use and planning laws are summarized and referenced in Draft EIR Section 3.10, Land Use and Planning; however, the comment fails to identify any potential conflict with an applicable law or regulation or identify a potential adverse impact to the physical environment. Please refer to Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response provides additional information on the scope of CEQA, including any non-CEQA issues, and responds to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Further, as noted in Draft EIR Chapter 2, Project Description, the project site is not currently zoned for residential uses. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SMK-4

Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. See also, Response to VRC-17 for a discussion of tree removal. The

comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SMK-5

As described in Draft EIR Section 3.15, Transportation and Traffic, the proposed project would provide 844 parking spaces within private garages and 111 parking spaces along the internal roadways for guest parking, along with long-term and short-term bicycle parking spaces. This provision of parking would be consistent with General Plan Policy 12.1 and 12.2, as stated in Draft EIR Section 3.10, Land Use and Planning, pages 3.10-20 and 2.11-20. However, note that parking is generally not considered an environmental issue. See *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 CA4th 656, 697 (holding that the inconvenience resulting from a parking shortage is a social impact, not an environmental impact). Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SMK-6

Please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. Please also refer to Response to Comments VRC-37 and VRC-48, which address pedestrian safety. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SMK-7

As described in Draft EIR Section 3.15, Transportation and Traffic, the proposed project would provide 844 parking spaces within private garages and 111 parking spaces along the internal roadways. This provision of parking would be consistent with General Plan Policy 12.1 and 12.2, as stated in Draft EIR Section 3.10, Land Use and Planning, pages 3.10-20 and 3.10-21. Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, such as parking, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project, explain the transportation metrics utilized under CEQA to evaluate project impacts, and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial

evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SMK-8
Please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses explain the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SMK-9
Please refer to Draft EIR Chapter 2, Project Description, Section 2.2, Project Characteristics. As described, the proposed project would include approximately two acres of common open space, including a rain garden, a dog park, and various walking areas. Additionally, as stated in Draft EIR Section 3.15, Transportation and Traffic, page 3.15-16, the City would review the proposed project and associated off-site improvements to determine adequate accessibility for pedestrians of all abilities. Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SMK-10
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service which explains the transportation metrics utilized under CEQA to evaluate project impacts, and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SMK-11
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Mayor - City Council
To: Simar Gill
Cc: Erika Vandenbrande
Subject: FW: Mitchell Townhome Project
Date: Thursday, November 20, 2025 11:05:56 AM

This email came in through the Mayor - City Council mailbox.

Thanks,
Nancy

From: Lori Altabet <loritaltabet@gmail.com>
Sent: Friday, November 14, 2025 2:39 PM
To: Mayor - City Council <Mayor@walnut-creek.org>
Subject: Fwd: Mitchell Townhome Project

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.

---------- Forwarded message ---------
From: **Lori Altabet** <loritaltabet@gmail.com>
Date: Fri, Nov 14, 2025 at 2:32 PM
Subject: Re: Mitchell Townhome Project
To: <gill@walnutcreekca.gov>, <mayor@walnutcreekca.gov>

Hello Ms. Gill and Mayor,

My name is Lori Altabet and I have lived in the Woodlands for 32 years.
I love my suburban life in Walnut Creek and do not plan on moving anytime soon.

I recently became aware of the plan to replace part of the business park in the Shadelands with housing - which I support.

However - I am concerned with the density of the project.
I think 422 units is too big for the footprint on 22 acres.
I would like to see the plans for 300 homes with more communal space and less density.

I recently toured a similar housing site with the same type of buildings and found it too tightly packed together - the property on the former Palmer School site.

2

Is this a done deal and we have no recourse ?

Please let me know ...

Thank you for your time - Lori Altabet

524 Sitka Ct, Walnut Creek, CA 94598
925 963-4358

On Thu, Nov 13, 2025 at 5:35 PM Sussan Kotsos <zkotsos@yahoo.com> wrote:

> Dear Ms. Gill,
>
> We are writing to express our feedback and concerns regarding the Environmental Impact Report (EIR) for the Mitchell Townhome Project. We are also cc'ing our WC Mayor, City Council members including Matt Francois who we voted for and supported during his 2022 re-election. I wanted to also thank you for providing additional project and contact information via email recently.
>
> We only recently learned of the project when walking our dogs on Mitchell and noticed a yellow paper attached to a utility pole adjacent to the former *Genome Research Institute location and across the street from the proposed development* stating extension of the EIR review period for a housing project under consideration. It feels like there is a lack of transparency from the City of Walnut Creek (WC). We saw nothing mentioned on social media or in local periodicals.
>
> We moved to this city specifically for its small-town feel; the open spaces, the number of old growth trees, excellent schools, parks for children to safely play in, and not feeling like we live right on top of surrounding neighbors. We wanted to live in the *suburbs*; not in an *urban* area that it's starting to become.

First let's begin with saying that we believe that we need to find a better use for this area that is no longer a successful business park; in part due to the economy, and in part due to working from home in a post-Covid era. We agree that housing is needed in this area and do not believe that the Shadelands Business Park is a central location for people looking to use public mass transportation; those areas closer to the downtown and BART are better suited to prevent additional vehicles on the streets. There is limited busing. High density housing makes sense where mass transit within walking distance is available.

It is truly reprehensible and irresponsible of our elected WC city government that the State of California mandates were not met. I was told by a reputable source that plans submitted by the WC city government were rejected and subsequently the re-submission deadline lapsed. Thus under the "Builder's Remedy" provision of State law, a builder came in, made a plan devoid of conventional WC guidance with respect to the Walnut Creek General Plan (zoning, esthetics, crowding, green space, etc.). I was told the State of CA requirement was to build 300 units, however, to maximize their profit, the builder requested 422 units. I have seen the plans. For the prices that the builder is suggesting the units sell for, there is little if no front or rear patio/yard. Only allotting 13% of the housing as "low income" seems laughable; the mid to upper $600K does not seem like a price that a low-income family could afford. I cannot image 800+ people moving into a 22-acre area without serious impact on the surrounding communities. I live in the Woodlands across the street where similarly priced properties come with an actual property, an elementary school with field and side-park, available swimming pool (Cabana Club) and have no HOA fees.

It is my understanding that many of the full growth trees including tall Coastal Redwoods (total of 450+) will be cut down, the lovely water feature removed. I imagine any new trees planted will not offer the shade needed in the summer months for many years to come.

Where is everyone going to park? People already park on the streets of both Shadelands and Mitchell when the business park is barely full. To assume 122 *additional* street spaces will be available is delusional. There is a sports area that brings in a lot of cars on game practice days.

What about the street safety? Many of the elderly in the Sequoia Senior Living that I meet complain about high traffic and inconsiderate drivers. Don't forget that there is another planned senior living area that will be going in next to *Joybound* (off of

Mitchell) that will also bring in extra people and cars. From what I read, it does not seem like the EIR took any of this into consideration. It is difficult to find parking in the Orchards and Encina shopping Centers off of Ygnacio and Oak Grove as it is. Imagine 950 more cars? Yikes! The same parking difficulty goes for the medical offices off of Shadelands. The Traffic survey, albeit difficult to decipher, stated in summary a net reduction in traffic on arterial streets, due to the 80% loading of the current Shadelands traffic. What the survey ***did not take into account*** was that a large portion of the additional 950 cars will be travelling ***in the same commute directions*** as current residential traffic on Oak Grove, Ygnacio Valley Road, Treat, etc. The ***same direction*** to drop off and pick up additionally hundreds of school-aged children at the same neighborhood Mt. Diablo schools. How can this not impact our Environment?

Speaking of safety, where are the kids in this new housing project going to play, especially if the homes do not have their own yards? What about animals? Where are people going to take their dogs to exercise and relieve themselves? The surrounding streets are major throughfares (people use the Mitchell, Shadelands, Wiget and Lennon streets to bypass the shopping centers to get onto Ygnacio. I do not see any community center or pool in the plans for this new housing project. Where are people going to BBQ? Plant gardens? Are rooftop gardens part of the townhouse plans? Are all the buildings 3-story? I would hate to be elderly or disabled trying to traverse multiple floors.

What about the other under or non-utilized areas within the Shadelands area? Empty and unused land off of Lennon Lane? Will everything just turn into high-density housing? Our infrastructure can barely support traffic from YVR and Treat boulevards not to mention Bancroft and Oak Grove Roads which are bypass arteries to get around the area. It can take me 25-35 minutes to get from Ygnacio and Oak Grove to John Muir Hospital during rush hour (especially during the school year).

We hope that you take our thoughts into account as you consider allowing this project to move forward. Please consider informing on social media the public hearing date as well.

Respectfully,

Sussan and Michael Kotsos
WC Homeowners for 28 years
668 Banyan Lane
Walnut Creek, CA 94598

Zkotsos@yahoo.com
Michael.e.Kotsos@gmail.com

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Lori Altabet (LA)

Response to LA-1

This is an introductory comment. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to LA-2

As detailed in Draft EIR Section 3.10, Land Use and Planning, the proposed project qualifies for State Density Bonus Law. Therefore, the proposed number of units does not conflict with State or local regulations, and impacts related to project density were deemed less than significant. Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response provides additional information on the scope of CEQA, including any non-CEQA issues. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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MITCHELL TOWNHOME PROJECT – in the SHADELANDS BUSINESS PARK

DEAR EAST WC RESIDENTS...

ARE YOU AWARE OF THIS PROJECT?

- **422** 3-story townhome-style condos (only 13% dedicated for low-income housing)
- **82** buildings on approximately **22** acres (replaces 11 commercial buildings)
- State Mandated housing→ maximized density & profit$ by builder!
- **Planned by Builder and NOT the City of Walnut Creek**
- Parking provision for **950** cars
- Cutting down **450** trees; including many coastal Redwoods

IMAGINE ADDING 800+ PEOPLE AND HOW THIS MIGHT IMPACT:

- Traffic? Congestion? First Responder access concerns?
- Commute time? School capacity (drop off/pick up/daycare)?
- Local business, sports, grocery, & restaurant access/parking?

*YOU THINK THE CONSTRUCTION OF ONE FAST FOOD RESTAURANT IS DISRUPTIVE...**BE PREPARED FOR 4 ½ MORE YEARS OF THIS!***

*Deadline to submit E.I.R. feedback is 11/20/25

Contact Simar Gill at: gill@walnutcreekca.gov

or 925-943-5899 x 2115

FOR ADDITIONAL INFORMATION:

Environmental Impact Report (E.I.R.): https://ceqanet.lci.ca.gov/2024110923/2

General Plan Overview: https://www.walnutcreekca.gov/government/community-development-department/development-projects/mitchell-townhomes

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Anonymous (ANO)

Response to ANO-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Please also refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project, explain the transportation metrics utilized under CEQA to evaluate project impacts, and discuss the proposed project's impacts related to traffic.

The public review period for the proposed project was extended to ensure the applicable public noticing procedures were implemented. A copy of the Draft EIR was made available at the City of Walnut Creek Community Development Department, Walnut Creek Library, and the Ygnacio Valley Library. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Carol Elizondo
To: Simar Gill
Subject: Shadelands condo complex
Date: Saturday, November 15, 2025 11:06:39 AM

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.

I just heard about this complex, the size and the scope of it today. I am a resident of the area who travels up and down Ygnacio Valley Road and into the Shadeland's area frequently. This project is going to really impact traffic. This is already an area that has huge traffic concerns a good part of the day and this is going to make everybody's commute and drive home much, much worse. 1

I am also concerned by the number of trees that will have to be taken down in order to build these units. I feel like it is making walnut Creek a less desirable place to live. Greenery and open space contribute to the peace and well-being of residence and visitors to Walnut Creek. Every time we "pave paradise to put up a parking lot," we diminish our quality of life a little bit more. 2

Thank you for your attention to my concerns

Carol Elizondo

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Carol Elizondo (CE)

Response to CE-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Additionally, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to CE-2

Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. See also Response to VRC-17 for a discussion of tree removal impacts related to the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: seanbudman
To: Simar Gill
Subject: Mitchel townhome project
Date: Saturday, November 15, 2025 1:02:49 AM

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.

I have lived in the Woodlands for thurty years and have seen a lot of changes. I vehemently oppose the townhouse project. I have seen the loss if good businesses (Applebee's, Mary's pizza shack, Nob hill foods, taco bell, carls jr, dennecas to name a few), and two banks move across the streets. The two shopping centers are a cluster f**k for parking, and cause back ups on oak grove. Cant wait to see what chick-fil- a does to traffic. We already had townhomes built in the woodlands. I have seen a sleepy quiet community great for families have more thefts, breakins, and undesirables roaming the canal trail in the last 10 years. Recently our first murder and a double too boot. Enough is enough. Stop the development in our areas. We dont need more people in the area where we dont have enough police services. Police don't patrol anymore, or stop bad drivung habits. Just today I witnessed a car on oak grove going 55mph. Ygnacio Valley Rd is a race track and too crowded with reckkess drivers. It's turning into lawless part if the city. City planners need to wake up and stop the greed. 1
Sean Williams
Bayberry Dr

Sent from my Verizon, Samsung Galaxy smartphone

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Sean Williams (SW)

Response to SW-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: musetta6@aol.com
To: Simar Gill
Subject: Mitchell Townhome Project
Date: Saturday, November 15, 2025 4:03:51 PM

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.

Hello,
I am a resident of the Woodlands. Are you going to have an open discussion about what the impact of this townhome project will do to our neighborhood? The morning traffic is currently a huge issue in our neighborhood, not to mention school capacity and first responders concerns.

1

Thanks
Susan B.

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Susan B. (SB)

Response to SB-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. To support public discussion, the public review period for the proposed project was extended to ensure the applicable public noticing procedures were implemented. A copy of the Draft EIR was made available at the City of Walnut Creek Community Development Department, Walnut Creek Library, and the Ygnacio Valley Library. Impacts to school capacity are addressed in Section 3.13 of the Draft EIR and did not identify any significant impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant

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From: Simar Gill
To: KRiemer
Subject: RE: Mitchell Townhome Project
Date: Monday, November 17, 2025 4:03:00 PM

Hi Kurt, you can email me your comments by November 20, 2025. Responses to your comments will be provided as part of the EIR document and presented to the Planning Commission at a future hearing.

Thanks,

Simar Gill
Senior Planner, Current Planning
Community Development Department
1666 N. Main Street, Walnut Creek, CA 94596
(925) 943-5899 xt.2115
www.walnutcreekca.gov

The Planning Division is here to serve you

- **Development applications** (including Preliminary Review Team application and requests for Zoning Compliance Letters) are accepted via our **online portal** at ACA Portal.
- **Contact Us**: dutyplanner@walnut-creek.org or 925-256-3558

1

From: KRiemer <kriemer2002@yahoo.com>
Sent: Monday, November 17, 2025 2:52 PM
To: Simar Gill <Gill@walnutcreekca.gov>
Subject: Mitchell Townhome Project

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

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Hi Gill - I'm a resident of the Woodlands neighborhood in Walnut Creek, across Oak Grove Road from the location of the proposed Mitchell Townhome Project. I'd like to register my objection to this proposed project. I guess that would be done by way of submitting E.I.R. feedback, but I'm not quite sure how to do that. Can you advise?

1
Cont...

Thanks,

Kurt Riemer

Kurt Riemer (KR)

Response to KR-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Note that the commenter was informed of how to submit comments through proper City channels. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Liza Wallach-Kloski
To: Simar Gill
Subject: Please take a look and decide if this is something that impacts you. — Nextdoor
Date: Monday, November 17, 2025 8:12:25 AM

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.

Check out this post on Nextdoor: https://nextdoor.com/p/Dk2TXyYL6SC6?utm_source=share&extras=NTc2MTEwOQ%3D%3D&ne_link_preview_links=&utm_campaign=1763395897372&share_action_id=179d59e2-ad46-43a4-bc26-af43ce287f50

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Liza Wallach-Kloski (LW)

Response to LW-1

CEQA requires that environmental review be based on substantial evidence that is available in the administrative record. Posts on private platforms, such as Nextdoor, which the City does not have access to, are not considered publicly accessible sources and therefore cannot be entered into the administrative record.

If the commenter wishes to provide relevant information for consideration, the City encourages the commenter to submit items through City channels (e.g., written comment letters, public hearing testimony) so that it can be included in the public record. The City encourages commenters to share any specific concerns or evidence in this manner to ensure the information is included in the record and provide the City with an opportunity to respond. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Liza Wallach-Kloski
To: Simar Gill
Subject: Nextdoor.com post
Date: Monday, November 17, 2025 8:16:06 AM

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.

I'm sure somebody in the Walnut Creek office has access to nextdoor.com

I think you might be able to get a Walnut Creek location account by using your office location? I'm not sure how that works but I do think it would be beneficial for you to hear what people in Walnut Creek are saying since you represent Walnut Creek interests!

Even if you don't live in Walnut Creek you should be able to get access to the link I sent. Here's the flyer the original author posted (not me).

Thanks,

Liza

1

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Liza Wallach-Kloski (LWK)

Response to LWK-1

CEQA requires that environmental review be based on substantial evidence that is available in the administrative record. Posts on private internet platforms, such as Nextdoor, which the City does not have access to, are not considered publicly accessible sources and therefore cannot be entered into the administrative record. If the commenter wishes to provide relevant information for consideration, the City encourages the commenter to submit items through City channels (e.g., written comment letters, public hearing testimony) so that it can be included in the public record. The City encourages commenters to share any specific concerns or evidence in this manner to ensure the information is included in the record and provide the City with an opportunity to respond. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: marge Joehnk
To: Simar Gill
Cc: Kevin Wilk; Jared Asch
Subject: Townhouse project in Shadelands Business park
Date: Monday, November 17, 2025 3:53:55 PM

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.

Hello Gill,
I am responding to you regarding the leaflet left at our home in the Woodlands regarding The Mitchell Townhome project.

First of all, I think it is a great idea. The townhomes look just like what some young families that don't want to have a big back yard would love. Some of us in an older generation—empty nesters might also look for this type of housing. There are garages for each town home. We have been very aware of this project because of conversations with members of the city council. 1

I walk through those building areas after picking up a cup of coffee and have noticed for years that many of those offices are empty. Yes, the builder planned the housing but the city council is very aware of it and they will have to meet all the city codes which are quit tough as we have remodeled our home and know the city requirements.

Cutting down some of the trees —yes that is sad but hopefully the project will include putting in different kinds of trees. Coastal redwoods shouldn't be in our neighborhood anyway—they are huge and from my neighbors trees we get all the mess from them. There are so many beautiful smaller trees that could be planted instead of the redwoods. Yes, this is part of the state mandate but the city does have some say in what type of housing. The Woodlands is a great neighborhood with many young families buying into this area because of Valle Verde, Foothill and Northgate along with the Cabana Club even if not a member of the swim team. 2

And the fast food restaurant—well life goes on—get used to new changes near our neighborhood. Look at the parking lot for Club Sport—it was never full with Nob Hill grocery store and now….. Look at the two large two story buildings across the street from Club Sport. They have only a few tenants and it sits very empty. They have even had to close part of the parking area because of vagrants so having those buildings torn down and maybe again some type of housing built will enhance our neighborhood. The way the local business STAY in business is more customers so adding more young people, families, and place where our older generation could move to will be a wonderful additional option. 3

Progress is important for our community. I remember when downtown had angle parking and Mervyns was where I shopped for our three boys clothes. And now Downtown Walnut Creek with stores, restaurants and Lesher Center is a place that other communities come to spend their money. Unfortunately, progress sometimes is threatening. 4

Thank you for reading my response to your flyer that you left on our neighborhood front steps.

Regards,
Dr Joehnk

Marge Joehnk, PhD Psy15559
925 451-2054
marge.joehnk@gmail.com
www.DrMJoehnk.com

Marge Joehnk (MJ)

Response to MJ-1
The comment is in favor of the Mitchell Townhome Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MJ-2
Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. See also Response to VRC-17 for context on tree removal impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MJ-3
The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MJ-4
The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Ryan Price
To: Simar Gill
Subject: Re: Mitchell Town home Project
Date: Monday, November 17, 2025 9:16:25 AM

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 Gill,

I recently became aware of **this project** and wanted to voice my concerns and opposition.

For one, this project is not beneficial to the greater good of Walnut Creek nor will it help maintain the charm and long term value that Walnut Creek has. It's already over developed and will only usher in more congestion and population density that our current infrastructure was not designed to support and cannot support. 1

There are many other reasons why this project is NOT beneficial but I'll leave it at that... We are opposed to this project and do NOT want it implemented. I will do my part to prevent this from happening and I hope you will too.

Thank you for your time, help and consideration.

Best,

-Ryan Price

Walnut Creek resident

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Ryan Price (RP)

Response to RP-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: webex_comm@webex.com
To: Simar Gill
Subject: Voice Message Attached from name unavailable +19259432034
Date: Monday, November 17, 2025 11:00:06 AM
Attachments: +19259432034_20251117_105948.wav

You have a new voicemail

Time: Monday, November 17, 2025 10:57 AM Pacific Standard Time
From: name unavailable +19259432034
To: Simar Gill x2115 2115
Duration: 01:35

Voice message transcription

Hi, Miss Gill. My name is Tori Caiton. I'm a resident of Walnut Creek for 33 years. And I just basically wanted to put out that I just learned that they're gonna be doing some building at the Shadeland's park, putting in 422 condos with 950 parking spaces and tearing down 450. Of our beautiful trees, and I am very concerned in the time I've lived here, Walnut Creek is cut down probably 50 % or more of the trees, and it's, it's getting to me uglier. But we're concerned about cars, we can't really handle a thousand more cars that live in the area of Ignatia Valley Road anymore. And my big concern is the trees, particularly the Redwood trees. I can't even believe that Walnut Creek would even consider cutting down Redwood trees for complexes. I, I mean there's not even a, not even an equal bearing there, so, we really need to keep our redwoods. This is California and they're, they don't grow everywhere. But we are concerned about the condos and the cars, my hope is that walnut Creek will consider something else to put there. We have enough traffic problems. My number is 19. 259-43-2034. And I just wanted to state that. Thank you. Bye bye.

To listen to this message, open the attachment.

The Webex Team
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Tori Caiton (TC)

Response to TC-1

Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. Further, per the Arborist Report (provided within Appendix C of the Draft EIR), the proposed project would implement Tree Preservation Guidelines for all trees to remain on-site. Through extensive preservation efforts for the existing preserved trees as well as the proposed planted trees, and compliance with all City ordinances, the impacts related to tree preservation were determined to be less than significant.

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project, explain the transportation metrics utilized under CEQA to evaluate project impacts, and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Carol NISHIHARA
To: Simar Gill
Subject: MITCHELL Townhomes EIR
Date: Tuesday, November 18, 2025 1:34:36 PM

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.

I am a resident at 2801 Shadelands, Dr, Walnut Creek, Viamonte Senior Living. I am writing to voice my concern for the proposed construction of Mitchell Townhomes. Let me start by saying I am aware of the need for housing and the central location the Mitchell Townhome Shadelands site would provide. HOWEVER, the size and scope of the proposed development is bad for both current surrounding residents and future residents of the proposed development. 1

1. Extreme high density., 422 three story multifamily dwelling units on only 22.2 acres. These dwellings will be in 82 buildings. 2

2. TRAFFIC. There will be parking for 950 cars which will access the property from Shadeland's Drive and Mitchell Drive and then funnel onto Ygnacio Valley Road. 3

3. Emergency vehicle access impaired/delayed on the Shadelands entrance/exit across the street from Viamonte Sr.Living community. 4

The size of this development MUST BY REDUCED for the safety and well being of the community as a whole. 5

Please acknowledge receipt

Carol and David Nishihara
2801 Shadelands Drive,
Walnut Creek, Ca. 94598

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Carol and David Nishihara (CDN)

Response to CDN-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to CDN-2

Discussion of the proposed project's density and related impacts to land use and planning were included within Draft EIR Section 3.10, Land Use and Planning, pages 3.10-10 through 3.10-38. As discussed in this section, the proposed project would be consistent with the City's Design Review Standards and Guidelines by utilizing State Density Bonus Law and related waivers and concessions to allow for the density and setbacks of the proposed project. As such, impacts related to density were determined to be less than significant in the Draft EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to CDN-3

Please refer to Draft EIR Section 3.15, Transportation and Traffic, as well as Master Response 4, Vehicle Miles Traveled and Level of Service, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These master responses and the Draft EIR explain the transportation metrics utilized under CEQA to evaluate proposed project's impacts and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to CDN-4

Please refer to Master Response 3, Adequacy of Police and Fire Protection Services, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project, as well as discuss traffic congestion as it relates to emergency response times. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to CDN-5

The proposed project impacts related to land use and planning and in consideration of the proposed density were analyzed in Draft EIR Section 3.10, Land Use and Planning, pages 3.10-10 through 3.10-38. The proposed project would be consistent with the City's Design Review Standards and Guidelines and would utilize State Density Bonus Law and related waivers and concessions to allow for the density of the proposed project, including the proposed setbacks and scale. As such, impacts related to density were determined to be less than significant in the Draft EIR. Further, as noted in Draft EIR Chapter 6, Alternatives to the Proposed Project, page 6-4, a Reduced Density Alternative

was considered for the proposed project. However, a Reduced Density Alternative was determined to not contribute to the fulfillment of the proposed project objectives as extensively as the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

From: Deborah Fruchey
To: Simar Gill
Subject: Concerns about housing project
Date: Tuesday, November 18, 2025 5:03:16 PM

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To Whom it May Concern:

I wish to state two concerns about the forthcoming housing project planned for the Walnut Creek Woodlands Business Park.

1) There should be no 3-story buildings overhanging the older homes on Conifer Lane and overlooking their backyards. This is a huge violation of privacy. 1

2. It is criminal to remove Coastal Redwoods, when they are such a precious and dwindling resource. I am sure they can be built around. Any townhome would be happy to have one in their front or back yard. 2

I hope these concerns will be registered with the appropriate parties.

Thank you so much.

Deborah Fruchey & Robert Hamaker
125 Conifer Lane
Walnut Creek, 94598

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Deborah Fruchey (DF)

Response to DF-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. As noted in Draft EIR Section 3.1; Aesthetics, Light, and Glare, page 3.1-16, the height of the proposed project building would be constructed to a similar height as the existing office buildings on the project site. Moreover, as noted in Draft EIR Section 3.1; Aesthetics, Light, and Glare pages 3.1-20 and 3.1-21, the proposed project would be eligible for waivers or reductions pursuant to the State Density Bonus Law due to the inclusion of lower-income households in development of the project. The proposed project would request waivers for the height development standards. With this waiver, the proposed project was determined to be consistent with the applicable zoning district standards. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to DF-2

Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Maya Lawrence
To: Simar Gill
Subject: Mitchell Townhomes
Date: Tuesday, November 18, 2025 10:12:56 PM

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

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Dear Senior Planner Gil:
I am a resident of Walnut Creek and I am writing to you about my concerns with the Mitchell Townhomes development.
I am very worried about the amount of traffic that will be increased by this development. Shadelands Drive is already a major thoroughfare; concern for pedestrian safety prompted the installation of a crossing alert and that is with the current number of cars on the road. In addition, the increased traffic will surely affect and reduce the time that emergency vehicles can respond to crises. 1
I am also concerned with the sheer number of people that this development will bring to the neighborhood especially considering the lack of green space within the development and how that will affect the amenities currently in the neighborhood such as the small playground that is in the Orchards. 2
We are shocked that so many trees will be destroyed affecting the green open space available in the neighborhood. The beauty of all the trees around this area is one of its major attractions. Trees absorb sound and reduce pollution as well as habitat for wildlife. I hope that it is possible to reduce the number of home that are planned and provide for more open space and breathing room for the neighborhood and the people who will buy homes in the development . 3
Please acknowledge receipt of this email.
Sincerely,
Maya Lawrence

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Maya Lawrence (ML)

Response to ML-1

Please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. Further, Draft EIR Section 3.15, Transportation and Traffic, pages 3.15-19 and 3.15-20, found that the proposed project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as none were found to be significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to ML-2

Draft EIR Section 3.12, Population and Housing, page 3.12-16 states that the proposed project would generate an estimated 874 new residents, excluding the possibility of current Walnut Creek residents moving onto the project site. As discussed in Section 3.12, Population and Housing, pages 3.12-17 and 3.12-18, this increase would contribute approximately 0.1 percent to the average annual growth rate, which would be below the anticipated 0.8 average annual growth rate for the City as projected by the Association of Bay Area Governments (ABAG). The City has a RHNA obligation of 5,805 units within an 8 year period. The proposed project, which would produce 422 units, would account for 7.3 percent of this obligation. Further, the proposed project would include waivers pursuant to the State Density Bonus Law to be consistent with the applicable standards as provided under State law. As such, impacts related to population increase from the proposed project would be less than significant.

Additionally, Draft EIR Section 3.13, Public Services, pages 3.13-18 through 3.13-20 and Section 3.14, Recreation, pages 3.14-8 through 3.14-15 evaluated impacts related to parks and recreational spaces as a result of proposed project development and determined that impacts would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to ML-3

Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project.

Further, Draft EIR Section 3-2, Air Quality, found that the proposed project would not have any significant and unavoidable impacts related to air quality and health risks with incorporation of the applicable mitigation measures. Draft EIR Section 3.11, Noise and Vibration, pages 3.11-1 through 3.11-23 evaluated noise impacts related to development of the proposed project and determined that impacts to noise would be less than significant with incorporation of MM NOI-1, which requires

a construction noise logistics plan. Further, as noted in Draft EIR Chapter 6, Alternatives to the Proposed Project, page 6-4, a Reduced Density Alternative was considered for the proposed project. However, a Reduced Density Alternative was determined to not contribute to the fulfillment of the proposed project objectives as extensively as the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

From: Sally Doherty
To: Simar Gill
Subject: Mitchell Townhomes
Date: Tuesday, November 18, 2025 2:41:06 PM

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

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Dear Sonar Gill,

I am an 84 year old resident of Viamonte directly across the street from the beautiful, esthetically pleasing business park, which has trees, streams, and ponds for wildlife and walkways and benches for humans,. I am devastated by your current plan for 422 townhomes to replace this business park with massive buildings. There is no plan to keep the trees, the streams or even some green areas for the kids. There is currently no dog park in the area. 1

The current plan for moving traffic would be irreparably damaged. That is because Walnut Creek only has two E-W roads, i.e. Ygnacio Valley and Treat Blvds. Ygnacio Valley is the most congested between these two. Not only do cars come from Clayton, Brentwood, Antioch, and Bay Point as well as Walnut Creek, but cars from Concord empty onto Ygnacio from Oak Grove. I expect your project would be adding at least 844 cars. In addition, these townhouses will have a constant stream of services: garbage, repairmen, cleaning people, babysitters, etc, There will become an instant lack of street parking as your project will not furnish the necessary parking places. All builders underestimate these consequences. Then there is the issue of access to John Muir, the main hospital in the East Bay. Viamonte, whose median resident is about 85 has a recurring need for rapid emergency vehicles. It often takes 30-40 minutes for the commuters to drive from Oak Grove to 24. There is no way we can now evacuate in an emergency of fire, earthquake, or environmental hazards like chemical poisons. People will die, just like they did in the Oakland Hills. 2

My concerns are valid. This project needs to be abandoned or drastically reduced in size.

Sincerely,
Sally Doherty
2801 Shadelands
#134
Walnut Creek, CA
94598

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Sally Doherty (SD)

Response to SD-1

Please refer to Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response addresses comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Please also refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. Moreover, as stated in Draft EIR Chapter 2, Project Description, page 3.2-24, the proposed project would include multiple private and common landscaped areas, including 122,297 square feet of low-water-use paseo gardens, 56,585 square feet of medium-water-use paseo gardens, 13,729 square feet of oak woodland, 4,855 square feet of redwood grove, and 11,587 square feet of lawns, play areas, and/or dog parks. These areas are included on Draft EIR Exhibit 2-10, Landscaping Plan.

Further, as noted in Draft EIR Section 3.3, Biological Resources, page 3.3-6, the project site currently contains a network of ornamental water features, in the form of concrete channels and ponds, which do not contain upstream or downstream hydrological connection. Draft EIR Section 3.9, Hydrology and Water Quality, pages 3.9-17 through 3.9-21 evaluated the proposed project's impacts on streams and hydrologic features and determined that impacts would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SD-2

Please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. As noted in Draft EIR Section 3.15, Transportation and Traffic, pages 3.15-15 and 3.15-16, the proposed project would provide 844 parking spaces within private garages and 111 parking spaces along internal roadways. This analysis in the Draft EIR concluded that the proposed project would not conflict with a program plan, ordinance, or policy of the circulation system for roadway facilities, and impacts would be less than significant. Additionally, please refer to Draft EIR Section 3.15, Transportation and Traffic, pages 3.15-20 and 3.15-21, which details that the proposed project would not result in inadequate emergency access.

Moreover, Draft EIR Section 3.8, Hazards and Hazardous Materials, pages 3.8-26 through 3.8-28 evaluated the proposed project's potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and determined that impacts would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Sandra Hartz
To: Simar Gill
Subject: Protesting Mitchell Townhomes/Shadelands
Date: Tuesday, November 18, 2025 5:01:27 PM

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

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Dear Mr. Gill,

Because you are the Senior Planner of our Community Development Department, we are directing our remarks to you, hopefully before the comment cutoff time. 1

I am a current resident of Viamonte, a senior living facility right across the street from the proposed buildings. I moved back to Walnut Creek because I remembered how beautiful the city was, with mature trees, low multi-storied buildings, and clean streets.

Unfortunately, we are finding that those are bygone days. We at Viamonte are finding horrendous traffic stoppages due to construction on Ygnacio Valley Road and Treat Boulevard. These occur from the early morning hours to 10:00 and again in the afternoons beginning at 2 p.m. We have frequent visits from ambulances and fire trucks due to the age and fragility of our residents. They cannot be hindered in emergency trips due to traffic slowdowns. The increase of auto and truck delivery traffic from Mitchell would create a safety issue. Mitchell is proposing 950 parking spaces for their project. 2

The new Chik-fil-A fast food restaurant across the street on YVR will bring in much more traffic. The Orchards businesses and the new Primrose Child Care facility are causing more traffic.

We don't need 422 new homes. Five stories is too high. Many units will house more than a single family, who will bring in relatives and friends to live.

We propose that Mitchell lower the number of units to be built to a reasonable 300, thus lowering the number of stories, and lowering the number of new autos. Maybe the setback from the street can be lengthened to 20 feet instead of the ugly 10 feet setback proposed. 3

Thank you for considering my protest. Will you please send me acknowledgement of receipt of this email, even if an aide read it.

Sincerely,
Sandra Hartz, Resident, Viamonte Senior Living

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Sandra Hartz (SH)

Response to SH-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response provides additional information on the scope of CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SH-2

Please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project, explain the transportation metrics utilized under CEQA to evaluate project impacts, and discuss the proposed project's impacts related to traffic. Draft EIR Section 3.15, Transportation and Traffic, pages 3.15-19 and 3.15-20, found that the proposed project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as none were found to be significant. Further, the proposed project did evaluate cumulative transportation impacts within Draft EIR Section 3.15, Transportation and Traffic pages 3.15-22 through 3.15-24. This analysis found that cumulative impacts related to transportation would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SH-3

As noted in Draft EIR Section 3.10, Land Use and Planning, page 3.10-5, the Final Regional Housing Needs Allocation Plan published by ABAG determined that, by 2031, the City would need 5,805 residential units to meet projected housing demand. As stated in Draft EIR Section 3.1; Aesthetics, Light, and Glare, page 3.1-16, the proposed project would include construction of 3-story townhouses, which would be similar to the height of the existing structures on the project site. With respect to density, refer to Response to CDN-5 above for a discussion on how the proposed project's impacts related to land use and planning would be less than significant and how the Draft EIR analyzed a Reduced Density Alternative. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Sarah Foster
To: Simar Gill
Subject: Comments on Mitchell Townhome Project EIR
Date: Tuesday, November 18, 2025 10:48:31 AM
Attachments: image001.png

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.

Dear Mr. Gill,

My name is Sarah Foster and I am a resident of the Woodlands neighborhood in Walnut Creek. I am writing to share my concerns about the Mitchell Townhome Project and to respectfully ask that the City not certify the EIR in its current form. 1

While I understand the need for housing, I do not believe this project is the right scale or fit for the area. My specific concerns are:

- Traffic impacts are severely understated: The Draft EIR appears to underestimate how much additional congestion this project will introduce, particularly with the new Chick-fil-A opening nearby. Traffic in and around Shadelands and the surrounding residential neighborhoods is already strained. Adding hundreds of homes without a more realistic traffic analysis feels irresponsible and short-sighted. 2
- The proposed density is too high: 422 units on 22 acres represents a level of density that does not reflect the surrounding neighborhoods. 3
- School overcrowding is not adequately addressed: The Draft EIR appears to largely ignore the impacts on local schools, including Northgate High School, Bancroft/Valle Verde Elementary, and Foothill Middle School. These schools already face capacity challenges. Adding hundreds of new households without a clear plan to address enrollment, facilities, and traffic around the school sites is a serious oversight. 4
- Loss of 450 mature trees, including redwoods: Mature trees are not easily replaced; saplings cannot provide the same environmental benefits, shade, or visual buffer for decades. The EIR should more fully analyze this loss and explore alternatives that retain far more of the existing trees. 5

I am not opposed to housing on this site, but I believe a more balanced, lower-density approach would better serve the community and still meaningfully contribute to Walnut Creek's housing needs. Instead of 422 tightly packed townhomes, please consider alternatives that create a 6

neighborhood more in line with established communities like The Woodlands or Diablo Shadows – with a mix of smaller-scale homes, more open space, parks, and a street pattern that feels like a true neighborhood rather than a high-density project.

6
Cont...

For these reasons, I request that the City not certify the EIR as it stands and instead require revisions or a new alternative that:

- Provides a more realistic traffic analysis (including Chick-fil-A)
- Addresses school capacity impacts
- Substantially reduces the overall density
- Preserves far more trees
- Reconsiders how residential development in Shadelands can be scaled to blend with, rather than overwhelm, the surrounding neighborhoods

7

Thank you for your time and for considering the perspective of residents who will live with the long-term impacts of this decision. I appreciate your willingness to listen to community input.

Sincerely,
Sarah Foster
Woodlands Neighborhood, Walnut Creek

Sarah Foster
949.285.4201
emailsarahfoster@gmail.com

Sarah Foster (SF)

Response to SF-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SF-2

Please refer to Master Response 4, Vehicle Miles Traveled and Level of Service, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses explain the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's informational impacts related to traffic. Pages 13 through 15 of the Traffic Operations Analysis for the Mitchell Townhomes Project, included as Attachment A to this Final EIR, state that eight of the nine surveyed intersections were operating at acceptable levels of service during peak hours. Further, as noted in Draft EIR Section 3.15, Transportation and Traffic page 3.15-23, transportation modeling for the proposed project included vehicle trips from cumulative future developments that are not related to the proposed project, including the Chick-Fil-A Restaurant at Citrus Marketplace Shopping Center. Cumulative impacts related to transportation were determined to be less than significant as noted on Draft EIR page 3.15-24. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SF-3

With respect to density, refer to Response to CDN-5 above for a discussion on how the proposed project's impacts related to land use and planning would be less than significant and how the Draft EIR analyzed a Reduced Density Alternative. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SF-4

Please refer to Section 3.13 of the Draft EIR, Public Services. This section identifies an estimated cumulative population increase of approximately 214 school-aged children who may contribute to increased enrollment. As noted in Draft EIR Section 3.13, Public Services, page 3.13-18, the proposed project would be required to pay development fees to the MDUSD to accommodate the increased number of students generated by the proposed project. These statutory fees provide full and complete school facilities mitigation. (See California Government Code § 65996(b)). The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required. Additionally, please refer to Master Response 5 Traffic and Traffic Safety, in Section 2, Master Responses, of this document. This response includes a discussion of school-related traffic in the project area. The comment did not provide new, substantial evidence with respect to the disposition

of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SF-5
Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals, including redwood trees, on the project site for the development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SF-6
As noted in Draft EIR Section 3.1, Aesthetics, Light, and Glare, page 3.1-16, the height of the proposed project buildings would be constructed to a similar height as the existing office buildings on the project site. With respect to density, refer to Response to CDN-5 above for a discussion on how the proposed project's impacts related to land use and planning would be less than significant and how the Draft EIR analyzed a Reduced Density Alternative. Moreover, Draft EIR Chapter 2, Project Description, page 3.2-24 states that the proposed project would provide multiple private and common landscaped areas, including 122,297 square feet of low-water-use paseo gardens, 56,585 square feet of medium-water-use paseo gardens, 13,729 square feet of oak woodland, 4,855 square feet of redwood grove, and 11,587 square feet of lawns, play areas, and/or dog parks. These areas are illustrated in Draft EIR Exhibit 2-10, Landscaping Plan. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SF-7
Please refer to the Responses to SF-1 through SF-6 for the previous discussion based on traffic, school capacity, proposed project density, tree removal, and land use and planning in response to this comment letter.

As noted in Draft EIR Chapter 6, Alternatives to the Proposed Project, page 6-1, CEQA Guidelines Section 15126.6(a) requires that the Draft EIR describe a range of reasonable alternatives that would avoid or substantially lessen any of the significant impacts of the proposed project. As described above in this response, the applicable CEQA impacts were determined to be less than significant. Furthermore, as stated in Draft EIR Chapter 6, Alternatives to the Proposed Project, page 6-4, a Reduced Density Alternative was considered for the proposed project that would necessitate fewer tree removals due to the smaller construction footprint. However, a Reduced Density Alternative was determined to not contribute to the fulfillment of the proposed project objectives as extensively as the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

From: Anne Burk
To: Simar Gill
Subject: Mitchell Townhouses
Date: Wednesday, November 19, 2025 5:16:43 PM

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

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Dear Mr. Gill,

My husband, Jim, and I live at Viamonte Senior Living on Shadelands Drive in Walnut Creek, directly across the street from the location of the proposed Mitchell Townhouse project. 1
We wish to express our opposition to this project for the following reasons:
* The density of the project which will turn this area into a "concrete jungle" of condo dwellings. A more spacious project would not detract so much from the neighborhood environment. 2
* The loss of over 400 beautiful trees. The City of Walnut Creek has always valued the importance of trees to our environment and had strict regulations about removal of trees. It feels like a crime to remove so many lovely trees. 3
* Traffic increase will be horrendous. Even if 1/2 the cars exit onto Shadelands and the other 1/2 onto Mitchell, the traffic increase will make exiting our property extremely difficult and no doubt lead to more accidents. Emergency vehicles will also be delayed in providing assistance to seniors at Viamonte. 4

We ask the City of Walnut Creek to consider ways in which the damage this project will cause to the neighborhood can be mitigated.

Please acknowledge receipt of this email.

Respectfully submitted,
Anne & Jim Burk
2801 Shadelands Drive, Apt. 444
Walnut Creek, CA 94598
anneburk62@gmail.com

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Anne and Jim Burk (AJM)

Response to AJM-1
This is an introductory comment. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to AJM-2
Please refer to Draft EIR Chapter 2, Project Description, Section 2.2, Project Characteristics, and Section 3.10, Land Use and Planning. As detailed in these sections of the Draft EIR, the application of the proposed project was submitted in accordance with State Density Bonus Law. Refer to the Response to CDN-5 above for a discussion on how the proposed project's density related to land use and planning would result in less than significant impacts.

Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to AJM-3
Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to AJM-4
Please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Arlene
To: Simar Gill
Subject: Mitchell Townhouses EIR…
Date: Wednesday, November 19, 2025 3:33:18 PM

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

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I am a resident of the Viamonte Sequoia Living community across the street from the proposed development on Shadelands Drive. My apartment faces (3rd floor) faces the upcoming development, and I have a couple concerns that I hope you all will consider. 1

1) Increased traffic gridlock:
Because my apartment faces Shadelands Dr, I already see the increased traffic backup (starting around 4pm daily) due to motorists using Shadelands as a shortcut from Ygnacio Valley onto Oak Grove heading north.
I can't even imagine what will happen when this development's entry and exit access directly across the street from us will cause! And, don't even get me started on how we residents will be able to exit OUR parking garage onto Shadelands Dr.! Children often use bikes or electric scooters along Shadelands to get to the COPA facility as well. Please consider the safety of pedestrians! 2

2) Our residents are seniors, many with health issues, and Emergency vehicles are a common occurrence. Please seriously consider their need for immediate access to our community! 3

3) PLEASE CONSIDER DEMANDING A REDUCTION OF THIS DEVELOPMENT'S DENSITY! Losing all the tree, wildlife, and tranquility of what little of Walnut Creek has left breaks my heart. And, is it necessary for the development to start just 10 feet from the curb…seriously?! 4

We residents will have to endure a very long period of total destruction across the street from us - construction vehicles, traffic, increased noise, and dust. We paid good money for our residences, and add to the local economy of Walnut Creek. HELP US! 5

Thank you,
Arlene Hovsepian
2801 Shadelands Dr., #300
Walnut Creek, CA 94598

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Arlene Hovsepian (AH)

Response to AH-1
The first paragraph provides an introductory comment. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to AH-2
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to AH-3
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to AH-4
Draft EIR Section 3.3, Biological Resources, page 3.3-23 states that the proposed project would preserve 27 existing trees within or directly adjacent to the proposed development footprint. Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. Please refer to Draft EIR Chapter 2, Project Description, Section 2.2, Project Characteristics, and Section 3.10, Land Use and Planning. As detailed in these sections of the Draft EIR, the application of the proposed project was submitted in accordance with the State Density Bonus Law. With respect to density, refer to Response to CDN-5 above for a discussion on how the proposed project's impacts related to land use and planning would be less than significant and how the Draft EIR analyzed a Reduced Density Alternative.

Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to AH-5

Please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts. Further, please refer to Sections 3.2, Air Quality, and 3.11, Noise and Vibration in the Draft EIR. These sections outline MM AIR-1 and MM NOI-1, which both contain regulations for reducing noise and air pollution during construction of the proposed project. Specifically, MM AIR-1 outlines implementation of the Bay Area Air District Best Management Practices (BMPs) to control dust during construction.

Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

From: Gala Mowat
To: Simar Gill
Subject: Proposed Mitchell Townhomes
Date: Wednesday, November 19, 2025 3:46:20 PM

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November 19, 2025
Sonar Gill, Senior Planner
City of Walnut Creek, CA

I am writing to object strongly to the density and the sure traffic congestion of the proposed Mitchell Townhomes project.

The extreme density of the proposed project has two unfortunate and dangerous results. First, the proposal does not leave room for open spaces and landscape because the proposed buildings are just 10 feet from the sidewalk. The result is a cramped, unnatural positioning of the buildings and the elimination of close to 500 mature trees and a strong lack of plantings and outdoor living spaces. Secondly, with the proposed planning for 950 cars, each of which will enter and exit at least twice each day, this would add close to two thousand more cars entering and leaving on Shadelands Drive and Mitchell Drive, which is dangerous for all. 1

We live in Sequoia Living Viamonte senior community and would like to see a project that fits in to the neighborhood, with landscape and set-backs usual and appropriate for Walnut Creek, and with a much reduced traffic impact on the surrounding residents and workers. Also, Viamonte's landscaping follows careful, stringent rules to allow access of fire equipment, and your proposal must follow the same careful, stringent rules and allow for engines to come alongside every residence.

PLEASE ACKNOWLEDGE RECEIPT OF THIS LETTER.

Sincerely,

Gala and Bruce Mowat

2801 Shadelands Drive #409
Walnut Creek, Ca 94598
galamowat@gmail.com
510.708.2201

Bruce and Gala Mowat (BGM)

Response to BGM-1

As detailed in Draft EIR Chapter 2, Project Description, Section 2.2, Project Characteristics, and Section 3.10, Land Use and Planning, the application of the proposed project was submitted pursuant to the HAA and State Density Bonus Law. With respect to density, refer to Response to CDN-5 above for a discussion on how the proposed project's impacts related to land use and planning would be less than significant. Further, please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project.

Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: charlottelingo@comcast.net
To: Simar Gill
Subject: Mitchell Townhomes
Date: Wednesday, November 19, 2025 9:13:42 PM

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

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Dear Gill,
As a resident of Viamonte senior living in Walnut Creek, I want to let you know of my concerns regarding the proposed Mitchell Townhome development.
The plan is for a multi-family development with extreme density.
We already have major traffic on the corridors surrounding Viamonte. I worry about the safety of residents walking in the neighborhood.
I was attracted to this area because of the open space and lovely trees.
As a senior residence, we have frequent emergency vehicles arriving at our door.
We must maintain easy access for these vehicles.
We residents have made major investments in our senior residences.
We cannot afford to move again.
Please reconsider this Mitchell Townhomes project.
And, please acknowledge receipt of my letter.

1

Thank you,

Charlotte Lingo
2801 Shadelands Dr. #106
Walnut Creek, CA 94598

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Charlotte Lingo (CL)

Response to CL-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services, Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic and emergency vehicle response times. Moreover, Draft EIR Section 3.1; Aesthetics, Light, and Glare, pages 3.1-15 through 3.1-26 include an analysis of aesthetic impacts related to the development of the proposed project. The Draft EIR determined that impacts related to aesthetics for the proposed project would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Elizabeth Salmon-Omski
To: Simar Gill
Subject: Mitchell Townhome Project
Date: Wednesday, November 19, 2025 5:36:01 PM

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

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Hello Simar,

I'm writing to express my opposition to the proposal to add 422 housing townhouses in the Shadelands Business Park.

I have lived in the Northgate neighborhood since 2004 and have seen traffic increase dramatically. The area is already severely congested, and conditions have worsened significantly in recent years.

A project of this scale should not move forward without first addressing several existing issues:

- Overcrowded classrooms in local schools
- Major traffic congestion on Ygnacio Valley Road and Oak Grove Road, as well as leaving Heather Farm Park after school or after after-school events
- Before- and after-school traffic around Northgate-area, Treat and Oak Grove area schools
- Chronic parking shortages at The Orchards, Trader Joe's and Encina shopping centers
- Ongoing road deterioration along Ygnacio Valley Road

1

Additionally, a new senior center is being built behind Heather Farm Park, which will further increase traffic volume and strain local infrastructure.

I am also strongly opposed to the removal of approximately 450 trees for this project. In our hot, dry climate, we should be expanding trees, not eliminating them.

For these reasons, I do not support this development as currently proposed.

Thank you for considering my perspective.

Thank you,
Elizabeth

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Elizabeth Salmon-Omski (ESO)

Response to ESO-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Further, please refer to the Response to VRC-42 for a discussion on impacts related to school capacity. Refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. Additionally, refer to Master Response 4, Vehicle Miles Traveled and Level of Service, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. Thees responses explain the transportation metrics utilized under CEQA to evaluate project impacts, and discuss the proposed project's impacts related to traffic, congestion, and schools. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Gerald Meyers
To: Simar Gill
Subject: Mitchell Townhomes EIR
Date: Wednesday, November 19, 2025 3:18:36 PM

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

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Dear Sonar Gill
Senior Planner, Walnut Creek

As a current resident of 2801 Shadelands Drive, Walnut Creek, I am requesting that the following adverse consequences of the Mitchell Townhomes project be considered and mitigated before construction begins. 1

1) The extreme density of the project, namely 82 three story buildings with 422 multi family units on only 22.2 acres of land. 2

2) Excessive traffic entering and exiting Shadelands Drive. This already very busy, often dangerous road, is already adversely impacted by vehicles on nearby Ygnacio Valley Road, the latter ranking among the most congested roads in the East Bay. One can only dread the consequences of the required parking for 950 additional vehicles. 3

3) Impaired/delayed access of emergency vehicles, especially to 2801 Shadelands Drive, the site of a continuing care retirement community. This CCRC houses approximately 275 elderly people, a large number of whom require canes, walkers, wheelchairs, and scooters to permit safe mobility. 4

4) Noise pollution, medically well recognized as producing adverse physical and psychological consequences during the construction period, but which may last indefinitely. 5

Please acknowledge that you have received this email.

Sincerely,

Gerald Meyers, M.D.
2801 Shadelands Drive, Apt 327
Walnut Creek, CA 94598

Sent from my iPad

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Gerald Meyers (GM)

Response to GM-1

This first paragraph provides an introductory comment. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to GM-2

The proposed project impacts related to land use and planning were included in Draft EIR Section 3.10, Land Use and Planning, pages 3.10-10 through 3.10-38. With respect to density and development size, refer to Response to CDN-5 above for a discussion on how the proposed project's impacts related to land use and planning would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to GM-3

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic. Further, as stated in Draft EIR Section 2.2.2, Project Description, Circulation and Access, the proposed project would provide 955 parking spaces. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to GM-4

Please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to GM-5

Please refer to Draft EIR Section 3.11, Noise and Vibration. This section outlines MM NOI-1, which contains regulations for reducing noise during construction of the proposed project. Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope

of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

From: JoAnn Moore
To: Simar Gill
Subject: No on New Housing
Date: Wednesday, November 19, 2025 4:55:09 PM

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Hello,

I am writing to ask the city to reject the 422 condo project. This is too large for the space and neighborhood.

1

Thank you.

JoAnn Moore
Cell (925) 448-5324
E-mail: JoAnnMoore1@att.net

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JoAnn Moore (JM)

Response to JM-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. With respect to density, refer to Response to CDN-5 above for a discussion on how the proposed project's impacts related to land use and planning would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Sally Doherty
To: Simar Gill
Subject: Mitchell Townhomes
Date: Wednesday, November 19, 2025 7:26:50 PM

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

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Dear Simar,

Kathy Bell is a resident of Viamonte. She asked me to scan her message and send it to you.

Thank you for this opportunity.

Sally Doherty

To City Council:

Take time to walk the property across bridges, by fountains and under towering redwoods. Be sure to watch playful turtles in the warm sunshine. It's truly a place of inspiration and beauty…a peaceful and prayerful place in busy Walnut Creek.

It's chance of a lifeetime to SAVE a one-of-a-kind place.

Sincerely,
Kathleen Bell

1

Kathleen Bell (KB)

Response to KB-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: KRiemer
To: Simar Gill
Subject: Mitchell Townhome Project - Shadelands Business Park, Walnut Creek
Date: Wednesday, November 19, 2025 3:54:19 PM

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

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As a long-time resident of the Woodlands neighborhood across Oak Grove Road from the location of the subject proposed townhome-style condos project, I am writing to express my opposition to this project.

This area around the intersection of Oak Grove Road and Ygnacio Valley Road is already very busy and congested with traffic. The parking areas in the shopping plazas at the intersection are already overloaded. The addition of a housing complex that would add an estimated 800 residents and 950 cars would certainly make the congestion much worse, in particular during commute hours and school drop off/pickup hours. This is an area with many families with young children, coming & going to school, work and shopping. The addition of this much additional housing would permanently detract significantly from the quality of life in this area and, in my view, create safety hazards, in particular for children. It appears the project would require the cutting down of a large number of trees, including Redwoods; this would also detract significantly from the ambiance of the area. All of these things would likely have a negative impact on not only quality of life, but also on property values for existing homeowners. 1

In addition, the construction project itself would likely take quite a long time (presumably years), during which time area residents would be exposed to significant dust, noise and traffic re-routings & tie-ups.

In sum, this proposed housing project is highly undesirable, and we do not need this much additional housing in the area. So, as a long-time resident who hopes to remain here long-term, I strongly object to the project.

Thank you,

Kurt Riemer
Persimmon Road
Walnut Creek

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Kurt Riemer (KRI)

Response to KRI-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Please also refer to Master Response 4, Vehicle Miles Traveled and Level of Service, and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic, including during school hours. Further, Draft EIR Section 3.15, Transportation and Traffic, pages 3.15-19 and 3.15-20, found that the proposed project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as were none found to be significant. Please also refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project.

Draft EIR Chapter 2, Project Description, Section 2.2.5, Phasing and Construction, page 2-7 states that the total construction period for the proposed project would include two phases occurring over a singular period of 4.75 years. As discussed in Draft EIR Section 3.2, Air Quality under Impact AIR-3, a HRA was prepared for the proposed project, and the analysis results presented in the HRA are contained in Appendix B of the Draft EIR. Health risks to nearby sensitive receptors would not exceed the Bay Area Air District community health risk significance thresholds and impacts in this regard would be less than significant. Moreover, refer to Draft EIR Section 3.11, Noise and Vibration, pages 3.11-15 through 3.11-17 and 3.11-20 for a discussion of construction noise impacts associated with the proposed project. As stated in Draft EIR Section 3.11, Noise and Vibration, the proposed project would incorporate a construction noise logistics plan as part of MM NOI-1 to reduce potential construction noise, which limits hours of operation and types of equipment used during construction. Implementation of MM NOI-1 would result in a less than significant impact related to construction noise. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Lori Altabet
To: Simar Gill
Subject: Mitchell Townhomes Project
Date: Wednesday, November 19, 2025 10:21:02 AM

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

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Dear Ms. Gill,

Did you get my email about this project ??
I am not opposed to the plan to build housing - I am OPPOSED to the density of the project.

Please acknowledge that you have received my emails and concerns.

I am a long time resident of Walnut Creek and love where I live - Lori Altabet

1

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Lori Altabet (LAL)

Response to LAL-1

Please refer to Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. This master response addresses comments that express general opposition to or disapproval of the proposed project or the environmental analysis. With respect to density, refer to Response to CDN-5 above for a discussion on how the proposed project's impacts related to land use and planning would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Mark Pearson
To: Simar Gill
Cc: Mary Steiner
Subject: Re. Mitchell Townhome Project Proposal
Date: Wednesday, November 19, 2025 3:19:51 PM

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.

Simar Gill, Senior Partner
City of Walnut Creek Community Development Agency

Dear Ms. Gill,

I am a resident of Viamonte on Shadelands Dr. Before retirement, I was a professor of medical genetics at the University of Toronto, head of Molecular Biology at the NCI-Frederick Cancer Research Center, executive director of Molecular Biology at DuPont Central Research, and executive director of Cancer and Inflammatory Disease and Cancer at the DuPont-Merck Pharmaceutical Co. I was also the founder and CEO of 5 biotech companies in Seattle, WA, and Toronto, ON. Before moving to Viamonte with Sequoia Living, we also lived in Gaithersburg, MD; Wilmington, DE; Bellevue, WA; Scottsdale, and Flagstaff, AZ. 1

My wife and I are pleased to be living in Walnut Creek. But we are not happy with the current plans for the Mitchell Townhome Project. We are not opposed to the redevelopment of the area across the street from our senior living development. Still, we believe the current developer has not adequately addressed several key issues in their current plans.

Specifically, we object to:

- Inadequate traffic planning, both with respect to planned entrances and exits on Shadelands, the ill-conceived rotary at Via Monte, and the significant increase in traffic volume not only when the project is finished, but also during demolition and construction. This will limit access to the medical and sports facilities on Shadelands and to the nearby preschools. 2
- Apparent lack of understanding of the profound impact of the project on the destruction of most of the redwoods and waterways currently on-site. There appears to be little recognition of the significant impact of these changes on the environment, and indeed on the character of the neighborhood, if these features are summarily destroyed. 3
- The current development plan provides minimal setbacks to new residences facing Shadelands Dr. This typifies the basic premise of the project - cramming as many new residences into the site footprint as possible to maximize future profits. I believe this is also a red flag for the city. Will the services required to support the high density of residents proposed be readily available? 4

Suppose the current developer is unable to meet these challenges to the City's satisfaction. In that case, I suggest the city look for a new developer who can address the concerns of current residents 5

in the area, not just those at Viamonte, including the nearby businesses. I am sure that the residents of Viamonte would be happy to participate and support a more enlightened plan to provide more affordable housing in this area and enhance the Walnut Creek environment in the future.

5
Cont...

Sincerely,

Mark L. Pearson, PhD
marklpearson@gmail.com
425-503-5156 cell
2801 Shadelands Drive, Apt. 407
Walnut Creek CA. 94598

Mark Pearson (MP)

Response to MP-1

This first paragraph provides an introductory comment. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MP-2

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MP-3

Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals, including redwood trees, on the project site for the development of the proposed project. Further, as noted in Draft EIR Section 3.3, Biological Resources, page 3.3-6, the project site currently contains a network of ornamental water features, in the form of concrete channels and ponds, which do not contain upstream or downstream hydrological connection. Draft EIR Section 3.9, Hydrology and Water Quality, pages 3.9-17 through 3.9-21 evaluated the proposed project's impacts on streams and hydrologic features and determined that impacts would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MP-4

Please refer to Draft EIR Chapter 2, Project Description, Section 2.2, Project Characteristics, and Section 3.10, Land Use and Planning. As detailed in these sections of the Draft EIR, the application for the proposed project was submitted pursuant to the HAA and State Density Bonus Law. The proposed project would comply with all City zoning and density requirements, which is further detailed in Draft EIR Section 3.10, Land Use and Planning. Further, please see Draft EIR Section 3.13, Public Services. This analysis determined that impacts to public services as a result of the proposed project would be less than significant. See also Master Response 3—Adequacy of Police and Fire Protection Services. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MP-5

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

From: Marlene Tolegian
To: Simar Gill
Subject: Mitchell Townhomes Project
Date: Wednesday, November 19, 2025 3:15:37 PM

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

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Dear Mr. Gill,
As an original resident of Viamonte Senior Living on Shadelands Drive, I feel compelled to voice my opposition to your 422, 3 story dwelling units to be located right across the street from our residences.

Since my move to Viamonte I have enjoyed our early morning walking groups as we walked throughout the existing office building development with the beautiful and peaceful settings of mature trees, gardens, benches and ponds, especially enjoying the ducks and occasional swan swimming in the ponds.

Please consider how your townhome project which will provide parking for 950 cars will impact us by:dramatically increasing the flow of traffic spilling out onto Shadelands and Mitchell dumping into the already congested Ygnacio Valley and Oak Grove Roads.

. this added flow of traffic will greatly delay emergency vehicles which is already a problem that we're having to deal with..

These are major points to be considered which will impact our lives. Please consider these critical points and, move your project to another location, and let the residents of Viamonte enjoy our neighborhood.

Thank you for your consideration.

Marlene Tolegian
2801 Shadelands Drive, #121
Walnut Creek, CA 94598

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Marlene Tolegian (MT)

Response to MT-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: m_k_milam@earthlink.net
To: Simar Gill
Subject: Mitchell Townhomes
Date: Wednesday, November 19, 2025 5:13:20 PM

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

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I am a resident of Viamonte, 2801 Shadelands Drive $222, Walnut Creek, Ca 94598, and I wish to express my deep concern and objections to the Mitchell Townhomes project..

First of all, the density of this construction is absurd and will be built too close to the street, require the destruction of green space, and create noise and dirt, not to mention traffic for those of us who already live in this space.

There is already a great deal of traffic on Shadelands, as it is commonly used to bypass the lights on Ygnacio Valley. Adding 950 cars to this neighborhood will certainly create a driving and noise nightmare. 1

Please carefully reconsider if going forward with this project will create a positive environment for anyone.

Yours truly,

Merilyn K. Milam

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Merilyn Milam (MM)

Response to MM-1

Please refer to Draft EIR Chapter 2, Project Description, Section 2.2, Project Characteristics, and Section 3.10, Land Use and Planning. As detailed in these sections of the Draft EIR, the application of the proposed project was submitted pursuant to the HAA and State Density Bonus Law. The proposed project would comply with all City zoning and density requirements, which is further detailed in Draft EIR Section 3.10. Further, as described in Draft EIR Chapter 2, Project Description, the proposed project would be eligible to receive waivers or reductions for standards related to the State Density Bonus Law, including setbacks.

Please also refer to Draft EIR Sections 3.2, Air Quality, and 3.11, Noise and Vibration. These sections outline MM AIR-1 and MM NOI-1, which both contain regulations for reducing noise and air pollution during construction of the proposed project. Specifically, MM AIR-1 outlines implementation of the Bay Area Air District BMPs to control dust during construction.

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Nancy Lewis
To: Simar Gill
Cc: Kathy Pearson
Subject: Mitchell Townhome Project Environmental Impact Report
Date: Tuesday, November 18, 2025 1:04:02 PM

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

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Simar Gill, Senior Partner
City of Walnut Creek Community Development Agency

Dear Ms. Gill,

I returned to CA two years ago and reside at Viamonte, a Sequoia Senior Living Community, after residing in Hawaii for 40 years where I was a professor of geography and dean at the University of Hawaii. I have some familiarity with the EIR process.

I am also aware of the dire need for housing. I do have some concerns about the Mitchell Townhome Project, however. Of course it will disrupt life at Viamonte for years, directly across the street, but that is not a valid reason for not proceeding with the project.

My concerns are related to the density of the project, a traffic circulation plan that seems almost unmanageable - a divided project with only 2 entrances/exits onto already very busy streets - Shadelands and Mitchell and the loss of "green space" given the density of the project along with some very old trees and habitat. I know there is concern about EMS/fire access for Viamonte - but I think those would extend to the project itself. 1

There are always many tradeoffs in urban planning and Walnut Creek today is very different than the Walnut Creek I knew as a child. Much of the development has been well planned. But the Mitchell Townhome Project seems misplaced.

Sincerely,

Nancy

Nancy Davis Lewis, PhD
Professor Emerita, Geography
University of Hawaii
808-779-8555

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Nancy Lewis (NL)

Response to NL-1

As stated in Draft EIR Chapter 2, Project Description, Section 2.2, Project Characteristics, and detailed in Section 3.10, Land Use and Planning, the application of the proposed project was submitted pursuant to the HAA and State Density Bonus Law. The proposed project would comply with all City zoning and density requirements, which is further detailed in Draft EIR Section 3.10.

Further, please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic.

Moreover, please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. Draft EIR Section 3.3, Biological Resources page 3.3-23 states that the proposed project would preserve 27 existing trees within or directly adjacent to the proposed development footprint. Tree removal from the proposed project would result in less than significant impacts to biological resources, as noted in Draft EIR Section 3.3, Biological Resources, page 3.3-25. Moreover, as stated in Draft EIR Chapter 2, Project Description, page 2-24, the proposed project would include multiple private and common landscaped areas, including 122,297 square feet of low-water-use paseo gardens, 56,585 square feet of medium-water-use paseo gardens, 13,729 square feet of oak woodland, 4,855 square feet of redwood grove, and 11,587 square feet of lawns, play areas, and/or dog parks. These areas are included on Draft EIR Exhibit 2-10, Landscaping Plan. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Sandy
To: Simar Gill
Subject: Mitchell Townhouses Development
Date: Wednesday, November 19, 2025 9:41:48 AM

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

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Mr Gill,

We join with our neighbors in opposion to the proposed apartment house development called Mitchell Townhouse. We hope you will take a sharp scalpel to their plans and reduce this poorly conceived idea in half, at the least.
We live across the street from this development and deplore the loss of nature that the developers promise -- cutting down nearly every tree on the property. Further, the traffic situation looks to us to be intolerable for residents on Shadelands Drive especially since the entrance and exit on that street is set to be directly across from the exit of the Sequoia Living community.
Please help the planning commissioners or the city council understand the interests of the concerned people who live on Shadelands Drive.
Thank you for your consideration and understanding of the issues.

1

Sanford and Jenny Schafell
Sent with Proton Mail secure email.

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Sanford and Jenny Schafell (SJS)

Response to SJS-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic.

Please also refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Skip Cressman
To: Simar Gill
Subject: High density housing project in the Shadelands.
Date: Wednesday, November 19, 2025 4:18:45 AM

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

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Hi Gill:

I hope this email finds you well.
I am sure you are receiving quite a bit of email on this proposed project.

I am 70 years old and have lived in Walnut Creek my entire life. I currently live at 2715 Carina Court.

People need a place to live. I get that. I am very torn as to the concept of, "hey, I am on board now, so let's just pull up the ladder and let the rest of mankind suffer"

It is a complicated matter.

I wish you the gift of wisdom in this regard. To balance the need of the many needing housing, and the very real impact of that many people living in close proximity, (many times it has been proven that "packed in" living quarters leads to angry people who feel their privacy is violated daily). There will be a result of increased traffic, but that could be said of New York Park Avenue. Which brings me to my concluding comment. Is Walnut Creek no longer a bedroom community? Should those that have lived here for our entire lives give up on the idea that this is a community based city. Or should we embrace New York, San Francisco, Chicago as our new "hope." I think the project is well intended, but practically speaking a disaster for the human spirit. This is not Siberia.
But I know it is not an easy matter to reconcile. 1

Gill, you have a good deal of responsibility and I know you will make the right decision; I have to believe that,

Happy Holidays.

Skip Cressman
Medi-Bill, Inc.

800-333-9750 ext 16
925-933-4143 (fax)

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Skip Cressman (SC)

Response to SC-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: tory keaton
To: Simar Gill
Subject: Shadelands Project
Date: Wednesday, November 19, 2025 6:28:15 PM

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

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Hello Ms. Gill:

As recommended, I am emailing you a follow-up to my phone message and our conversation.

My understanding is that the City of Walnut Creek plans to build 422 condo/townhomes with 950 parking spaces, and remove 450 trees to include our beautiful California Redwoods. This is horrendous to say the least. 1

We need 1,000 less cars on Ygnacio Valley Road, not 950 more. YVR is basically a freeway that is non-stop. I live right off it and know that traffic rarely ceases. How does the city plan to accommodate almost 1,000 additional cars in the area? 2

Even more important to me are the trees. I have lived in Walnut Creek for 33 years and have seen countless trees be cut. This once was a very beautiful area. It is sad that so many trees have been destroyed. The Redwoods take decades to grow to the beauty we enjoy. There is no project or building worth cutting such a tree. California is privileged to have these magnificent trees that provide shade to humans and shelter to many birds and animals, as well as oxygen for all. I can't believe that the city would even consider destroying such beauty. What happened to the desire to protect the planet? 3

It will be a sad day if Walnut Creek is willing to destroy the Redwoods that have taken decades to grow in our community all for a building project. Walnut Creek can do better. Please reconsider.

Thank you,
Ms. Tory Keaton

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Tory Keaton (TK)

Response to TK-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to TK-2

Please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to TK-3

Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Elaine Coyne
To: Simar Gill
Subject: Mitchell Townhouse Project
Date: Thursday, November 20, 2025 6:35:54 AM

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

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Please please be aware of the impact of this horrific project. We do not need this in our area that is already overloaded with traffic. Taking down how many trees to put in this monstrous project !! It is bad enough that we are getting a CFA right in our neighborhood that will affect us drastically and then this ???? Looks like the Traffic Calming Plan will make our Citrus Avenue (in the Woodlands) look like it is Lennon Lane. All because of this awful CFA being dropped into our neighborhood and now this !!!!

Your consideration of this project being brought to a halt is truly needed. Why not put this project right off of the 680 corridor ??

Your help is truly appreciated.

Regards Elaine Coyne

1

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Elaine Coyne (EC)

Response to EC-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic. Further, please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. Draft EIR Section 3.3, Biological Resources page 3.3-23 states that the proposed project would preserve 27 existing trees within or directly adjacent to the proposed development footprint. Tree removal from the proposed project would result in less than significant impacts to biological resources, as noted in Draft EIR Section 3.3, Biological Resources, page 3.3-25. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Eunice Swenson
To: Simar Gill
Subject: Mitchell Townhomes
Date: Thursday, November 20, 2025 9:22:47 AM

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.

To Whom It May Concern:
To Whom It May Concern:
I am a resident of Viamonte Senior Living on Shadelands Ave. Walnut Creek.
I am very concerned about the proposed housing project that is in the planning stages across the street from us.
The project is extensive, will be totally disruptive, endangering to us and the community around us. The following things are of grave concern to me and to other residents of Viamonte. 1

, Extreme density, 422 three story multifamily dwelling units on only 22.2 acres. 2

. 82 buildings

, Loss of trees and open space 3

. 461 mature trees will be cut down

. extreme traffic from 950 cars that will access Shadelands Dr. and Mitchell Drive 4

, impairment of emergency vehicles delaying help for those needing it

, quality of building aesthetics

. crowding of buildings up to 10 feet from the curb 5

, quality of life for Viamonte residents due to noise, air quality due to construction. 6

Who will benefit most from this project?
Who will be harmed the most from this project?
What will the long term effects be of this project? And for whom?
Why is there disregard for the quality of life in our beautiful community?
What is the motivation for such an extensive, disruptive, uninvited project? 7

Please consider my concerns for this project and acknowledge receipt of my concerns.

Thank you,

Eunice Swenson

Eunice Swenson (ES)

Response to ES-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to ES-2

As stated in Chapter 2, Project Description, Section 2.2, Project Characteristics, and detailed in Section 3.10, Land Use and Planning, the application of the proposed project was submitted pursuant to the HAA and State Density Bonus Law. The proposed project would comply with all City zoning and density requirements, which is further detailed in Draft EIR Section 3.10. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to ES-3

As detailed in Draft EIR Section 3.13, Public Services, the proposed project would include approximately 2 acres of common open space. Draft EIR Section 3.3, Biological Resources, page 3.3-23 states that the proposed project would preserve 27 existing trees within or directly adjacent to the proposed development footprint. Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. Please also refer to the Response to VRC-47 for a discussion of the open spaces and recreational facilities that would be included as part of proposed project development. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to ES-4

Please refer to Master Response 3, Adequacy of Police and Fire Protection Services, of this document. This response provides additional information related to emergency public services and development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to ES-5

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The proposed project's impacts related to Aesthetics, Light, and Glare are explicitly discussed in Draft EIR Section 3.1, Aesthetics, Light, and Glare, pages 3.1-15 through 3.1-23. These discussions found that impacts

on aesthetics, light, and glare would be less than significant without mitigation. With respect to setbacks, refer to Response to CDN-5 above for a discussion on how the proposed project's impacts related to land use and planning would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to ES-6

Please refer to Draft EIR Sections 3.2, Air Quality, and 3.11, Noise and Vibration. These sections outline Mitigation Measures MM AIR-1 and MM NOI-1, which both contain regulations for reducing noise and air pollution during construction of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to ES-7

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

From: Gary Lawrence
To: Simar Gill
Subject: Mitchell Townhomes Project
Date: Thursday, November 20, 2025 2:45:00 PM

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

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Dear Ms. Gill --

As a concerned resident of Viamonte Senior Living (VSL), I am writing to comment on the proposed Mitchell Townhomes Project.

I have read, with a layman's eye, the Draft EIR for this project, dated August 21, 2025. I have also read the Response and Comments by the Mitchell Townhomes Committee of the Resident Council of Viamonte Senior Living, dated and submitted to the City of Walnut Creek on October 2, 2025 (Comments). I concur with the observations recorded in the Comments, and strongly endorse the recommendations therein. 1

From my own perspective, I note that:

- The addition of up to 1,700 residents to this area, which now hosts about 250 residents at VSL along with a variety of commercial entities, will have a dramatic effect, increasing residential occupancy by about 800% (from 250 to almost 2,000). I rather doubt that, save for the effects of the Housing Affordability Act, the city would have chosen to zone these parcels for this number and density of residential units in a neighborhood now almost solely dedicated to business and commercial uses. 2
- The traffic effects are likely to be dramatic. During commute hours routine traffic backs up for two long blocks or more at the intersections of Shadelands Drive and Oak Grove to the north and North Wiget Lane to the south. To maintain fitness, I often walk in the area, and the flow of traffic on Shadelands Drive frequently obstructs my enjoyment of the neighborhood. 3
- Similarly, my walks often take me through the Business Park, where I enjoy the grounds, trees, water features and wildlife. My enjoyment of life in Walnut Creek will be significantly diminished with the loss of these amenities. 4
- As I look north over Shadelands Drive to the Shadelands Office Park, I enjoy a serene view of many trees and scattered two- and three-story office buildings interspersed with water features. The prospect of a nearly solid wall of three-story townhomes little more than 30 feet from my living room window is not pleasant - and may decrease the resale value of my unit. 5

Thanks to you and the Planning Commission for your attention to these comments.

Regards,

==========

Gary S. Lawrence
Viamonte at Walnut Creek
2801 Shadelands Drive, Apartment 448
Walnut Creek, CA 94598
<gary.lawrence@comcast.net>
C: 925-209-7761

Gary Lawrence (GL)

Response to GL-1
This is an introductory comment. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to GL-2
As stated in Draft EIR Section 3.10, Land Use and Planning, the proposed project site is zoned Planned Development, which allows for 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. Further, as stated in Draft EIR Chapter 2, Project Description, Section 2.2, Project Characteristics, and detailed in Section 3.10, Land Use and Planning, the application of the proposed project was submitted pursuant to the HAA and State Density Bonus Law. The proposed project would comply with all City zoning and density requirements, which is further detailed in Draft EIR Section 3.10. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to GL-3
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to GL-4
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis.

Response to GL-5
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis.

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From: Joan Dyer
To: Simar Gill
Subject: Mitchell Homes Project
Date: Thursday, November 20, 2025 10:08:18 AM

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

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Dear Mr. Gill,

I am writing regarding my serious concerns about the proposed project. I am a resident at Viamonte, directly across Shadelands Drive. 1

The high density of the units is a major concern, because of the traffic, parking and noise projections.

Also the lack of open space and big trees. Why not insist that the developers place the required open space directly across from us along Shadelands Drive, while retaining some of the trees currently there. That would help meet codes as well. 2

The driveway should not be directly across from our driveways, as the congestion would be considerable. It would also impede access by emergency vehicles to our senior community.

We all realize that housing in the community is inadequate, but a more thoughtful way of creating it is necessary. 3

Thank you,
Joan Dyer
2801 Shadelands Dr, Walnut Creek, CA 94598
530-559-0917

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Joan Dyer (JD)

Response to JD-1

Please refer to Draft EIR Section 3.11, Noise and Vibration. Specifically, Impact NOI-1 details mitigation measures for decreasing noise pollution as a result of the construction of the proposed project. Please refer also to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to JD-2

Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. Draft EIR Section 3.3, Biological Resources, page 3.3-23 states that the proposed project would preserve 27 existing trees within or directly adjacent to the proposed development footprint. Tree removal from the proposed project would result in less than significant impacts to biological resources, as noted in Draft EIR Section 3.3, Biological Resources, page 3.3-25. Moreover, as stated in Draft EIR Chapter 2, Project Description, page 3.2-24, the proposed project would include multiple private and common landscaped areas, including 122,297 square feet of low-water-use paseo gardens, 56,585 square feet of medium-water-use paseo gardens, 13,729 square feet of oak woodland, 4,855 square feet of redwood grove, and 11,587 square feet of lawns, play areas, and/or dog parks. These areas are included on Draft EIR, Chapter 2, Project Description, Exhibit 2-10, Landscaping Plan.

Please refer also to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to JD-3

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4,

Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Hall Equities Group

November 20, 2025

Ms. Simar Gill
Senior Planner
City of Walnut Creek Community Development Department
1666 N. Main Street
Walnut Creek, CA 94596

Re: Mitchell Townhomes, Project No. Y24-026, comments

Dear Ms. Gill,

We appreciate the opportunity to provide comments on the Mitchell Townhome Draft Environmental Impact Report (EIR). As a major property owner within the Shadelands Business Park, we are closely following this proposal, particularly given its immediate proximity to our existing Shadelands SportsMall facility and its location across from our approved senior housing community at 2800 Mitchell Drive. 1

Our primary concern relates to ensuring safe, convenient, and continuous public access for seniors who will be traveling between 2800 Mitchell Drive and the Orchards Shopping Center and surrounding amenities.

We note that the proposed project includes several public sidewalks between Mitchell Drive and Shadelands Drive. Pedestrian connections will be important to seniors in our 2800 Mitchell Drive project, and will also be important to people who will live within Mitchell Townhomes to access the retail amenities. We are supportive of the sidewalks through the property connecting Mitchell and Shadelands Drive, and they should be kept in the plan, and enhanced wherever possible. 2

We also appreciate that the proposed project would include improved sidewalks and frontage landscaping along Mitchell Drive and Shadelands Drive.

Thank you for your consideration of these comments.

Sincerely,



Mary Laux
Vice President, Entitlements
Hall Equities Group

cc. Mark Hall, Chief Executive Officer
Brandon Farrell, Executive Vice President – Chief Operating Officer

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Mary Laux (ML)

Response to ML-1

This is an introductory comment. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to ML-2

This is a comment in support of the project that does not raise any questions or concerns related to the CEQA process. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Mick Coyne
To: Simar Gill
Subject: Shadelands business park
Date: Thursday, November 20, 2025 6:37:15 AM

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

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This would have a severe negative impact on us home owners.

First it's Club Studio which makes it impossible to park and shop,
then it's Chick-fil-A which is going to be a traffic nightmare, we won't be able to leave the area without taking another route...
and NOW they want to pack in 433 units, cut down 450 trees,
this is all about GREED!
Please don't let this happen,
thanks for your time,
Michael P. Coyne

1

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Michael Coyne (MC)

Response to MC-1

Please refer also to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic.

Moreover, Draft EIR Section 3.3, Biological Resources, page 3.3-23 states that the proposed project would preserve 27 existing trees within or directly adjacent to the proposed development footprint. Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: emteel@yahoo.com
To: Simar Gill
Subject: Mitchell Towhome Project- Shadelands Business Park, Walnut Creek
Date: Thursday, November 20, 2025 1:40:50 PM

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

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Dear Gill/E.I.R. city of Walnut Creek,

I am writing to express my strong opposition to the proposed housing development in our neighborhood. While I understand the need for affordable housing in our city, I believe that this project would have a detrimental impact on our community. 1

First and foremost, the proposed development is simply too large for our area. The increase in population density would put a strain on our already overburdened infrastructure, leading to increased traffic congestion, safety hazards, noise pollution and strain on our public services. Specifically, the addition of an estimated 800 residents and hundreds of their vehicles (950 cars) would certainly worsen during particularly commute hours and school drop off/pickup/daycare hours asWoodlands neighborhood (Oak Grove Road and Ygnacio Valley Road) is made up of many families with young children, coming and going to school, work and shopping. And the parking area of the Orchard Shopping at the fore-mention intersection is already overloaded. 2

Additionally, the construction of this project would result significantly in the environmental damage and detract the ambience of the area as it would require the cutting down of a large number of existing trees including many coastal Redwoods. And the long time -many years- it would take for the housing project completion, in which time the area residents would be exposed to noise, dust, traffic re-routings & tie-ups. 3

Furthermore, the type of housing being proposed is simply not in keeping with the character of our neighborhood. It would drastically alter the aesthetic of our area, replacing the existing greenery with a monolithic high-density housing complex. Although the development would only bring in a small number of low-income residents, which could, however small, lead to increased crime rates and other negative social effects. 4

Finally, I am deeply concerned about the impact this development would have on property values for existing homeowners residing in the surrounding area. As a long-time resident as many in my neighborhood, who hope to continue living here longterm in our homes as well as the inclining in property values. 5

In conclusion, I strongly urge you to reconsider this proposed housing development. While I recognize the need for affordable housing, I believe this project is simply not the right fit for our neighborhood. 6

Please include this letter in the official record for the upcoming hearing. I would appreciate confirmation that my concerns have been received and reviewed. Thank you for your time and attention to this matter.

Sincerely,
Minh T Le
Persimmon Road, Walnut Creek

Minh Le (MLE)

Response to MLE-1
This is an introductory comment. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MLE-2
Please refer to Draft EIR Section 3.11, Noise and Vibration. Specifically, Impact NOI-1 details mitigation measures for decreasing noise pollution as a result of the construction of the proposed project. Additionally, this section details the anticipated decrease in peak-hour traffic, deeming project-related traffic noise impacts as less than significant. Further, please see Draft EIR Section 3.13, Public Services. This analysis determined that impacts to public services as a result of the proposed project would be less than significant.

Please refer also to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues such as parking, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MLE-3
Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals, including redwood trees, on the project site for the development of the proposed project. As described above, Draft EIR Section 3.11, Noise and Vibration contains mitigation measures for noise-related impacts. Further, please see Draft EIR Section 3.2, Air Quality, which outlines MM AIR-1. This measure ensures implementation of the Bay Area Air District BMPs to control dust during construction. Implementation of this measure includes consistent watering of non-paved surfaces, covered haul trucks, use of wet power vacuum street sweepers, slow speed limits on unpaved roads, prioritization of paving necessary roadways, driveways, and sidewalks, short idling times, equipment checks, and publicly visible placement of signs with the contact information regarding dust complaints, where the contractor shall take corrective action within 48 hours of a complaint. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. The comment

did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MLE-4

Please refer to Draft EIR Section 3.1, Aesthetics, Light, and Glare. The analysis in this section determined that impacts to aesthetics from the proposed project would be less than significant. Please refer also to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MLE-5

Property values are an economic issue and not a recognized impact on the physical environment. Please refer also to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to MLE-6

The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

From: Nina Dale
To: Simar Gill
Subject: Mitchell Townhome Project
Date: Thursday, November 20, 2025 10:24:17 AM

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

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To Sonar Gill, Senior Planner
City of Walnut Creek

As a resident of Viamonte, 2801 Shadelands Drive, it disturbs me greatly to read about the plans to construct townhomes on the land between Shadelands Drive and Mitchell Drive in Walnut Creek. My main objections are the following: 1

1) Traffic congestion on Shadelands Drive. Apparently there is planned parking for 950 cars which will access the property from Shadelands Dr. and
Mitchell Dr. This could also cause problems for emergency vehicles and their access to neighboring facilities. 2

2) The building density resulting in loss of trees and open space. 3

3) Building are packed too closely and set back only 10 feet from the curb. 4

In a perfect world, it would seem to me that a project of this magnitude would fit better on the other side of Mitchell Dr. where there is land available. The land between Shadelands Dr. and Mitchell Dr. could then be used for a project of less density and more consideration of trees and open space. 5

I would appreciate if you would acknowledge receipt of this mail.

Thank you!

Nina Dale
2801 Shadelands Dr. #311
Walnut Creek CA 94598

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Nina Dale (ND)

Response to ND-1
This is an introductory comment. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to ND-2
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to ND-3
Draft EIR Section 3.3, Biological Resources, page 3.3-23 states that the proposed project would preserve 27 existing trees within or directly adjacent to the proposed development footprint. Tree removal from the proposed project would result in less than significant impacts to biological resources, as noted in Draft EIR Section 3.3, Biological Resources, page 3.3-25. Moreover, as stated in Draft EIR Chapter 2, Project Description, page 2-24, the proposed project would include multiple private and common landscaped areas, including 122,297 square feet of low-water-use paseo gardens, 56,585 square feet of medium-water-use paseo gardens, 13,729 square feet of oak woodland, 4,855 square feet of redwood grove, and 11,587 square feet of lawns, play areas, and/or dog parks. These areas are included on Draft EIR Exhibit 2-10, Landscaping Plan. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to ND-4
As described in Section 2 of the Draft EIR, Project Description, the proposed project would be eligible to receive waivers or reductions for standards related to the State Density Bonus Law, including setbacks. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to ND-5
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the

scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

From: Sarah Jardin
To: Simar Gill
Subject: Mitchell Road Townhomes Project
Date: Thursday, November 20, 2025 12:53:21 PM

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

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Dear Mr. Gill,

Thank you for your notice to our Woodlands neighborhood. I'm grateful for your efforts in your public works role.

We would be strongly against the proposed development of the Shadelands Office Park.
We use Mitchell Road on a daily basis to get to art classes at the community center, gymnastics classes at Encore, dog training at Joybound, and walking to the Farmer's Market on Saturday mornings.

1

We live within hundreds of feet from this site and would certainly hear the construction noise as we did with the Shadelands Acute Care Facility and the Bank of America construction in recent years. The noise levels of our neighborhood are already pretty high --- between road noise from Ygnacio Valley, Oak Grove, and Treat Blvd.... the early morning deliveries to the Oak Grove Marketplace shopping center... BART.. the continual renovations of the older homes in this area. We don't mind the music from Mike Hess or the games from Ygnacio Valley High School, but further construction and additional residents would be really detrimental to our area. Many of our neighbors have children in the preschools located on Mitchell Road (Springfield, KLA, and Flowers Montessori).

2

We have known about 12-13 families who have left Walnut Creek over the past few years due to frustrations of cost, congestion, and pace of life. All of whom we lawful, respectful citizens earning solid incomes (ie. contributing a lot to our community by way of taxes + local spend).

I will add that my children are 4th generation born and raised in Walnut Creek. My grandmother grew up on a Walnut ranch on Castle Rock Road and several of her ten children still live in Walnut Creek. My husband's grandmother just passed on at 105 years old, having spent more than 75 years in Walnut Creek raising her four children and they are also still here. My own parents met on the swim team at Dewing Park in the 1970's, if you can believe it!
Across both families there are also rental properties here so it's not just personal, it's financial. Protecting this city is critical to our families. We love that we can walk and ride bikes down Mitchell Road to our activities.

3

I grew up in the San Miguel neighborhood and my husband in the Livorna Estates neighborhood and I know we need affordable housing but to see the excessive development in Walnut Creek has been heartbreaking.

All of that is to say, if anyone loves this city, it's our family. Preserving what's left of its community and ability to gather and navigate around this beautiful place is very important to us.

Please know what we can do to help.

Thank you,

Sarah & Jeremy Jardin

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Sarah and Jeremy Jardin (SJJ)

Response to SJJ-1

This is an introductory comment. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SJJ-2

Please refer to Draft EIR Section 3.11, Noise and Vibration. This section outlines mitigation measures for reducing noise during construction of the proposed project. These measures include equipment mufflers, prohibition of idling, use of quiet models of air compressors, location of noise-generating equipment, and compliance with the City's Municipal Code to follow standards for construction hours. Further analysis on Noise and Vibration impacts from the proposed project in relation to CEQA can be found in this section. Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to SJJ-3

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: ktmz@comcast.net
To: Simar Gill
Cc: laurie Reich
Subject: Mitchell Townhomes DEIR - comment
Date: Thursday, November 20, 2025 3:02:38 PM

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

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I am a resident of the Viamonte CCRC across Shadelands Drive from the proposed project. I did not perform an in-depth study of the DEIR and apologize in advance if my comments had previously been addressed. However, I am vitally concerned about the traffic impacts generally and specifically on Viamonte residents. The DEIR speaks to a reduced traffic impact due to reduced numbers of vehicular trips overall, but I could find no discussion of the time of day impacts resulting from a residential (as opposed to business) use.

1

Residential uses will likely peak at commute hours whereas business uses spread more evenly over an 8-hour day. My concern is that vehicle access to Viamonte for residents and medical emergency vehicles will be significantly impaired during commute hours due to the proposed project. The sole Viamonte CCRC vehicle access is just opposite an access to the proposed development. The commute hours traffic on Shadelands Drive, especially in the morning, currently requires minutes-long waits for residents to turn left on to Shadelands.

Two issues are related:
First, the DEIR appears to assume a fully utilized business park for traffic impact analysis. The business park currently has a very low occupancy. I guess that their parking lots were utilized well less than 25 percent during all of my approximate four years residence in Viamonte. If the DEIR did use the assumption that the current 2025 traffic conditions reflect full use of the business park, a distorted view of the proposed project's traffic impacts occurs. A much higher traffic impact from a fully utilized business park would occur, especially on Shadelands Drive.

2

Second, I did not find if the DEIR analysis considered that the predominant pedestrian traffic from Viamonte is by "senior citizens". Pedestrians are protected by traffic signals at Oak Grove and Shadelands and a pedestrian crossing warning light close to the Viamonte driveway. I would like the pedestrian issue, especially for seniors, addressed in a Final EIR for this location and at the proposed roundabout at Via Monte and Shadelands.

3

Thank you,
Tak Mizuno

Sent from my iPad

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Tak Mizuno (TM)

Response to TM-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project; explain the transportation metrics utilized under CEQA to evaluate project impacts; and discuss the proposed project's impacts related to traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to TM-2

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional explanations of the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic. As noted in Draft EIR Section 3.15, Transportation and Traffic, page 3.15-13, the proposed project analysis did not assume a fully utilized business park on the project site, but rather it assumed 80 percent occupancy of the buildings on the project site. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to TM-3

Please refer to Draft EIR Section 3.15, Transportation and Traffic. As detailed under Impact TRANS-1, the proposed project would improve and enhance pedestrian facilities, and the proposed project would have a less than significant impact. Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Wendy Williams
To: Simar Gill
Subject: Mitchell project
Date: Thursday, November 20, 2025 12:39:08 PM

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 iPhone
What are you thinking???? Too much noise,traffic, removing all the trees no access for emergency vehicals for seniors at Viamonte. Cars already use shadelands dr as an access to ygnacio in the am
Think about it
Thank you acknowledge receipt
Wendy Williams

1

to ygnacio in the am

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Wendy Williams (WW)

Response to WW-1

For specific concerns regarding noise, please refer to Draft EIR Section 3.11, Noise and Vibration, which details mitigation measures as well as noise-related policies and regulations that the proposed project would be compliant with. Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project, explain the transportation metrics utilized under CEQA to evaluate project impacts, and discuss the proposed project's impacts related to traffic. Please also refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. Draft EIR Section 3.3, Biological Resources, page 3.3-23 states that the proposed project would preserve 27 existing trees within or directly adjacent to the proposed development footprint. Tree removal from the proposed project would result in less than significant impacts to biological resources, as noted in Draft EIR Section 3.3, Biological Resources, page 3.3-25. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: john fitzgerald
To: Simar Gill
Subject: Mitchell Town Houses
Date: Friday, November 21, 2025 8:35:24 AM

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.

Dear Simar,
As a 50 year resident of Walnut Creek, I am upset with the unbridled growth of residential housing. This impacts our quality of life. When we first moved to Walnut Creek there was a reaction against commercial growth. The citizens voted out the city council members who were strong advocates and commercial growth became less intrusive. The Walnut Creek citizens have strongly supported a livable environment. The Mitchell project moves us in the wrong direction
Please help,
John Fitzgerald

1

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John Fitzgerald (JF)

Response to JF-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: kaymerritt@astound.net
To: Simar Gill
Subject: SHADELANDS BUSINESS PARK PROJECT
Date: Friday, November 21, 2025 10:29:57 AM

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.

I HOPE I AM NOT TOO LATE TO PUT MY OPINION TO YOU?
I HAVE LIVED HERE SINCE 1968 AND LOVE MY LOCATION. I JUST HATE TO SEE IT GET SO COMMERCIAL AND "MONEY HUNGRY"!!
PLEASE DO NOT REMOVE THE TREES (450 OF THEM), AS THEY ARE PRECIOUS TO THE ENVIRONMENT.
REPLACING THE AREA WITH 11 COMMERCIAL, I BELIEVE, IS DEFINITELY TOO MANY TO PLACE THERE.
THEN...THE BIG ITEM---**THE TRAFFIC! PLEASE CONSIDER THAT!!**
AGAIN...PLEASE RE-CONSIDER THIS PROJECT.
SINCERELY,
KAY MERRITT
KAYMERRITT@ASTOUND.NET

1

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Kay Merritt (KM)

Response to KM-1

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discuss the proposed project's impacts related to traffic. Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals on the project site for the development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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From: Lainey Holmes
To: Simar Gill; Simar Gill; Mayor - City Council; Public Comments
Subject: Request to Include Public Comment: Mitchell Townhomes Draft EIR
Date: Friday, November 21, 2025 3:24:29 PM

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.

Hello Ms. Gill,

I sincerely apologize for missing the November 20th comment deadline by a short margin. As a directly impacted resident living near the Shadelands area, I respectfully request that my comment letter below still be included in the project record for the Mitchell Townhomes Draft EIR (SCH No. 2024110923).

This project will significantly affect traffic, safety, access, schools, and environmental conditions in my neighborhood, and I hope these concerns can still be considered by City staff and the Council.

Thank you very much for your understanding.

1

Public Comment Letter

Mitchell Townhomes/Shadelands Draft EIR – Formal Comment Submission

Project No. 2024110923

Dear Ms. Gill and Members of the Walnut Creek City Council,

I am writing to submit my comments on the Draft Environmental Impact Report (EIR) for the proposed Mitchell Townhomes/Shadelands development project. I live in a neighborhood directly impacted by the traffic, construction, environmental risks, and long-term community impacts of this project. I respectfully ask that the City withdraw this project as proposed, or at minimum require significant modifications, reduced density, and additional mitigation measures before moving forward.

2

1. Extreme Traffic Impacts: Neighborhood Entrapment & Safety Risks

Traffic in the Shadelands/Woodlands area is already at a breaking point, even before any construction has begun. Traffic on Oak Grove Road already backs up to Ygnacio Valley Road, and I routinely sit through three full light cycles at Oak Grove & Citrus/Mitchell due to blocked intersections.

This is before the new Chick-fil-A has opened, which will worsen congestion dramatically.

Adding 422 units, 950 parking spaces, 82 buildings, and 800+ new residents will trap

3

neighborhoods, slow emergency response, and make school drop-off hours dangerous. These real, everyday, terrifying conditions are not adequately addressed in the EIR.

3 cont...

2. Missing and Inadequate Traffic Analysis

The Draft EIR mentions that transportation impacts were studied, but the publicly available materials do not contain the full traffic study or appendix. Without this information, the public cannot verify:

- which intersections were analyzed
- whether counts were taken during true post-COVID commute conditions
- whether Chick-fil-A traffic projections were included
- whether school traffic from Bancroft, Foothill, and Northgate was modeled
- whether neighborhood entrapment during peak hours was evaluated

4

This lack of transparency renders the traffic analysis incomplete and inadequate under CEQA. I request that the full traffic study be released and recirculated for public comment.

3. School Overcrowding: No Capacity for Hundreds of New Students

This development will generate roughly 200+ new students. The affected schools are Bancroft Elementary, Foothill Middle School, and Northgate High School—are already at or exceeding capacity.

- Bancroft is full and cannot absorb more classrooms.
- Foothill is maxed out and frequently stretched beyond operational limits.
- Northgate is so overcrowded that hallway movement between classes is unsafe.

5

The EIR does not meaningfully evaluate how hundreds of new students can be accommodated safely.

4. Loss of Shadelands Office Space: Contradiction of the City's Longstanding Vision

The Shadelands has always been promoted as a business park supporting work–life balance. Many residents in the Woodlands and surrounding areas rent office space there.

6

Eliminating 11 commercial buildings undermines this vision and will force more commuting on YVR, increase traffic, and remove affordable workspace for local professionals. This is a dramatic change that was not community-driven.

5. Removal of 450 Mature Trees, Including Redwoods

Cutting down 450 trees, including many coastal redwoods, is a severe environmental impact. Mature trees provide rare shade, wildlife habitat, cooling, carbon absorption, and character to the Shadelands area. Tree replacement cannot replicate these long-term ecological benefits.

7

6. Hazardous Materials During Demolition: Public Exposure Concerns

The demolition of 11 aging commercial buildings poses risks of:

- asbestos

8

- lead-based paint
- PCB-containing materials
- contaminated soil

These contaminants can become airborne and spread into nearby neighborhoods, where children, elderly residents, and families live and attend school.

I request:

- full public disclosure of hazardous materials surveys
- clear explanations of containment and removal procedures
- continuous air-quality monitoring during demolition
- public posting of results in real time
- robust dust-suppression and debris control plans

8 cont...

This is a serious CEQA concern and must be addressed with transparency and rigorous mitigation.

7. Multi-Year Construction Disruption

Even the construction of a single fast-food restaurant in this area has caused significant disruption. This project's 4.5 year construction timeline will bring heavy truck traffic, dust, noise, lane reductions, and safety hazards for years.

9

The EIR substantially underestimates these cumulative impacts.

8. Request for Alternatives and Reduced Density

I request that the City:

- Withdraw the project as proposed, OR
- Require a drastically reduced-density alternative
- Consider a mixed-use alternative that **preserves some office space**
- Evaluate a community-centered alternative (e.g., park, community center, or low-density housing)
- Update transportation and school impact analysis using current data

10

A meaningful Reduced Density Alternative must be included in the Final EIR.

Conclusion

This project, as proposed, is not compatible with existing road capacity, school capacity, environmental conditions, or the long-term vision of the Shadelands. The impacts are significant, unavoidable, and insufficiently mitigated.

11

Thank you for your time, and for considering my comments.

Sincerely,

Lainey Holmes

Walnut Creek Resident

Woodlands Neighborhood

Lainey Holmes (LH)

Response to LH-1
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. No further response is required.

Response to LH-2
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. No further response is required.

Response to LH-3
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Also, please refer to Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. This response provides additional information related to the transportation metrics utilized under CEQA to evaluate project impacts and discusses the proposed project's impacts related to traffic. Further, as noted in Draft EIR Section 3.15, Transportation and Traffic, page 3.15-23, transportation modeling for the proposed project included vehicle trips from cumulative future developments that are not related to the proposed project, including the Chick-Fil-A Restaurant at Citrus Marketplace Shopping Center. Cumulative impacts related to transportation were determined to be less than significant as noted on Draft EIR page 3.15-24. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to LH-4
Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Additionally, Appendix J, CEQA Analysis for the Mitchell Drive Townhomes Project, was made available with the Draft EIR. Pages 8 through 23 in Appendix J of the Draft EIR discuss intersection analysis locations, project trip generation, and transportation analysis. Further, as noted in Draft EIR Section 3.15, Transportation and Traffic, page 3.15-23, transportation modeling for the proposed project included vehicle trips from cumulative future developments that are not related to the proposed project,

including the Chick-Fil-A Restaurant at Citrus Marketplace Shopping Center. Cumulative impacts related to transportation were determined to be less than significant as noted on Draft EIR page 3.15-24. Please also refer to Master Response 4, Vehicle Miles Traveled and Level of Service.

Please also refer to Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. This master response includes background information on the study periods and study area for the traffic operations analysis of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to LH-5
Please refer to Draft EIR Section 3.13, Public Services. With respect to impacts related to school capacity, please refer to the Response to VRC-42. Please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to LH-6
Please refer to Response to VRC-36 with regard to the proposed project's submittal of an application pursuant to the HAA and Density Bonus Law. Please refer to Draft EIR Chapter 2, Project Description, Section 2.1.4, Land Use Designations. As detailed, the proposed project site is zoned Planned Development (PD), which is intended to allow diversification in the relationship of various buildings, land uses, structures, and open spaces. As further detailed in Draft EIR Section 3.1, Aesthetics, the proposed project would not substantially degrade the existing visual character, nor would it conflict with applicable zoning or other regulations. In addition, Draft EIR Section 3.10, Land Use and Planning, concluded a less than significant impact determination. Lastly, please also refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to LH-7
Please refer to Master Response 6, Tree Removal, in Section 2, Master Responses, of this document. This master response includes a discussion of tree removals, including redwood trees, on the project site for the development of the proposed project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to LH-8

Please refer to Response to HBLLP-8 for a discussion of asbestos and lead impacts related to the proposed project. Please also refer to Draft EIR Section 3.8, Hazards and Hazardous Materials. This section details federal and State regulations and policies that the proposed project is required to comply with during the construction phase to mitigate impacts should any of the listed hazardous materials be found at the proposed project site. Specifically, State regulations such as California Code of Regulations, Title 8, Section 1529, require proper training for workers who perform asbestos abatement, and Section 1532.1 outlines proactive measures to ensure worker safety when exposed to lead-based paints, including the hiring of a certified supervisor to perform air monitoring and oversee demolition activities to ensure compliance with the proper removal, handling, and disposal of lead-containing materials. Additionally, local measures, including District Rule 11-2 from the Bay Area Air District, would instruct the applicant to obtain permits from the Bay Area Air District for asbestos removal and abide by other regulations to ensure the sufficient removal, handling, and disposal of asbestos-containing materials. Finally, Walnut Creek General Plan Action 3.6.1 requires environmental investigation following State and County regulations for possible hazardous material releases from previous land uses for lead and asbestos. Draft EIR Section 3.8 also outlines the results of the Phase I Environmental Site Assessment (Phase I ESA) and Limited Soil Quality Evaluation, which is included in Appendix F of the Draft EIR. The Phase I ESA further discusses regulations for handling hazardous materials, including asbestos and lead-based materials.

Further, please refer to Draft EIR Section 3.2, Air Quality. MM AIR-1 outlines implementation of the Bay Area Air District BMPs to control dust during construction. Implementation of this measure includes consistent watering of non-paved surfaces, covered haul trucks, use of wet power vacuum street sweepers, slow speed limits on unpaved roads, prioritization of paving necessary roadways, driveways, and sidewalks, short idling times, equipment checks, and publicly visible placement of signs with the contact information regarding dust complaints, where the contractor shall take corrective action within 48 hours of a complaint.

As detailed in Draft EIR Sections 3.2, Air Quality and 3.8, Hazards and Hazardous Materials, the proposed project would comply with all federal, State, and local policies and regulations; therefore, impacts would be less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to LH-9

Please refer to Draft EIR Section 3.2, Air Quality. MM AIR-1 outlines implementation of the Bay Area Air District BMPs to control dust during construction. For specific concerns regarding noise, please refer to Draft EIR Section 3.11, Noise and Vibration, which details mitigation measures as well as noise-related policies and regulations that the proposed project would be compliant with. Also, please refer to Master Response 3, Adequacy of Police and Fire Protection Services; Master Response 4, Vehicle Miles Traveled and Level of Service; and Master Response 5, Traffic and Traffic Safety, in Section 2, Master Responses, of this document. These responses provide additional information related to emergency public services and development of the proposed project, explain the transportation metrics utilized under CEQA to evaluate project impacts, and discuss the proposed project's impacts related to traffic.

Further, as noted in Draft EIR Section 3.15, Transportation and Traffic, page 3.15-23, transportation modeling for the proposed project included vehicle trips from cumulative future developments that are not related to the proposed project, including the Chick-Fil-A Restaurant at Citrus Marketplace Shopping Center. Cumulative impacts related to transportation were determined to be less than significant as noted on Draft EIR page 3.15-24. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to LH-10

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. Further, as noted in Draft EIR Chapter 6, Alternatives to the Proposed Project, page 6-4, a Reduced Density Alternative was considered for the proposed project. However, a Reduced Density Alternative was determined to not contribute to the fulfillment of the proposed project objectives as extensively as the proposed project. Based on CEQA Guidelines Section 15126.6(a), a reasonable range of alternatives was evaluated in the Draft EIR on pages 6-1 through 6-30. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Response to LH-11

Please refer to Master Response 1, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 2, Unsubstantiated Environmental Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. These master responses provide additional information on the scope of CEQA, including any non-CEQA issues, and respond to comments that express general opposition to or disapproval of the proposed project or the environmental analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

SECTION 4: ERRATA

The following are revisions to the Draft EIR for the Mitchell Townhomes Project. These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

The City has revised Mitigation Measure (MM) CUL-2b, MM CUL-3, MM GEO-4, MM GEO-6a, MM GEO-6b, MM TCR-1, MM TCR-2, MM TCR-3, and MM TCR-4 for clarity of implementation and verification. These MMs have not substantially changed and do not trigger recirculation of the Draft EIR.

4.1 - Minor Modifications and Clarifications

Executive Summary

Pages ES-16 and ES-17

MM CUL-2b In the event that buried archaeological resources are discovered during construction, the project applicant/project owner or sponsor shall stop or ensure all operations shall stop within a 100-foot radius of the find and shall retain an Archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology to ~~shall~~ be consulted to determine whether the resource requires further study. The qualified Archaeologist shall make recommendations to the ~~Lead Agency~~ City on the measures that shall be implemented to protect discovered resources, including, but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant cultural resources consist of, but are not limited to stone, bone, ~~fossils,~~ wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. If the resources are determined to be unique ~~historic~~ archaeological resources or historical resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the City. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. The City, along with other relevant or tribal officials, shall be contacted by the project applicant/project owner or sponsor or their contractor upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Treatment of any significant cultural resources shall be undertaken with the approval of the City. No further ~~grading~~ ground disturbance shall occur in the area of the discovery until the ~~lead agency~~ City approves the measures to protect these resources. Upon coordination with the City, any archaeological artifacts recovered shall be donated to an appropriate Tribal

custodian or a qualified scientific institution where they would be afforded curation under applicable cultural resources laws and guidelines.

Executive Summary

Pages ES-17 and ES-18

MM CUL-3 In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Section 5097.94 and Section 5097.98 shall be followed by the project applicant/project owner or /project sponsor. ~~If during the course of project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken by the project applicant/project owner or sponsor.~~

There shall be no further excavation or disturbance of the ~~stie~~ site where human remains are discovered and/or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be the result of a crime scene, or otherwise not the remains of a Native American, the Coroner shall follow the provisions of the Health and Safety Code Section 7000 (*et seq*.) regarding the disinterment and removal of non-Native American human remains. Work cannot resume at the discovery location until authorized by the Coroner or their designee.

If, however, the Coroner determines the remains to be Native American, the procedures in Mitigation Measure TCR-4 shall apply.

Executive Summary

Pages ES-19 and ES-20

MM GEO-4 Design Level Geotechnical Study

Prior to the issuance of building and grading permits, a design-level geotechnical exploration and assessment will be performed by a qualified Geotechnical Engineer to be retained by the project applicant/project owner or sponsor.

Executive Summary

Page ES-21 through ES-22

MM GEO-6a ~~On the first day of~~ Prior to any ground-disturbing activities ~~disturbance~~, ~~and prior to~~ including the start of any mass grading and/or trenching disturbing activities, a qualified professional Paleontologist that meets the Society of Vertebrate Paleontology (SVP) Standard Procedures shall be retained by the project applicant/project owner or sponsor to prepare and conduct a project-wide Worker Environmental Awareness Program (WEAP) training. The WEAP training shall include a review of applicable federal, State, and local regulations related to paleontological resources; recognition and understanding of significant paleontological resources

pertinent to the geography and geology of the region and the types of paleontological resources that may be encountered; procedures to be followed in the event that paleontological resources are encountered; and the protocols that apply in the event of inadvertent discovery, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated and any other appropriate protocols. In the event construction crews are phased in, additional training shall be conducted for new construction personnel.

MM GEO-6b The entire project site contains rock units that are classified as having high potential under the SVPs assessment of the paleontological potential of rock units, as such, the qualified professional Paleontologist shall be retained by the project applicant/project owner or sponsor and be present to monitor all ground disturbing activities in the demolition, site preparation, and grading phases. The level of monitoring may be reduced, or suspended entirely under the Paleontologist discretion after half of the excavations are complete and no rock units bearing any fossils of important significance have been uncovered. If paleontological resources are unearthed during excavation, the project applicant/project owner or sponsor shall ensure all ground-disturbing activities be stopped immediately until the qualified professional Paleontologist can examine the importance of the specimen and recommend appropriate removal, treatment, and future monitoring and mitigation if necessary. Construction workers should not attempt to remove such finds.

Executive Summary

Page ES-29

- The construction contractor shall comply with Section 4-6.203(f) of the City's Municipal Code and any additional limitations as a part of the building/grading/site development permits issued. The City's standard restricts construction activities to between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays or as enumerated in individual building and grading/site development permits unless otherwise allowed by the Chief Building Officer.

Executive Summary

Pages ES-31 through ES-36

MM TCR-1 **Native American Monitoring**

Prior to ground-disturbing activities, a Tribal ~~m~~Monitor(s) shall be retained by the project applicant/project owner or sponsor. If archaeological or Tribal ~~cultural resources~~ Cultural Resources (TCRs) are encountered during ground-disturbing activities that are associated with Native American culture, the Tribal ~~m~~Monitor(s) ~~will~~ shall have the authority to halt and redirect work ~~and work~~ within 100 feet of the find ~~must halt and the find be~~ to implement MM TCR-3 ~~evaluated for listing in the California Register of Historical Resources (CRHR) and the National Register of Historical Places (NRHP)~~. Monitoring may be reduced or halted at the discretion of

the qualified archaeologist and Tribal monitor(s), in consultation with the ~~Lead Agency~~ City, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, negative findings during the first 50 percent of the entire area of ground disturbance, or other circumstances at the discretion of the City ~~etc~~. If monitoring is reduced to spot checking, spot checking shall occur when ground disturbing activities move to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

MM TCR-2 Monitoring Plan

At least 60 days prior to the planned start of ground-disturbing activities, the project applicant/project owner or sponsor ~~Applicant~~ shall submit to the City for review and approval a Monitoring Plan, that shall include, at minimum, the following information: (1) Contact information for construction supervisors, ~~Lead Agency~~ City personnel, and the County Coroner; (2) Description of the types of activities that are subject to monitoring and those that are excluded from monitoring (e.g., placement of equipment into excavated trenches, vertical construction, movement of fill material, and other similar activities do not require monitoring); (3) Description of the location of activities that are subject to monitoring and those that are excluded from monitoring (e.g., activities in bedrock or fill do not require monitoring); (4) Procedures for timely notification to the Tribal ~~monitor~~ Monitor of the construction schedule and contingency plans in the event that a Tribal ~~monitor~~ Monitor is unavailable at the scheduled time; (5) Dispute resolution procedures in the event of a ~~dispute~~ disagreement; (6) An alternative rotation schedule for monitoring in the event that more than one Tribe wishes to provide Tribal M~~m~~onitors; (7) Procedures for the reburial of unanticipated discoveries; and (8) Any additional procedures that implement the Cultural Resources and Tribal Cultural Resources Mitigation Measures in the Draft EIR. The City shall have 30 days to review the Monitoring Plan. If the City does not provide comments within that timeframe or otherwise provide an extension of review time, the Monitoring Plan is presumed to be approved and can be implemented.

MM TCR-3 Unanticipated Discovery of Tribal Cultural Resources

If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground-disturbing activities within 100 feet shall cease until an ~~archaeologist~~ Archaeologist to be retained by the project applicant/project owner or sponsor has evaluated the nature and significance of the find as a potential ~~cultural resource~~ historical resource or unique archaeological resource and ~~a~~ representatives from culturally-affiliated consulting Tribes ~~is~~ are consulted by the ~~Lead Agency~~ City to evaluate the find as a potential Tribal Cultural Resource (TCR). The ~~archaeologist~~ Archaeologist ~~will~~ shall stake the area of discovery, placing stakes no more than 10 feet apart, forming a circle having a radius no less than 100 feet from the point of discovery. If the entity in consultation with

the consulting Tribe(s), determines that the resource is a Tribal Cultural Resource and thus significant under CEQA, the ~~entity~~ the project applicant/project owner or sponsor shall retain a qualified ~~archaeologist~~ Archaeologist and a Tribal ~~monitor~~ Monitor, at the applicant's expense, to prepare a mitigation plan, which shall be approved by the City and implemented by the ~~entity~~ project proponent ~~in accordance with State guidelines and in consultation with the consulting Tribe~~. The mitigation plan shall include avoidance of the resource, or if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified ~~archaeologist~~ Archaeologist. Examples of appropriate mitigation for TCRs include, but are not limited to, protecting the cultural character and integrity of the resource~~s~~, protecting traditional use of the resource~~s~~, protecting the confidentiality of the resource~~s~~, or heritage recovery.

MM TCR-4 Halt Work/Coroners Evaluation/Impact to Previously Undiscovered Human Remains

If human remains are encountered during construction and ground-disturbing activities, ~~all work within 100 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an Archaeologist shall be contacted to assess the situation~~ the procedures in MM CR-3 shall apply. If, after their initial examination, the Coroner determines that the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC ~~will~~ shall identify a Native American Most Likely Descendant (MLD) ~~to~~ who may inspect the site and provide recommendations for the proper treatment of the remains and any associated funerary objects.

Tribal representatives shall rebury the Native American human remains and associated funerary objects with the appropriate dignity at a pre-determined location agreed upon between the consulting Tribe and the project proponent prior to the commencement of ground-disturbing activities. The location of the reburial shall be accessible to the MLD in perpetuity and shall be not subject to further disturbance. The discovery and reburial shall be kept confidential and secure to prevent any future disturbance and documented with a reinterment record with the County. If permissible by the MLD, ~~The~~ the ~~archaeologist~~ Archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD and/or Tribal representative.

Upon completion of the ~~Archaeologist's assessment~~ reburial, a confidential report ~~should~~ shall be prepared by the Archaeologist documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report ~~should~~ shall be submitted to the NAHC, City, the project proponent, the Northwest Information Center (NWIC), and the ~~consulting Tribe~~ MLD. ~~Tribal representatives shall rebury the Native American~~

~~human remains and associated funerary objects with the appropriate dignity either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the consultant, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. To facilitate respectful reburial, a potential reburial location that would be accessible to Tribal members in perpetuity and would not be subject to future disturbance will be identified prior to commencing ground-disturbing activities, as mediated between Tribal representatives and the Lead Agency. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance.~~

Section 2.2.5, Phasing and Construction

Page 2-37

Construction of the proposed project components and off-site improvements would occur in two phases over a period of approximately 4.7<u>5</u> years, starting in April 2026 and ending in December 2030 (Exhibit 2-13).

Section 3.4, Cultural Resources

Page 3.4-16

MM CUL-2b In the event that buried archaeological resources are discovered during construction, <u>the project applicant/project owner or sponsor shall stop or ensure all</u> operations shall stop within a 100-foot radius of the find and <u>shall retain</u> an Archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology to ~~shall~~ be consulted to determine whether the resource requires further study. The qualified Archaeologist shall make recommendations to the ~~Lead Agency~~ City on the measures that shall be implemented to protect discovered resources, including, but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant cultural resources consist of, but are not limited to stone, bone, ~~fossils,~~ wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. If the resources are determined to be unique ~~historic~~ <u>archaeological</u> resources <u>or historical resources</u> as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the City. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. The City, along with other relevant or tribal officials, shall be contacted <u>by the project applicant/project owner or sponsor or their contractor</u> upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Treatment of any significant cultural resources shall be undertaken with the approval of the City. No further ~~grading~~

ground disturbance shall occur in the area of the discovery until the ~~lead agency~~ City approves the measures to protect these resources. Upon coordination with the City, any archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded curation under applicable cultural resources laws and guidelines.

Section 3.4, Cultural Resources

Page 3.4-17

MM CUL-3 In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Section 5097.94 and Section 5097.98 shall be followed by the project applicant/project owner or /project sponsor. If during the course of project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken by the applicant/project owner/project sponsor. ~~If during the course of project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken by the project applicant/project owner or sponsor.~~

There shall be no further excavation or disturbance of the ~~stic~~ site where human remains are discovered and/or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required.

If the Coroner determines the remains to be the result of a crime scene, or otherwise not the remains of a Native American, the Coroner shall follow the provisions of the Health and Safety Code Section 7000 (et seq.) regarding the disinterment and removal of non-Native American human remains. Work cannot resume at the discovery location until authorized by the Coroner or their designee.

If, however, the Coroner determines the remains to be Native American, the procedures in Mitigation Measure TCR-4 shall apply.

Section 3.6, Geology and Soils

Page 3.6-18

MM GEO-4 Design-level Geotechnical Study

Prior to the issuance of building and grading permits, a design-level geotechnical exploration and assessment will be performed by a qualified Geotechnical Engineer to be retained by the project applicant/project owner or sponsor.

- Borings with soil sample collection to support design-level recommendations.
- Laboratory testing, including, but not limited to, moisture content, unit weight, plasticity index, gradation, strength, and corrosivity testing.

- Design-level assessment of geologic and geotechnical hazards, including, but not limited to:
  - Characterization of subsurface conditions, including further evaluation of the depth, lateral extent, and continuity of potentially non-engineered fill.
  - Static load-induced static settlement based on structural loading.
- Design recommendations for suitable foundation alternatives.
- Design-level earthwork, improvement design, and construction recommendations.

3.6, Geology and Soils

Pages 3.6-19 through 3.6-20

MM GEO-6a ~~On the first day of~~ Prior to any ground-disturbing activities ~~disturbance~~, ~~and prior to~~ including the start of any mass grading and/or trenching disturbing activities, a qualified professional Paleontologist that meets the Society of Vertebrate Paleontology (SVP) Standard Procedures shall be retained by the project applicant/project owner or sponsor to prepare and conduct a project-wide Worker Environmental Awareness Program (WEAP) training. The WEAP training shall include a review of applicable federal, State, and local regulations related to paleontological resources; recognition and understanding of significant paleontological resources pertinent to the geography and geology of the region and the types of paleontological resources that may be encountered; procedures to be followed in the event that paleontological resources are encountered; and the protocols that apply in the event of inadvertent discovery, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated and any other appropriate protocols. In the event construction crews are phased in, additional training shall be conducted for new construction personnel.

MM GEO-6b The entire project site contains rock units that are classified as having high potential under the SVPs assessment of the paleontological potential of rock units, as such, the qualified professional Paleontologist shall be retained by the project applicant/project owner or sponsor and be present to monitor all ground disturbing activities in the demolition, site preparation, and grading phases. The level of monitoring may be reduced, or suspended entirely under the Paleontologist discretion after half of the excavations are complete and no rock units bearing any fossils of important significance have been uncovered. If paleontological resources are unearthed during excavation, the project applicant/project owner or sponsor shall ensure all ground disturbing activities be stopped immediately until the qualified professional Paleontologist can examine the importance of the specimen and recommend appropriate removal, treatment, and future monitoring and mitigation if necessary. Construction workers should not attempt to remove such finds.

Section 3.7, Greenhouse Gas Emissions

Page 3.7-23

It should be noted that the analysis conservatively assumes that construction would begin in April 2026 and last approximately 4.75 years.

Section 3.11, Noise and Vibration

Page 3.11-13

Per Section 2.2.5, Phasing and Construction, of Chapter 2, Project Description, construction of the proposed project components and off-site improvements would occur in two phases over a period of approximately 4.75 years, starting in April 2026 and ending in December 2030.

Section 3.11, Noise and Vibration

Page 3.11-19

- The construction contractor shall comply with Section 4-6.203(f) of the City's Municipal Code and any additional limitations as a part of the building/grading/site development permits issued. The City's standard restricts construction activities to between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays or as enumerated in individual building and grading/site development permits unless otherwise allowed by the Chief Building Officer.

Section 3.12, Population and Housing

Page 3.12-17

Per Section 2.2.5, Phasing and Construction, of Chapter 2, Project Description, construction of the proposed project components and off-site improvements would occur in two phases over a period of approximately 4.75 years, starting in April 2026 and ending in December 2030.

Section 3.14, Recreation

Page 3.14-11

Less than significant impact with mitigation incorporated. As discussed in Section 3.11, Noise, the proposed project, including the proposed recreational facilities, would not exceed the FTA's daytime noise performance standard. However, MM NOI-1 would be required to ensure that construction noise activities are restricted to daytime hours so that construction noise would not result in a substantial exceedance of the construction noise standards established by Section 4-6.203(f) of the Municipal Code. With implementation of MM NOI-1, the proposed project would have a less than significant impact relating to noise from construction activities. See Section 3.11, Noise, for further discussion.

Section 3.16, Tribal Cultural Resources

Pages 3.16-17 through 3.16-19

MM TCR-1 Native American Monitoring

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