

FINAL
Environmental Impact Report
The Ranch Project
City of Antioch, Contra Costa County, California
State Clearinghouse Number 2019060012

Prepared for:
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Date: July 17, 2020

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SECTION 1: INTRODUCTION

This Final Environmental Impact Report (Final EIR) for The Ranch Project (proposed project) has been prepared in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088, and together with the Draft EIR (State Clearinghouse [SCH] No. 2019060012), Appendices, and Mitigation Monitoring and Reporting Program (MMRP), constitutes the Final EIR for the proposed project that will be used by the Antioch Planning Commissioners and Antioch City Council Members to evaluate the proposed project during public hearings. Additionally, other responsible and trustee agencies will use the Final EIR in issuing discretionary permits for the proposed project.

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; revisions to the Draft EIR (Errata). An MMRP is included, but located in a separate document.

1.1 - Organization of the Final EIR

This Final EIR is organized into three sections:

- **Section 1—Introduction.** This section provides an introduction to the Final EIR, and includes a summary of the proposed project, the project actions to be taken, and the public participation and review undertaken by the City.
- **Section 2—Responses to Written Comments.** This section provides a list of the agencies, organizations, and individuals who commented on the Draft EIR, as well as copies of all of the comment letters received regarding the Draft EIR followed by responses to individual comments. Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is numbered. Immediately following the letter are responses with numbers that correspond to the brackets in the letter.

If the subject matter of one letter overlaps with that of another letter, the reader may be referred to more than one group of comments and responses to review all information on a given subject. Where this occurs, cross-references are provided. Where a comment does not directly pertain to environmental issues analyzed in the Draft EIR, does not ask a question about the adequacy of the analysis contained in the Draft EIR, expresses an opinion related to the merits of the project or a component thereof, or does not question an element of or conclusion of the Draft EIR, the response acknowledges the comment and may provide additional information where appropriate. The intent is to recognize the comment.

- **Section 3—Errata.** This section contains revisions to the Draft EIR, including changes, refinements and clarifications made to the proposed project since publication of the Draft EIR. The changes, refinements, corrections, and/or clarifications, do not change the environmental analysis and conclusions presented in the Draft EIR for the reasons discussed in Section 2. This section also summarizes text changes made to the Draft EIR in response to comments made

on the Draft EIR and/or staff-initiated text changes. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

1.2 - Summary of Proposed Project

The proposed project is a master planned residential community consisting of 1,177 residential units on a 551.50-acre site in the Sand Creek Focus Area west of Deer Valley Road. The proposed project will include various housing types and densities, including low density, medium density, estate and age-restricted housing; a 5.0-acre Village Center site consisting of commercial, office, and retail space; 3.0 acres of public facilities (including a new fire station site and a trail staging area); over 20 acres of public parks and landscaped areas; 229.50 acres of open space, including a creek corridor averaging 450 feet wide and 6.0 miles of trails; and 38.00 acres of roadway. The proposed project may be constructed in phases broken down as follows: Phase 1A and Phase 1B, Phase 2, and Phase 3. Richland Planned Communities (project Applicant) seeks the same project as proposed under the West Sand Creek Initiative, which was adopted by the City Council on July 18, 2018, and challenged and invalidated by the court on November 21, 2019.

1.3 - Project Actions

The proposed project is anticipated to include, but may not be limited to, the following City actions:

- Certification of the Draft EIR to determine that the Draft EIR was completed in compliance with the requirements of CEQA, that the decision-making body has reviewed and considered the information in the Draft EIR, and that the Draft EIR reflects the independent judgment of the City of Antioch;
- Adoption of an MMRP, which specifies the methods for monitoring mitigation measures required to eliminate or reduce the proposed project's significant effects on the environment;
- Adoption of Findings of Fact and Statement (FOF) of Overriding Considerations for impacts determined to be significant and unavoidable;
- Approval of amendments to the General Plan;
- Adoption of Text and Map Zoning Amendments;
- Approval of the Resource Management Plan;
- Approval of the Water Supply Assessment;
- Approval of the Master Development Plan to supplement the development standards and provide a layout of the proposed project;
- Approval of the Design Guidelines, which would supplement the proposed development standards and serve as a checklist for design review requirements for future builders;
- Adoption of a Development Agreement, which provides the City with benefits the City would not otherwise be entitled to in exchange for assurances for the project Applicant that the proposed project can be developed in compliance with the local rules and regulations in effect at the time of submittal.

1.4 - Public Participation and Review

The City of Antioch has complied with all noticing and public review requirements of CEQA. This compliance included notification of all responsible and trustee agencies and interested groups, organizations, and individuals that the Draft EIR was available for review. The following list of actions took place during the preparations, distribution, and review of the Draft EIR:

- A Notice of Preparation (NOP) for the Draft EIR was filed with the State Clearinghouse on June 11, 2019. The 30-day public review comment period for the NOP ended on July 11, 2018. The NOP was distributed to governmental agencies, organizations, and persons interested in the proposed project. The City sent the NOP to agencies with statutory responsibilities for the proposed project with the request for their input on the scope and content of the environmental information that should be addressed in the Draft EIR. The NOP was also published on the City's website and filed at the County Clerk's office.
- A public scoping meeting for the Draft EIR was held on June 19, 2019 at 6:30 p.m. in the Council Chambers.
- A Notice of Completion (NOC) and copies of the Draft EIR were filed with State Clearinghouse on March 19, 2020. An official 45-day public review period for the Draft EIR was established by the State Clearinghouse, beginning on March 20, 2020, and ending on May 4, 2020. A Notice of Availability (NOA) for the Draft EIR was published on March 20, 2020, in East County Today and sent to appropriate public agencies, all property owners within the project area, and property owners within 300 feet of the property area. The Draft EIR was also published on the City's website at <https://www.antiochca.gov/community-development-department/planning-division/environmental-documents/>. Due to the State and Contra Costa County's Shelter-in-Place orders, publicly accessible locations to review the Draft EIR were closed. Consistent with the Governor's Executive Order, posting materials on the City's website is adequate.

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SECTION 2: RESPONSES TO WRITTEN COMMENTS

2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments for The Ranch 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
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State Agencies

California Department of Transportation	CALTRANS
Central Valley Regional Water Quality Control Board	CVRWQCB

Local Agencies

City of Brentwood.....	BRENTWOOD
Bay Area Air Quality Management District.....	BAAQMD
East Bay Regional Parks District.....	EBRPD

Organizations

East Bay California Native Plant Society	EBCNPS
Save Mount Diablo	SMD

Native American Governments and Organizations

Wilton Rancheria	WILTON RANCHERIA
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Responses to Late Letters (Received after May 4, 2020)

Buchalter	BUCHALTER
Contra Costa County Fire Protection District.....	CCCFPD
Derek Cole	COLE
Hanson Bridgett.....	HANSON BRIDGETT
Michael Johnson.....	JOHNSON
Daniel McNulty.....	MCNULTY
Mike Nesbitt	NESBITT
Greg Sousa	SOUSA

2.2 - Responses to Comments

2.2.1 - Introduction

This section contains the comment letters received on the Draft Environmental Impact Report (Draft EIR) (State Clearinghouse No. 2019060012) for The Ranch Project. Following each comment letter is a response by the City intended to supplement, clarify, or amend information provided in the Draft EIR or refer the reader to the appropriate place in the Draft EIR where the requested information can be found. Comments not directly related to environmental issues may be discussed or noted for the record. Where text changes in the Draft EIR are warranted based upon comments on the Draft EIR, those changes are generally included following the response to comment. However, where the text change is extensive, the reader is referred to Chapter 3, Errata, where all the text changes are located. On occasion, a response to a comment provides a cross-reference to another response to comment. This occurs where the same, or very similar, comment was made or question asked, and an appropriate response was provided elsewhere.

2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in Section 2.1, List of Authors, above.

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

TTY 711

www.dot.ca.gov

*Making Conservation
a California Way of Life.*

April 30, 2020

SCH #2019060012

GTS # 04-CC-2017-00439

GTS ID: 7461

Co/Rt/Pm: CC/4/33.58

Alexis Morris, Planning Manager
City of Antioch
200 H Street
Antioch, CA 94509

The Ranch Residential Development- Draft Environmental Impact Report (DEIR)

Dear Alexis Morris:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for The Ranch Residential Development. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the March 2020 DEIR.

1

Project Understanding

The project proposes a residential community consisting of 1,177 residential units over 253.5 acres on 551.5 acres of primarily undeveloped land, including Low Density (LD), Medium Density (MD), and Age Restricted (AR) units; a 5 acre Village Center consisting of commercial, office, and retail space; 3 acres of public services facilities, including a new fire station site and a trail staging area; approximately 22.5 acres of public parks and landscaped areas; and 229.5 acres of open space. Regional access is located 2.3 miles east at the State Route (SR)-4 and Lone Tree Way interchange, and 3.5 miles to the north at the SR-4 and Deer Valley Road interchange.

2

Alexis Morris, Planning Manager
April 30, 2020
Page 2

Multimodal, Bicycle and Pedestrian Planning

Caltrans' previous comments regarding maintaining and creating meaningful multimodal connections still stand. We encourage impact fees dedicated to improving active transportation, transit, and connectivity to the regional trail network. These measures offer the possibility to lower the project VMT and remain consistent with MTC's Regional Transportation Plan/SCS, while helping to meet Caltrans Strategic Management Plan targets.

3

Caltrans supports Mitigation Measure TRANS-1b, particularly the striping improvements at the SR-4/ Hillcrest Ave interchange. This is an improvement identified in the Caltrans District 4 Bike Plan. We encourage the lead agency to work with Caltrans and other transit operators in the area, including BART, in order to improve bicycle and pedestrian comfort and accessibility through this intersection.

4

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Laurel Sears at (510)286-5614 or laurel.sears@dot.ca.gov.

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Sincerely,



Mark Leong
District Branch Chief
Local Development - Intergovernmental Review

cc: State Clearinghouse

State Agencies

California Department of Transportation (CALTRANS)

Response to CALTRANS-1

This comment provides introductory remarks. No action is required.

Response to CALTRANS-2

This comment consists of a summary of the project description and does not include any significant environmental issues related to the proposed project. No action is required.

Response to CALTRANS-3

The commenter states that Caltrans encourages impact fees dedicated to improving active transportation, transit, and connectivity to the regional trail network.

Caltrans notes that it made previous comments regarding multimodal connections. Those comments were related to a previous Draft EIR for a different project at the same site as the proposed project. That project was never brought forward to the City for approval and the Draft EIR was never finalized or certified. Caltrans' previous comments regarding multimodal planning noted that the project discussed in the previous Draft EIR is located in a suburban community, which makes taking public transportation challenging, but encouraged investment to improve regional transit accessibility. Specifically, Caltrans suggested the City work with local transit providers to improve regional accessibility, noting that public transit from Antioch to the nearest Bay Area Rapid Transit (BART) station (Pittsburg/Bay Point) is provided by Tri Delta Transit (TDT) (Line 300). Caltrans recommended that the City work with other cities and TDT to reduce travel times to BART by adding new routes to reduce the number of stops buses have to make. Caltrans also recommended connecting buses to other nearby regional hubs such as San José and Sacramento (via train). Lastly, Caltrans suggested that the cul-de-sacs in The Ranch Project connect to sidewalks to create accessibility. The City notes that the Draft EIR mentioned in the comment letter is not incorporated into this project and is not part of the administrative record for the proposed project.

The City appreciates Caltrans' comments and recommendations regarding multi-modal transportation. Impact TRANS-8 on page 3.14-98 of the Draft EIR indicates that no transit service is currently provided to the project site as it is undeveloped; however, on pages 3.14-12 and 3.14-13, the Draft EIR does note that there are two existing TDT routes from Kaiser Permanente Antioch Medical Center (directly across from the project site) that run to/from the Pittsburg/Antioch BART station. Route 388 runs on weekdays, and Route 392 runs on weekends and holidays and would serve the proposed project if transit routes are not rerouted through the site. The proposed project could generate at least 310 transit trips per day based on Journey to Work Data from the Census representing the adjacent neighborhoods; these trips could include new bus riders, as well as new BART riders that could either take TDT to the BART station, or drive and park. There are currently four "stops" between the project site and the BART station on both Routes 388 and 392.

Additionally, TDT runs a Paratransit service, which provides door-to-door public transportation for seniors (65 and older) and the disabled within all of Contra Costa County. Trips must be prearranged. See www.trideltatransit.com/para for more information.

Finally, over the past year and a half, TDT has been running the TriMyRide – a pilot program that provides an on-demand shuttle service within Pittsburg and Antioch on weekdays between 5:00 a.m. and 9:00 p.m. Citizens download the TriMyRide App onto their smart phones and request a ride within the cities of Pittsburg or Antioch to the BART stations. Each ride is \$2.00. For more information see www.trimyride.com.

The Office of Planning and Research’s Guidance (December 2018) regarding transit impacts dictates as follows:

“When evaluating impacts to multimodal transportation networks, lead agencies generally should not treat the addition of new transit users as an adverse impact . . . [omitted.]

Increased demand throughout a region may, however, cause a cumulative impact by requiring new or additional transit infrastructure. Such impacts may be adequately addressed through a fee program that fairly allocates the cost of improvements not just to projects that happen to locate near transit, but rather across a region to all projects that impose burdens on the entire transportation system, since transit can broadly improve the function of the transportation system.” (page 19)

The Draft EIR states that “[b]us pullouts are shown along Sand Creek Road at Street B and west of Deer Valley Road to accommodate the potential for TDT to serve the site. Bus turnouts and shelters meeting TDT requirements would be provided.” Draft EIR, page 3.14-98. Even though bus turnouts and shelters are provided nearer to Deer Valley Road, the southern portion of the site may not provide sufficient public transportation opportunities. As a result, Mitigation Measure (MM) TRANS-8a requires as follows:

MM TRANS-8a The project Applicant shall consult with TriDelta Transit to determine if additional transit facilities shall be provided throughout the site. If transit stop locations are identified, the project Applicant shall include those locations on the improvement plans for the requisite tentative map being processed by the City. The improvement plans shall include pedestrian passages through cul-de-sacs and other potential barriers to minimize pedestrian walking distances to any transit stops identified.

The proposed new transit stop locations would be located within the public rights-of-way and along major collector roads within the project site. Thus, all environmental impacts associated with construction of such transit stops have been analyzed throughout this Draft EIR in chapters including, but not limited to, Chapter 3.3, Air Quality, and Chapter 3.4, Biological Resources. Based on the foregoing clarifications regarding TDT Routes 388 and 392, and the proposed mitigation previously suggested by Caltrans and incorporated into this Draft EIR – including the connection of all cul-de-sacs to trails linking the remainder of the project and extension pedestrian and bicycle paths - the City believes the multimodal issues have been adequately addressed.

In addition to the previous multimodal comments, Caltrans encourages the City to use impact fees to improve transit and connectivity to the regional trail network. The City is not the appropriate entity to create and employ regional transit impact fees – the agency responsible for imposition of such

fees is Contra Costa County Transit Agency. With that said, as discussed herein, no impact fee is required of this proposed project since it would mitigate its transit impacts sufficiently by providing on-site transit stops in coordination with TDT, as well as regionally-connected pedestrian and bicycle pathways throughout the project site. Given the accessibility of Routes 388 and 392, as well as the project's detailed pedestrian and bicycle network, which connect the proposed project to local and regional ped/bike trails, an impact fee is not required at this time. (See Response to Comment EBRPD-5 related to further discussion of bicycle and pedestrian facilities).

As part of the transportation impact study prepared in support of the Draft EIR, opportunities to enhance proposed bicycle facilities were identified, including reallocating the pavement cross-section within the proposed right-of-way to provide a painted buffer between the bicycle lanes and the vehicular travel way on arterial streets throughout the project, including Sand Creek Road. Reducing the travel lane width to 11 feet each way would allow for a 7-foot bicycle lane and a 3-foot buffer between the bicycle lanes and the vehicular travel-way on the proposed arterial streets. Bicycle detection would be provided at all signalized intersections, and where trail crossings of streets are proposed, enhanced crossing treatments would be provided.

The final traffic control for some project intersections has not yet been identified, and could include signalization or roundabout control at some intersections on Sand Creek Road. With signalization, crosswalks and pedestrian actuation would be provided at all intersection approaches and bicycle detection would be provided. Under roundabout control, appropriate facilities, including signing, striping, and signage would be incorporated into the overall design to accommodate bicycles and pedestrians consistent with local and State regulations.

In summary, the project Applicant is coordinating with TDT to identify how transit can best serve the future residents of the site.

Response to CALTRANS-4

Commenter states support of MM TRANS-1b, particularly related to the striping improvements at the SR-4/Hillcrest Avenue interchange. Commenter states that this improvement is identified in the Caltrans District 4 Bike Plan.

This comment is noted and no further response is required.

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GAVIN NEWSOM
GOVERNORJARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

4 May 2020

Alexis Morris
City of Antioch
200 H Street
Antioch, CA 94531

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF AVAILABILITY FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, THE RANCH PROJECT, SCH#2019060012, CONTRA COSTA COUNTY

Pursuant to the State Clearinghouse's 19 March 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Availability for the Draft Environmental Impact Report* for the Ranch Project, located in Contra Costa County.

1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Central Valley Water Board staff suggests the following items be included in the Environmental Impact Report:

- Information on the California Porter-Cologne Water Quality Control Act and Waste Discharge Requirement permit for impacts to waters of the state, which includes non-federal waters, to Mitigation Measure BIO-3. More information about these are listed below.
- Listing HYD-1 and HYD-2 as less than significant with mitigation and including information on the Clean Water Act 303(d) List of Impaired Water Bodies for Sand Creek, compliance with the Construction Storm Water General Permit, and the updated Mitigation Measure BIO-3 under Impacts HYD-1 and HYD-3.
- Information on the Construction Storm Water General Permit in section 2.4.2. More information about this permit is listed below.

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Please note:

- Construction of a stream crossing will require coverage under Clean Water Act Section 401 Water Quality Certification and/or a Waste Discharge Requirement permit for direct impacts, including ecological degradation from shading.
- Dewatering by pumping may require coverage under the Limited Threat and/or Low Threat General Order, listed below.

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KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Total Maximum Daily Load (TMDL) and Impaired Water Bodies

Portions of Sand Creek within the project area are currently on the Clean Water Act Section 303(d) List of Impaired Waters due to chlorpyrifos, DDE (dichlorodiphenyldichloroethylene), DDT (dichlorodiphenyltrichloroethane), diazinon, dieldrin, disulfoton, indicator bacteria, salinity, specific conductivity, and toxicity. Central Valley Water Board staff recommends referencing the most current 303(d) list and requirements contained in existing TMDLs for Sand Creek within the final Environmental Impact Report, discussing any potential short- and long-term effects of these pollutants from project activities, and discussing mitigation measures and/or best management practices to reduce potential effects.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

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CONT.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

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¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging

activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information

The Ranch Project
Contra Costa County

-6-

4 May 2020

regarding the NPDES Permit and the application process, visit the Central Valley
Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

8
CONT.

If you have questions regarding these comments, please contact me at (916) 464-4812
or Jordan.Hensley@waterboards.ca.gov.

9



Jordan Hensley
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento (via email)

Central Valley Regional Water Quality Control Board (CVRWQCB)

Response to CVRWQCB-1

Commenter provides introductory comments. No response is required.

Response to CVRWQCB-2

This comment requests inclusion of information relating to the California Porter-Cologne Water Quality Control Act and Waste Discharge Requirement permit in MM BIO-3.

The last paragraph of MM BIO-3 (page 3.4-70 of the Draft EIR) will be revised and replaced with the following language to include additional protections for wetlands:

Prior to any construction activities that could impact protected plants, species, or waters, the project Applicant shall install orange exclusionary fencing around the areas to be avoided or preserved to prevent construction impacts from construction vehicles, equipment, and workers. The fencing shall be placed with a buffer area of 250 feet (or lesser distance if deemed sufficiently protective by a qualified Biologist with approval from the United States Corp of Engineers (USACE)/California Department of Fish and Wildlife (CDFW). A qualified Biologist shall inspect the fencing throughout the construction to ensure it is in good functional condition. The fencing shall remain in place until all construction activities in the immediate area are completed. No activity shall be permitted within the protected fenced areas except for those expressly permitted by the USACE or CDFW.

A construction buffer shall be provided along all avoided wetlands in accordance with the 404 and 401 permits. Only those uses permitted under the 404 and 401 permits and/or Streambed Alteration Agreement shall be permitted in the wetlands preserve and buffer. Water quality in the avoided wetlands shall be protected during construction in the watershed by using erosion control techniques, including (as approximate), but not limited to, preservation of existing vegetation, mulches (e.g., hydraulic straw, wood), and geotextiles and mats. Urban runoff shall be managed to protect water quality in the preserve areas using techniques such as velocity dissipation devices, sediment basins, and pollution collection devices, as required by any regulatory permits.

Prior to ground disturbance, all on-site construction personnel shall receive instruction regarding the presence of listed plants and species and the importance of avoiding impacts to these species and their habitat.

Response to CVRWQCB-3

This comment requests that the Final EIR list Impact HYD-1 and HYD-2 as less than significant with mitigation, including information on the Clean Water Act 303(d) List of Impaired Water Bodies for Sand Creek, compliance with the Construction Storm Water General Permit, and the updated MM BIO-3 under Impacts HYD-1 and HYD-3.

A Stormwater Control Plan has been vetted through review by the City of Antioch and the County of Contra Costa, and will be approved and implemented as part of the project. Notwithstanding, as

noted above, MM BIO-3 has been revised to ensure that pollutants from urban runoff and erosion are kept out of all on-site waters until all construction has ceased within the area of the sensitive feature(s). The Regional Board notes that compliance with MM BIO-3 would address any potential impacts to surface water or groundwater. As a result, all impacts to surface and groundwaters would be fully mitigated.

Response to CVRWQCB-4

This comment requests inclusion of information about the Construction Storm Water General Permit in Section 2.4.2 in Section 2.0, Project Description. The General Construction Permit was not listed in this section as a project Applicant does not receive an individualized permit from the Regional Board, but rather must file a Notice of Intent to be covered by the General Construction Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP).

This comment is noted. The Construction Storm Water General Permit has been added to the list of Other Agency Approvals in Section 2.4.2 of Section 2.0, Project Description (page 2-43 of the Draft EIR). The edit to Section 2.4.2 is included in Section 3, Errata, of this Final EIR.

Response to CVRWQCB-5

This comment states that construction of a stream crossing will require coverage under the Clean Water Act Section 401 Water Quality Certification and/or a Waste Discharge Requirement permit for direct impacts.

This comment is noted. MM BIO-3 requires that the Applicant obtain the requisite permit(s). No action is required.

Response to CVRWQCB-6

This comment states that dewatering by pumping may require coverage under the Limited Threat and/or Low Threat General Order.

This comment is noted. No action is required.

Response to CVRWQCB-7

This comment consists of a description of the regulatory setting. No action is required.

Response to CVRWQCB-8

This comment includes information related to permitting requirements. No action is required.

Response to CVRWQCB-9

This comment consists of closing remarks. No action is required.

From: Dhaliwal, Jagtar <jdhaliwal@brentwoodca.gov>

Sent: Wednesday, April 29, 2020 11:24 AM

To: Morris, Alexis <amorris@ci.antioch.ca.us>

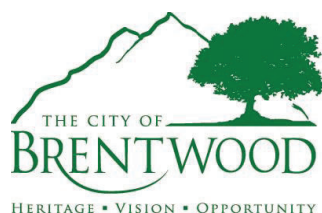
Subject: City of Brentwood Comments regarding City of Antioch NOA - The Ranch DEIR

Hi Alexis,

The following are the City of Brentwood comments regarding DEIR for the Ranch project:

- Traffic analysis should analyze the Balfour / American Avenue intersection. | 1
- Analysis incorrectly states that the improvements at the Deer Valley / Balfour improvements are under jurisdiction of Antioch and Brentwood. Actually it is in Antioch and Contra Costa County. | 2
- Traffic analysis should analyze the blind intersection at Deer Valley and Empire Mines. This intersection has a history of accidents, and may not meet sight distance requirements. | 3
- To the extent that regional transportation fees do not cover impacts to Brentwood roadways and intersections, the Project Applicant should pay for their fair share of construction costs to mitigate their impacts within City of Brentwood jurisdiction. | 4

Thanks.



Jagtar (Jack) Dhaliwal, Assistant Director of Public Works/Engineering
Public Works/Engineering
150 City Park Way
Brentwood, CA 94513-1164
Phone: 925.516.5128
Fax: 925.516.5421
jdhaliwal@brentwoodca.gov

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Local Agencies

City of Brentwood (BRENTWOOD)

Response to BRENTWOOD-1

Commenter states that the traffic analysis should analyze the Balfour/American Avenue intersection.

Operations of the Balfour Road at American Avenue intersection were evaluated based on data presented in the transportation impact assessment for the Vineyards at Deer Creek project (Vineyards Traffic Impact Analysis [TIA]), which was published July 19, 2019, as part of the overall Draft EIR prepared for the proposed project. For this analysis, project traffic was added to the existing and near-term volumes presented in the Vineyards TIA, and subtracted from the Cumulative With Project volumes, as the development of The Ranch Project was considered in the cumulative forecasts developed for that project. Level of Service (LOS) calculations were then performed based on analysis procedures documented in the Draft EIR for The Ranch Project. The results are presented in Table 1, below.

The City of Brentwood strives to maintain LOS D operations; thus, for intersections already operating beyond the desired level of service, an increase in average delay of more than 5-seconds could be considered a significant impact based on the City of Brentwood significance criteria.

Table 1: Peak-hour Intersection LOS Summary

Intersection	Peak-hour	Existing		Near-term		Cumulative	
		Without Project	With Project	Without Project	With Project	Without Project	With Project
		Delay/LOS	Delay/LOS	Delay/LOS	Delay/LOS	Delay/LOS	Delay/LOS
Balfour Road at American Avenue/West Country Club Drive	AM	58/E	59/E	61/E	62/E	50/D	51/D
	PM	35/C	35/C	37/D	38/D	39/D	41/D

The intersection of Balfour Road at American Avenue currently operates at LOS E during the AM peak-hour and the proposed project would increase average delay by 1 second. In the near-term condition, the intersection would continue to operate at LOS E, and the project would increase average delay by 1 second. In the Cumulative condition, operations of the intersection would improve to LOS D during the AM peak-hour and would remain at LOS D during the PM peak-hour with the addition of project traffic. Based on the City of Brentwood significance criteria, The Ranch Project would not have a significant impact on the operations of the intersection because the project would not increase the average delay by more than 1 second, well under Brentwood's threshold.

Cumulative improvements in the operation of the Balfour Road at American Avenue intersection are largely due to construction of additional infrastructure in the area, including the American Avenue extension, which would be constructed as a part of other potential developments in the area, and the extension of Sand Creek Road from Deer Valley Road to State Route 4 that would provide an alternate route of travel for existing traffic, as well as traffic generated by new development in the

area. As a part of The Ranch Project, Sand Creek Road would be constructed from Dallas Ranch Road to Deer Valley Road as a four-lane facility. A new two-lane facility connecting from Deer Valley Road to a point east of Dozier-Libbey High School would also be constructed as part of the proposed project.

Based on this supplemental analysis, no new impacts were identified and no new mitigation is required.

Response to BRENTWOOD-2

The commenter indicates that the traffic analysis incorrectly states that the Deer Valley/Balfour improvements are under the jurisdiction of the City of Antioch and City of Brentwood. The commenter states that the improvements are under the City of Antioch and Contra Costa County jurisdiction.

The commenter is correct that currently the intersection of Deer Valley Road at Balfour Road is within Contra Costa County and the City of Antioch. However, the City of Brentwood planning boundary incorporates a portion of the intersection, and the City of Brentwood and the City of Antioch have previously negotiated cost sharing for future improvements at the intersection.

The City of Brentwood prepared a Draft EIR for the Vineyards at Deer Creek, which was published July 19, 2019. A significant impact at the Deer Valley at Balfour Road intersection was identified for that project with the identical mitigation measure as proposed for The Ranch Project. The City of Brentwood EIR noted that, “Fifty percent of this improvement project is included in the City’s [Brentwood] Development Impact Fee, and payment of the City’s fee would account for a portion of the fair-share contribution.”

Further review of the City of Brentwood’s Capital Improvement Program (CIP) includes a project to widen Balfour Road from American Avenue to Deer Valley Road. A portion of this project is outside of the current City of Brentwood city limit, but is within the City of Brentwood’s Planning Area. While the CIP notes that most of the cost would be borne by development projects along the corridor, “A portion of the funding will be reimbursed from the City’s Development Impact Fee Program.” (Page 99 of 2020/21 – 2024/25 Capital Improvement Program).

While the intersection of Deer Valley Road at Balfour Road is currently within the City of Antioch and Contra Costa County, cost sharing agreements have historically been established between the City of Antioch and the City of Brentwood and are an acceptable model.

Response to BRENTWOOD-3

The commenter states that the traffic analysis should analyze the blind intersection at Deer Valley and Empire Mine Road. The commenter further states that this intersection has a history of accidents and may not meet sight distance requirements.

Empire Mine Road is closed to public access at Deer Valley Road and minimal traffic uses this roadway on a recurring basis. Collisions that have occurred near the intersection in the past few years are mostly related to driver speed and design features of Deer Valley Road. The Draft EIR identified a significant impact for the segment of Deer Valley Road between Sand Creek Road and

Balfour Road, including the intersection of Empire Mine Road, due to the proposed project adding traffic to a roadway that does not meet current design standards. Implementation of MM TRANS-1c, which requires constructing improvements on Deer Valley Road between Sand Creek Road and Balfour Road to include installation of a traffic signal, roadway widening to provide shoulders, and warning signage and flashing beacons in advance of curves, would reduce the impact to a less-than-significant level.

Providing additional analysis of the Empire Mine Road intersection specifically would not provide additional information for decision makers, result in a new impact, or change the previously identified mitigation measures. Therefore, no additional analysis was conducted.

Response to BRENTWOOD-4

The commenter states that to the extent that regional transportation fees do not cover impacts to City of Brentwood roadways and intersections, the project Applicant should pay their fair share of construction costs to mitigate their impacts within the City of Brentwood jurisdiction.

The project Applicant will be required to participate in the regional transportation impact fee program. Additionally, the project Applicant would be conditioned to construct improvement at the Deer Valley Road at Balfour Road intersection prior to the issuance of the 431st residential building permit, pursuant to MM TRANS-1c. As the responsibility for improvements to this intersection are shared by the City of Antioch and the City of Brentwood, a reimbursement agreement with the City of Brentwood for half the signal costs and the cost of all improvements on Balfour Road could be sought by the project Applicant (See also Response to BRENTWOOD-2). No other improvements beyond those on the State Highway facility, were identified within the City of Brentwood. Accordingly, no further mitigation is required.

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Connect with the
Bay Area Air District:



May 4, 2020

Alexis Morris, Planning Manager
City of Antioch
Planning Division
200 H Street
Antioch, CA 94531

RE: The Ranch Project – Draft Environmental Impact Report

Dear Ms. Morris,

Bay Area Air Quality Management District (Air District) staff has reviewed the Draft Environmental Impact Report (DEIR) for The Ranch at Sand Creek Project (Project). The Project proposes to amend the City of Antioch General Plan and Zoning Code to allow for 1,177 single family residential units of various densities and include age-restricted housing, a 5.00-acre village center with commercial, office, and retail space, and 3.00 acres of public use facilities, including a new fire station, as well as a trail staging area. The Project also includes 22.50 acres of public parks and landscaped areas, 229.50 acres of public open space including trails, and 38.00 acres of roadway improvements.

Air District staff appreciates and supports efforts to incorporate best practices into the Project's design to minimize air quality impacts such as:

- Installing on-site solar panels for a portion or all the Project's energy consumption,
- Installing on-site electric vehicle charging units,
- Implementing a ride sharing program for employees, and
- Construction of sidewalk network and off-street trails.

However, since the Project anticipates significant and unavoidable impacts for greenhouse gas emissions, Air District staff recommends incorporating the following measures to further reduce these impacts:

- Increase on-site solar power generation to account for all of the Project's calculated energy consumption,
- Require use of electrically powered landscape equipment,
- Install all-electric appliances, and
- Eliminate the use of natural gas, a high global warming potential greenhouse gas.

Morris
Page 2

May 4, 2020

The Project also anticipates significant and unavoidable impacts for operational emissions, in particular ROG emissions from area sources like consumer products, parking surface degreasers, and pesticides/fertilizers. Air District staff recommends incorporating the following measures to further reduce these impacts:

- Incorporate locally-based compost/mulch into landscaped areas for soil enrichment and weed suppression to minimize need for synthetic fertilizers and pesticide use,
- Employ integrated pest management techniques, and
- Consider alternative paving materials to reduce the use of asphalt such as pervious pavement, porous concrete, or other low impact options.

In addition, Air District staff appreciates the Projects' efforts to address air quality and health impacts and for incorporating construction best management practices. Beyond the proposed mitigation measure (MM Air-2a) to control fugitive dust and engine idling, Air District staff recommends the Project incorporate Tier 4 or zero-emissions off-road equipment, whenever feasible. This would help reduce the detrimental health impacts from particulate matter to nearby residents and Kaiser Permanente Antioch Medical Center, both adjacent to the Project site, during the approximate 8-years of construction.

We encourage the City to contact Air District staff with any questions and/or to request assistance during the environmental review process. If you have any questions regarding these comments, or would like to schedule a meeting, please contact Areana Flores, Environmental Planner, at (415) 749-4616, or aflores@baaqmd.gov.

Sincerely,



Greg Nudd
Deputy Air Pollution Control Officer

cc: BAAQMD Director John Gioia
BAAQMD Director David Hudson
BAAQMD Secretary Karen Mitchoff
BAAQMD Director Mark Ross

Bay Area Air Quality Management District (BAAQMD)

Response to BAAQMD-1

Comment noted. This comment provides introductory remarks and summarizes the project description. No action is required.

Response to BAAQMD-2

This comment states appreciation and support of design features incorporated into the project design that would help minimize air quality impacts. No action is required.

Response to BAAQMD-3

This comment recommends incorporation of mitigation measures to further reduce greenhouse gas (GHG) emissions. The analysis in Impact GHG-1, on page 3.7-47 of the Draft EIR, demonstrates that the proposed project would exceed the threshold of 2.6 metric ton (MT) carbon dioxide equivalent (CO₂e)/year/service population for the 2030 GHG emissions prior to the incorporation of mitigation. MM GHG-1 was included in the Draft EIR (page 3.7-49) to reduce the project's GHG emissions to below the applicable 2030 threshold. MM GHG-1 requires the reduction of GHG emissions to at or below 2.6 MT CO₂e/year/service population by 2030. MM GHG-1 offers a list of measures that could be employed in order to achieve the required emission reductions. Mitigation measures listed in GHG-1, as it was included in the Draft EIR, include purchasing renewable power, installing on-site solar panels, installing on-site charging units for electric vehicles, implementing a ride sharing program for employees, and purchasing voluntary carbon credits from a verified GHG emissions credit broker.

MM GHG-1 (page 3.7-49 of the Draft EIR) has been modified to include additional means for achieving the required reduction of GHG emissions to at or below 2.6 MT CO₂e/year/service population by 2030. These changes are explained below and are also included in Section 3, Errata, of this Final EIR.

This comment recommends adding a measure in MM GHG-1 to require the use of electrically powered landscape equipment. However, future occupants (including residents) would have access to landscape equipment available on the marketplace. Regulation of landscape equipment and appliances available on the marketplace is not within the control of any individual project Applicant or lead agency. Therefore, requiring the use of electrically powered landscape equipment in perpetuity is neither feasible nor enforceable. Therefore, rather than requiring electrically powered landscape equipment, a measure has been added to MM GHG-1 to require the installation of sufficient exterior electrical outlets on homes and buildings in order to facilitate the use of electrically powered landscape equipment.

This comment also recommends installing all-electric appliances and requiring the proposed project to eliminate the use of natural gas due to its high global warming potential. Two measures have been added to MM GHG-1 to address these concerns. A measure was added to MM GHG-1 for the project to construct homes and buildings to be all-electric, which would result in zero operational natural gas consumption. In addition, a measure was added to MM GHG-1 for the project to install all-electric appliances during construction to minimize the use of natural gas consumption during project operations. These measures provide additional options for achieving the required reduction in the project's generation of GHG emissions.

This comment also recommends adding a measure in MM GHG-1 to increase on-site solar power generation to account for all project energy consumption. MM GHG-1, as it was included in the Draft EIR, includes the option of installing on-site solar panels to generate electricity for a portion or all of the project's electricity consumption. However, the proposed project is required to reduce GHG emissions to the aforementioned level by employing any combination of the measures provided in MM GHG-1. As this option is already included in MM GHG-1, no revisions are necessary. Therefore, the measure in MM GHG-1 related to on-site solar generation has not been revised.

Response to BAAQMD-4

This comment recommends additional measures to reduce operational reactive organic gas (ROG) emissions from area sources like consumer products, parking surface degreasers, and pesticides/fertilizers. Some of these recommended measures are neither feasible nor enforceable mitigation; however, the mitigation measure included in the Draft EIR to reduce operational emissions of ROG from area sources have been revised to address the commenter's concerns. Changes to MM AIR-2b (page 3.3-45 of the Draft EIR) are explained below and are included in Section 3, Errata, of this Final EIR.

On page 3.3-45 of the Draft EIR, MM AIR-2b includes various measures to reduce operational emissions of ROG. This comment recommends incorporating additional measures to further reduce impacts related to the proposed project's generation of ROG during project operations. The first two recommended measures are as follows: (1) incorporate locally-based compost/mulch into landscaped areas for soil enrichment and weed suppression to minimize need for synthetic fertilizers and pesticide use; and (2) employ integrated pest management techniques. However, it is neither feasible nor enforceable to require the future residents and/or project occupants to use locally-based compost/mulch or to require future residents and/or project occupants to use integrated pest management techniques in the landscaping in perpetuity, as there is no viable enforcement mechanism. Revised versions of these two recommended measures have been added to MM AIR-2b. Revisions to the commenter's suggested measure were necessary to ensure that the revised version of MM AIR-2b remains both feasible and enforceable.

This comment also recommends adding a measure to consider alternative paving materials to reduce the use of asphalt such as pervious pavement, porous concrete, or other low impact options. MM AIR-2b was revised to include this suggested measure.

The recommended measures have been incorporated into MM AIR-2b as follows: encourage the use of locally-based compost/mulch into landscaped areas for soil enrichment and weed suppression to minimize the need for synthetic fertilizers and pesticide use, encourage the use of integrated pest management techniques, and consider alternative paving materials such as pervious pavement, porous concrete, or other low impact options to reduce the use of asphalt.

Response to BAAQMD-5

Commenter states appreciation for the project's incorporation of construction Best Management Practices (BMPs) and recommends the addition of Tier 4 or zero-emissions off-road equipment.

As noted in the comment, construction BMPs to control fugitive dust and engine idling are included in MM AIR-2a (see pages 3.3-45 through 3.3-46 of the Draft EIR for MM AIR-2a). As discussed on page 3.3-42 of the Draft EIR, cumulative construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation in terms of criteria air pollutant emissions specific to fugitive dust would be less than significant after incorporation of MM AIR-2a. Exhaust emissions generated during construction are addressed separately in the “Construction Emissions: ROG, NO_x, PM₁₀ (exhaust), and PM_{2.5} (exhaust)” section starting on page 3.3-42 of the Draft EIR.

The CalEEMod default emission control equipment tier mix was used in the analysis for the estimation of unmitigated exhaust emissions from on-site construction equipment. As shown in Impact AIR-2 of the Draft EIR in Table 3.3-12 on pages 3.3-42 and 3.3-43, construction emissions would not exceed the BAAQMD’s recommended thresholds of significance with regard to emissions of ROG, NO_x, exhaust PM₁₀, and exhaust PM_{2.5}. Therefore, while the project Applicant could choose to use Tier 4 or zero-emissions off-road equipment, a requirement to do so cannot be included in MM AQ-2a because the project has been shown to meet the applicable threshold without committing to using Tier 4 or zero-emissions off-road equipment.

Response to BAAQMD-6

Commenter encourages contact with any questions or assistance during the environmental review process. No action is required.

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May 4, 2020

Alexis Morris, Planning Manager
Community Development Department
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

Sent via email to: amorris@ci.antioch.ca.us

RE: The Ranch Project Draft Environmental Impact Report

Dear Ms. Morris:

The East Bay Regional Park District (Park District) appreciates the opportunity to provide the following comments on the March 2020 Draft Environmental Impact Report (DEIR) for the Ranch Project (Project). The Park District previously commented on the Project's preliminary development plan, the 2018 DEIR, as well as the Notice of Preparation (NOP) for this DEIR. As discussed in the Park District's previous comments, the Park District has a long-term interest in the Sand Creek Focus Area (Focus Area) where the Project is located. The Park District manages three regional parks and preserves – Contra Loma Regional Park, Black Diamond Mines Regional Preserve, and Deer Valley Regional Park – which border the Focus Area. Additionally, the Park District operates the Mokelumne Coast to Crest Trail to the north of the Project site.

The Park District seeks to ensure any development at the Project site protects the area's unique environmental and cultural resources and does not adversely affect the Park District's core mission of acquiring, developing, managing, and maintaining a high quality, diverse system of interconnected parklands that balance public use and education with protection and preservation of the region's natural and cultural resources. The Park District remains concerned about the potential effects of development within the Focus Area.

The Sand Creek Focus Area is one of the last remaining large tracts of undeveloped land in the City of Antioch. The Park District is concerned the Project will result in direct impacts to the Park District's parkland, regional trails, and natural resources, and that it may harm special status species that make the parkland and surrounding areas, including the Focus Area, home. If not properly designed with meaningful and effective mitigation, this Project could negatively impact the District's parklands and limit the utility of the Sand Creek area and properties purchased through the East Contra Costa County Habitat Conservation Plan (ECCCHCP) for a publicly accessible natural preserve and wildlife corridor.

The Park District summarizes its concerns below and reserves the right to submit more detailed comments prior to the City Council's consideration of the Final EIR and approval of any project.

- I. **Judsonville Town Site:** Judsonville was one of five mining towns built around the Mount Diablo Coal Field, California's largest coal mining operation, in the late 1800s; its town site remains are located along Empire Mine Road at the western edge of the Project. Black Diamond Mines Regional Preserve, located

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west of the Project, preserves and interprets this important part of state mining history and is listed on the National Register of Historic Places (NRHP). On page 3.5-11 of the DEIR, you identify that the Judsonville town site is eligible for the “NRHP as an individual resource and as a contributing resource of the Black Diamond Mines Historic District”. While the DEIR proposes mitigation measures to bring the impact to this site to less than significant levels, the Park District would nonetheless like to emphasize its concern that every effort is made to avoid impact to this site as it is a contributing and irreplaceable element of regional and state history.

2
CONT

2. **Proposed Staging Area:** The Project calls for a staging area near Empire Mine Road to provide trail connections to the existing and proposed regional trail system. The staging area would be developed in the latter phases of the project and would include trail connections to Empire Mine Road. The Park District looks forward to working with the Project to ensure the staging area meets the District’s design standards, avoids impacts on the Judsonville town site, and provides safe connections to the Park District lands located to the south and west.

3

3. **Regional Trail Connections:** The Mokelumne Coast to Crest Trail is a regionally important trail that follows the Mokelumne River from the Sierra to Carquinez Strait in Martinez, and is located north of the Project site. The Project should consider potential regional trail connections from Empire Mine Road through the development to the Mokelumne Coast to Crest Trail.

4

4. **Deer Valley Road Trail Crossing:** The DEIR identifies bicycle lanes throughout the Project site and a pedestrian/bicycle bridge across Sand Creek. The Project should continue to evaluate safety improvements such as a separated bicycle and pedestrian crossing to minimize conflict between automobiles and recreational trail users on this highly used roadway.

5

5. **Biological Resources:** The Project vicinity is a biodiversity hotspot for rare or endangered species, including twenty-nine plant species on Mount Diablo and eleven that are endemic to the Mount Diablo region. The DEIR addresses the potential for impacts on biological resources but does not specifically address the critically endangered Mount Diablo Buckwheat that was recently discovered to be thriving within Black Diamond Mines Regional Preserve, located in the project vicinity. It is noted on page 3.4-72 that a 250-foot wide corridor will be retained around Sand Creek and that “No permanent or temporary fencing shall be erected that will hinder migratory wildlife from utilizing the Sand Creek corridor”. It is important to note that many species of wildlife likely use this corridor to travel between the upper Sand Creek watershed in Black Diamond Mines to the west and the lower Sand Creek watershed/Marsh Creek to the east. While Antioch has not yet completed its Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), the DEIR does state that the Project shall comply with the provisions of the HCP/NCCP if construction begins after its adoption.

6

6. **Aesthetic Impacts:** The DEIR identifies almost 230 acres of open space within the total 551.5~ acre development area. The Antioch General Plan calls for the maintenance of viewshed corridors from public spaces. Since the Project is surrounded on three sides by open space and Park District lands, a thorough visual analysis was requested by the Park District, following the Notice of Preparation (July 2019) to evaluate the Project’s impacts on nearby publicly protected open space lands, particularly views from Black Diamond Mines Regional Preserve trails and from a proposed Deer Valley Regional Park trail that will connect the former golf course to Empire Mine Road. The removal of hillside development in the southwestern part of the Project, as proposed in the previous Project DEIR (March 2018), and an overall setback from the western boundary of the Project, has substantially addressed the Park District’s concerns about the disruption of viewsheds from surrounding parklands. The DEIR notes that impacts from lighting and glare from the Project will be less than significant, although it can be reasonably assumed

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that some increased nighttime light will be noticed in nearby Black Diamond Mines and Deer Valley Regional Parks. The Park District requests that additional reasonable measures be taken to reduce this light output, such as aiming street and building lights downward and using minimally required lighting wherever possible.

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CONT

Thank you for considering these comments on the Draft Environmental Impact Report for the Ranch Project. The Park District is interested in working with the City of Antioch and the developers as the Project's plans are refined. Please include the Park District on any future notices regarding development in the Sand Creek Focus Area. If you have any questions or concerns, please contact me at (510) 544-2621, or by e-mail at ewillis@ebparks.org.

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Sincerely,



Edward Willis
Planner

Cc: Brian Holt, Chief of Planning/GIS
Robert Doyle, General Manager
Colin Coffey, EBRPD Board of Directors

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East Bay Regional Parks District (EBRPD)

Response to EBRPD -1

This comment includes introductory remarks. No action is required.

Response to EBRPD -2

This comment emphasizes the Park District's concern that every effort is made to avoid impacts to the Judsonville site. Comment noted. No action is required.

Response to EBRPD -3

Commenter states that the Park District looks forward to working with the project to ensure that the trail staging area meets the District's design standards, avoids impacts on the Judsonville site, and provides safe connection to the Park District lands to the south and west. Commenter notes the mitigation measures put in place to reduce potential adverse impacts to the Judsonville site to a less than significant level. No action is required.

Response to EBRPD -4

Comment states the importance of the Mokelumne Coast to Crest Trail and suggests that the project should consider potential regional trail connections from Empire Mine Road through the development to the Mokelumne Coast to Crest Trail.

The project provides multiple trail connections throughout the site extending north, south, east, and west, to the Empire Mine Road Trail, as shown in Exhibit 3.14-21, Pedestrian and Bicycle Network. The Mokelumne Coast to Crest Trail is located over 2 miles north and east of the project site. While the proposed project is not required to provide a direct connection to the Mokelumne Coast to Crest Trail, it would facilitate and enhance access to this trail via connections to other existing pedestrian pathways and roadways.

Response to EBRPD -5

This comment states that the proposed project should continue to evaluate the safety improvements such as a separated bicycle and pedestrian crossing to minimize conflict between automobiles and recreational trail users along Sand Creek.

The Park District notes that the Draft EIR identifies bicycle lanes throughout the project site and a pedestrian/bike bridge across Sand Creek. The commenter requests that the City evaluate safety improvements such as separated bike and pedestrian crossings to minimize conflicts between vehicles and trail users on Deer Valley Road.

As shown on Exhibit 2-11, the project proposes a roundabout at the intersection of Deer Valley Road and Sand Creek Road. The roundabout would provide an easier and safer crossing for both pedestrians and bicyclists attempting to access the on-site trail system. Impact TRANS-8 of the Draft EIR states that the proposed project would include Class II bicycle lanes along Sand Creek Road and Deer Valley Road. The bike lanes would be striped 8-foot-wide and adjacent to 12- or 13-foot wide travel lanes (Draft EIR, page 3.14-98). Because no tentative map has yet been submitted, MM TRANS-8b requires the project Applicant to prepare and submit a Bicycle Circulation Plan along with its final improvement plans to the City for review and approval. The mitigation measure states that "appropriate bicycle crossing treatments shall be provided at roundabouts to be constructed as part

of the proposed project.” (Draft EIR, page 3.14-101). Accordingly, the City will continue to ensure that safety improvements for bicycle and pedestrian crossings will minimize conflicts between vehicles, especially at crossings of Deer Valley Road.

Response to EBRPD -6

This comment states that the project vicinity is a biodiversity hotspot for rare or endangered species. The comment also states that the Draft EIR does not address impacts related to Mount Diablo Buckwheat. The comment also summarizes information from the Draft EIR related to wildlife corridors and fencing, noting that many wildlife species use the Sand Creek Corridor to travel between the Black Diamond Mines Preserve, the Sand Creek watershed, and the Marsh Creek watershed.

The Park District’s comments illuminate the biodiversity of the project site and note that the Draft EIR did not specifically address the Mount Diablo Buckwheat, which has been discovered within the Black Diamond Mines Regional Preserve, located approximately 2.28 miles west of the project site. Mount Diablo Buckwheat was included in both the California Native Plant Society (CNPS) Inventory and California Natural Diversity Database (CNDDB) query and was analyzed for its potential to occur within the project site. The Biologists concluded the project site does not provide suitable habitat for this species, as the species is found in sandy soils, which do not occur on-site. Further, as noted in the special-status plant survey report, the surveys were floristic in nature (which means all plants observed were identified to the level necessary to determine rarity), and four visits were made to capture the full range of plant identification periods. Mount Diablo Buckwheat was never found or documented on the project site during the plant surveys conducted by qualified biologists. The Final EIR will be updated to note these facts regarding Mount Diablo Buckwheat under the Environmental Setting in Section 3.4, Biological Resources (page 3.4-16 of the Draft EIR). The City acknowledges the remaining comments by the Park District related to wildlife movement throughout the creek corridor, which do not require a response pursuant to CEQA.

Response to EBRPD -7

This comment requests that additional reasonable measures are taken to reduce light output in the project area, such as aiming street and building lights downward and using minimally required lighting wherever possible.

As described in Section 3.2, Aesthetics, the proposed project would comply with Antioch Municipal Code Section 9-5.1715, which regulates outdoor lighting fixture heights and ensures that lighting does not shine directly onto adjacent streets or properties to prevent light spillage. Furthermore, minimum illumination at ground level shall be two foot-candles but shall not exceed one-half foot-candles in a residential district. As part of the design review process, the project Applicant would be required to submit a photometric plan compliant with this section of the Antioch Municipal Code. Additionally, the proposed project is required to comply with Antioch General Plan Policy 5.4.20, which states that lighting must not result in nuisance levels of light or glare on adjacent properties. The City will regulate and ensure lighting in compliance with its ordinances prior to the issuance of any building permits, and further confirm compliance when issuance of a certificate of occupancy. This will ensure minimal light spillage onto adjacent parcels, as well as on and off-site preserve areas.

Response to EBRPD -8

This comment includes closing remarks and states that the Park District is interested in working with the City of Antioch and developers as the proposed project's plans are refined. This comment requests that the Park District be included on any future notices regarding development in the Sand Creek Focus Area. No action is required.

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May 4, 2020

City of Antioch
P.O. Box 5007
Antioch, California 94531-5007
Via Email: amorris@ci.antioch.ca.us

Re: City of Antioch – Ranch Project Draft Environmental Impact Report (Draft EIR)

Dear Alexis Morris:

The East Bay Chapter of the California Native Plant Society (CNPS) submits the following comments on the Ranch Project Draft Environmental Impact Report (Draft EIR).

The California Native Plant Society (CNPS) is a non-profit organization of nearly 10,000 laypersons and professional botanists organized into 34 chapters throughout California. Our local East Bay chapter (EBCNPS) covers Alameda and Contra Costa Counties, and represents about 1,000 members. The mission of CNPS is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation.

We appreciate the City's responsiveness to our previous comments by improving the baseline information for the Special-Status plants and sensitive natural plant communities in the project area. The Chapter requests that the City further address the below comments in the FEIR concerning analysis of impacts and mitigations for Special Status plants and Sensitive Natural Communities.

Comments on Biological Resources Section

The FEIR needs to adequately address relevant General Plan policies, analyze impacts, and describe mitigations for both construction and long term "operational" impacts to three of four Special Status Plant species and the Sensitive Natural Communities in the project (as shown on Map Exhibit 3.4-7 Impacts to Special-Status Plants, and Map Exhibit 3.4-8 Vegetation Communities Impacts).

A. The DEIR needs to describe specific mitigations for construction impacts to Special-Status plant species and Sensitive Natural Communities in the Open Space area outside of the project development footprint.

3

1. Mitigation Measure BIO-1a does not adequately mitigate for Special-status Plant species to a less than significant level during construction. Only one of four Special Status plant is mitigated for in MM BIO-1a.

The DEIR notes four Special-Status plants species, but only Shining navarretia (*Navarretia nigelliformis ssp. radians*) is mitigated for using Mitigation Measure BIO-1a. The other three Special Status plants crownscale (*Atriplex coronata var. coronata*), big tarplant (*Blepharizonia plumosa*), and Angle-stem buckwheat (*Eriogonum angulosum*) are not analyzed for construction impacts under the premise that they are located in the project open space areas. All areas of a construction project site are subject to compaction, damage, and disturbance (i.e staging areas, driving across the site for surveys, heavy equipment storage, etc.). Please describe potential impacts and specific mitigations for protection of all areas with Special Status plants during construction.

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2. Mitigation Measure 3 is inadequate to avoid impacts to avoid or minimize impacts to Sensitive Natural Communities to a less than significant level during construction.

There are no specific measures to avoid or minimize impacts to Sensitive Natural Communities during construction. The DEIR applies Mitigation Measure 3 to Sensitive Natural Communities during construction, but states only that “avoidance and minimization measures **may** include preconstruction species surveys and reporting; protective fencing around avoided biological resources; worker environmental awareness training; seeding disturbed areas adjacent to open space areas with native seed; and installation of project-specific stormwater Best Management Practices (BMPs). Mitigation **may** include restoration or enhancement of resources on- or off-site, purchase of habitat mitigation credits from an agency approved mitigation/conservation bank, purchase of off-site land approved by resource agencies for mitigation, working with a local land trust to preserve land, or any other method acceptable to the CDFW (pg. 3.4-70, bold italics added).

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Please analyze impacts and describe specific mitigation measures for Sensitive Natural Communities during construction.

3. The DEIR’s On-Site Parks and Open Space map (Exhibit 2-10) indicates that recreational trails could be built though or immediately adjacent to Special Status plants and Sensitive Natural Communities, such as the California Goldfields—Dwarf Plantain—Small Fescue Flower Fields. Please analyze and avoid, or otherwise mitigate, for trail construction impacts to Special Status plants and Sensitive Natural Communities.

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B. <u>The DEIR needs to analyze post-construction impacts and describe mitigations to Special-Status plant species and Sensitive Natural Communities outside of the direct development project area for when the project is built out and occupied (aka “operational” impacts and mitigations).</u>	7
1. The Project Description provides a map that illustrates the development footprint and the “on-site passive open space” and “on-site preserve.” (Exhibit 2-10, On-Site Parks and Open Space). The purpose, uses, management, funding, and governance of the on-site Preserve needs to be described in the FEIR. The purpose, uses, management, funding, and governance of the on-site “passive open space” also needs to be described in the FEIR.	8
2. Park, recreation, and trail impacts through the Preserve need to be analyzed or mitigated for. For instance, the northwest section of the project area supports Special Status Plants, Sensitive Natural Communities, and habitat for threatened and endangered amphibians (California Tiger Salamander and Red-legged Frog). The FEIR needs to describe how park, recreation access, and trail impacts will be mitigated for to reduce impacts to a less than significant level.	9
3. The FEIR needs to describe management, funding, and governance of the buffer area between residential impacts and the open space preserve portion of the project area consistent with General Plan Land Use Policy 4.4.6.7b.t.	10
Concurrence with practical elements of the East Contra Costa County Habitat Conservation Plan should be referenced in this regard to avoid significant impacts to natural resources, listed plants and species. For instance, the East Contra Costa HCP states that the interface design should address the following key questions based on those proposed by Kelly and Rotenberry (1993) for urban reserves in California. “The site-specific interface design elements should serve the functions listed below...The wildland-urban interface should be designed to accomplish the following functions.	
1. Control or restrict pet and human access (e.g., fencing, signage). Reduce the chance of covered amphibians, reptiles, and mammals entering urban/residential areas.	
2. Reduce attractions for pets and attractions for urban-tolerant wildlife species within the preserve (e.g., cat feeding stations, open trash containers that attract opossums or racoons).	
3. Divert urban runoff from preserve boundaries. Allow limited and controlled recreational use in appropriate locations and restrict existing uncontrolled recreational uses (e.g., hiking, mountain biking, off-highway vehicle use, dog walking) that currently take place in sensitive habitats.	
4. Serve as a firebreak.	11

<ol style="list-style-type: none"> 5. Act as a buffer zone to reduce risk of incursion by nonnative species used in urban landscaping. 6. Minimize disturbance (e.g., noise, glare) from adjacent land to covered wildlife species. 7. Provide areas for public education and interpretation of the preserves' natural resources in order to generate local support for the HCP/NCCP and the Preserve System. 8. Provide an aesthetically appealing visual transition between development and the preserves." 	<p>11 CONT.</p>
<p>Please provide an analysis of impacts and mitigation for the buffer area between residential and recreational passive open space activities and the open space preserve to reduce impacts to Special Status plants and Sensitive Natural Communities to less than a significant level.</p>	<p>12</p>
<ol style="list-style-type: none"> 4. The FEIR needs to describe the elements of a Resource Management plan for the Open Space area as a mitigation measure consistent with General Plan (Policy 4.4.6.7u). 	<p>13</p>
<ol style="list-style-type: none"> 5. The FEIR needs to include a mitigation measure in the event that impacts to Special Status species and Sensitive Natural Communities are not adequately mitigated for in the Open Space preserve after the project would be built and occupied. 	<p>14</p>
<p>Necessary mitigations for buffer, recreational, and other impacts may or may not be met by the development of a Resource Management Plan for the Preserve portion of the Open Space area after the project site is built and occupied. The DEIR recognizes the direct and immediate effects of construction impacts on the Shining navarretia through appropriate mitigation options on or off site to assure that impacts to the plant population are less than significant. There can be significant impacts to the other Special Status plants and the Sensitive Natural Communities within the remaining Open Space if the Resource Management plan and its implementation is not adequate after a project is built and occupied, but these impacts occur over one or two years. Please describe specific mitigation options for the other three Special Status plants and the Sensitive Natural Communities if on-site management does not reduce impacts to less than a significant level after the project is built.</p>	<p>15</p>
<p>Thank you for the opportunity to comment on the Ranch Project Draft Environmental Impact Report and we look forward to the resolution of these comments in the FEIR.</p>	<p>16</p>
<p>Sincerely,</p> <p>Jim Hanson Conservation Committee Chair</p>	

Organizations

East Bay California Native Plant Society (EBCNPS)

Response to EBCNPS -1

This comment provides introductory remarks. No action is required.

Response to EBCNPS -2

The commenter states that the Final EIR needs to adequately address General Plan policies, analyze impacts, and describe mitigations for construction and long-term operational impacts to three of four special-status plant species and sensitive natural communities in the project area.

See responses to comments EBCNPS-4 through EBCNPS-15 below.

Response to EBCNPS -3

This comment states that the Draft EIR needs to describe specific mitigation for construction impacts to special-status species and sensitive natural communities in the open space area outside of the project development footprint.

See responses EBCNPS-4, EBCNPS-5, and EBCNPS-6, below.

Response to EBCNPS -4

This comment states that out of four special-status plant species, only shining navarretia is mitigated through MM BIO-1a. The comment requests that potential impacts and specific mitigation for the protection of crownscale, angle-stem buckwheat, and big tarplant during construction be analyzed.

Impact BIO-1 evaluates construction impacts to special-status plant and animal species. The following special-status plant species would be potentially impacted by the proposed project:

- Shining navarretia
- Crownscale
- Big tarplant

Angle-stem buckwheat—an A-ranked locally rare plant species—has also been identified on-site during surveys in 2018 and 2019 and requires protection.

Each of the above-referenced plant species, with the exception of some of the shining navarretia, will be avoided and “will be preserved within the project’s open space areas . . .” (Draft EIR, page 3.4-42). From a practical perspective, all resource permits (i.e., CDFW 1602, USFWS biological opinion, CDFW take permit, CWA Section 404, CWA Section 401) must be in place prior to any ground disturbance. Furthermore, all resource permits will require adequate protection (i.e., 100 percent avoidance and/or mitigation such as fencing, etc.) of plant species and/or wildlife for both the construction and operation phases of the project prior to any ground disturbance by analyzing both the project’s direct and indirect impacts. Additionally, the Development Agreement makes clear that no ground disturbance can occur within a phase prior to all open space areas, including the creek corridor, being permanently protected via one or more conservation easement(s)/deed restrictions, and mitigation employed to protect all special-status plants and wildlife. However, to ensure all special-status plant species would be fully protected during construction, the Draft EIR has been

revised to clarify that any potential indirect construction impacts shall require mitigation for all special-status plant species, not just the shining navarretia. These edits have been made in the fourth paragraph of Impact BIO-1 on page 3.4.42 of the Draft EIR as well as MM BIO-1a (page 3.4-45 and 3.4-46 of the Draft EIR), as shown in Section 3, Errata.

Response to EBCNPS -5

Commenter states that MM BIO-3 is inadequate to avoid or minimizing impacts to sensitive natural communities during construction. The commenter requests the analysis of impacts and description of specific mitigation measures for sensitive natural communities during construction. The City agrees that clarification regarding mitigation of sensitive natural communities during construction would be helpful. Accordingly, the following paragraph shall be inserted on page 3.4-63 under the impact discussion for BIO-2 of the Draft EIR to read as follows:

While valley oak woodland and Alkali weed-salt grass playas and sink have been mapped within the project area, the project has been designed to fully avoid these landcover types, however, it is possible that impacts to sensitive natural communities could occur during construction. Accordingly, MM BIO-3 has been revised to ensure that sensitive natural communities within the avoidance area would be fully avoided during construction. Following construction, these areas would be protected by a conservation easement or deed restriction and protected from development in perpetuity. No sensitive natural vegetation communities will be impacted by the project with the implementation of MM BIO-3.

The impacts to wetlands have been clearly analyzed in Impact BIO-3. MM BIO-3 states as follows:

Prior to the issuance of a grading permit for the project, the project Applicant ***shall obtain*** all required resource agency approvals for the project, including as follows:
[Emphasis added.]

The mitigation measure then goes on to specify that permits from the USACE (a 404 fill permit), the Central Valley RWQCB (a 401 water quality certification), and the CDFW (a 1602 Streambed Alteration agreement) must be obtained. Each of these permits must be obtained PRIOR to any ground disturbance and WILL include various mandatory mitigation measures including, but not limited to, compensatory mitigation to ensure no net loss of wetlands or other waters, pre-construction species surveys, protective fencing, worker training, erosion BMPs, etc. This is technically sufficient under CEQA Guidelines. However, in the interest of clarity, the last paragraph of following text has been added at the end of MM BIO-3 (page 3.4-70 of the Draft EIR) has been revised to read as follows:

Prior to any construction activities that could impact protected plants, species, or waters, the project Applicant shall install orange exclusionary fencing around the areas to be avoided or preserved to prevent construction impacts from construction vehicles, equipment, and workers. The fencing shall be placed with a buffer area of 250 feet (or lesser distance if deemed sufficiently protective by a qualified Biologist with approval from the USACE/CDFW). A qualified Biologist shall inspect the fencing throughout the construction to

ensure it is in good functional condition. The fencing shall remain in place until all construction activities in the immediate area are completed. No activity shall be permitted within the protected fenced areas except for those expressly permitted by the USACE or CDFW.

A construction buffer shall be provided along all avoided wetlands in accordance with the 404 and 401 permits. Only those uses permitted under the 404 and 401 permits and/or Streambed Alteration Agreement shall be permitted in the wetlands preserve and buffer. Water quality in the avoided wetlands shall be protected during construction in the watershed by using erosion control techniques, including (as approximate), but not limited to, preservation of existing vegetation, mulches (e.g., hydraulic straw, wood), and geotextiles and mats. Urban runoff shall be managed to protect water quality in the preserve areas using techniques such as velocity dissipation devices, sediment basins, and pollution collection devices, as required by any regulatory permits.

Prior to ground disturbance, all on-site construction personnel shall receive instruction regarding the presence of listed plants and species and the importance of avoiding impacts to these species and their habitat.

Response to EBCNPS -6

The CNPS states that Exhibit 2-10 (On-site Parks and Open Space Map) indicates that trails could be built through or adjacent to special-status plants and sensitive natural communities, and asks that the City analyze and avoid or mitigate for construction impacts. Impact BIO-1 analyzes construction and operation impacts to special-status plants and wildlife. (See Response to Comment EBCNPS-4 above).

Impact BIO-2 analyzes sensitive natural communities and the potential direct and indirect impacts of construction and operation on them. On page 3.4-63, the Draft EIR notes that a total of 350.20 acres of terrestrial vegetation communities would be impacted, but that 210.20 acres would be completely avoided by the proposed project. Exhibit 3.4-8 in the Draft EIR identifies the locations of the sensitive communities and the proposed development footprint, as well as the pedestrian/bicycle trails throughout the project area. Exhibit 3.4-9 illustrates impacts to aquatic resources and the proposed development footprint, including trails. Both of these exhibits are conceptual in nature, and could cause the reader to believe that some of the proposed trails would be placed through or within the sensitive natural communities or aquatic resources planned for avoidance. This is not the case—all such resources within the avoidance area are proposed to be fully and completely avoided. A new exhibit (Exhibit 3.4-10) has been prepared for the Final EIR, which identifies in more detail where the trails would be located and provides a site-specific photograph for both areas in question, clarifying that in fact, there are existing farm roads and culverts in the exact locations that the trails are proposed to be located. Exhibit 3.4-10 can be found in Section 3, Errata. The proposed trail locations were selected to ensure impacts would be as minimal as possible, while still allowing for beneficial public use.

Notwithstanding, to ensure that no indirect impacts from construction of trails occur to sensitive natural communities or special-status species, the Draft EIR text has been revised to incorporate MM BIO-1a and MM BIO-3, as amended in Response to Comments EBCNPS-4 and CVRWQCB-2, and shown in Section 3, Errata.

Response to EBCNPS -7

This comment states that the Draft EIR needs to analyze post-construction impacts and describe mitigations to special-status plant species and sensitive natural communities outside of the development area for when the project is operational.

As described above in EBCNPS-6, the Draft EIR has been clarified to make clear that the proposed project would avoid impacts to special-status plant species and sensitive natural communities outside of the development footprint. No further action is required.

Response to EBCNPS -8

This comment requests that the purpose, uses, management, funding, and governance of the on-site preserves be described in the Final EIR.

The Resource Management Plan (RMP) for the proposed project defines the on-site open space preserve areas in Section 4.1 as 210 acres or approximately 40 percent of the project site. The following language has been added into the discussion sections of Impacts BIO-1 and BIO-2 (pages 3.4-45, and 3.4-63 through 3.4-64):

On-site Preserve/Open Space: The project has been designed, designated, and zoned to include over 40 percent of the project site as open space to avoid impacts to the various special-status plants and species, sensitive natural communities, and aquatic resources. More specifically, approximately 210 acres will be avoided and outside of any development footprint. The one minor exception to this is the trail system, which will be located well outside the 125-foot set back from centerline of Sand Creek (on both sides). As provided in the Design Guidelines and Resource Management Plan (RMP) for the project, the trails will be lined with post and cable (or other suitable) fencing and signage (all subject to regulatory approvals from the resource agencies) to keep people and pets out of the sensitive open space area. Additionally, the RMP requires that the open space areas be placed into conservation with a qualified third-party entity (i.e., the City or a local land trust) to hold and manage in perpetuity as required by regulatory agency permits or be deed restricted (RMP § 6.1). The care and monitoring of the open space area will be funded either by bonds (i.e., Community Facilities District [CFD]) or Homeowner's Association fees. The open space areas will be managed in accordance with Sections 6.4 (Weeds), 6.6 (Litter), and 7.0 (Cattle Grazing) of the proposed RMP.

Response to EBCNPS -9

This comment states that operational impacts of the proposed project to the on-site open space preserves need to be analyzed and mitigated.

The comment is vague in that it does not describe what impacts are alleged to be foreseeable. It should be noted that the site is currently occupied by a grazing operation as well as a single-family

home that includes children as well as domestic pets. Further, there are numerous master planned developments throughout California that have successfully incorporated open space trails and preserves, including communities like Sun City Lincoln Hills in Lincoln, California.

Notwithstanding the foregoing, it is possible that as more humans (and their pets) inhabit the area, they could negatively impact the open space areas. However, the project is self-mitigating in that the bike and pedestrian trails throughout the project area would be constructed with post and cable (or other appropriate) fencing to keep people and pets out of the open space areas. Additionally, both the Design Guidelines and the RMP for the project mandate that “keep out” and “preserve area” signage be posted along open spaces to ensure people do not trespass. The Homeowner’s Association Covenants, Conditions, and Restrictions (CC&Rs) will also make clear that individual homeowners and their pets are advised to stay out of open space/preserve areas. Finally, the resource agency permits would include similar provisions to ensure the preservation of sensitive natural communities and special-status species (plants and animals), or require additional mitigation land be obtained and preserved in perpetuity. The following clarifying text has been added to the analysis and discussions under Impacts BIO-1 and BIO-2, as shown in Section 3, Errata:

Once constructed, the project components such as trails and recreation could impact special-status plants and wildlife species as well as sensitive natural communities and wetlands, due to human interference and damage (i.e., trash, entrance into preserves, etc.). As a result, the project has been designed by the project Applicant to ensure human interference is minimized and mitigated. Specifically, the Design Guidelines and the RMP for the project require fencing to keep people and pets out of the sensitive preserve areas, as well as the posting of open space areas preserves with signage. (See Design Guidelines Section 5.9.2, and RMP Section 6.5). Additionally, State and federal resource agencies are expected to employ similar mitigation requirements pursuant to the various permits required for the project (i.e., CDFW 1602, USFWS biological opinion, CDFW take permit, CWA Section 404, CWA Section 401).

Response to EBCNPS -10

This comment suggests that the Final EIR should describe the management, funding, and governance of the buffer area between residential impacts and the open space preserve portion of the project consistent with General Plan Land Use Policy 446.7b.t. (aka a Resource Management Plan).

Please see Response to Comment EBCNPS-8, above, for information regarding the management, funding, and governance of the open space areas.

Response to EBCNPS -11

This comment suggests that concurrence with elements of the East Contra Costa County Habitat Conservation Plan should be included and provides text related to interface design.

This comment is noted. Many of the site-specific interface design elements provided have been included in the proposed project. See Design Guidelines.

Response to EBCNPS -12

This comment requests analysis of impacts and mitigation for the buffer area between residential and recreational passive open space activities.

Please see Response to Comment EBCNPS-8 and EBCNPS-9.

Response to EBCNPS -13

This comment suggests that the Final EIR should describe the elements of the Resource Management Plan for the Open Space area as a mitigation measure consistent with General Plan Policy 4.4.6.7u.

The project Applicant has prepared and submitted for City review and approval, an RMP for the project consistent with General Plan Policy 4.4.6.7t. The RMP is not required by CEQA, but typically contains all mitigation measures outlined in an EIR for biological resources within the Sand Creek Corridor. For details regarding the contents of the RMP, please see Response to Comment EBCNPS-8.

Response to EBCNPS -14

This comment states that the Final EIR needs to include a mitigation measure in the event that impacts to special-status species and sensitive natural communities are not adequately mitigated for in the open space preserve after the project is built and occupied.

The Draft EIR, together with all supporting evidence before the City, adequately analyzes and mitigates for impacts to special-status species and sensitive natural communities in the open space preserve after the proposed project would be built and occupied. See discussions in Impacts BIO-1 and BIO-2, along with MM BIO-1a and MM BIO-3, as updated in Section 3, Errata.

Response to EBCNPS -15

This comment requests the description of specific mitigation options for the other three special-status plants and sensitive natural communities if on-site management does not reduce impacts to a less than significant level after the project is built.

The City appreciates EBCNPS's concern regarding the three special-status plants and sensitive natural communities if on-site management does not reduce impacts to a less than significant level after the project is built. As provided in Response to Comment EBCNPS-4 and 5, above, Impact BIO-1, BIO-2, and MM BIO-1a have been revised to clarify that the special-status plants shall all be protected and preserved in the same manner as the shining navarretia, and that sensitive natural communities shall be completely avoided and monitored in perpetuity, as the resource agencies require. Additionally, the RMP makes clear that conservation easements and/or deed restrictions would be required, including funding for on-going monitoring and management of these precious resources. Accordingly, the measures provided for in the RMP meet or exceed the normally accepted mitigation to reduce direct and indirect effects of development to ensure the viability of the preserves (both on-site and off-site).

Response to EBCNPS -16

This comment provides closing remarks. No action is required.



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May 4th, 2020

Alexis Morris, Planning Manager
City of Antioch, Community Development Department
P.O. Box 5007
Antioch, CA 94531

**RE: Save Mount Diablo Comments on the The Ranch draft
Environmental Impact Report**

Dear Ms. Morris,

Save Mount Diablo (SMD) is a non-profit conservation organization founded in 1971 which acquires land for addition to parks on and around Mount Diablo and monitors land use planning which might affect protected lands. We build trails, restore habitat, and are involved in environmental education. In 1971 there was just one park on Mount Diablo totaling 6,778 acres; today there are almost 50 parks and preserves around Mount Diablo totaling 120,000 acres. We include more than 8,000 donors and supporters.

Thank you for the opportunity to comment on the draft Environmental Impact Report (dEIR) for the proposed The Ranch development project (Project).

The Sand Creek Area is a place of high conservation value, especially the western-most square mile. The endemic Mount Diablo buckwheat has an important population in the Sand Creek watershed, and aside from the rare wildlife species discussed below, an important San Joaquin kit fox movement corridor runs through the west Sand Creek Area. The combination of a largely undeveloped creek, prominent hills and clear pathway to already protected land makes for an ideal recreational corridor that should one day wind through the Sand Creek Area and lead to Black Diamond Mines Regional Preserve. The areas within and around the Project site are an important part of the vision for the whole Sand Creek Area.

The Project is significantly improved from the first application in 2015. At the time, SMD suggested project alternatives eliminating hillside development and keeping development out of the viewshed of Horse Valley to the south. We supported large buffers along Empire Mine Road, removal of housing along that corridor, and continued use of Empire Mine Road as a public trail and future access route to nearby regional parks. We proposed a significant open space and recreational corridor along Sand Creek. All of those suggestions have been adopted in this iteration of the Project. Hillside development has been eliminated, and large open space buffers protect the hills, Empire Mine Road and Sand Creek. The Sand Creek corridor is wider than previous development applications along Sand Creek.

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The current Project application has been reduced to 71% of the number of units or the original application. Proposed housing units started at 1,667 houses, was reduced to 1,307 houses, and then further reduced to 1,177 houses. The amount of on-site parks and open space has been increased by 15% from 217 acres to 249.5 acres (52.5% of the Project site). Offsite open space to compensate for endangered species includes about another 900 acres. We see these as positive advancements.

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CONT

Below we share some comments on the Project and its environmental review that should be considered in the final EIR (fEIR).

3

Sand Creek Buffer

While the dEIR states that there will be a buffer around Sand Creek to protect its biological values and offer low-impact recreational opportunities, the dimensions of the buffer around the creek are not specified. The fEIR should clarify the width of the buffer and any changes to this width as the creek flows through the Project site, as well as who owns and manages the buffer area. SMD encourages the protection and restoration of riparian corridors like Sand Creek, and their use as areas for responsible low-impact recreation that create and strengthen human connections to nature. To that end, detention basins that would be constructed as part of the Project should be designed to be as natural as possible (ie, no concrete basins), including the exclusive use of native plants.

4

Greenhouse Gas Emissions

The dEIR states that the Project's greenhouse gas (GHG) emission impacts are significant and unavoidable. Table 3.7-4 indicates that most Project GHG emissions associated with construction would occur during the years of building construction from off-road construction equipment, worker vehicles and hauling.

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An element that seems to be missing from the dEIR GHG analysis is how construction materials contribute to GHG emissions, and how utilizing efficient materials (ie, reducing steel and concrete use) and eliminating materials waste at the design stage could significantly reduce GHG emissions (potentially by 18%, see the 2019 report from the C40 Mayors Conference [HERE](#)). The fEIR should include such information and an analysis of potential GHG emissions reductions. Considering global GHG reduction targets, there is an urgent need to reduce GHG emissions of buildings by optimizing both operational and embodied impacts see [HERE](#)).

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Given that the Project (ie, each housing unit) will be in operation for several decades, Table 3.7-5 shows that the most significant GHG emissions impacts from the Project will come from mobile, energy and waste emissions sources, in that order. Table 3.7-6 shows that GHG operational emissions impacts with mitigation are reduced for the energy GHG emissions category, but not for the mobile or waste emissions categories. The fEIR should clarify that stated reductions are the product of a conservative estimate of mitigation action results, and that the Project will implement more than the minimum number of GHG mitigation activities stated in the dEIR.

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Given that the greatest share (28%) of GHG emissions in the United States is produced by transportation (see [HERE](#)), it is vital that residential development that will lead to commute traffic reduce GHG emissions as much as possible. MM GHG-1 lists two potential mitigation measures that could yield transportation-related GHG emissions reductions: a ride sharing program and installation of in-unit electric vehicle charging stations. These are good first steps, but instead of committing to implement just one or more of the actions listed in MM GHG-1, the fEIR should indicate that it will implement all of actions to reduce GHG emissions as much as possible. In addition, pages 3.7-50 and 3.7-51 of the dEIR seem to indicate that each housing unit in the Project will include an in-unit EV charging station, yet MM GHG-1 lists this action as only a potential GHG mitigation action. If the Applicant is committed to implementing this, that's wonderful, but the fEIR

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should clarify if this is only a proposed action or something that will definitely occur to mitigate GHG transportation impacts. If it will definitely occur, Table 3.7-6 should be updated to reflect expected GHG emissions reductions in the mobile sector.

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CONT

The fEIR should clarify which mitigation measures will be implemented without question, and which will be implemented if feasible. The greatest possible reduction of GHGs for development projects proposed on the suburban edge is necessary to avoid catastrophic climate change.

9

Aesthetic Impacts – Visual Analysis

The visual analysis suffers from relying on low elevation locations immediately adjacent to the property. Many publicly accessible lobbies on multiple floors and other locations at Kaiser Hospital overlook the site. They currently enjoy unobstructed rural and open space scenic vistas to Black Diamond Mines Regional Preserve, Deer Valley Regional Preserve/Roddy Ranch, and Mount Diablo. The fEIR should include images and renderings of the Project from this elevated location.

10

Aside from the Deer Valley Rd, special care should be paid to minimize visual impacts through the small pass in the hills in the south and to the south of the Project site to decrease visual impacts from and into Horse Valley and the new regional parkland that has been established there and will one day be open to the public. Additional viewpoint analysis and renderings from this area looking north towards the Project site should be included in the fEIR to assess the potential for visual impacts from this angle.

11

We appreciate the inclusion of View 4 (Exhibit 3.1-14) in the dEIR, as it portrays potential visual impacts from public open space at Black Diamond Mines Regional Preserve.

12

Aesthetic Impacts – Degradation of Public Views

The Applicant solved many of its aesthetic impact issues when it shrank the Project footprint to avoid building houses on the hills located on-site. We appreciate these changes. However, as the dEIR recognizes, significant impacts to the sweeping view from Deer Valley Rd looking west (see Fig. 1) would still occur and are unavoidable (as described in Impact AES-3). Exhibit 3.12 in the dEIR clearly shows that the view from Deer Valley Road would be dramatically changed.

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Figure 1. GoogleEarth Streetview image taken from Deer Valley Rd across from Kaiser Hospital looking west towards the Project site (foreground), Black Diamond Mines Regional Preserve and Mount Diablo (background).

While the dEIR characterizes a significant impact as unavoidable, we encourage the implementation of mitigation measures such as landscaped berms, low profile construction, tree design and other mitigation measures to try and reduce impacts.

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CONT

Comments on Various Other Impacts and dEIR Statements

Below we list our specific comments on a variety of other impacts in various impact categories that should be addressed in the fEIR:

14

1. Impact BIO-2: while the current iteration of the Project includes a substantial buffer around Sand Creek (that we have recommended requires further elaboration in the fEIR), and notwithstanding the low-infiltration soils on the Project site, there is still a substantial development footprint including grading, construction, drainage, detention basins, along it. Irrigation, runoff, erosion, sedimentation and point and nonpoint sources of pollution could change the hydrology and water quality of the creek. We suggest the fEIR consider these impacts, their significance, and propose mitigation measures, as regulatory agencies may not provide a permit without them. 15
2. MM BIO-5: the huge mature landmark eucalyptus trees onsite and along Empire Mine Road are heritage sized and historic, and should be retained as a historic element. Because trees are limited mostly to the riparian corridor, all trees found onsite are especially important for birds and other wildlife. We are pleased that the Applicant is avoiding impacts to the line of eucalyptus along empire Mine Rd and using them to screen the Project. 16
3. Impact BIO-6: While Antioch is not a signatory of the East Contra Costa County HCP/NCCP, it is adjacent and covered by that adopted Plan's acquisition priorities. Its potential impacts, and benefits on the ECCC HCP/NCCP's priorities should be described and analyzed. 17
4. Impact HYD-1 & HYD-3: as we have previously commented, given the Project's large development footprint and the fact that it runs along both sides of Sand Creek, we appreciate the mitigation measures that are being implemented. 18
5. Impact PUB-5: Adding thousands of new residents located near regional parks and other parks will likely cause significant impacts which must be mitigated. Potential coal mining hazards and significant cultural resources makes these impacts more significant. 19
6. UTIL-1 through UTIL-5: The Project involves extension of roads and various utilities that could also serve other properties and projects. The impacts of those extensions are potentially significant as are the potential cumulative impacts of them, and they should be described, analyzed and mitigated. 20
7. Sand Creek initiatives: We appreciate that the Applicant remains committed to protecting hilly and environmentally sensitive land as envisioned in the two initiatives that were qualified in Summer 2018, even though the West Sand Creek Initiative was later invalidated by the trial court in Fall 2019. 52.5% of the Project site would consist of parks and open space areas, in addition to offsite land protection to mitigate for endangered species and other impacts. 21
 - a. The restricted development area should be restricted with conservation easements, one along the creek ideally dedicated to the city and one along Empire Mine Road and including hill areas ideally dedicated to the East Bay Regional Park District.
8. Trail system on-site: The 6.0 mile trail system should be depicted and it should be made clear which areas are paved, and which are unpaved (presumably decomposed granite). Ideally, trails in the Sand Creek corridor should be unpaved. 22
 - a. Empire Mine Road goes through open space areas on the Project site, and to the south at Deer Valley Regional Preserve. It has been used by Antioch residents for decades as a public trail. Given its condition and other constraints, it's unlikely to ever be used as a public road. It should be designated as a regional trail, at the very least on the project site.

b. The mileage of bike lanes should be specified, and safety elements in the design should be described (ie, separate lanes or on-street?)	22 CONT
9. Cumulative development: The dEIR lists a cumulative set of projects including 2,148 housing units in Antioch, and another 1,151 in Brentwood, plus 236,000 sq ft of commercial development in Brentwood. The fEIR should specify how many building permits were pulled and units constructed in recent years, and the absorption rate for 2,148 residential units.	23
10. Off-site mitigation: We understand that the Applicant has secured offsite resource properties to mitigate for on-site resource impacts. The fEIR should include a general description of the properties and their use as mitigation, including a comparison of total acreage impacted and total acreage expected to be protected on-site and off-site.	24
Please add us to any email distribution list you maintain for future communication about this project and the availability of environmental review documents.	25

Regards,

Juan Pablo Galván
Senior Land Use Manager

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Save Mount Diablo (SMD)

Response to SMD -1

This comment provides introductory remarks and a background of the organization. No action is required.

Response to SMD -2

This comment provides a summary of the proposed project compared to prior iterations. No action is required.

Response to SMD -3

This comment provides an introduction to the comments within the letter. No action is required.

Response to SMD -4

This comment states that the dimensions and width of the Sand Creek buffer should be specified.

Section 2.13 of the Draft EIR states that “an open space corridor of up to approximately 430 feet in width was established along Sand Creek.” (Draft EIR, page 2-3). Impacts to Sand Creek and the Sand Creek Corridor are discussed under Impact BIO-3 (Draft EIR, page 3.4-69), as well as Impact BIO-4 (Draft EIR, page 3.4-71), and Impact BIO-6 (Draft EIR, page 3.4-74). Each of the impact discussions note that development within the project site would include setbacks averaging 125 feet from the centerline of Sand Creek and thus, include a minimum 250-foot-wide corridor along Sand Creek, to avoid potential impacts to the USACE jurisdictional ephemeral and intermittent wetland areas associated with Sand Creek. As noted in Section 2.13, given the open space on the site, the Creek corridor is far wider in many places, in particular on the northwestern and western portions of the project site where it extends to a width of up to 1,061 feet in some locations. The Final EIR includes a new Open Space Exhibit 3.4-11 that illustrates the width and buffer of the creek as it flows through the project site, as requested by SMD. Exhibit 3.4-11 can be found in Section 3, Errata.

This comment also asks for clarification as to who owns and manages the open space areas on-site. As noted in MM BIO-1 (as amended), one or more conservation easement(s) and/or deed restriction(s) will be placed over the open space areas within the project site to preserve the special-status plants, wildlife, and natural communities, as dictated by the resource agencies (i.e., CDFW, USFWS). Any conservation easements will be held by qualified third parties (i.e., the City or a certified land trust) with an endowment for monitoring and management. Any endowment amount will be commensurate with the level of monitoring and management required by the resource agencies, which may vary dependent on which portions are treated as mitigation (preservation) to offset impacts to special-status species.

This comment also emphasizes SMD’s encouragement of the protection of riparian corridors and their use for low-impact recreation. As shown in the revised Open Space Exhibit, trails would be located along Sand Creek within the open space areas but would be located at least 125 feet from centerline of the creek, consistent with the City’s General Plan. As illustrated in the proposed Design Guidelines Section 5.4.1 and new Exhibit 3.4-11, four types of trails are proposed throughout the on-site open space. Trail Type 1 would have a 10-foot-wide paved surface (for ADA purposes) and 5 feet of stabilized shoulders. Trail Type 2 would have 10-foot-wide of paved surface and 2 feet of decomposed granite shoulders. Trail Type 3 (along the southern side of Sand Creek) has not yet been

determined. Trail Type 4 would be located in the hillside areas of the project and be 4 feet wide with a natural surface. The trails would include instructive signage identifying various natural communities and species and highlighting their sensitivity. Each of these creek and trail components would be subject to final approval from the regulatory agencies as required in project permits.

Finally, the comment indicates that the detention basins located within the open space areas should be designed to be as natural as possible and planted with native plants only. The City concurs. The project has been designed to incorporate the detention basins as passive open space. The Design Guidelines make clear that the detention basins would not be lined and would be planted only with native plants.

Response to SMD -5

This comment provides a summary of the proposed project's significant and unavoidable GHG emissions impact and identifies that most project GHG emissions associated with construction would occur during the years of building construction from off-road construction equipment, worker vehicles and hauling. No action is required.

Response to SMD -6

This comment states that the GHG analysis is missing an explanation of how construction materials contribute to GHG emissions, and how utilizing efficient materials and eliminating materials waste at the design stage could significantly reduce GHG emissions. This comment suggests that the Final EIR should include such information and an analysis of potential GHG emissions reductions.

California Emissions Estimator Model (CalEEMod), the tool that was used to model GHG emissions for the proposed project, accounts for emissions associated with construction materials and waste by including emissions from the haul truck trips that would be required to remove demolition debris from the project site, and emissions from the vendor truck trips that would be required to deliver building construction materials to the project site. Table 3.7-4 on page 3.7-46 of the Draft EIR shows that GHG emissions from construction activities were amortized over the 30-year life of the project, and Table 3.7-5 on page 3.7-47 of the Draft EIR shows that these amortized emissions were included in the operational annual emissions. Therefore, emissions associated with construction materials and waste were adequately analyzed in the Draft EIR. Furthermore, the proposed project would be required to comply with Title 24, Part 11, the California Green Building Standards Code, which includes a minimum 50 percent diversion requirement, as noted in Section 3.7.3, Regulatory Framework, on page 3.7-37 of the Draft EIR. As such, construction waste from the proposed project would be regulated (and reduced) under State building codes, and therefore, no further mitigation for construction waste is required. The attachments in this comment provide background information and additional regulatory framework. As they do not include project specific information or identify additional impacts to suggest mitigation measures specific to the proposed project, no further response is required.

Response to SMD -7

This comment requests that the Final EIR clarify that stated reductions are the product of a conservative estimate of mitigation action results, and that the proposed project will implement more than the minimum number of GHG mitigation activities stated in the Draft EIR.

As noted in the Specific Thresholds of Significance section on page 3.7-44 of the Draft EIR, the proposed project is required to achieve a reduction in GHG emissions to at or below 2.6 MT CO₂e/year/service population by 2030 in order to meet the applicable BAAQMD threshold for GHG emissions. This reduction may be achieved by employing any combination of the measures provided in MM GHG-1 on page 3.7-49 of the Draft EIR, including those that have been added in Response to Comments BAAQMD -3 and BAAQMD -4 as shown in Section 3, Errata, of the Final EIR. Committing the project to implementing more than the GHG mitigation activities necessary to reduce impacts to below a level of significance as stated in the Draft EIR is not required to comply with the BAAQMD threshold for GHG emissions. Therefore, no change has been made to the impact discussion related to GHG emissions or mitigation (beyond those revisions already made in response to other comments).

Response to SMD -8

This comment suggests that while MM GHG-1 includes some good first steps, the Final EIR should indicate that it will implement all actions to reduce GHG emissions as much as possible.

As noted in the Specific Thresholds of Significance section on page 3.7-44 of the Draft EIR, the project is required to achieve a reduction in GHG emissions to at or below 2.6 MT CO₂e/year/service population by 2030 in order to meet the applicable BAAQMD threshold for GHG emissions. This reduction may be achieved by employing any combination of the measures provided in MM GHG-1 on page 3.7-49 of the Draft EIR. Therefore, it is not necessary for the project to commit to implementing all actions to reduce GHG emissions as much as possible, but rather to any combination of actions that would reduce GHG emissions to the required level in order to meet the applicable threshold.

This comment also states that pages 3.7-50 and 3.7-51 of the Draft EIR seem to indicate that each housing unit in the project area would include an in-unit electric vehicle (EV) charging station, and recommends that the Final EIR should clarify if this is only a proposed action or something that would definitely occur to mitigate GHG transportation impacts. Furthermore, this comment recommends that if mitigation of mobile source GHG emissions will occur, Table 3.7-6 on page 3.7-48 of the Draft EIR should be updated to reflect the expected GHG emissions reductions in the mobile sector.

On page 3.7-50 of the Draft EIR, in the City of Antioch Community Climate Action Plan (CCAP) Consistency discussion, the Draft EIR discusses how the California Building Standards Commission requires that certain new developments include electric vehicle charging infrastructure, and that the Ranch Design Guidelines anticipate a site-wide electrical system to accommodate increased loads associated with Level 2 EV charging in each residence. However, the Draft EIR does not require that each housing unit in the project would include an in-unit EV charging station – although that is one option for the project Applicant to reduce the project’s operational GHGs. (MM GHG-1 includes installation of on-site charging units for electric vehicles and implementation of a ride sharing program for employees as measures that would reduce mobile source GHG emissions). As discussed above, MM GHG-1 requires employment of one or more of the measures listed in order to reduce GHG emissions to at or below 2.6 MT CO₂e/year/service population by 2030. Therefore, no single measure listed under MM GHG-1 is required to be implemented by the proposed project, but rather the proposed project must achieve the required reduction in GHG emissions by employing any combination of the measures in MM GHG-1.

Response to SMD -9

This comment requests that the Final EIR clarify which GHG mitigation measures will be implemented, and which will be implemented if feasible.

As previously discussed, no single measure listed under MM GHG-1 on page 3.7-49 of the Draft EIR is required to be implemented by the proposed project, but rather the mitigation measure requires the proposed project to achieve a specific required level GHG emissions reduction by employing a combination of these measures. It should be noted that MM GHG-1 includes the purchase of voluntary carbon credits as a means to achieve this requirement. As such, if implementation of other measures fails to achieve the required level of GHG emissions reduction, the project Applicant would be required to purchase carbon offsets in an amount sufficient to offset the remaining operational GHG emissions such that the required level of GHG emissions reduction is achieved.

Response to SMD -10

This comment summarizes the visual analysis discussed within the Draft EIR, and requests that the Final EIR include images and renderings of the project from the publicly accessible lobbies, multiple floors, and other locations at Kaiser Permanente Antioch Medical Center.

The general comments are noted and do not require a response. The City does not agree that temporary patients staying at Kaiser (or their visitors) represent “the public” in relation to views. Nor does the City believe that views from the Medical Center represent “potential viewpoint locations.” CEQA requires analysis only of public views. Therefore, no analysis of views from Kaiser Permanente Antioch Medical Center is included in the Final EIR. However, Exhibit 3.1-12 provides a view of the project site looking west from Deer Valley Road, near the Kaiser Permanente Antioch Medical Center.

Response to SMD -11

This comment states that special care should be paid to minimize visual impacts through the small pass in the hills to the south of the project site to decrease visual impacts from and into Horse Valley and the new regional parkland established there, which will one day be open to the public. The commenter requests additional viewpoint analysis and renderings from this area looking north towards the project site to be included in the Final EIR to assess potential visual impacts.

As shown in the aerial drone photograph of Horse Valley (Exhibit A), the project site is not visible from Horse Valley. Therefore, no additional analysis is required.

Response to SMD -12

This comment expresses appreciation for inclusion of View 4 in the Draft EIR, which shows potential visual impacts from public open space at Black Diamond Mines Regional Preserve. No action is required.

Response to SMD -13

This comment encourages the implementation of mitigation measures, such as landscaped berms, low profile construction, tree design, and other measures to reduce the significant and unavoidable impacts of views from Deer Valley Road looking west.

Implementation of the proposed development standards and design guidelines would maximize the aesthetic quality of future development within the project site. As shown in Exhibit 3.1-12, the proposed project includes landscaped berms and trees to minimize impacts. No further action is required.

Response to SMD -14

This comment provides an introduction to additional comments within the letter. No action is required.

Response to SMD -15

This comments state that there is a substantial development footprint including grading, construction, drainage, and detention basins along the buffer along Sand Creek within the site. The comment suggests considering the impacts and proposed mitigation measures related to construction along the Sand Creek Buffer.

The City believes the existing permitting process (i.e., CDFW 1602, stormwater requirements, 404/401 permits) sufficiently addresses these concerns. However, to quell any concerns, MM BIO-3 (mitigation to Impact BIO-2 and BIO-3) has been revised to address these concerns. Revisions to MM BIO-3 can be viewed in Section 3, Errata and under the responses to comments CVRWQCB-2 and EBCNPS-5.

Response to SMD -16

This comment expresses approval of the avoidance of impacts to the eucalyptus trees on the western edge of the project site along Empire Mine Road. No action is required.

Response to SMD -17

This comment suggests that while the City of Antioch is not a signatory of the East Contra Costa County HCP/NCCP, it is adjacent and covered by the adopted Plan's acquisition priorities, and its potential impacts and benefits should be analyzed.

The project site is included within the East Contra Costa County HCP inventory area as a "low priority" acquisition. Further, the development on the proposed project site would be separated from the high priority areas located to the south and west of the project site due to the project's extensive open space buffer. In addition, the proposed project includes a substantial Sand Creek Corridor – over 1,000 feet wide in some places, and has also included mitigation, where required, for all of the species outlined in the East Contra Costa County HCP (including the San Joaquin kit fox, California red-legged frog, Alameda whipsnake, western burrowing owl, and vernal pool fairy shrimp—just to name a few). Although Antioch is located within the "Inventory Area" of the East Contra Costa County HCP, the City is not a permittee under the HCP and thus, the proposed project cannot utilize the HCP or apply for take coverage under it. Nonetheless, a background and summary of conservation strategy and measures in the East Contra Costa County HCP is provided in an updated Impact BIO-6 and included in the Final EIR as shown in Section 3, Errata.

Response to SMD -18

This comment expresses appreciation for BMPs incorporated into the proposed project and included under Impact HYD-1 and HYD-3. No action is required.

Response to SMD -19

This comment suggests that impacts to parks are significant and must be mitigated.

The proposed project is projected to house approximately 3,900 residents. However, it will also include upwards of 6 miles of walking and biking trails (which will connect the project to the neighborhoods to the north as well as the Black Diamond Mines Regional Park), a 1-acre trail staging area that will be dedicated to the Park District, and 20 acres of public parks.

Under the Quimby Act, the project is required to dedicate 19 acres of parkland or pay equivalent fees to mitigate park impacts. Here, the project clearly exceeds that standard with its 20 acres of public parks. CEQA requires that impacts to regional parks also be mitigated. The nearest regional park is a little over 2 miles northwest of the project site. It is unclear how many of the 3,900 residents will utilize the on-site trails to access Empire Mine Road and/or the Black Diamond Mines Regional Park, but the project Development Agreement requires the project Applicant to dedicate a regional trail staging area (located in the southwestern portion of the project site) to the EBRPD. This dedication would mitigate for any potential impacts caused by the development by ensuring access to the regional park by the public and reducing traffic trips to other entrances to the regional park.

The comment also notes that regional parks contain potential coal mining hazards, as well as significant cultural resources. EBRPD owns and manages the Black Diamond Mines Regional Park and its resources. Presumably, the District maintains coverage for any public injuries that occur on its property, and the District is vigilant in maintaining the cultural resources. EBRPD's liability does not change depending on whether the project gets built and/or how many more people visit the park. Thus, no mitigation is required.

Response to SMD -20

This comment suggests that the potential impacts, including cumulative impacts, related to the extension of roads and utilities could occur due to the project, and thus, they should be analyzed and mitigated under Impacts UTIL-1 through UTIL-5.

The roadway and utility infrastructure included as part of the proposed project is consistent with that currently outlined in the City's General Plan. It is not oversized, and therefore, any cumulative or growth inducing impacts related to such infrastructure have been accounted for in the General Plan. The project specific potential impacts due to the extension of roads and other utilities are analyzed in Section 3.15, Utilities and Service Systems. Impact UTIL-1 analyzes impacts related to wet utilities (i.e., water, wastewater, and stormwater facilities). Impact UTIL-2 addresses water supply. Impact UTIL-3 discusses wastewater treatment capacity. Impact UTIL-4 discusses landfill capacity, and Impact UTIL-5 analyzes solid waste regulations. As indicated in Section 3.15, the proposed project would not result in significant project-level or cumulative impacts to any of the aforementioned utilities.

Response to SMD -21

This comment suggests that the restricted development area should be protected with conservation easements along Sand Creek dedicated to the City, and along Empire Mine Road, including hill areas, to be dedicated to EBRPD.

Comment noted. The mitigation measures outlined in the Biological Resources section of the Draft EIR require that the open space areas be preserved via conservation easements and/or deed restrictions prior any ground disturbance. The project Applicant will work with the City, EBRPD, and the resource agencies to ensure the proper entities hold any conservation easement(s).

Response to SMD -22

This comment requests that the 6 mile trail system should be depicted to make clear which areas are paved and which areas are unpaved. The comment suggests that trails in the Sand Creek Corridor should be unpaved, and also requests that the mileage of proposed bike lanes should be specified and safety elements in the design should be described.

The project Applicant proposes that all trails would be located outside the 250-foot creek corridor set back identified in the City's General Plan, although the trails would be located within the open space areas. As noted in Comment SMD-4, there would be four trail types. Most of the trails would be paved and approximately 8 to 10 feet in width to accommodate pedestrians and bicyclists. Others would be approximately 4 feet in width and have a natural surface (i.e., decomposed granite). The natural trails would be located on sloped areas to access ridgeline trails (See Section 5.4.1 of the Design Guidelines). A new Open Space exhibit (Exhibit 3.4-11), has been prepared and included in this Final EIR reflecting the types of trails and their locations within the project site.

The comments regarding Empire Mine Road are noted and do not require a specific response under CEQA Guidelines.

With regard to comments related to bike lanes, Impact TRANS-8 of the Draft EIR is instructive. It states that the proposed project would include Class II bike lanes along Sand Creek Road, Deer Valley Road, and Streets A, B, and C. These on-street bike lanes would be separately striped 8-foot wide lanes, and adjacent to 12 or 13-foot-wide travel lanes. They would amount to upwards of 3.5 miles of on-street bike lanes. Additionally, approximately 6 miles of Class I or off-street trails (for pedestrians and bikes) would also be constructed. The final design and exact location of the trails and on-street lanes have not yet been determined; however, MM TRANS-8b requires that the project Applicant prepare and submit plans showing detailed bike circulation facilities as final improvement plans as each subdivision map is processed. Exhibit 3.4-11 (On-Site Open Space Area and Trails) has been prepared and included in this Final EIR, and outlines the location of the on-street bike lanes.

Response to SMD -23

This comment suggests that the number of building permits obtained and units constructed in recent years from the cumulative development list should be specified in the Final EIR, in addition to the absorption rate for the 2,148 residential units proposed in Antioch.

An additional column has been added to Tables 3-1 (List of Cumulative Projects) and 3.14-10 (Pending and Approved Projects Summary) (pages 3-4 through 3-5 and 3.14-42 through 3.14-43 of the Draft EIR) in Section 3 Errata, to indicate the number of building permits obtained for each cumulative project, where available.

Response to SMD -24

This comment suggests that a general description of the off-site resource properties secured by the Applicant as mitigation for on-site resource impacts should be included, in addition to their use as mitigation. A comparison of total acreage impacted, and total acreage expected to be protected on-site and off-site should also be included.

CEQA does not require that mitigation properties be specified in the Draft EIR. However, the City can confirm that the project Applicant has secured off-site mitigation lands for purposes of mitigating any on-site impacts, and the following information has been added to the discussion of Impact BIO-1 on page 3.4-31 of the Draft EIR:

The project Applicant owns or controls two parcels totaling upwards of 955 acres in eastern Contra Costa County within the San Joaquin Delta Watershed. The off-site mitigation property consists primarily of non-native annual grasslands and blue oak woodland. There are also substantial ridgelines and other steep portions of the property which are comprised of chamise chaparral. A total of 15.097 acres of waters of the United States and waters of the State have been mapped within the mitigation property. The property contains four populations of California tiger salamander and five populations of California red-legged frog according to assessment-level surveys conducted in 2019. There is also potential that vernal pool fairy shrimp and vernal pool tadpole shrimp could be present given the presence of suitable habitat. The mitigation property also contains portions of several valleys considered to be critical conservation corridors for the long-term survival and recovery of San Joaquin kit fox.

The project Resource Management Plan (RMP) outlines that all or a portion of the mitigation properties may be required to mitigate for on-site impacts, but the total amount of mitigation required will depend upon resource agency permits (i.e., 404, 401, 1602, Federal Endangered Species Act [FESA], and California Endangered Species Act [CESA]). The Draft EIR indicates that direct impacts to special-status plant species shall be mitigated at a 3:1 ratio, and indirect impacts to special-status plant species shall be mitigated at a 1:1 ratio. Whatever amount is deemed required, the off-site mitigation lands will be protected by a conservation easement or deed restriction and managed by a land trust or other qualified third-party entity for the benefit of natural resources, including waters of the United States and waters of the State, as well as the other special-status plants, species, and sensitive natural communities found on the project site.

Response to SMD -25

This comment requests for the commenter to be added to an email distribution list maintained for future communication about the project and the availability of environmental review documents. Save Mount Diablo is already on the City's email distribution list maintained for future communication about the project and will remain on the list.

From: Cultural Resource Department Inbox <crd@wiltonrancheria-nsn.gov>
Sent: Tuesday, April 7, 2020 10:46 AM
To: Morris, Alexis <amorris@ci.antioch.ca.us>
Cc: Cultural Resource Department Inbox <crd@wiltonrancheria-nsn.gov>
Subject: The Ranch project CL 1667

Good morning,

Wilton Rancheria received a letter regarding The Ranch Project in the City of Antioch for the EIR. We would like to include in this that the project is sensitive and we would like a Tribal Monitor to be involved during ground disturbance.

Attached are Mitigation Measures we would like to include as well.

Thank you



Mariah Mayberry

Wilton Rancheria

Tel: 916.683.6000 ext 2023 | Fax: 916.683.6015

9728 Kent Street | Elk Grove | CA | 95624

mmayberry@wiltonrancheria-nsn.gov

wiltonrancheria-nsn.gov

Tribal Cultural Resource Avoidance Mitigation Measure

Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and will be accomplished by several means, including:

- Planning construction to avoid tribal cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources will be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.
- If the resource can be avoided, the construction contractor(s), with paid Native American monitors from culturally affiliated Native American Tribes present, will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area”. Native American representatives from interested Native American Tribes and the CEQA lead agency representative will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (*Guidelines for Evaluating and Documenting Rural Historic Landscapes*), Bulletin 36 (*Guidelines for Evaluating and Registering Archaeological Properties*), and Bulletin 38 (*Guidelines for Evaluating and Documenting Traditional Cultural Properties*); National Park Service Preservation Brief 36 (*Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes*) and using the Advisory Council on Historic Preservation (ACHP) *Native American Traditional Cultural Landscapes Action Plan* for further guidance. Use of temporary and

Tribal Cultural Resource Avoidance Mitigation Measure

permanent forms of protective fencing will be determined in consultation with Native American representatives from interested Native American Tribes.

2
CONT.

Inadvertent Discoveries Mitigation Measures

Develop a standard operating procedure, points of contact, timeline and schedule for the project so all possible damages can be avoided or alternatives and cumulative impacts properly accessed.

If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with Wilton Rancheria regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

3

Post-Ground Disturbance Site Visit Mitigation Measure

A minimum of seven days prior to beginning earthwork or other soil disturbance activities, the applicant shall notify the CEQA lead agency representative of the proposed earthwork start-date, in order to provide the CEQA lead agency representative with time to contact the Wilton Rancheria tribal representative shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of ground-breaking activity. During this inspection, a site meeting of construction personnel shall also be held in order to afford the tribal representative the opportunity to provide tribal cultural resources awareness information. If any tribal cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during this initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find, and the project applicant shall immediately notify the CEQA lead agency representative. The project applicant shall coordinate any necessary investigation of the site with a Wilton Rancheria tribal representative, a qualified archaeologist approved by the City, and as part of the site investigation and resource assessment the archeologist shall consult with the Wilton Rancheria and provide proper management recommendations should potential impacts to the resources be found by the CEQA lead agency representative to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the CEQA lead agency representative by the qualified archaeologist. Possible management recommendations for tribal cultural resources, historical, or unique archaeological resources could include resource avoidance or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, preservation in place or other measures. The contractor shall implement any measures deemed by CEQA lead agency representative staff to be necessary and feasible to avoid or minimize significant effects to the cultural resources, including the use of a Native American Monitor whenever work is occurring within 100 feet of the find.

4

Tribal Cultural Resource – Awareness Training - Mitigation Measure

A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.

Organizations

Wilton Rancheria (WILTON RANCHERIA)

Response to WILTON RANCHERIA-1

Commenter states that the project is sensitive, and Wilton Rancheria would like a Tribal Monitor to be involved during ground disturbance.

On August 29, 2019 the City of Antioch sent notification letters including a project description, map, and invitation to consult on the project pursuant to AB-52 to eight tribal representatives identified by the NAHC, including representatives from Wilton Rancheria. No responses or requests for consultation were received within the 30-day period specified by AB-52. However, the City of Antioch received the comment letter from Wilton Rancheria on April 7, 2020.

The City of Antioch recognizes the importance of historic, archaeological, and tribal cultural resources, as well as the sensitivity of the project site, and requests that a Tribal Monitor be involved during ground disturbance. MM CUL-1 (page 3.5-20 of the Draft EIR) has been updated as follows:

Historic Resources P-07-000008 and Locus 1 of site P-07-000010 are eligible historic resources that shall be avoided during project construction and preserved in-place. Prior to tentative map approval and the issue issuance of the first grading permits, the project Applicant shall prepare a Cultural Resources Management Plan detailing how all cultural resources within the project disturbance area will be avoided or treated. The Plan shall be submitted to the City of Antioch Planning Division for review and approval prior to tentative map approval and the issue of grading permits, as well as the California Office of Historic Preservation (OHP), if required. The Cultural Resources Management Plan shall be prepared by an Archaeologist who meets the Secretary of Interior's qualification standards for archaeology, and shall include the following components:

- A detailed summary, avoidance, and protection plan for nearby resources that are eligible or potentially eligible for the California Register of Historical Resources. The plan shall include a provision stating that prior to grading, the Project Archaeologist shall determine the existing boundaries of each historic site and mark the boundaries of each site with protective Environmentally Sensitive Area (ESA) fencing. Any project-related ground disturbance occurring within 50 feet of the established boundary of either site shall be monitored full time by the Project Archaeologist.
- A monitoring plan developed in coordination with Wilton Rancheria that details the scheduling, safety protocols and procedures to be followed by the Archaeological Monitor and Native American Tribal Monitor.
- If it is determined that development of the proposed project would occur in areas identified as containing portions of site P- 07-000008 and/or Locus 1 of site P-07-000010, and the sites cannot be avoided or preserved, the City, the United States Army Corps of Engineers (USACE), OHP, and an Project Archaeologist meeting the Secretary of the Interior's professional standards for historical archaeology shall

coordinate as necessary to determine the appropriate course of action, which ~~may~~ could include data recovery, scientific analysis, and professional museum curation of material.

- ~~Prior to grading, the Applicant shall hire a qualified Archaeologist to determine the existing boundaries of each historic site and mark the boundaries of each site with protective Environmentally Sensitive Area (ESA) fencing. Any project related ground disturbance occurring within 50 feet of the established boundary of either site shall be monitored by the Archaeologist.~~

Response to WILTON RANCHERIA-2

Commenter states that avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and provides avoidance mitigation measures related to tribal cultural resources.

MM CUL-1 includes provisions for the avoidance and preservation in place of all known cultural resources located within the project boundary. Those provisions have been updated and clarified to include any significant tribal cultural resources that may be encountered during project related ground disturbance. See Response to WILTON RANCHERIA-1.

Response to WILTON RANCHERIA-3

Commenter provides a mitigation measure related to inadvertent discoveries.

MM CUL-2 and 3 include provisions for the inadvertent discovery of cultural resources and human remains. Provisions under MM CUL-2 (page 3.5-21 of the Draft EIR) have been updated and clarified to include any significant tribal cultural resources that may be encountered over the course of project related ground disturbance as follows:

Prior to construction, the Project Archaeologist and a Tribal Monitor from Wilton Rancheria shall provide cultural resources sensitivity training for the construction crew that will be conducting grading and excavation at the project site. The training shall include visual aids and/or hand-outs detailing applicable laws and regulations, the kinds of archeological and/or Native American resources that may be encountered, as well as what to do in case of a discovery.

Due to the sensitivity of the site, project related ground disturbance shall be monitored by the Project Archaeologist and a Tribal Monitor from Wilton Rancheria. If, over the course of construction, the Archaeologist and Tribal Monitor determine that monitoring may be reduced or is no longer required, they shall present their reasoning to the appropriate City Planner for concurrence. In the event that subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during earth-moving activities, all work within 100 feet of the resource shall be halted, and the Applicant shall consult with a qualified Archeologist until the Project Archeologist can stabilize and evaluate the find. If the resource is determined significant under CEQA, the qualified Archaeologist shall

prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant in accordance with Section 15064.5 of the CEQA Guidelines. If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.

The Archaeologist shall also perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Antioch, the Northwest Information Center (NWIC), and the California Office of Historic Preservation (OHP). Representatives of the City and the qualified Archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation.

If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.

If a Native American archeological, ethnographic, or a spiritual resource is discovered, all identification and treatment shall be conducted by qualified Archeologists who are certified by the Society of Professional Archeologists and/or meet the federal standards as stated in the Code of Federal Regulations (36 Code of Federal Regulations [CFR] Part 61), and are Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.

In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical Archeologists, who shall meet Register of Professional Archeologists or 36 Code of Regulations Part 61 requirements.

The Applicant shall retain the services of a professional Archaeologist to educate the construction crew that will be conducting grading and excavation at the project site. The education shall consist of an introduction to the geology of the project site and the kinds of archeological and/or Native American resources that may be encountered, as well as what to do in case of a discovery.

Response to WILTON RANCHERIA-4

Commenter provides a mitigation measure related to a post-ground disturbance site visit.

MM CUL-1 has been updated to require the presence of an Archaeological Monitor and Tribal Monitor who will be present during the initial grading of the site in order to check for undiscovered cultural resources. The revision to MM CUL-1 addresses this comment.

Response to WILTON RANCHERIA-5

Commenter provides a mitigation measure related to tribal cultural resource awareness training for construction workers.

MM CUL-2 includes a requirement that all construction personnel be provided with cultural resources awareness training prior to the start of grading. Those provisions have been updated and clarified as shown above, to require the involvement of a tribal representative along with recommendations provided by Wilton Rancheria.

2.3 - Responses to Late Letters (Received after May 4, 2020)

This section contains the comment letters received after the comment period on the Draft EIR for The Ranch Project. Following each comment letter are responses to individual comments within each letter.

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June 30, 2020

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Braeden Mansouri
415.227.3516 Direct
bmansouri@buchalter.com

VIA E-MAIL (PLANNING@CI.ANTIOCH.CA.US)

Chair Schneiderman and Members of the Planning Commission
City of Antioch
200 H Street
Antioch, CA 94509-1285

Re: Agenda Item #2 Certification of EIR, General Plan Amendments, Rezoning, Approval of a Master Development Plan, Design Review and Adoption of Design Guidelines, Approval of a Resource Management Plan, and Approval of a Development Agreement for the Ranch Project

Dear Chair Schneiderman and Members of the Planning Commission:

Thank you for the opportunity to comment on the pending request for the Planning Commission's recommendation regarding the proposed General Plan Amendments, rezoning, Master Development Plan, Design Review to adopt Design Guidelines, Resource Management Plan, and Development Agreement (collectively, the "Approvals") for the Ranch project. These Approvals constitute entitlements necessary for Richland Planned Communities' development of a 1,177 unit master planned residential, commercial, office, retail, public services, and open community on a 551.50-acre site, referred to as the Ranch (the "Ranch" or the "Project").

Buchalter represents Oak Hill Park Company and Richfield Real Estate Corporation, the owner and manager of the 419.4 acre property comprising three tax parcels (APNs 057-010-001-6, 057-010-004-0, and 057-060-006-4) located within the western portion of the Sand Creek Focus Area and contiguous to the Ranch Project. As you are aware, on behalf of Oak Hill Park Company and Richfield Real Estate Corporation ("Clients"), Buchalter filed lawsuits on October 18, 2018 challenging the City Council's adoption of The Ranch Initiative and the Let Antioch Voters Decide ("LAVD") Initiative which would severely restrict development on Oak Hill Park Company's property. Contra Costa County Superior Court invalidated both initiatives as acknowledged in the June 26, 2020 staff report for The Ranch Project Approvals.

1

buchalter.com

Los Angeles
Napa Valley
Orange County
Portland
Sacramento
San Diego
San Francisco
Scottsdale
Seattle



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While we understand from the June 26, 2020 Staff Report that Richland proposed the Ranch Project Approvals only for Richland’s approximately 551-acre property because the Superior Court invalidated the Ranch Initiative, we nonetheless noted several inconsistencies in the scope of the Approval documents that suggested that the Approval documents were intended to adopt the Ranch Initiative in its entirety as to The Ranch property and potentially even surrounding West Sand Creek Properties. Thus, the purpose of this letter is to confirm that the City’s approval of the Ranch Project Approvals will only affect the Ranch property, and will not in any way result in any proposed changes in land use designations on Oak Hill Park’s property in the West Sand Creek area.

2

In this regard, we believe that the inconsistencies noted below are simply inadvertent remnants of the prior initiative efforts and respectfully request that the City confirm that the Ranch project is limited to the proposed Ranch Project site and that these Approvals do not purport to change any land use designations on the Oak Hill Park Property.

In that regard, while our client does not oppose Richland’s efforts to develop its property, we do have significant concerns that the Environmental Impact Report (“EIR”) failed to adequately analyze the environmental effects of the proposed offsite infrastructure extensions on Oak Hill Park’s property. We raised this concern before in the context of the prior failed initiative effort, and once again, we request that the City identify, analyze, and mitigate potential impacts to the Oak Hill Park property and other neighboring properties that are subject to the Project’s proposed off-site infrastructure extensions as further discussed below.

3

The City failed to provide adequate notice despite Oak Hill Park’s request to receive all notices pertaining to the Ranch Project.

This comment letter constitutes our comments on the Draft EIR that was distributed on March 20, 2020 for a 45-day public review period. Neither Oak Hill Park Company nor its agent, Richfield Real Estate Corporation, nor Buchalter received a notice of availability from the City of Antioch that the Draft EIR was being circulated for public review and comment in March, despite the attached September 10, 2019 request that the City provide my client and Buchalter with all notices regarding the Ranch project including any environmental review documents.

4

The California Environmental Quality Act (“CEQA”) requires that a lead agency preparing an EIR to provide adequate notice. (Pub. Res. Code, § 21092(b)(1).) Such notice must specify certain information about the project, including the period for receiving comments. (*Id.*) This notice provision additionally requires a lead agency to provide notice to all individuals who have previously requested notice. (*Id.*, § 21092(b)(3).) Such notices must be “mailed to every person who has filed a written request for notices.” (*Id.*, § 21092.2(a).) Although I registered my interest with the City regarding noticing for this Project on behalf of Richfield as of September



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10, 2019, and while I received a notice for tomorrow evening's public hearing, I never received any other notices regarding the Ranch Project. This was the same situation that occurred when the City circulated notice of the availability of the first Draft EIR in 2018 before the City terminated the public review and comment process and the Council adopted the Ranch Initiative.

Since the City never provided Oak Hill Park, Richfield or Buchalter with adequate notice as required by CEQA, we were unable to submit comments on the Draft EIR. Accordingly, this comment letter serves as my client's comments on the proposed Draft EIR as modified by the Final EIR. We have attempted to review all of the Ranch Project documents since receiving notice of tomorrow evening's hearing. Nonetheless, due to the significant impact to my client's property associated with the development of The Ranch and the lack of analysis of the impacts to the Oak Hill Park property, we respectfully request that you continue this item to a later date until the EIR is revised to adequately address the Projects impacts to Oak Hill Park's Property and until all parties receive adequate notice to comment and participate in the public review process. Should you choose not to continue the item, the following comments generally highlight the concerns regarding the Project's significant impacts to the Oak Hill Park property that were not evaluated in the EIR.

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CONT

The EIR inconsistently affirms the invalidated West Sand Creek Initiative while explaining that the Project scope will be significantly limited.

My client is concerned, and would like to clarify, the inconsistencies we noted between the Draft EIR and the proposed Approvals as further addressed in the Final EIR. Specifically, the DEIR's Project Description explains that the Project applicant is "committed to" the approach taken in the judicially-invalidated "West Sand Creek Initiative" (the "Initiative"). (The Ranch Project DEIR, § 2.1.3, p. 2-3.) The DEIR further explains that the Project "will now include the same general plan and zoning amendments as requested in the initiative." (*Id.*, § 2.3, p. 2-5.) The staff report for these approvals likewise explains that this project "is consistent with the West Sand Creek Initiative." (Staff Report, p. 6, 20.) Page 3-24 of the Final EIR further notes the same description of the proposed general plan and zoning amendments. This language is echoed throughout the approval resolutions that the Planning Commission is considering today.

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That Initiative proposed an illegal wide-ranging prohibition on development across the Sand Creek Focus Area, including on my client's property. (*See* DEIR, § 2.1.3, pp. 2-3.) The DEIR (as carried forward in the Final EIR) Project Description confusingly invokes the invalid Initiative's goals and vision while explaining that the proposed Approvals apply only to the applicant's "project site." (*Id.*) Moreover, the Draft and Final EIR do not include any discussion of the existing General Plan land use designations applicable to the surrounding properties. The Oak Hill Park Property is located within the western portion of the Sand Creek Focus Area, and immediately contiguous to The Ranch.

Chair Schneiderman and Members of the Planning Commission

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Please be advised that the Antioch General Plan designates the Oak Hill Property for Golf Course Community, Senior Housing, and Open Space, as a part of the Sand Creek Focus Area. As with The Ranch, Oak Hill Park benefits from the maximum of 4,000 dwelling units across the focus area. The existing General Plan designations on the Oak Hill Property would allow for single-family detached and small lot single family units fronting a golf course at a density of four dwelling units per acre in addition to age-restricted senior housing for a maximum of approximately 1,000 dwelling units on the portion of the Oak Hill Property designated Golf Course/Senior Housing/Open Space.

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The EIR, however, improperly omits any discussion of the allowable General Plan land use designations for the surrounding property, while at the same time implying that the Ranch Approvals are consistent with the failed Initiative which proposed a Restricted Development Area on the Oak Hill Park Property. We note that the Project Description exhibits and the Approval documents seem to suggest that the Approvals *are solely limited* to Richland's portion of the Sand Creek Focus Area. Nevertheless, we ask that the Planning Commission confirm that these Approvals do not have the same size and scope as those contemplated by the aforementioned Initiative, and that no properties are affected beyond those being developed by Richland Planned Communities.

The EIR failed to adequately evaluate the Ranch Project's significant off-site impacts to neighboring properties, including the Oak Hill Park Property.

Several exhibits accompanying the text of the General Plan and Zoning Approval documents, including those in the DEIR Transportation Chapter and Resource Management Plan, identify improvements that will occur on neighboring properties. Specifically, these documents depict a "Street B" extending onto the Oak Hill Park Property. (*See, e.g.*, DEIR, ex. 3.14-20.) CEQA requires an analysis of all foreseeable impacts during a project's various phases, including: planning, acquisition, development, and operation. (14 Cal. Code Regs. (the "CEQA Guidelines"), § 15126.) Both "direct and indirect significant effects of the project" must be clearly identified and described, including "physical changes, alterations to ecological systems," and the human use of the land. (*Id.*, § 15126.2(a).) Despite these requirements, the Draft and Final EIR did not evaluate *any* off-site impacts associated with the extension of major roadways that extend onto and bifurcate the Oak Hill Park Property. The EIR, however, does not evaluate any potential secondary or direct impacts associated with the extension of such infrastructure onto off-site properties.

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The DEIR here fails to address the cultural and biological impacts of extending the Project's infrastructure onto my client's property. Chapter 3.5, Cultural and Tribal Cultural Resources, explains that lead agencies must consider "potential adverse impacts" to any archaeological resource. (*Id.*, p. 3.5-15.) Affected artifacts are subject to impact mitigation prescribed by CEQA. (*See id.*) Nowhere in the DEIR (or the Final EIR), however, does the lead

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agency explain the off-site impacts related to this roadway extension, or analyze their environmental effects. Likewise, the Draft EIR and Final EIR only analyze existing cultural resources “at the Project Site” and not on all lands affected by the Project. (*Id.*, p. 3.5-12.) The EIR explains that “[k]nown cultural resources are located on the project site and the potential exists for cultural or tribal resources to be located on the project site.” (*Id.*, p. 3.5-25.) Given the fact that cultural and biological resources certainly exist on the Project site, it is reasonably foreseeable that similar resources exist just over the property lines, on parcels subject to infrastructure extensions.

Similarly, the Biological Resources chapter limits its review of off-site improvements to the extension of a sewer main, without any discussion of the “Street B” extension to south of the Project site. (*See id.*, p. 3.4-3.) The EIR analysis was limited to the “Project Site” which “contains one or more sensitive biological communities.” (*Id.*, p. 3.4-6.) Appendix E, providing the information and raw data supporting the biological resources analysis, confirms that no off-site analysis was conducted on sites subject to off-site roadway extensions. (*Id.*, Appen. E, figs. 3-4, 6a-6c.) The EIR fails to include any analysis of the Ranch Project’s off-site impacts to biological resources.

The EIR does not provide a map depicting the proposed revisions to the General Plan, and it is therefore impossible to determine whether the orientation and alignment of new development at the Project site will be consistent with the General Plan. As a result, the EIR does not disclose, evaluate, or explain mitigation of the full scope of cumulative or indirect impacts that these General Plan amendments will have on other, neighboring projects in the area. In spite of the noted impacts on the Project site, the Draft EIR was deficient in analyzing foreseeable direct and cumulative impacts of roadway and other utility extensions onto neighboring properties such as Oak Hill Park’s property. The lead agency and the Project applicant, therefore, must analyze those impacts to ensure consistency with CEQA and fully apprise the public of the Project’s environmental impacts.

We respectfully request that the Planning Commission continue this matter until a later date so that the Planning Department and its consultant can review, evaluate and disclose the project’s impacts to the Oak Hill Park Property. My client was deprived of the opportunity to review the Draft EIR in a timely manner despite our request for notice. Based on a cursory

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review of the Draft and Final EIR, the City failed to evaluate any impacts to our client's property associated with the extension of off-site infrastructure onto the Oak Hill Park property.

8
CONT

Regards,

BUCHALTER
A Professional Corporation

A handwritten signature in blue ink, appearing to be "Alicia Guerra", with a long horizontal line extending to the right.

By

Alicia Guerra
Shareholder

A handwritten signature in black ink, appearing to be "Braeden Mansouri", with a long horizontal line extending to the right.

Braeden Mansouri
Associate

AG:nj

cc: Thomas Lloyd Smith, Esq., Antioch City Attorney (via email only)
Forrest Ebbs, Community Development Director (via email only)
Alexis Morris, Planning Director (via email only)
Derek Cole, Esq. (via email only)
Stephen Nussbaum (via email only)
Debi Chung (via email only)

Attachment



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415.227.0770 Fax

File Number: R3554-9
415.227.3508 Direct
aguerra@buchalter.com

September 10, 2019

VIA E-MAIL (AMORRIS@CI.ANTIOCH.CA.US; ASIMONSEN@CI.ANTIOCH.CA.US)

Alexis Morris
Planning Manager
City of Antioch
200 "H" Street
Antioch, CA 94531

Re: Richland Communities' The Ranch Residential Project

Dear Ms. Morris

Buchalter represents Oak Hill Park Company and Richfield Real Estate Corporation (collectively, the "Client"), the owner and manager of the 419.4 acre property comprising three tax parcels (APNs 057-010-001-6, 057-010-004-0, and 057-060-006-4) located within the western portion of the Sand Creek Focus Area and located along the southern boundary of The Ranch property. In other words, my Client's property is within 300 feet of The Ranch Project.

The purpose of this letter is to respectfully request, on behalf of our Client, that the City of Antioch Planning Department include my Client, Debi Chung of Richfield Real Estate Corporation and any mailing lists for The Ranch Project. Accordingly, please send all agendas, notices, documents, environmental review and other publicly available documents and information regarding Richland Communities' the Ranch Residential Project to the following:

Debi Chung
Project Manager
Richfield Real Estate Corp.
1990 North California Boulevard, 8th Floor
Walnut Creek, CA 94596

buchalter.com

Los Angeles
Napa Valley
Orange County
Sacramento
San Diego
San Francisco
Scottsdale
Seattle

Buchalter

Alexis Morris
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With a copy to:

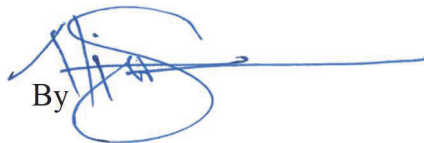
Alicia Guerra, Shareholder
Buchalter
55 Second St, Suite 1700
San Francisco, CA 94105

Given that my Client's property is next door to The Ranch property, I am puzzled as to why the Planning Department has failed to provide *any* notices to my Client regarding The Ranch Residential Project for the past two years or more. Accordingly, the purpose of this letter is to hereby request that the City of Antioch provide all required notifications to my Client (with a copy to me) in accordance with State Planning and Zoning law and the Antioch Municipal Code for all matters concerning The Ranch.

We appreciate your attention to this matter.

Respectfully,

BUCHALTER
A Professional Corporation

By 

Alicia Guerra
Shareholder

AG/mc

cc: Arne Simonsen, City Clerk
Thomas Smith, City Attorney
Debi Chung

Buchalter (BUCHALTER)

Response to BUCHALTER-1

The comment provides a general description of the project and its relationship to the project Applicant. No environmental comments or concerns are raised. Accordingly, no response is required pursuant to CEQA.

Response to BUCHALTER-2

The commenters request confirmation that the Ranch Project Approvals will only affect The Ranch property, and not change any land use designations on the adjacent properties. No environmental comments or concerns are raised. Accordingly, no response is required pursuant to CEQA. Notwithstanding, the City confirms that the project approvals relate solely to The Ranch Project, and do not change the land use designations on surrounding properties, including those which belong to Oak Hill Park.

Response to BUCHALTER-3

This comment states that Oak Hill Park does not oppose the project, and generally suggests that the City did not properly study the impacts of off-site improvements onto Oak Hill Park's property. The City notes that The Ranch Project does not propose any off-site improvements on Oak Hill Park's property.

Response to BUCHALTER-4

The comment indicates that neither Oak Hill Park nor Richfield Real Estate nor Buchalter received a notice of availability from the City, but that they did receive notice of the public hearing. No specific environmental comments or concerns are raised. Accordingly, no response is required pursuant to CEQA. However, the City notes that Oak Hill Park, Richfield Real Estate, and Buchalter are included on the City's list of interested parties that wish to receive notices related to The Ranch Project and such notices were mailed.

Response to BUCHALTER-5

The commenters indicate a concern that the project approvals may attempt to change the Oak Hill Park property. This is not the case. The project Applicant has no authority to affect the land use designations on the surrounding properties via the Master Plan Development process, and in fact, the project approvals will not alter the surrounding land uses. The language in the Draft EIR regarding the West Sand Creek Initiative is intended (and we believe clearly indicates) that the proposed project is fully consistent with the General Plan and zoning amendments proposed for the project site via the Initiative. There is no indication anywhere in the Draft EIR or elsewhere that attempt to redesignate or rezone surrounding properties. The comment also states a concern that the Draft EIR does not "include any discussion of the existing General Plan land use designations applicable to the surrounding properties." CEQA does not require that a Draft EIR discuss the General Plan designations of surrounding properties. Rather, CEQA requires only that the Draft EIR consider the environmental setting of a project, which includes a description of the physical environmental conditions in the vicinity of the project (CEQA Guidelines, § 15125.) The Draft EIR fully comports with this requirement, but also illustrates the existing designations on the Oak Park Hill site (See, Draft EIR, Section 2.1.4 and Exhibit 2-4).

Response to BUCHALTER-6

The commenters claim that the Draft EIR does not evaluate the off-site impacts on neighboring properties – mainly the Oak Hill Park property. Specifically, the commenters are concerned about the assumed extension of Street B onto the Oak Hill Park property. As noted above, the project does not propose to extend Street B onto the Oak Hill Park land. Instead, the project identifies Street B (a north/south roadway), which could, potentially - if and when Oak Park so decides to develop its land - continue on through Oak Park Hill's property. However, unless and until such time as Oak Park Hill seeks any development approvals to connect to it, the proposed Street B on The Ranch Project site would simply dead end at the proposed roundabout. The Ranch Project does not assume that such road will continue on, nor does it need the connection for access. Rather, the project simply allows for the extension of Street B if Oak Hill Park deems it desirable. Because such an extension is not proposed or anticipated at this time, no additional environmental analysis, including cultural or biological analysis, need be prepared. With that said, as shown on Exhibit 2-4, the Existing General Plan Designations, and the revised circulation map (added to the Errata), Richland Ranch Road, as it is shown on the Oak Hill Park property, remains materially unchanged.

Response to BUCHALTER-7

The commenter notes that the Draft EIR does not provide a map of the proposed revisions to the General Plan. This is incorrect as it relates to land use. Proposed General Plan Designations are included in Exhibit 2-6 and Exhibit 3.10-3 of the Draft EIR. However, the Draft EIR inadvertently omitted the proposed revisions to the General Plan Circulation Map. This map has been included in the Errata of the Final EIR as Exhibit 2-16. As illustrated, the amendment to the circulation map affects only the Applicant's property, and keeps the extension of Sand Creek Road throughout the project site entirely north of the property, crossing the Creek only once with Street B, instead of requiring multiple crossings of the creek. This amendment is not only the most environmentally friendly option, but as noted above, access to the Oak Hill Park property via Richland Ranch Road remains unaltered – as does any other roadway on any other property site. Again, the proposed project alters only uses on its site. Because the proposed project does not materially alter the existing circulation outlined on the General Plan Circulation Map on surrounding properties, the proposed project is fully consistent with and does not alter the General Plan assumptions regarding proposed growth south of project site. Thus, any potential growth inducing effects of such extension have already been contemplated by the General Plan EIR.

Response to BUCHALTER-8

The commenters make closing comments indicating they did not have sufficient time to comment on the Draft EIR before the Planning Commission hearing because they did not receive the notice of availability. This comment does not raise environmental questions or concerns and as such, no response under CEQA is required.



CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT

June 29, 2020

City of Antioch
Planning Commission
Via Email: planning@ci.antioch.ca.us

Re: The Ranch (Richland Planned Communities, Inc.)

Commissioners,

The Fire District has secured a commitment from Richland Planned Communities ("Richland") to provide a memorandum of understanding ("MOU") which resolves major elements of concern related to providing adequate fire and emergency medical services within the project area.

The MOU would be a required element of the development agreement between Richland and the City of Antioch. The Fire District and Richland have agreed that Richland will provide a buildable parcel at an agreed upon location for a new fire station within The Ranch Project, as well as pay both the City's impact fee for fire in effect at the time of building permit issuance, and establish, in coordination with the City, a community facilities district ("CFD") to generate additional funds to cover the costs associated with providing ongoing fire, rescue, and emergency medical services to The Ranch Project.

Based on the elements contained in the draft MOU, Richland has addressed all Fire District related concerns and issues for the project, as presented.

Please feel free to contact me if you have any questions or concerns.

Respectfully,


Lewis T. Broschard III
Fire Chief

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Contra Costa County Fire Protection District (CCCFPD)

Response to CCCFPD-1

This comment provides information regarding the Memorandum of Understanding (MOU) required by Richland which resolves issues related to the provision of adequate fire and emergency services within the project area. CCCFPD states that based on the MOU, Richland has addressed all Fire District related concerns for the proposed project.

The City notes the comment. No CEQA questions or concerns are raised, therefore, no further response is required.

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ANDREW A. BASSAK
PARTNER
DIRECT DIAL (415) 995-5006
DIRECT FAX (415) 995-3477
E-MAIL abassak@hansonbridgett.com



June 30, 2020

VIA E-MAIL AND U.S. MAIL planning@ci.antioch.ca.us

Milanka Schneiderman, Chair
Antioch Planning Commission
200 H Street
Antioch, CA 94531

Re: Antioch Planning Commission Meeting July 1, 2020; Comments of the Zeka Group to
The Proposed Ranch Project (GP-20-01 & MDP-20-01; State Clearinghouse No. 2019060012)

Dear Chair Schneiderman and Honorable Commissioners:

My law firm and I represent The Zeka Group Incorporated (the "Zeka Group"), the owner of the 640-acre Zeka Ranch property located adjacent to the Ranch Project in the southwestern portion of the City. I write in advance of the City Planning Commission meeting regarding the proposed Ranch Project currently scheduled for July 1, 2020.

1

The Zeka Group's Preliminary Application Under SB 330.

Last week, the Zeka Group submitted a complete Preliminary Application, together with all requisite supporting information regarding Zeka Group's Property and proposed development project, pursuant to Government Code Section 65941.1 added by the Housing Crisis Act of 2019 and effective January 1, 2020 ("SB 330"). By law Zeka Group's Preliminary Application (1) is subject only to the local policies, ordinances and standards in effect as of the date of the Preliminary Application, (2) is deemed complete upon submission to the City for purposes of the vesting protections, and (3) will be followed by an application for the development project at Zeka Ranch within 180 calendar days.

Consistent with the City's General Plan, the Preliminary Application vests rights in Zeka Group to develop an upscale housing development project with a total of 338 residential units on the 639-acre site, each with a minimum of two covered parking spaces and two driveway parking spaces. The proposed housing development will include Large Lot Residential uses comprised of 54 Hillside Estate Housing units north of Sand Creek, on lots of at least 20,000 square feet, and 284 Executive Estate Housing units south of Sand Creek within the flatter valley floor area of the Property, on lots of at least 12,000 square feet. All of the upland woodland areas and ridge line complex to the south as well as a predominant portion of the east-west ridge line complex to the north are to be preserved.

2

Given Zeka's SB 330 superior vested rights to develop its project, the proposed amendments to the City's General Plan text, General Plan Land Use Map, Circulation Element, and Housing Element to be discussed on July 1 at the Planning Commission cannot be approved as presented. Myriad aspects of The Ranch Project will need to be harmonized with Zeka Group's project in order to ensure principles of sound land use planning and environmental review are followed. For instance, the proposed realignment of Dallas Ranch Road will need to be

modified, and other infrastructure, utility, and road locations will need to be revised to efficiently serve all development contemplated by the City's General Plan, including the now vested Zeka Ranch project.

2
CONT

The City Should Continue the July 1, 2020, Planning Commission Meeting To a Future Date.

The City will appreciate the material reordering of the development rights within the Sand Creek area occasioned by The Zeka Group's SB 330 Preliminary Application. The items to be reviewed at the July 1 meeting simply are not approvable in their current form. As The Zeka Group will be submitting its application for its development project at Zeka Ranch within a mere 180 calendar days, it makes no sense for the Planning Commission to move forward now. The Zeka Group requests that the Planning Commission continue the scheduled July 1 meeting, and return to the necessary approvals for both The Ranch Project and The Zeka Group's project together only after such time as the material inconsistencies have been resolved. Rescheduling the meeting for a future date after the projects have been reconciled will conserve considerable City resources and avoid the need for further litigation.

3

If the City Declines To Continue Wednesday's Hearing, The Zeka Group Requests The City Deny Certification Of The EIR And All Discretionary Entitlements For The Ranch Project.

The Zeka Group urges the Planning Commission to recommend that the City Council deny certification of the Environmental Impact Report ("EIR"), and to deny the applications for discretionary entitlements for Richland Planned Communities' proposed residential development, known as "The Ranch" ("Project"). As currently proposed, the Project would consist of a master planned residential community with 1,177 residential units on 253.50 acres of a 551.50-acre site in the City of Antioch's ("City") western Sand Creek Focus Area.

As we will explain in further detail below, the City has prepared a substantially defective EIR that fails to comply with the requirements of the California Environmental Quality Act ("CEQA;" Pub. Resources Code, § 21000 et seq.) and the State CEQA Guidelines ("Guidelines;" Cal. Code Regs., tit. 14, § 15000 et seq.). The EIR fails to disclose, evaluate, and mitigate direct, indirect, and cumulative Project impacts on the environment and on human beings. Furthermore, the proposed General Plan amendment and rezoning constitute impermissible spot zoning.

4

Given the Project's scale, intensity, and projected lifespan, it is imperative for the City to take this opportunity to correct the serious deficiencies in this Project's environmental review. The Project will dramatically re-shape Antioch for generations to come, and it is crucial that the this City's leaders adequately inform its residents of the Project's environmental effects. At the very least, this City should recirculate the Project's EIR to allow the public the meaningfully comment on significant, new information that has been presented to the City following the circulation of the Draft EIR, including The Zeka Group's development project.

1. Background Regarding The Ranch Project

As noted above, the Project would construct nearly 1200 residential units on largely undeveloped land in the City's Sand Creek Focus Area. Under the City's General Plan, the Project site is designated as "Golf Course Community/Senior Housing/Open Space," "Hillside and Estate Residential," and "Public/Quasi Public." (See EIR at p. 2-2.) In addition to the residential housing, the Project would also construct a 5.00-acre "Village Center" with commercial, office, and retail space. (See *id.* at p. 2-5.) Residential uses would cover

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approximately 46 percent of the total project site. (*Ibid.*) To carry out this project, the developers and project proponents seek a range of discretionary entitlements, including General Plan Amendments (map, text, Circulation Element, Housing Element), Zoning Code amendment, Master Development Plan, Design Review to adopt Design Guidelines, Resource Management Plan, and a Development Agreement.

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2. The Project's Environmental Impact Report Fails to Comply with CEQA and the State CEQA Guidelines.

"The EIR has been aptly described as the 'heart of CEQA.' [Citations.] . . . Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR 'protects not only the environment but also informed self-government.' [Citation.]" (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564, original emphasis.) "The foremost principle under CEQA is that the Legislature intended the act 'to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.' (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.)" (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390 ["*Laurel Heights*"].)

CEQA compliance "serve[s] an important purpose in helping to shape and inform [public officials'] exercise of discretion." (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 122.) To that end, "the public and decision-makers, for whom the EIR is prepared, should . . . have before them the basis for [EIR conclusions] so as to enable them to make an *independent, reasoned judgment*." (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831, emphasis added.) Even if City staff or the EIR drafters already know how the Project will impact the environment, to paraphrase *Laurel Heights*, "the critical point" is that the public and the City Council "must be equally informed." (47 Cal.3d at p. 404.) In other words, the EIR is a "document of accountability." (*Id.* at 392; *accord, Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1164-1165.)

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"[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA." [Citation.]" (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 88.) "CEQA is enforced with powerful remedies to ensure that the review process is completed appropriately and the various findings are made before projects go forward. Litigants, including members of the public, may apply to courts to order agencies to void, either in whole or in part 'any determination, finding, or decision . . . made without compliance' with CEQA. [Citations.]" (*Friends of the Eel River v. North Coast Railroad Authority* (2017) 3 Cal.5th 677, 713.)

To be adequate, an EIR must do more than disclose a project's environmental impacts; it must also meaningfully evaluate the level of environmental significance of such impacts. (*Poet, LLC v. State Air Resources Bd.* (2017) 12 Cal.App.5th 52, 64; see *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514-515 [an EIR must "reasonably describe the nature and magnitude of the adverse effect"]; Pub. Resources Code, § 21083, subd. (b).) This includes impacts that are "potentially" significant since CEQA defines "a significant environmental impact . . . as 'a substantial, or *potentially substantial*, adverse change in the environment.'" (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of*

Rancho Cordova (2007) 40 Cal.4th 412, 448 & fn. 17, original emphasis ["*Vineyard*"], quoting Pub. Resources Code, § 21068; see *also id.* at § 21100, subd. (d).)

While "perfection" isn't necessary, the EIR "must be 'prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.'" (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712, quoting Guidelines, § 15151.) "The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project." (*Vineyard, supra*, 40 Cal.4th at 442.)¹

As we will show in further detail below, many aspects of the EIR fall far short of the standards required by CEQA and the Guidelines.

a. Failure to Provide an Adequate and Stable Project Description

An EIR must provide a description of "the project's technical, economic, and environmental characteristics" (Guidelines § 15124, subd. (c).) "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.)

Here, the EIR provides an incomplete and inconsistent description of the physical development that would occur as part of the Project. Although the EIR provides a conceptual site plan that shows the general location of planned residential housing, parks, and the planned commercial development at the "Village Center" (see Draft EIR Exhibit 2-8 ["Site Plan"]), the EIR provides no details about the specific orientation, location, size, or layout of physical structures that would be constructed.² This a substantially defective project description that denies City decisionmakers and members of the public a meaningful opportunity to scrutinize the Project's environmental effects. Indeed, there is no way for members of the public or decisionmakers to determine whether structures will be oriented or clustered in a manner that will exacerbate effects on traffic, noise, geological hazards, or other aspects of the physical environment.

Courts have held that such extreme lack of specificity is a fatal legal error. In a decision published last year, for example, the Court of Appeal held that an EIR was defective because it did not "contain site plans, cross-sections, building elevations, or illustrative massing to show what buildings would be built, where they would be sited, what they would look like, and how many there would be." (*Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 19.) The EIR at issue here suffers from the exact same flaw.

¹ To enable government officials and the public to fully understand the environmental consequences of project approvals, and to further assure the public that those consequences have been taken into account, the EIR "must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made." (*Vineyard, supra*, 40 Cal.4th at 449-450.)

² The site plans in the Draft EIR and Final EIR also indicate that a portion of the "Village Center" will be constructed *outside* the boundary of the Project site. The Project description should be revised to show the correct Project boundaries. We also note that portions of the EIR sometimes refer to the conceptual site plan as "Exhibit 2-6" in the Draft EIR rather than "Exhibit 2-8" (see, e.g., Draft EIR at p. 3.10-8).

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To make matters worse, the site plan at Exhibit 2-8 is also inconsistent with similar site plans shown later in the EIR. For example, Exhibit 3.14-20 shows a different orientation and alignment for the roads south of Sand Creek Road on the eastern portion of the Project site. Exhibit 2-8 shows the roads bisecting Sand Creek Road, while Exhibit 3.14-20 shows a road that runs parallel to Sand Creek Road but ends in a *cul de sac*. The location of the medium density residential development is also inconsistent. Furthermore, Attachment A to Appendix D shows a separate conceptual site plan without any road south of Sand Creek Road (Sand Creek Road is labelled "Dallas Creek Road" in this version of the conceptual site plan). The inconsistencies were neither corrected nor clarified in the Final EIR.

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These inconsistent disclosures and descriptions undermine and frustrate the EIR's ability to accurately assess the full extent of environmental impacts. For example, the Biological Resources Assessment assumes that there will be no new road to the south of Sand Creek Road on the eastern portion of the project site, and based on that assumption, the EIR shows that the "impacted area" for biological resources only extends to the edge of the medium density residential development, rather than the edge of the new road (which would be located south of the medium density residential development).

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Many key questions about the Project's scope, layout, design, and operation remain unanswered. These questions include (but are not limited to) the following:

- What are the specific heights of new physical structures at the project site?³
- What types of building materials will be used, and what are the roofing materials?
- Will there be any illuminated signage at the Project site?
- Where (specifically) will on-street parking be located, and how will residents access off-street parking from the new roadways?
- Where (specifically) will signalized pedestrian and bicycle crossings be located?
- To what extent will retail spaces be affordable to low- and moderate-income members of the public?
- Will there be a specific location for taxis and ridesharing services to queue outside of the Village Center?
- What species of street trees will be selected for inclusion at the Project site, and where will those specific trees be located?

10

The EIR also fails to provide a stable project description. In last-minute errata published in the final EIR, the project description was amended to include a new description of "Open Space Uses" at the project site. (See Final EIR at p. 3-24.) The errata now discloses, for the first time, that the trail system "will be located well outside the 125-foot set back from centerline of Sand Creek (on both sides)." (*Ibid.*) But this disclosure conflicts with prior disclosures (and site illustrations) that show a trail passing across Sand Creek in the southeastern portion of the Project site. (See Draft EIR Exhibit 2-10.) This change in the project description is significant new information, as it could substantially change the scope of impacts to environmental resources (including, among other things, biological and hydrological resources).

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³ Leaving this question unanswered will make it difficult to determine aesthetic impacts.

The changes to the project description in the final EIR also reveal, for the first time, that "trails will be lined with post and cable (or other suitable) fencing and signage (all subject to regulatory approvals from the resource agencies) to keep people and pets out of the sensitive open space area." (See Final EIR at p. 3-24.) Again, this is significant new information, as it will likely impede the effectiveness of mitigation measures that are specifically designed to facilitate wildlife movement across preserved areas of the Project site. In fact, the Draft EIR's conclusions regarding impacts to biological resources *assume* that the Project will not have cumulatively significant impacts on wildlife movement corridors because no exclusionary fencing will be installed at the project site. (See Draft EIR at p. 3.4-77 ["MM BIO-4 would prohibit any exclusionary fencing from being installed along the creek corridor which could prohibit migration throughout the open space corridor provided."].) The EIR should be revised and recirculated to correct this contradiction.

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Ultimately, the changes to the Project description and other new significant information in the final EIR necessitate recirculation. Under CEQA, if a Public Agency makes significant changes to an EIR after the close of the public comment period, the EIR must be recirculated to allow the public and other public agencies a meaningful opportunity to comment on the EIR. (See Guidelines § 15088.5, subds. (a) & (b).)

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b. Failure to Provide an Adequate Description of the Project's Environmental Setting

"An EIR must include a description of the physical environmental conditions in the vicinity of the project This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." (Guidelines § 15125, subd. (a).) "Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project." (*Id.* at subd. (c).) Here, the EIR fails to provide a legally adequate description of the Project's environmental setting.

In its discussion of a project's environmental setting, an EIR must disclose the existence of related projects. An EIR must do so to account for the fact that "[t]he possible effects of a project [may be] individually limited but cumulatively considerable." (Pub. Resources Code, § 21083, subd. (b)(2).) Consequently, an EIR must discuss cumulative, incremental impacts caused by a project when effects are combined with the effects of other, closely related past, present, and reasonably foreseeable future projects. (*Id.*; see *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647,682; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721 [EIR held inadequate where it "improperly focused upon the individual project's relative effects and omitted facts relevant to an analysis of the collective effect this and other sources will have upon air quality"].)

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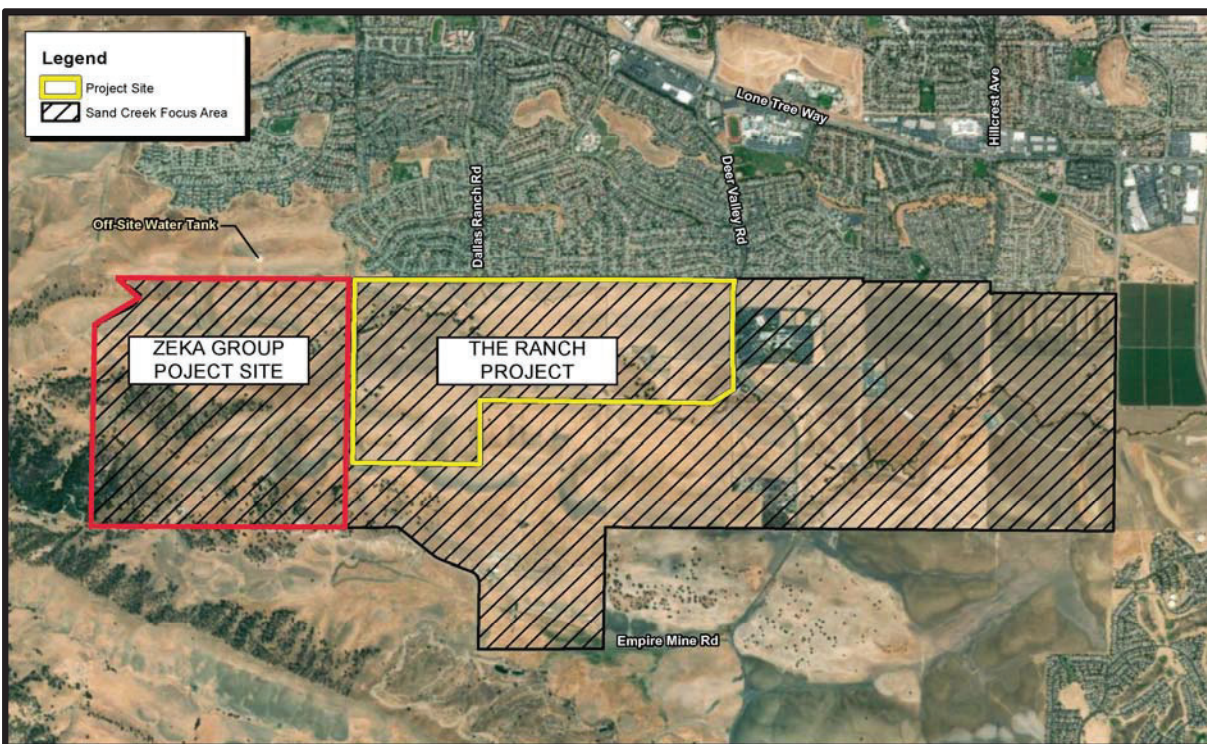
Here, the EIR states that the Project site is adjacent to "undeveloped land and Empire Mine Road to the west." (Draft EIR at p. 2-1; see *also id.* at p. 2-4 [site is bordered by "a continuation of undeveloped Sand Creek Focus Area land to the west"].) The EIR completely omits the fact that the Zeka Group has submitted a preliminary application to construct a new residential project at its 640-acre Zeka Ranch property, which is located immediately adjacent of the Project site on the western side of Empire Mine Road (a map showing the relative location of the Zeka Group's project and Richland Planned Communities' Project is included below as "Figure 1"). The City and Richland Planned Communities have been aware of this proposed

Milanka Schneiderman, Chair
Antioch Planning Commission
June 30, 2020
Page 7

development for years, and the complete omission of this project from the environmental setting fundamentally undermines the adequacy of the EIR's disclosures. The City had an opportunity to correct this omission in the final EIR when it updated the table of related projects, but it failed to do so. (See Final EIR at p. 3-26.)

The complete omission of information about the Zeka Group's project frustrates the EIR's ability to accurately disclose and analyze cumulative environmental impacts. Furthermore, because the new residential housing units at the Zeka Project will be considered sensitive receptors for certain impacts (e.g. air quality, noise; see Draft EIR at p. 3.3-15 [discussing the definition of sensitive receptors]), the EIR fails to disclose and mitigate the full extent and severity of the Project's environmental impacts. At the very least, now that the City has been made aware of the existence of the Zeka Group's project, the EIR should be revised and recirculated to address this significant new information. (See Guidelines § 15088.5, subds. (a) & (b).)

Figure 1: Location of Zeka Group Project Site



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CONT

c. Failure to Disclose, Evaluate, and Mitigate Impacts to Air Quality

As noted above, the EIR completely omits any disclosure of impacts to sensitive receptors at the planned residential housing located at the Zeka Group's project west of Empire Mine Road. By failing to provide any information about the direct, indirect, and cumulative air quality impacts to these sources, it is impossible to formulate meaningful mitigation measures that will adequately protect or minimize impacts to human beings at these residential buildings. (See Pub. Resources Code, § 21081.) This omission also downplays the severity of cumulative impacts on humans living and working in other locations, and additional mitigation will likely be required to offset these cumulative impacts.

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d. Failure to Disclose, Evaluate, and Mitigate Impacts to Biological Resources

As noted above, the Draft EIR's conclusions regarding impacts to biological resources assume that the Project will not have cumulatively significant impacts on wildlife movement corridors because no exclusionary fencing will be installed at the project site. (See Draft EIR at p. 3.4-77 ["MM BIO-4 would prohibit any exclusionary fencing from being installed along the creek corridor which could prohibit migration throughout the open space corridor provided."].) But in the final EIR, the project description was modified so that "trails will be lined with post and cable (or other suitable) fencing and signage (all subject to regulatory approvals from the resource agencies) to keep people and pets out of the sensitive open space area." (See Final EIR at p. 3-24.) This fencing is an exclusionary barrier that will prevent wildlife from moving across the creek corridor, and we can therefore assume that MM BIO-4 will be ineffective.⁴

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e. Failure to Disclose, Evaluate, and Mitigate Impacts to Cultural and Tribal Resources

In the final EIR, after receiving recommendations from the Wilson Rancheria, the City updated its mitigation measures for impacts to cultural and tribal resources. (See Final EIR at pp. 2-69 to 2-72.) However, the proposed mitigation is impermissibly vague and lacks performance standards and guidelines that will ensure they will be effective. For example, in MM CUL-2, a qualified archeologist will only "prepare and implement a research design and archaeological data recovery plan" *after* resources are discovered. (See Final EIR at pp. 2-70 to 2-71.) This plan should be developed and disclosed now so that decisionmakers and members of the public can reasonably assess whether it will function as effective mitigation.

In *Save the Agoura Cornell Knoll*, the Court of Appeal held that similar mitigation measures were defective. The court wrote:

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"[The mitigation measure] simply provides a generalized list of measures to be undertaken by a qualified archaeologist and Native American monitor, but it does not set forth any performance standards or guidelines to ensure that these measures will be effective. For instance, the program calls for the future 'preparation of a technical report' that 'shall include a mitigation monitoring and reporting plan.' Yet the [CEQA document] does not explain how the undefined monitoring and reporting plan would mitigate the potentially significant effects on the site's cultural resources, nor does it specify any criteria for evaluating the efficacy of that plan. There is also no indication in the record that it was impractical or infeasible for the City to articulate specific performance criteria for these data recovery measures at the time of project approval."

(46 Cal.App.5th 665, 688.) Indeed, in our present case, the City has provided no evidence to show that the preparation of a research design and archaeological data recovery plan is infeasible or impractical at this time.

⁴ The EIR also completely fails to disclose, evaluate, and mitigate the ways in which the presence of pets on trails and in residential housing will impact the distribution or viability of biological resources in and around the Project site.

f. Failure to Disclose, Evaluate, and Mitigate Impacts to Geology and Soils

Although "the majority of slopes in the southwest corner of the City are considered unstable or moderately unstable" (Draft EIR at p. 3.6-9), the EIR fails to provide detailed and specific grading plans. Without these grading plans, it is impossible for decisionmakers and members of the public to substantiate and scrutinize the EIR's conclusion that "the potential for lateral spreading, landslide, subsidence, and liquefaction is low to negligible" at the Project site. (See Draft EIR at p. 3.6-20.)

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Additionally, like the proposed mitigation measures for impacts to cultural and tribal resources, the City's proposed mitigation for paleontological resources also impermissibly defers creation of performance standards and guidelines. Specifically, MM GEO-3 requires "the creation and implementation of a paleontological monitoring program" in the future. (Draft EIR at p. 3.6-22.) Again, the City has provided no evidence to show that the preparation of a paleontological monitoring program is infeasible or impractical at this time.

g. Failure to Disclose, Evaluate, and Mitigate Impacts to Hazards, Hazardous Materials, and Wildfires

Once again, the City has impermissibly deferred formation of performance standards and guidelines for its mitigation measures. Specifically, mitigation measure MM HAZ-2f "requires a Soil Management Plan ["SMP"] to be prepared to address potential impacted soil within the single-family residence structure" (see Draft EIR at p. 3.8-27), but the City has provided no evidence to show that the preparation of the SMP is infeasible or impractical at this time.

The EIR also fails to disclose how sensitive receptors (i.e. residential housing) at the adjacent Zeka Group project will be impacted by exposure to hazardous materials and substances during phased construction. Without this information, it is impossible to determine whether the Project will "impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan" (impact HAZ-6) or "expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires" (impact HAZ-7). The absence of these disclosures is especially relevant and prejudicial because the portion of the Project that is closest to the Zeka Group's project (the "South of Sand Creek Development Area") will be built during the final phase of construction ("Phase 3"), which won't even begin until Spring 2027, at the earliest. (See Draft EIR at p. 2-39 and Exhibit 2-9.)

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Finally, the EIR fails to provide any details about the specific location of emergency ingress and egress points for residents and emergency service providers (see Draft EIR at pp. 3.8-32 to 3.8-34 [the EIR notes that access points "would be provided" but fails to identify exact locations].) Without these disclosures, it is impossible to determine the severity of impacts related to wildfire hazards.

h. Failure to Disclose, Evaluate, and Mitigate Impacts to Hydrology and Water Quality

The EIR's disclosures, analyses, and proposed mitigation for hydrology and water quality impacts are severely deficient. Errors include, but are not limited to, the following:

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i. Inconsistent Description of Impacts Caused by Increased Impervious Surfaces

The EIR's disclosures regarding hydrologic and water quality impacts contain a number of contradictory statements. On one hand, the EIR states that the Project "would not result in exceedance of storm drain capacity or create additional sources of runoff." (Draft EIR at p. 3.9-25.) Later, the EIR discloses that the Project "involves a total net increase of 7,731,723 square feet of new of impervious surfaces compared to existing conditions" and that the addition of these new impervious surfaces "could increase stormwater runoff rates and volumes." (*Id.* at p. 3.9-26.) This inconsistency should be clarified.

ii. Failure to Provide Legally Adequate Mitigation

The EIR also fails to provide a meaningful and specific plan for mitigating erosion and stormwater impacts in the preserve in and around Sand Creek. The EIR discloses that increased impervious surfaces will increase these impacts: "[E]roded soils and pollutants could enter storm drainage systems and enter Sand Creek, increasing sedimentation and degrading downstream water quality." (Draft EIR p. 3.9-18) The EIR also notes that "the proposed project would result in an increase of impervious surfaces on the project site and in turn generate stormwater runoff, which may carry pollutants such as pesticides, fertilizers, and deposits of fluids and metals from motor vehicles into Sand Creek or allow seepage of such pollutants into the associated groundwater table." (*Id.* at p. 3.9-19.)⁵ To mitigate these impacts, the EIR proposes to construct five drainage management areas ("DMAs") where stormwater would be conveyed to bio-retention facilities. (See Draft EIR at p. 3.9-25.) But neither the EIR nor the stormwater control plan (included as "Appendix H" to the Draft EIR) provide any details about *how* stormwater will be conveyed or channelized or *where* of stormdrains and catchbasins will be located. Without this information, it is impossible for decisionmakers and members of the public to make informed decisions about proposed mitigation.

To complicate things further, the EIR discloses that stormwater facilities will be owned and managed by a future homeowners association ("HOA"), and the HOA will "provide a comprehensive Stormwater Control Operations and Maintenance Plan ["OMP"] to the City and County for review and approval prior to the issuance of any building permits." (Stormwater Control Plan at p. 14.) Deferring formulation of this OMP is improper. As the Court of Appeal explained in *Endangered Habitats League, Inc. v. County of Orange* (2005): "This is inadequate. No criteria or alternatives to be considered are set out. Rather, this mitigation measure does no more than require a report be prepared and followed, or allow approval by a county department without setting any standards." (131 Cal.App.4th 777, 794; see also CEQA Guidelines, § 15126.4, subd. (a)(1)(B).)

⁵ In their comments on the Draft EIR, the East Bay Chapter of the California Native Plant Society noted that the East Contra Costa County Habitat Conservation Plan requires local agencies to "divert urban runoff from [habitat] preserve boundaries" and that the EIR needs to provide a specific management plan for controlling stormwater runoff that will impact the preserve along Sand Creek. Their comment letter also noted that specific mitigation strategies are required by the City's General Plan. (See Policy 4.4.6.7t ["Adequate buffer areas adjacent to the top of banks along Sand Creek to protect sensitive plant and amphibian habitats and water quality shall be provided."].)

i. Failure to Disclose, Evaluate, and Mitigate Impacts to Human Health

When disclosing and assessing a project's environmental effects, an EIR must also assess "human health and safety." (*California Building Industry Assn. v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369,386; § 21083 (b)(3); see *San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356, 1372 [human health is among the many "environmental values" protected by CEQA and the Guidelines].) Additionally, "CEQA calls upon an agency to evaluate existing conditions in order to assess whether a project could exacerbate hazards that are already present." (*California Building Industry Assn.*, *supra*, 62 Cal.4th at p. 388.)

Here, although the EIR discusses impacts of ambient airborne pollutants on human health, the EIR fails to disclose, evaluate, or mitigate other adverse effects on human health. Likewise, the EIR fails to disclose, evaluate, or mitigate the ways in which Project impacts could exacerbate existing conditions on the Project site that adversely affect human health. For example, the EIR should have assessed (among other things):

- Whether the vegetation at the Project site could potentially serve as habitat for vermin or insects that act as disease vectors in the region;
- Whether traffic conflict between vehicles, pedestrians, bicycles, or other shared mobility devices create an unacceptable risk of injury;
- Whether (and the extent to which) Project traffic and circulation impacts may adversely affect the human health of drivers who are forced to spend more time in their cars while commuting to and from destinations;
- Whether (and the extent to which) Project noise and vibration impacts may adversely affect the health of residents and the Project site and in surrounding neighborhoods;⁶ and
- Whether (and the extent to which) light pollution from the project site may adversely affect human health.

By failing to disclose and assess these potential impacts, the City has abdicated its duty to formulate and provide feasible mitigation measures that could protect human health and safety.

j. Failure to Disclose, Evaluate, and Mitigate Impacts to Land Use

An "EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans." (CEQA Guidelines, § 15125, subd. (d).) Here, the EIR fails to adequately disclose, analyze, or mitigate project inconsistencies with respect to City and State land use policies, including elements of the General Plan.

"[T]he requirement of consistency is the linchpin of California's land use and development laws. It is the principle which infused the concept of planned growth with the force of law." (*Debottari v. City of Norco* (1985) 171 Cal.App.3d 1204,1213.) Our high court thus articulated the hierarchical consistency principle in *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52

⁶ See *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714,734 (significant impact caused by noise from temporary events at winery estate located near wildlife habitat established by studies indicating that noise may induce stress-related illness in mountain lions and bobcats, and their displacement from favored habitats)

Cal.3d 553: "[T]he keystone of regional planning is consistency - between the general plan, its internal elements, subordinate ordinances, and all derivative land-use decisions. [Citations.]" (*Id.* at 572-573; see Gov. Code, § 65567; *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184 ["permit action taken without compliance with the hierarchy of land use laws is ultra vires as to any defect implicated by the uses sought by the permit"]; *Save El Toro Assn. v. Days* (1977) 74 Cal.App.3d 64, 73.)

The EIR essentially assumes that new development will achieve General Plan consistency by amending the General Plan and General Plan maps to accommodate the proposed residential, commercial, and recreational uses that would be constructed at the Project site. (See Draft EIR at p. 3.10-22.) But the EIR fails to provide a map showing the proposed revisions to the General Plan, and it is therefore impossible to determine whether the orientation and alignment of new development at the Project site will be consistent with the General Plan. Nor does the EIR disclose, evaluate, or mitigate how the proposed General Plan amendments will cumulatively or indirectly impact other, neighboring projects in the area.

Finally, the EIR ignores inconsistencies with other aspects of the General Plan, including (among other things) requirements for roadways to "eliminate unnecessary vehicle travel, and to improve emergency response." (See General Plan § 4.4.3.2, subd. (e).)

k. Failure to Disclose, Evaluate, and Mitigate Impacts to Noise

As noted above, the EIR completely fails to disclose the presence of sensitive receptors at the adjacent Zeka Group project that will be constructed to the west of the Project site. By failing to do so, the EIR fails to accurately describe the severity and intensity of impacts from noise at the Project site. Indeed, it is highly likely that noise generated by construction equipment during "Phase 3" of construction (at the portion of the Project site closest to the Zeka Group project) will cause direct, significant impacts to sensitive receptors.

The EIR also fails to assess other types of feasible, meaningful mitigation that will reduce overall noise impacts, including (but not limited to) re-orienting or aligning the placement of structures at the Project site, reducing the scope of the Project, extending the time of construction periods to limit the hours of noise disturbances, and adding additional vegetation to screen noise from the Project site.

I. Failure to Disclose, Evaluate, and Mitigate Impacts to Public Services and Recreation

Here, the EIR ignores potentially feasible mitigation measures that would decrease new and additional burdens that the Project would place on emergency services in the area. These mitigation measures include (but are not limited to) re-orienting or aligning the placement of structures at the Project site, reducing the scope of the Project, extending the time of construction periods to limit the potential for multiple simultaneous workplace accidents, and incorporating alternative programs for community policing or public safety.

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m. Failure to Disclose, Evaluate, and Mitigate Impacts to Transportation and Circulation

Because the EIR completely omits any mention of the adjacent Zeka Group project to the west of Empire Mine Road, the EIR's analysis of traffic and circulation impacts ignore the cumulative effect of both these projects (and other related projects) on roadways and circulation systems in the area. In particular, the Project will need to offer additional fair-share mitigation that realistically and meaningfully addresses increased traffic congestion on Empire Mine Road, Dallas Ranch Road, and other impacted roadways in the area. The EIR's cumulative impact assessment will also need to address increased total public transit demands that will result from the construction of the Zeka Group's project.

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Additionally, the EIR completely fails to disclose, evaluate, or mitigate how the extension and orientation of Dallas Ranch Road towards the east (merging into Sand Creek Road) will impact traffic circulation and access to future residents at neighboring developments, including the Zeka Group's project. If Dallas Ranch Road is extended to the east, as proposed by this Project, additional burdens will be placed on other, parallel roads by individuals travelling to the Zeka Group project. These impacts should have been disclosed, evaluated, and mitigated in this Project's EIR. Effective mitigation will likely require reconfiguration of the Project site to allow traffic from Dallas Ranch Road to travel west.

Finally, as noted above, the EIR provides no information about the specific location of emergency ingress and egress points at the Project site. Without this information, it is impossible to determine whether the Project will provide inadequate emergency access. (See Draft EIR at p. 3.14-97.) Likewise, it is impossible to determine whether potential impacts are sufficiently mitigated. The EIR should be revised so that it maps and illustrates the specific locations of these emergency access points.

n. Failure to Disclose, Evaluate, and Mitigate Impacts to Utilities and Service Systems

The EIR's disclosures, analyses, and proposed mitigation for utilities and service system impacts are severely deficient. Surprisingly, the EIR provides no illustrations or diagrams that show the future location of utility systems (i.e. electrical, water, and wastewater lines and pipes). Nor does the EIR disclose the location of catchbasins that will direct wastewater and stormwater runoff to appropriate treatment facilities. Without this information, it is impossible to determine whether the siting or location of these systems will cause significant environmental impacts. Furthermore, it is crucial that the EIR mitigate cumulative impacts by ensuring that the alignment of utility systems accommodates the need for utility connections from related, neighboring projects in the area, including the Zeka Group's project.

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o. Failure to Disclose, Evaluate, and Mitigate Cumulative Impacts

CEQA and the Guidelines require EIRs to disclose and evaluate a project's cumulative impacts and lead agencies may not, *ipso jure*, equate individually minor effects with cumulatively minor effects. Rather, CEQA mandates "a finding that a project *may* have 'a significant effect on the environment' " where the "possible effects of a project are individually limited but cumulatively considerable." (Pub. Resources Code, § 21083, subd. (b), emphasis added; Guidelines, § 15065, subd. (a)(3).) "[C]umulatively considerable means that the incremental effects of an

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individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (Pub. Resources Code, § 21083, subd. (b)(2).)

Cumulative impacts may compound or increase other environmental impacts, and an EIR must inquire into and discuss the incremental impacts of a project, such as incremental water or air pollution, incremental demands on water supply and other public services, or habitat loss, when added to closely related past, present, and reasonably foreseeable probable future development projects taking place over a period of time. (Guidelines, §§ 15130, 15355, 15358; see *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 682; *Kings County Farm Bureau, supra*, 221 Cal.App.3d at p. 721.) "An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in [Guidelines] section 15065(a)(3)." (Guidelines, § 15130, subd. (a).)

Even when a combined cumulative impact associated with a project's incremental effect and the effects of other related projects is not significant, the EIR still must "briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR." (Guidelines, § 15130, subd. (a)(2).) "A Lead Agency shall identify facts and analysis supporting the lead agency's conclusion that the cumulative impact is less than significant." (*Ibid.*)

Here, the EIR's complete omission of any reference to the Zeka Group's project undermines the accuracy of the EIR's cumulative impact analyses in all subject areas. At the very least, the EIR should be recirculated to correct this significant error.

p. Failure to Disclose and Analyze a Reasonable Range of Project Alternatives

The EIR fails to assess a reasonable range of alternatives that reduce adverse impacts on sensitive receptors in the neighborhood, and it fails to assess alternatives that allow for the Project to direct road traffic and utility services toward the west, rather than the east. Furthermore, the analysis of Alternative 3 states that Alternative 3 would have fewer impacts on biological resources than the proposed Project, but the EIR does not disclose which aspects of the environmental impacts will be less significant than the Project. (Draft EIR at p. 6-17.) Without this information, it is impossible to determine whether Alternative 3 is substantially superior or only marginally superior than the proposed Project.

q. Failure to Provide Feasible Mitigation Measures and Impermissible Deferral of Mitigation

"A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures." (Pub. Resources Code, § 21081.6, subd. (b); see Guidelines, §§ 15091, subd. (d), 15126.4, subd. (a)(2).) When making the findings required by Public Resources Code section 21081, subdivision (a)(1), to the effect that changes have been required in or incorporated into a project, mitigating or avoiding each significant effect identified in the final EIR, "[t]he public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." (Pub. Resources Code, § 21081.6, subd. (a)(1).) "The reporting or monitoring program shall be designed to ensure compliance during project implementation." (*Id.*)

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Furthermore, because it has significant impacts even after mitigation, disapproval of the Project is required unless there are no feasible mitigation measures or alternatives, and specific benefits outweigh the significant impact. (Pub. Resources Code, § 21081.) That is because CEQA requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects. (Pub. Resources Code, § 21002; *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30,41.) The Legislature has stated:

"The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. . . . The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

(Pub. Resources Code, § 21002.) CEQA mandates that:

"Pursuant to the policy stated in [Public Resources Code] Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the Project is approved or carried out unless [¶] Specific economic, legal, social, technological, or other considerations. . . make infeasible the mitigation measures or alternatives identified in the environmental impact report."

(Pub. Resources Code § 21081.) The Guidelines that implement CEQA restate this requirement. (Guidelines, § 15091, subd. (a)(3).) Specifically, mitigation measures must be "required in, or incorporated into" the project. (Pub. Resources Code, § 21081, subd. (a)(I); *Federation of Hillside and Canyon Assoc. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252,1261.) Deferral of the analysis of the feasibility and adoption of mitigation measures violates CEQA. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296,306-308.) In this case, many of the mitigation measures are no more than a vague promise to "comply with the law." These measures do not meet CEQA's mandate for effective, enforceable mitigation measures, and it is a prejudicial abuse of discretion for the City to rely on same in approving the Project's discretionary entitlements.

3. The Proposed General Plan Amendment and Zone Change Constitute Impermissible Spot Zoning

" 'A spot zone results when a small parcel of land is subject to more or less restrictive zoning than surrounding properties.' " (*Foothill Communities Coalition v. County of Orange* (2014) 222 Cal.App.4th 1302, 1312, citing Hagman et al., Cal. Zoning Practice (Cont. Ed. Bar 1969) § 5.33, p. 152; italics omitted.) "[A]n amendment to a zoning ordinance that singles out a small parcel of land for a use different from that of the surrounding properties and for the benefit of the owner of the small parcel and to the detriment of other owners is spot zoning." (*Id.* at p. 1314.)

Here, the proposed General Plan amendment and proposed rezoning of the Project site provide benefits that uniquely favor the Project proponents. Those benefits are not provided to

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neighboring land uses. Therefore, the proposed General Plan amendments and rezoning constitute impermissible spot zoning.

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4. Conclusion

The proposed amendments to the City's General Plan text, General Plan Land Use Map, Circulation Element, and Housing Element to be discussed on July 1 at the Planning Commission are not consistent with Zeka Group's superior vested development rights, and cannot be approved as presented. Additionally, myriad aspects of The Ranch Project will need to be modified to be made consistent with Zeka Group's development plan. Accordingly, The Zeka Group requests that the Planning Commission continue the July 1 Planning Commission meeting, and revisit the necessary approvals for both The Ranch Project and The Zeka Group's project together once the material inconsistencies have been resolved. There is no reason to rush through this approval process. The development of the Sand Creek area is simply too consequential, and interested stakeholders cannot afford errors in its environmental review.⁷

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If the Planning Commission goes forward on July 1 as scheduled, Zeka Group urges the Planning Commission and the City to deny approval of the discretionary entitlements for the Project and to deny certification of the EIR. At the very least, the EIR should be recirculated to allow the public to comment on significant new information and new, feasible mitigation strategies that were provided after the Draft EIR was circulated for public review.

Very truly yours,



Andrew A. Bassak

cc: Thomas Lloyd Smith, Esq., Antioch City Attorney (via email only)
Forrest Ebbs, Community Development Director (via email only)
Derek Cole, Esq. (via email only)
Louisa Zee Kao, Zeka Ranch (via email only)
Kristina D. Lawson, Esq. (via email only)

⁷ Please note that this letter is not intended to provide a complete description of all errors in the EIR or proposed entitlements for the Project. We reserve the right to submit additional evidence and legal arguments in the future.

Hanson Bridgett (HANSON BRIDGETT)

Response to HANSON BRIDGETT-1

The comment is an introductory paragraph. No environmental issues or concerns raised. No response is required.

Response to HANSON BRIDGETT-2

This comment relates to the commenter’s SB 330 pre-application submitted on behalf of his client to the City for a new project to be located on the 640-acre site adjacent to The Ranch Project site (“Zeka pre-application”). The commenter describes the Zeka application and then contends the Zeka pre-application vests full rights to develop the Zeka property and further, that the proposed Ranch Project must be delayed and revised. These comments do not raise issues or concerns related to CEQA. Notwithstanding, the City notes that submittal of a pre-application under SB 330 only “vests” rights to the general and specific plan policies and zoning standards in effect at the time of submittal as a proposed project moves through entitlement. SB 330 does not vest any approvals or rights to develop without further discretionary review. Nothing about such limited “vesting” precludes, affects or inhibits the City’s ability to process and approve The Ranch Project.

Response to HANSON BRIDGETT-3

The commenter indicates the Planning Commission should continue its hearing date. This comment does not raise environmental questions or concerns. As such, no further response is required. Notwithstanding, the City acknowledges the request, but notes that nothing in the Zeka pre-application precludes the City from considering The Ranch Project as they are two completely unrelated and separate projects.

Response to HANSON BRIDGETT-4

The commenter generally describes The Ranch Project and existing General Plan designations on the project site. The commenter then requests that the City not certify the Final EIR and deny the requests for project approvals for The Ranch Project on the grounds that the EIR is allegedly inadequate, and further claiming that the proposed rezoning constitutes “spot zoning.” Detailed responses to all comments are provided below.

Response to HANSON BRIDGETT-5

This comment reiterates that the proposed project would construct 1,177 residential units and a 5-acre Village Center within the Sand Creek Focus Area, states the current land use designations for the project site, and the discretionary entitlements that are sought by the project Applicant. No environmental issues or concerns are raised and thus, no response is warranted under CEQA.

Response to HANSON BRIDGETT-6

This comment includes citations from various CEQA cases. No environmental issues or concerns specific to The Ranch Project Draft EIR are raised and thus, no response is warranted under CEQA.

Response to HANSON BRIDGETT-7

In this comment, the commenter claims the EIR does not contain a stable project description. Citing the *Stopthemillenniumhollywood.com v. City of Los Angeles* case (the “Millennium Case”), the basis for this claim is that “the EIR provides no details about the specific orientation, location, size, or layout of physical structures that would be constructed,” and that there can be no way for members

of the public or the decision makers to know the effects of the project on traffic, noise, and the like on the surrounding environment.

The Millennium Case involved a master land use permit application to the City of Los Angeles to construct a mixed-use development project with 492 homes, a luxury hotel, 100,000 square feet of office space, a sport club, commercial uses and retail. Unlike the previous 2008 application, which was abandoned, the 2011 application excluded any description or detail regarding what the developer intended to build. There was no indication of where the homes versus the hotel versus the spa or the retail would be located. There was no indication of how many buildings would be built, what their sizes would be, etc.

In stark contrast to the Millennium case, The Ranch Project proposal is extremely detailed. The Site Plan in Exhibit 2-8 of the Draft EIR very clearly and specifically illustrates where the homes will be constructed, where the roadways, parks, and open space will be located, where the fire station site is to be built, and where the Village Center will be located. It further contains a table specifying the number of each type of unit that will be constructed and on what size lots. Various exhibits and discussions throughout the Draft EIR analyze the impacts of constructing roundabouts at major intersections, locating the Village Center along Deer Valley, etc. In addition, the Master Development Plan and Design Guidelines, concurrently proposed for consideration and approval (and incorporated into the Draft EIR by reference) provide extensive detail regarding street layouts, architectural designs, building heights, and the like. Finally, the applicant prepared and presented a video simulation of the proposed project illustrating how the development will look at buildout. Accordingly, the project description is adequate under CEQA.

Response to HANSON BRIDGETT-8

The comment identifies a minor discrepancy between two exhibits in the Draft EIR (Exhibits 2-8 and 3.14-20). Exhibit 3.14-20 has been updated to remove the cul-de-sac and to reflect the flow of traffic through to Sand Creek Road. Fehr & Peers confirms that Exhibit 3.14-20 of the Draft EIR (Figure 22 in the transportation impact analysis) depicted an earlier version of the site plan and therefore did not depict the volumes for the turning movements at the intersection as proposed. However, Fehr & Peers also confirmed that the actual volumes used in the technical analysis were based on the correct site plan (Exhibit 2-8 of the Draft EIR) and therefore the turning movements and associated travel of vehicles through this intersection were accounted for in the transportation impact analysis and associated conclusions. Therefore, the correction to Exhibit 3.14-20 does not result in any change to the analysis or conclusions of the transportation analysis or the Draft EIR.

Response to HANSON BRIDGETT-9

The commenter states that “the Biological Resources Assessment assumes that there will be no road [sic] new road to the south of Sand Creek road on the eastern portion of the project site . . .” Two Biological Resource Assessments (“BRAs”) were prepared for the project – one in 2017 and one in 2019. Both are included as appendices to the Draft EIR, Appendix D.1, and D.2, respectively. The project proposes two creek crossings – one at Street B, in the middle of the site - and one (a pedestrian bridge) on the southwestern end of the site near Homestead Park. Both BRAs identify these Sand Creek crossings. Additionally, the Biological Resources Section of the Draft EIR (Section 3.4) (Biological Resources) identifies and analyzes the creek crossing impact areas. For instance, the

impacts illustrated in Exhibit 3.4-7 (Impacts to Special Status Plants), Exhibit 3.4-8 (Vegetation Communities Impacts), and Exhibit 3.4-9 (Aquatic Resources Impacts) were detailed in Chapter 2 (Project Description) and studied in Impacts BIO-1 and BIO-3, specifically.

Response to HANSON BRIDGETT-10

In this comment, the commenter asks numerous questions about the project’s scope, layout, and design. While tentative maps are not proposed at this time, these questions are answered either in the Draft EIR itself, or in the Appendices thereto, or documents incorporated by reference. For instance, the height and set back of structures and widths of lots is included in the Planned Development included in Appendix B. Residential rooftops will vary between 28 and 40 feet in height, whereas the commercial buildings can be as tall as 50 feet. Building and roofing materials, as well as landscaping are detailed in the Development Standards and Design Guidelines. The Aesthetics Section of the Draft EIR (Section 3.1) provides visual simulations of the project site before and after development, and indicates that normal suburban illumination such as streetlights, home porch lights, car headlights, and commercial signs will occur in accordance with the City’s lighting standards. Impact Trans-8 of the Draft EIR (Section 3.14, Transportation) addresses pedestrian and bicycle crossings, as well as public transit, taxi and rideshare services. Parking will be required to comply with the City’s parking ordinance.

Response to HANSON BRIDGETT-11

The commenter states that a new exhibit in the Final EIR (Exhibit 3.4-11) changes the location of the trail system along Sand Creek. In fact, that is not the case. The trails will be located in the same exact locations as originally proposed and shown on Exhibit 2-10, and will remain within the open space designation. Exhibit 3.4-11 was prepared to clarify that the trails will be located outside of the recommended 125-foot setback from the centerline of Sand Creek. The exhibit was further refined to clearly delineate the location of each type of trail within the project site. Finally, renaming some of the passive open space to preserve open space on the project site could not and does not have any significant *adverse* environmental impacts to biological or hydrological resources.

Response to HANSON BRIDGETT-12

The commenter indicates that clarifications regarding the allowed fencing of preserve areas is “significant new information” that will “impede the effectiveness of mitigation measures designed to facilitate wildlife movement.” As the commenter acknowledges, however, the new verbiage makes clear that “other suitable fencing and signage” will be “subject to regulatory approvals from the resource agencies.” The resource agencies enforce laws and regulations to protect biological resources. Thus, the addition of the language “subject to regulatory approvals from the resource agencies” ensures that no new significant impacts will occur to protected plant or wildlife species due to the use of a different type of suitable fencing.

Response to HANSON BRIDGETT-13

The commenter states that the EIR must be recirculated due to new significant information in the Final EIR. No recirculation is required in this instance. All of the revisions in the Final EIR simply provide further explanation on a topic, correct minor discrepancies, clarify illustrations, or cure typographical errors or inadvertent omissions. As illustrated in the responses to comments above,

none of the elements of CEQA Guidelines Section 15088.5 have been triggered; thus, no recirculation is required.

Response to HANSON BRIDGETT-14

The commenter alleges that the Draft EIR fails to provide an adequate environmental setting because it does not identify the proposed SB 330 pre-application on the Zeka property, adjacent to the project site. CEQA Guidelines Section 15125, subd. (a) provides in pertinent part as follows:

An EIR must include a description of the **physical environmental conditions** in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which the lead agency determines whether an impact is significant.

- (1) Generally, the lead agency should describe **physical environmental conditions as they exist at the time the notice of preparation is published**, at the time environmental analysis is commenced, from both a local and regional perspective. [Omitted.] In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.
- (2) [Omitted.]
- (3) An existing conditions baseline shall not include hypothetical conditions, such as those that **might** be allowed, but have never actually occurred, under existing permits or plans, as the baseline. [Emphasis added.]

The City describes the Zeka property in the Draft EIR's environmental setting only as "undeveloped land." This is an accurate reflection of the property both historically, and at present. SB 330 does not require otherwise. The fact that Zeka has submitted a pre-application under SB 330 on June 23, 2020, has no bearing on the *existing* physical attributes of the proposed project. Currently, no development exists on the site, and there is no zoning on the site. Just like The Ranch, Zeka will be required to submit a Master Development Plan, Planned Development, among other things, and undergo CEQA review. Assuming what project may be approved at some point in the future is purely speculative at this time. Notwithstanding, because the City's General Plan has designated portions of the Zeka site for low density residential development, the cumulative impact analyses in The Ranch Project Draft EIR conservatively assumes development on the Zeka property consistent with its current designations, and includes those background numbers in its analyses. Thus, the commenter's assumption that the Draft EIR does not accurately analyze cumulative impacts is incorrect.

Response to HANSON BRIDGETT-15

Similar to the comment above, the commenter states that the Draft EIR does not disclose air quality impacts to future sensitive receptors on the Zeka site. As noted in Response to Comment 14, above, the Zeka site is currently undeveloped and there are no existing project entitlements to develop the site; the location of any future project is purely speculative at this time. Notwithstanding, The Ranch Project EIR has conservatively considered the potential buildout of the Zeka site in accordance with the existing land use designations on the site in its cumulative impact analyses. As discussed in Response to Comment 19, future residents on the Zeka site would be more than 500-feet from

construction activities on The Ranch site. The three MIR's analyzed in Impact AIR-3 of the EIR would all be within 200 feet of proposed on-site construction activities. Thus, any impacts on future residents on the Zeka site are expected to be less than the impacts to the MIR's that were already analyzed in the EIR at much closer distances than future residents of the Zeka site. In any event, the commenter does not indicate that future residents on the Zeka site would endure different construction impacts than those in other surrounding areas. Nothing further is required under CEQA.

Response to HANSON BRIDGETT-16

The commenter indicates the Draft EIR's conclusion regarding no cumulative significant impacts on wildlife movement corridors is flawed. The Draft EIR correctly states that, "MM BIO-4 would prohibit any exclusionary fencing from being installed along the creek corridor which could prohibit migration throughout the open space corridor provided." (Draft EIR, page 3.4-77). The commenter has failed to provide any substantial evidence that this cannot be accomplished. The fact that the Final EIR has clarified that trails will be lined with post and cable "or other suitable fencing" subject to regulatory approvals is not evidence that there will be exclusionary fencing that will cut off wildlife corridors. The edit and correction was made to comport with the BRA and Resource Management Plan, and will be fully protective of the corridors, consistent with MM BIO-4.

Response to HANSON BRIDGETT-17

The commenter states that edits made to the cultural resource mitigation measures (MM CUL-2) are vague and lack performance standards. The commenter seems unaware that detailed cultural resources studies and analyses have been conducted on the project site (see Appendix E) and the proposed project has been designed to avoid areas where historical resources have been discovered. Further, the commenter appears unaware of the fact that no evidence of Native American resources has been uncovered. The commenter complains that MM CUL-2 is inadequate, but neither requests nor provides specific, alternative mitigation language. Notably, the revised mitigation measure in question was requested by the Wilton Rancheria and requires, in pertinent part, to address what will occur if and when a Native American resource is discovered during construction. It states in pertinent part as follows:

If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.

The Archeologist shall also perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Antioch, the Northwest Information Center (NWIC), and the California Office of Historic Preservation (OHP). (Final EIR, page 2-71).

This mitigation measure ensures that Native American consultation (which largely dictates what specific measures will be taken with regard to the resources) will occur in the unlikely event a Native American resource is uncovered during construction. Nevertheless, to assuage the commenter's concern regarding all potential archeological resources, the second paragraph (above) has been revised in the Final EIR as follows:

The Archaeologist shall also perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, and provide for the permanent curation of the recovered resources. Specifically, treatment of unique archaeological resources shall follow the applicable requirements of Public Resources Code Section 21083.2. Treatment for most resources could, but shall not be limited to, sample excavation, artifact collection, site documentation, and historical research with the aim to target the recovery of important scientific data contained in the portions of the significant resource to be impacted by the project. The report shall be submitted to the City of Antioch, the Northwest Information Center (NWIC), and the California Office of Historic Preservation (OHP).

As indicated above, the project Applicant has surveyed the project site on numerous occasions for cultural, historical, and archeological resources. The results of those surveys are contained in Appendix E. Based on those studies, there is clear substantial evidence in the record to support the proposed mitigation measures and there is no reason to suspect any resources (other than those already uncovered and fully avoided by the project) will be uncovered. However, even if they are, revised MM CUL-2 will adequately mitigate any impacts to the precious resources.

Response to HANSON BRIDGETT-18

The commenter alleges that without detailed grading plans, it would be impossible for decision makers and the public to understand impacts to geology and soils, and further that the proposed mitigation for paleontological resources is inadequate. Both these claims are incorrect. With regard to the study of geology and soils, a geotechnical exploration of the project site occurred in September 2018. A report was prepared by a qualified Geologist and submitted to the City (Appendix F). The report indicates there is a low potential for liquefaction during a seismic event. Additionally, a conceptual grading plan is proposed and illustrated in Section 3.10 of the Master Development Plan. Notably, it is unheard of for a jurisdiction to require detailed grading plans *prior* to final mapping of a project. Typically, such grading and improvement plans are conditions of approval placed on a tentative map. The same will be done here, consistent with the City's policies and standards. Thus, there is no question the decision makers and the public have sufficient information – supported by substantial evidence – with which to consider the impacts of the proposed project on geology and soils. With regard to the claim that the City has no evidence with which to support a deferred paleontological monitoring program, this too is incorrect. A paleontological records search for the project site was conducted, and a report was prepared by a qualified Paleontologist in June 2019. This report has been submitted to the City and is also included in Appendix F. As noted in the report, no evidence of paleontological resources was identified, and thus, no plan is required. However, out of an abundance of caution, MM GEO-3 requires – if and when – an unexpected resource is uncovered, a full plan will be compiled “in accordance with the Society of Vertebrate Paleontology Guidelines.” (Draft EIR, page 3.6-23). Such Guidelines are extremely detailed and provide clear performance standards on what should be included in such a plan. Because they exceed 10 pages in length, they are incorporated by the reference in the Draft EIR, but also, can be easily obtained through a Google search on the internet or upon request to the City.

Response to HANSON BRIDGETT-19

Referencing MM HAZ-2f, the commenter states that the City has failed to provide evidence that a Soil Management Plan should not be provided prior to project approval. MM HAZ-2f does not require a Soil Management Plan be prepared. Rather, the mitigation measure requires a Phase II Environmental Site Assessment (Phase II ESA) be prepared by a certified Soils Engineer prior to issuance of a grading permit. It is industry standard for Phase II ESAs to be conducted after project approval and prior to the issuance of a grading permit. The commenter has not provided any evidence to the contrary.

The commenter also states that the Draft EIR should have considered how non-existent development on the Zeka property would be impacted by exposure to hazardous materials and substances during construction, and thus, it is impossible to determine whether the proposed project will have an impact on an emergency evacuation plan or expose people or structures to significant risk of loss, injury or death. As noted above, the Zeka property is currently undeveloped. While it has been designated for some low-density residential development, no entitlements for the Zeka property have been issued and speculating as to where development on the site might occur at this time would be speculative.

Notwithstanding, The Ranch Project proposes a 300-foot buffer between development and its western boundary, and beyond that is the Empire Mine Road, then the Zeka property. Accordingly, any development that may occur on the Zeka site in the future would be well outside of 500-feet. In any event, the commenter does not indicate that future residents on the Zeka site would endure different construction impacts than those in other surrounding areas. Impact HAZ-2 contains a detailed discussion of how and why on-site construction activities could create one or more significant hazards to the public or the environment (Draft EIR, page 3-8-28), and then outlines mitigation measures (MM HAZ-2a through MM HAZ-2f) to mitigate those potential impacts. Without a specified concern identified, no further analysis is required.

The comments relating to Impact HAZ-6 and emergency evacuation plans are similarly unsubstantiated. For one, as noted above, no development currently exists on the Zeka property, but perhaps more importantly, The Ranch Project does not propose emergency access through the Zeka site at any point. Thus, no analysis relating to the Zeka site is required. Furthermore, contrary to the commenter's contention that "the EIR fails to provide any details about the specific location of emergency ingress and egress points, Exhibit 2-13, entitled Emergency Vehicle Access, clearly details these points of access. (The reference to Exhibit 2-14 on the bottom of Draft EIR page 3.8-32 is a typographical error, which has been corrected in the Final EIR Errata). As to a concern that the proposed Emergency Vehicle Access (EVA) have not been sufficiently studied or analyzed, the City notes that Exhibit 2-13 has been reviewed and discussed in detail with the Contra Costa Fire Department, and the Department has indicated no concerns regarding the proposed EVAs.

Response to HANSON BRIDGETT-20

The commenter states that the Draft EIR does not disclose, analyze or propose adequate mitigation related to hydrology and water quality impacts. First, the commenter asks that a perceived inconsistency related to stormwater runoff be clarified. The statements indicating that neither project construction nor project operation would result in additional sources of runoff are correct.

The Final EIR has been revised to address the commenter's concern related to inconsistency on page 3.9-25 of the Draft EIR as follows:

Erosion and Siltation

The project site is located in an urbanized area and primarily consists of pervious surfaces. Development of the project site would result in 7,731,723 square feet of new impervious surfaces compared to existing condition. ~~Thus, project operation could result in increased amounts of stormwater runoff that could cause the increased erosion of soils and carry pollutants into Sand Creek.~~

Next, the commenter questions how decision makers and members of the public can make an informed decision when it comes to how stormwater will be conveyed or channelized or where the detention basins will be located. Exhibit 3.9-2, entitled Project Site Stormwater Facilities, clearly outlines the location of the three detention basins – the Southern and Northern basins being located south of Sand Creek on the western portion of the project site, and the northeastern basins located in the northeast corner of the project site. The Project Description details that all storm drainpipes will be located within the roadways throughout the development and that stormwater runoff will be treated on-site by the stormwater detention basins. It also indicates how the stormwater will be discharged. The Stormwater Master Plan, included as Appendix H to the Draft EIR, clearly states that detention basins to the south of Sand Creek will discharge via two separate outfalls (one from each basin) to Sand Creek, and identifies those outfalls. The northeastern detention basin will be connected to an existing storm drain outfall that flows easterly. Additionally, Section 3.9 of the Master Development Plan (Fig. 3-7) illustrates the proposed sewer, water, and storm drainage infrastructure – including the proposed outfalls – for the project. Also, the BRA includes an analysis of the outfalls from the two detention basins south of Sand Creek (BRA, page 4–5). Finally, with respect to footnote 5 in the comment letter, The Ranch Project proposes the widest average creek corridor (averaging over 500 feet wide) of any development within Antioch and along Sand Creek to date. As shown on Exhibit 3.4-11 in the Final EIR, the minimum width of the creek corridor is 250 feet, and it is over 1,000 feet in other areas of the project. As such, the proposed project far exceeds any expectations regarding buffer areas along Sand Creek as required by Policy 4.4.6.7t.

The commenter's final comment alleges that allowing the Applicant to submit a storm drain management plan, subject to review and approval by the City and county prior to issuance of a building permit is deferred mitigation. This is simply not the case. The proposed project has been designed to incorporate all existing local, State, and federal stormwater regulations to ensure the highest level of water quality treatment over the entire project site. The storm drain management plan will reiterate all existing local, State, and federal water quality requirements.

Response to HANSON BRIDGETT-21

The commenter claims the Draft EIR must disclose "health and human impacts" of the project such as what vegetation at the site could serve as habitat for vectors, whether future residents will be negatively impacted having to sit in their cars for extended periods of time due to traffic, or whether future residents will be adversely affected by light pollution. None of these items are included on the CEQA checklist of issues to discuss in an EIR. This is largely because such "impacts" are purely

speculative. Importantly, the commenter provides no substantial evidence that any such impacts would – or even could – occur as a result of the proposed project.

With regard to the questions of noise and vibration and shared mobility impacts, the City refers the commenter to Impact NOI-2 (Vibration/Noise Levels) in Section 3.11 of the Draft EIR, and Impact TRANS-8 (Public Transit, Bicycles, Pedestrians) in Section 3.14 of the Draft EIR.

Response to HANSON BRIDGETT-22

This comment provides various citations to CEQA cases and addresses the project’s general plan consistency. Specifically, the commenter is concerned the EIR does not include a map showing the proposed revisions to the General Plan. In fact, two sections of the Draft EIR - Chapter 2 (Project Description) and Section 3.10 (Land Use) – provide existing and proposed General Plan land use maps (see Exhibits 2-4, 2-6, 3.10-1, and 3.10-3). Furthermore, Impact LAND-2 and Section 3.10-5 analyze in detail whether the proposed project would conflict with any applicable land use plans, policies, or regulations intended to avoid or mitigation an environmental effect(s) (Draft EIR, page 3.10-23). Notably, the proposed project is consistent with all key General Plan policies related to the Sand Creek Focus Area and ensures (through its design and the proposed Resource Management Plan) that key resources such as the Sand Creek Corridor, hillsides, aquatic resources, and sensitive natural habitat, are fully protected. It is also consistent with policies related to police and fire services as the proposed project will provide annual tax funds to support both police and fire services, as well as provide a much-needed fire station site in southern Antioch. Finally, the proposed project continues to include a majority of residential uses while incorporating the natural topography and habitats on the site, proposing the construction of a major arterial roadway to connect southwestern Antioch (i.e., Sand Creek Road extension – shortening emergency response times), providing key public services sites (i.e., the fire station), a Village Center to provide neighborhood commercial uses, as well as over 6 miles of public trails, 20 acres of parks, and a trail staging area with parking.

Response to HANSON BRIDGETT-23

The commenter claims the Draft EIR does not address noise impacts as they might relate to the Zeka project. For a detailed response related to noise impacts, please see Response to Comment HANSON BRIDGETT-7 and -21. In addition to previous claims raised, the commenter suggests additional mitigation measures be employed to reduce noise, including, re-orienting structures, reducing the scope of the project, extending the time for construction, and adding more vegetation to screen noise. Each of these proposed mitigation measures have been considered and deemed infeasible. See Alternatives, Chapter 6, for a discussion of reduced footprint and reduced density. Exact lotting has not yet been determined, however, orienting and aligning structures in the least impactful way possible will be considered during the tentative map process. Adding time to a construction period only extends other impacts related to air and traffic. In any event, the proposed project is required to comply with the City’s noise ordinance to limit hours of construction. Finally, there is no evidence to suggest that “adding additional vegetation” would “screen noise.” In fact, landscaping is known to be ineffective at screening noise.

Response to HANSON BRIDGETT-24

This comment indicates that the analysis of public services – mainly police and fire – ignores potentially feasible mitigation that would decrease burdens placed on such services by the proposed project. CEQA requires only that an agency analyze the *physical impacts* to police and fire facilities. A new fire station will be constructed on-site, and the impacts of that construction is discussed throughout the various impact analyses in the Draft EIR. As discussed above, the additional mitigation measures suggested in Response to Comment HANSON BRIDGETT-23 would not be feasible or reduce impacts to less than significant. No new police facilities are required or proposed to be constructed, thus, no mitigation is required.

Response to HANSON BRIDGETT-25

This comment states that because the EIR does not include mention of the Zeka Group project to the west of Empire Mine Road, the EIR's analysis of traffic and circulation impacts ignore the cumulative effect to this project and other related projects on roadways and circulation systems in the area. The comment states that the project will need to offer additional fair-share mitigation that addresses increased traffic congestion on Empire Mine Road, Dallas Ranch Road, and other impacted roadways. Further, the comment states that the cumulative analysis needs to address increased total public transit demands resulting from the Zeka Group project.

The comment states that the project fails to disclose, evaluate, or mitigate how the extension and orientation of Dallas Ranch Road towards the east will impact traffic circulation and access. Finally, the comment states that the EIR does not include information about the specific location of emergency ingress and egress points at the project site. The comment suggests that the EIR should be revised to include maps that illustrate specific locations of the emergency access points.

Cumulative traffic forecasts presented the EIR were developed based on the Contra Costa Transportation Authority travel behavior model that includes buildout assumptions for the City of Antioch, as presented in the General Plan EIR, which included substantial development within the Sand Creek Focus Area, including nearly 2,000 residential units and nearly 4 million square feet of commercial, office, and business park development. As noted in the EIR, some modification were made to the land use assumptions within the model to better reflect planned and pending projects, as documented in the administrative draft Antioch Transportation Impact Fee, as well as future projections from the City of Brentwood Priority Area 1 Specific Plan EIR, June 2018, and projections developed as part of the Aviano and Vineyards at Sand Creek transportation impact studies. The resulting cumulative forecasts reflect a conservative yet realistic assumption of development in the area, including development of the Zeka site, that is reflected in the discussion of cumulative transportation, air quality, and noise impacts, including an evaluation of potential cumulative transportation impacts to area roadways including Dallas Ranch Road. Empire Mine Road was not evaluated as part of this study as the project as planned is not expected to add traffic to Empire Mine Road.

The effect that an individual project has on demand for transit is not considered as a CEQA threshold. Transit service that is provided in the study area is expected to change over time as projects develop, and demand for transit travel changes in the area. A transit impact in the area could be identified if *“a project interferes with existing transit facilities or precludes the construction*

of planned transit facilities". Any environmental review of the Zeka project would need to independently assess the potential for the Zeka project to impact transit.

The analysis results presented in the EIR considered the extension of Dallas Ranch Road from its current terminus, connecting to Sand Creek Road. This extension is being constructed to provide two vehicular travel lanes in each direction, for a total of four travel lanes. Analysis results show that the intersections along Dallas Road at project buildout in the cumulative condition would operate well within the City's level of service standards as both a two lane roadway and the proposed four lane roadway. It is not clear how additional travel demands would be placed on other roadways if the primary roadway that provides access to The Ranch (Dallas Ranch Road) operates well within the capacity. Based on the proposed roadway network serving The Ranch, access from Empire Mine Road is not planned to serve the project nor is it needed; therefore, it is unclear how the proposed project would result in traffic congestion on Empire Mine Road. Any extension of Dallas Ranch Road to the west would solely be to serve the Zeka project and would not provide benefit to the proposed project; nor is it needed to mitigate transportation impacts of the proposed project.

Regarding emergency ingress and egress points, Exhibit 2-13 from the Draft EIR shows the access points at Deer Valley Road and Dallas Ranch Road. The analysis of emergency vehicle access in the Draft EIR assumed these connections. Additionally, the Contra Costa Fire Protection District has reviewed the site plan and deemed emergency access to be sufficient.

Response to HANSON BRIDGETT-26

The commenter asserts that the Draft EIR fails to disclose and analyze wet and dry utilities. This is incorrect. Section 3.15 of the Draft EIR, entitled Utilities and Service Systems, includes impact statements relating to water, wastewater, and stormwater facilities, telecommunications, electricity and natural gas, wastewater capacity, and landfill capacity. Please see Response to Comment CVRWQCB-2, EBCNPS-5, and HANSON BRIDGETT-20, above, regarding stormwater runoff facilities. A detailed description of the electrical, water, and wastewater infrastructure is outlined in Chapter 2 (Project Description) of the Draft EIR. Similarly, Impact UTIL-1 discusses and analyzes the construction of new wet and dry infrastructure facilities. While no infrastructure illustrations are included in Section 3.15, the discussion makes clear that all new pipelines will be installed in the new roadways that get constructed. Further, there are numerous illustrations included in both the Master Development Plan and Development Design Guidelines. The City notes that all new utilities will be connected to existing infrastructure.

Response to HANSON BRIDGETT-27

The commenter recites various case law pertaining to cumulative impacts as required by CEQA, and the indicates that "the EIR's complete omission of any reference to the Zeka Groups project undermines the accuracy of the EIR's cumulative impact analyses in all subject areas." Again, this is incorrect. First and foremost, certain impact areas such as Aesthetics, Cultural and Tribal Resources, Geology and Soils, Hazards, and Land Use are generally project-specific and do not "combine" with other projects to result in cumulative impacts. On the other hand, impact areas such as Biological Resources, Greenhouse Gas (GHG) Emissions, Air, Noise, Water Quality, and Transportation, can certainly have cumulative impacts. As noted numerous times, while the Zeka property is currently undeveloped and not entitled for development, because the property is designated for low-density

residential development in the City’s General Plan, development consistent with those designations is included in the background numbers and assumptions used for The Ranch Project impact analyses such as Air Quality, GHG Emissions, Noise, and Transportation, among others. Accordingly, development on the Zeka property has been considered in the cumulative analysis.

Response to HANSON BRIDGETT-28

The Ranch Project Draft EIR considers four alternatives: (1) No Project/No Build; (2) Reduced Density; (3) Reduced Footprint; and (4) Reduced Traffic. Each of these alternatives is discussed and analyzed in detail in Chapter 6 of the Draft EIR. An EIR need only discuss a “reasonable range” of alternatives, and all alternatives considered must be potentially feasible, attain most of the project objectives and lessen or avoid significant impacts of the project. A project considering a road to the west would *not* be considered a feasible alternative as biological impacts would be significantly increased – not decreased – by eliminating a significant wildlife corridor, requiring the removal of a number of trees along the project’s western boundary, and potentially impacting cultural and aquatic resources. Alternative 3 is the environmentally superior alternative because it would alleviate most – if not all – development impacts south of Sand Creek by reducing the footprint of the proposed project, which would allow for a more robust “wildlife corridor” and more grazing land. Alleviating development on the southern side of Sand Creek would also eliminate the need for any Creek crossing whatsoever, thereby reducing potential impacts to water quality and aquatic resources. Furthermore, without homes on the south side of the Creek, there would be fewer areas impacted by light and glare from homes and cars. As a result, even though Alternative 3 would not necessarily reduce the number of significant and unavoidable impacts, it would certainly – from a practical perspective – result in fewer impacts as described herein.

Response to HANSON BRIDGETT-29

This comment provides various citations relating to CEQA law and findings, as well as the requirement under CEQA for a lead agency to adopt all feasible mitigation measures. The comment generally states that the commenter does not believe all feasible mitigation has been employed, but does not state any specifics. The City notes this opinion. No further response under CEQA is required.

Response to HANSON BRIDGETT-30

This comments states that the proposed General Plan amendments and the proposed rezoning constitute impermissible spot zoning. The City notes this comment. This comment does not raise environmental issues or concerns, and as such, no further response is required.

Response to HANSON BRIDGETT-31

This comment is a conclusion that reiterates the request to delay or deny the project. The detailed comments have been addressed above. The comment requires no response.

From: [Derek Cole](#)
To: [Planning Division](#)
Subject: The Ranch comments
Date: Wednesday, July 1, 2020 11:16:30 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

My name is Derek Cole and I am an Assistant Business Manager at IBEW Local 302 and am writing this email in favor of the Ranch project. This is a smart and responsible project and exactly what the City of Antioch needs when it comes to housing. Thank you for your time.

Best,

Derek Cole Sr.

Assistant Business Manager
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Individuals

Derek Cole (COLE)

Response to COLE-1

This comment expresses support for the project.

The City notes the commenters support. No CEQA questions or concerns are raised, therefore, no further response is required.

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29 June 2020

Sand Creek Focus Area – The Ranch Development

Antioch Planning Commission and City Council,

We have lived on Mammoth Way for eighteen years and our property backs up to the proposed area of development. When we moved here, we were told that someday the area behind us could be developed. The original plans proposed a golf course and senior housing that would be like the Brentwood Summerset developments. This development would be built with a golf course, housing and open space areas. It seems that over the course of years that the “original” plan has greatly changed. Now we see they want to build large estate type homes at the far end of the project closer to the hills along with the senior housing. This means that the high-density homes would be placed in the lower section of the property. And these would now be looking into our yards.

1

I know if I were in a senior housing complex like Summerset, I would want to be closer to the medical facilities. That is why I do not understand the developer wanting to locate the homes so far away and not building the single-story senior development in the lower section of the property closer to Kaiser Hospital. And my understating is that these senior type homes would be in the final stages of the project. My guess there is not enough profit in senior housing to want to put these in first and possibly not even get built.

2

We have attended prior meetings that the developer held at the water park and later city council meetings to ask for input from some of the neighbors that live adjacent to the project and in the city of Antioch. They did get feedback from the neighbors but it seemed to me that they were more interested in what was going on at the upper end of the project and the creek and what effect it would have on the people looking down on the project and keeping these hills as they are with minimal disturbance. We in the lower end asked for a buffer of some kind between the homes bordering on the project and the new homes being built. The homeowners had proposed such things as bike or walking path or even a park area. They listened and took notes and made diagrams but came back with their drawings not showing any kind of buffer. We asked and were told that had made a buffer and it would be larger lots behind us. We do not think big lots would make for a good buffer. Why do they not move some of these green belt areas over to the border of our homes and give us the buffer we asked for? To me it looks like the developer is not listening to the people that live there. I see Richland homes as not being a good neighbor and looking out for the people now living next to their projected development and what the people of Antioch would like for their city. It must just be bottom line numbers they are looking at.

3

Has anyone done a time study on the Deer Valley traffic within the proposed development? That road is currently terribly busy at commute time – both morning and afternoon. It will be even worse if all these

4

new homes are built. Approximately 1177 homes with at least two cars for each home. More traffic and more pollution. Is that really what the city of Antioch wants for their people?

4
CONT

We also discussed water. Many homeowners in Antioch have conserved water the last few years and especially looks like we might be in for more this coming year with much less rain. We even let our lawns die out to conserve more water. It is still going to take a few more years to raise the water tables and reservoirs back to their capacities. So, many of us want to know, where is the water coming from to support this new development? The only answer we got was that it will be there, and the city said so. So, while all of us continue to conserve water it looks like the new development will have all that it needs? This does not seem equitable to those that have been conserving all these years.

5

Also, I have not seen any type of grading plans for this project. Just how much earth moving is going to be involved in this new project? The land behind our home looks like the grade level is 10 to 15 feet higher than our home lots. What are they planning to do about that area?

6

Also, I believe in the plans they were calling for a village center on Deer Valley road. What would that be a gas station or a coffee shop with more medical offices. Is that what is needed in that area with so many buildings in the city of Antioch sitting empty. Let us use what we have.

7

Also, nothing was discussed as to what kind of border is going to be behind our homes. Is there going to be another ugly tall wall built? It would have been nice to see what we are going to be looking at from our homes.

8

Why is Richland trying to get his approved right now? Is it because of the measure going on the ballot for the people of Antioch to decide what they want for their city and they do not want to wait for the results? Is the city just going to give the go ahead to the developer and push our concerns under the table for the sake of more houses and revenue? Also, where are the roads, or does it just mean more cars on the existing roads and more congestion? Also, what about the crowding of our schools? The schools in Antioch are crowded now.

9

We have attended other meetings and it looks like they are not listening. I have seen no changes to what is being proposed up against our homes that border the development but bigger lots and homes.

10

Also, what about police and fire. It seems the Antioch police cannot handle what is out there now. Is it because they are understaffed? Anyone here been to the FoodMax on Lone tree?. There are young kids just sitting in the area leaving trash and using filthy language. Also, around the nearby gas station it looks like they are selling drugs all the time and cars are getting broken into in the parking lot. Also I

11

read on the neighborhood watch about cars in the area getting broken into almost every night Also it seems like there is more and more mail theft. And now we have fireworks going off every night as I can see them from my house. They seem to be a few blocks over from Mammoth Way. We have a big fire danger with it being so dry. Is the city police looking into these or no one cares? Let us take care of our areas before we bring in more houses, and more people that the city cannot take care of. We could use more industry our here before we need more housing. Where are the additional police that were promised to the people of Antioch? I am sorry but the police response is terribly slow. I am sure they are trying their best. We were broken into not long ago and we sat for almost an hour outside our home waiting after we had called 911. With more homes are there going to be more fire personal? If so, how are they going to be paid? Will this call for more taxes which people are tired of paying? Maybe we should back up and look at what is here and how to take care of the existing.

11
CONT

In our opinion this area should just be left as a beautiful open space for future generations with minimal construction. Let us keep what we have and not become another community with just homes and pavement and more traffic.

12

Michael Johnson

James Pacquer

Mammoth Way, Antioch

Msj007x@aol.com

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Michael Johnson (JOHNSON)

Response to JOHNSON-1

The commenter makes planning comments only; thus, a response under CEQA is not required. Notwithstanding, the City notes the commenters statements and confirms that 7,000-square-foot lots are proposed for the northern boundary of the project site and that a 35-foot deep rear setback is required for the lots abutting the northern property line. At the time of tentative map submittal, the City will require to work with adjacent property owners to install “good neighbor” fences to avoid back-to-back wood fences.

Response to JOHNSON-2

The commenter provides an opinion on the location and cost of senior housing within the development. No environmental questions or issues have been raised; thus, CEQA does not require a response. The comment is noted.

Response to JOHNSON-3

The commenter suggests a physical buffer such as a green belt between the existing homes to the north and the proposed homes is desired. Please see Response to JOHNSON-1.

Response to JOHNSON-4

The commenter asks whether anyone has studied the impacts of the proposed project on traffic on Deer Valley, noting that Deer Valley is a busy road and new homes will bring more traffic. Traffic impacts of the proposed project have been extensively studied. Fehr & Peers prepared three iterations of the TIA in June 2019, October 2019, and December 2019. (See Appendix K of the Draft EIR, which contains the most recent version). The data from these traffic studies has been extrapolated and discussed in the impact analysis contained in Section 3.14 (Transportation) of the Draft EIR. The proposed project will improve traffic flow and emergency service access to various parts of southwestern Antioch by completing the Sand Creek Road extension from the existing terminus of Dallas Ranch Road to Deer Valley Road, as well as completing the off-site 4-lane segment of Sand Creek Road between Kaiser Permanente Antioch Medical Center and Dozier Libby High School. Air quality associated with the proposed project is addressed in Section 3.3 (Air Quality) of the Draft EIR.

Response to JOHNSON-5

The commenter asks where the water for the project will come from. A Water Supply Assessment is contained in Appendix L.1 of the Draft EIR. Additionally, Section 3.15 (Utilities and Service Systems) of the Draft EIR addresses the water source and supply for the project. Impact UTIL-2 outlines how much water will be used for the project on an annual basis, and further analyzes drought year conditions. The buildout of the project site has long been contemplated and accounted for in the City’s Water System Master Plan Update.

Response to JOHNSON-6

The commenter asks how much grading will occur with the proposed project. Section 2.3.5 of the Draft EIR outlines the phasing and construction of the project (Draft EIR, pp. 2-38 to 2-39). Phase 1A, which likely affects the commenter living on Mammoth Way, would include grading 78 acres. Phase 1B would include the grading of 60 acres. Because the site “balances,” no dirt will need to be imported to or exported from the project site. Section 3.10 of the Design Guidelines outlines a

Conceptual Grading Plan for the project. Per City ordinances, the applicant will be required to submit grading plans to the City for review and approval prior to any ground disturbance occurring and additional information will be reviewed in conjunction with tentative map submittals.

Response to JOHNSON-7

The commenter asks what uses the Village Center will include and suggests existing empty spaces should be filled first. The allowed uses for the Village Center are outlined in the PD zoning (See p. D13 of the Planning Commission Staff Report) and include general commercial uses such as dry cleaners, banks, professional/medical offices, general restaurant/lounge/bar uses, and take out. As noted in the zoning ordinance, the purpose of the Village Center zone is to serve primarily the neighborhood and surrounding community with daily needs. Gasoline and/or service stations would not be allowed uses.

Response to JOHNSON-8

The comment is questioning the interface between the existing homes and the proposed project. Please see Response to JOHNSON-1.

Response to JOHNSON-9

The commenter asks why the Applicant is attempting to obtain project approvals now. These are not CEQA-related comments or questions, and thus, do require a response. The City does note that the proposed project plan is fully consistent the West Sand Creek Initiative. The commenter asks where the roads are and about school crowding. With regard to transportation, the City refers the commenter to Section 3.14 of the Draft EIR for a detailed analysis of traffic and road improvements. More specifically, the proposed roadway segments are illustrated on the Site Plan shown in Exhibit 2-8, as well on many other exhibits within the Draft EIR. With regard to impacts to schools, the City refers the commenter to Section 3.13 of the Draft EIR and specifically to Impact PUB-3, which concludes that the project will generate approximately 378 elementary students, 114 middle school students, and 189 high school students. The data provided by the School District indicates there is substantial capacity at each of the school sites, and thus, the proposed project would not result in overcrowding or have a substantial adverse physical impact on schools. In addition, the project Applicant will pay a development impact fee per rooftop to the Antioch Unified School District upon issuance of each building permit.

Response to JOHNSON-10

The comment is stating that the plans have not changed as they relate to the adjacent homes to the north. Please see Response to Comment JOHNSON-1, above.

Response to JOHNSON-11

This comment generally relates to comments and questions regarding police and fire services within the City of Antioch. The project's impacts on police services and facilities is analyzed in Impact PUB-2 in Section 3.13 of the Draft EIR (Draft EIR, pp. 3.13-30 to 31). The Draft EIR concludes that the proposed project would not result in the need for new or altered policies facilities given the project will trigger the need for 5.8 officers at buildout. The current facilities could house these new officers. Additionally, the proposed project will be annexed into the City's CFD to pay an annual tax of \$445 per home to support ongoing police services. The proposed project's impacts on fire services and facilities are analyzed in Impact PUB-1 in Section 3.13 of the Draft EIR (Draft EIR, pp. 3.13-26 to 30).

The proposed project includes an on-site fire station site. Furthermore, the project Applicant has coordinated with the Contra Costa County Fire Department (CCCFD) and has agreed to annex into a fire CFD to help pay for the construction of a fire station, as well as one to help fund the ongoing operation of the fire station. The Development Agreement requires the Applicant to enter into an MOU with CCCFD to ensure the dedication of the fire station site, among other things. CCCFD submitted a letter noting that all their concerns have been addressed for the project dated July 1, 2020.

Response to JOHNSON-12

The commenter expresses an opinion about the buildout of the site and the community, and does not require a response under CEQA.

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From: Daniel McNulty <danielmcnulty83@yahoo.com>
Sent: Monday, June 29, 2020 5:52 PM
To: Planning Division
Subject: Sand Creek Project

Hi my name is Daniel McNulty and currently a resident/home owner in the city of Antioch. I really think this project would not only make our city a better place but also bring many jobs to local people in this area. Please approve of this project. Thank you.

[Sent from Yahoo Mail on Android](#)

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Daniel McNulty (MCNULTY)

Response to MCNULTY-1

This comment states support for the project.

The City notes the commenters support. No CEQA questions or concerns are raised, therefore, no further response is required.

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From: [Mike Nesbitt](#)
To: [Planning Division](#)
Subject: Richland Planned Communities Item #2
Date: Wednesday, July 1, 2020 2:45:13 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good evening Planning Commission,

My name is Mike Nesbitt I am a resident of Brentwood but spend a lot of time and money in Antioch I would like to see this project approved. Here are some of the reasons why.

The Ranch completes a key element in the City's circulation plan with the construction of Sand Creek Road from Dallas Ranch Road to Deer Valley Road.

There is a 422-unit Age Restricted project that provides opportunities for parents to live in a new community next to their kids and grandkids.

The Ranch provides an excellent mix of land uses providing much needed housing from entry level housing to move-up opportunities all the way to executive housing

I would also like to add this the additional community benefits of a local construction workforce paying family supporting wages and that young workers apprenticed in the JATC's will be learning their trade on this project.

Thank you for your time

Mike Nesbitt

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Mike Nesbitt (NESBITT)

Response to NESBITT-1

This comment states support for the project.

The City notes the commenters support. No CEQA questions or concerns are raised, therefore, no further response is required.

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From: [Greg](#)
To: [Morris, Alexis](#)
Cc: gsousa@aol.com
Subject: The Ranch
Date: Monday, June 29, 2020 10:10:10 AM

Alexis,

I say no to The Ranch.

| 1

I was under the understanding that The Ranch was on HOLD as it was going to be on the November
Ballot for a Vote.

| 2

Greg Sousa

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Greg Sousa (SOUSA)

Response to SOUSA-1

This comment states opposition to the project. The City notes the commenters opposition. No CEQA questions or concerns are raised; therefore, no further response is required.

Response to SOUSA -2

This comment states that the commenter thought the project was on hold, as it was going to be voted on in November on the City of Antioch ballot. The comment does not express environmental questions or concerns, and thus, a response is not required pursuant to CEQA. Notwithstanding, the City notes that placement of the “Let Antioch Voters Decide: The Sand Creek Protection Area Initiative” onto the November 2020 ballot does not preclude the processing of projects within the Sand Creek Focus Area.

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Source: Jeff Cavanaugh with Green Leaf Conservation and Mitigation Services, 2020.

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SECTION 3: ERRATA

This chapter describes the changes to the text of the Draft Environmental Impact Report (Draft EIR) for The Ranch Project in response to one or more comment letters on the proposed project, as well as typographical errors, or Staff-initiated revisions.

Under the California Environmental Quality Act (CEQA), an EIR can require recirculation if significant new information is added after public review and prior to certification. According to State CEQA Guidelines Section 15088.5(a), new information is not considered significant “unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” More specifically, the Guidelines define significant new information as including:

- A new significant environmental impact resulting from the project or from a new mitigation measure;
- A substantial increase in the severity of an environmental impact that would not be reduced to insignificance by adopted mitigation measures;
- A feasible project alternative or mitigation measure considerably different from those analyzed in the Draft EIR that would clearly lessen the environmental impacts of the project and which the project proponents decline to adopt; and
- A Draft EIR that is so fundamentally and basically inadequate and conclusory that meaningful public review and comment were precluded.

The text changes to the impact analysis and mitigation measures described below, update, refine, and clarify the analyses and mitigation already presented in the Draft EIR. No new significant impacts are identified, and no new information is provided that would reflect a substantial increase in severity of a significant impact that would not be mitigated by measures agreed to by the project Applicant. In addition, no new or considerably different project alternatives or mitigation measures have been identified. Finally, there are no changes or set of changes that would reflect fundamental inadequacies in the Draft EIR. Recirculation of any part of the EIR is therefore, not required.

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~~).

3.1 - Changes in Response to Specific Comments

Section 0.3, Executive Summary

Page ES-7

The following sentence in Impact AES-4 has been revised for purposes of clarification. The substance of the discussion and the impact conclusion remains unchanged.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact AES-4: The project would create a new source of substantial light or glare which would <u>not</u> adversely affect day or nighttime views in the area.	Less Than Significant	No mitigation is necessary	Less Than Significant

Page ES-8

The following statement in Impact AG-5 has been converted to a sentence, as opposed to a question, for consistency purposes. The substance of the discussion and the impact conclusion remains unchanged.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact AG-5: The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses conversion of forest land to non-forest use?	No Impact	No mitigation is necessary	No Impact

Page ES-9 through ES-11

MM AIR-2b has been revised to provide additional explanation and clarification. The substance of the discussion and the impact conclusion remains unchanged.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact AIR-2: The project would result in a cumulatively considerable net increase of a criteria	Potentially Significant	MM AIR-2a: Implement BAAQMD Best Management Practices During Construction	Significant and Unavoidable

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard.		<p>The following Best Management Practices (BMPs), as recommended by the Bay Area Air Quality Management District (BAAQMD), shall be included in the design of the proposed project and implemented during construction:</p> <ul style="list-style-type: none"> • All active construction areas shall be watered at least two times per day. • All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage regarding idling restrictions shall be provided for construction workers at all access points. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The City of Antioch and the construction contractor shall take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. <p>MM AIR-2b: The following measure shall be applied during construction of the proposed project to facilitate the use of low volatile organic compound</p>	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>(VOC) reactive organic gases (ROG) landscaping equipment during project operations:</p> <ul style="list-style-type: none"> • Prior to issuance of building permits, the project Applicant applicant shall prepare and submit building plans to the City of Antioch that demonstrate that all buildings meet or exceed building code standards. <u>This measure would reduce ROG emissions by ensuring that proposed buildings include exterior outlets to facilitate the use of electric landscaping equipment.</u> <p>Additionally, the following measures shall be applied during both construction and operation of the proposed project to reduce reactive organic gases (ROG) emissions. <u>(Note: Although there are slight differences in the definition of ROG and VOCs, the two terms are often used interchangeably. The BAAQMD uses the term “ROG,” while super-compliant architectural coatings is a South Coast term for low-VOC emissions.)</u></p> <ul style="list-style-type: none"> • Use super-compliant architectural coatings. These coatings are defined as those with volatile organic compound VOC less than 10 grams per liter. South Coast Air Quality Management District (SCAQMD) provides a list of manufacturers that 	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>provide this type of coating.</p> <ul style="list-style-type: none"> • Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors. • Use compliant low VOC cleaning solvents to clean paint application equipment. • Keep all paint and solvent laden rags in sealed containers to prevent VOC emissions. <p><u>The following measures shall be applied during construction of the proposed project to reduce ROG emissions:</u></p> <ul style="list-style-type: none"> • <u>Consider alternative paving materials such as pervious pavement, porous concrete, or other low impact options to reduce the use of asphalt.</u> • <u>Encourage the use of locally-based compost/mulch into landscaped areas for soil enrichment and weed suppression to minimize the need for synthetic fertilizers and pesticide use through educational outreach to the proposed residents.</u> • <u>Encourage the use of integrated pest management techniques through educational outreach to the proposed residents.</u> 	

Page ES-11

The discussion under Impact AIR-3 in the Draft EIR indicates that the project could have a potentially significant impact and lists MM AIR-2 as the appropriate mitigation measure. The Executive Summary table has been revised to correct the inadvertent misstatement of level of significance and

omission of MM AIR-2. The substance of the discussion and the impact conclusion remains unchanged.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact AIR-3: The project could <u>would not</u> expose sensitive receptors to substantial pollutant concentrations.	Potentially Less Than Significant	Implement MM AIR-2. No <u>mitigation is necessary</u>	Less Than Significant

Page ES-12

MM BIO-1a has been revised to clarify and expand mitigation for the listed special-status species. These edits do not result in any new environmental impact or change the substance of the discussion.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact BIO-1: The project could have a substantial adverse effect, either directly or through habitat modifications, on a 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 Game or U.S. Fish and Wildlife Service.	Potentially Significant	MM BIO-1a: The project Applicant hired a qualified Biologist to conduct protocol surveys of the shining navarretia, <u>crownscale</u> , and <u>big tarplant</u> , and the <u>locally rare species, angle-stem buckwheat</u> , in the 2018-2019 <u>2018 and 2019</u> and submitted them to the City for independent peer review (See Appendix D). To the extent construction moves forward <u>occurs</u> within 5 years of these surveys, they shall be deemed valid and no further surveys shall be required. However, if construction does not occur on affected areas on or before <u>within</u> 5 years of the protocol surveys, the project Applicant shall hire a qualified Biologist to survey the project area <u>or phase</u> prior to construction. All survey results shall be submitted to the City of	Less than significant

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>Antioch Planning Division prior to approval of grading permits.</p> <p>Where populations are located outside of the project footprint, a qualified Biologists shall demarcate these areas for complete <u>an appropriate avoidance zone sufficient to completely avoid impacts to any individual plants. If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, then that shall be considered an indirect impact and the project Applicant shall ensure the plants are protected during construction by installing protective buffers such as orange exclusionary fencing and/or any necessary erosion controls methods such as the placement of straw wattles around the plants, in accordance with permits issued by the CDFW and/or USFWS.</u></p> <p>Where shining-navarretia <u>populations of special-status plant species</u> are located within the project footprint, this shall be considered a direct impact. <u>If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, then that shall be considered an indirect impact.</u></p>	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>For impacts to the crownscale, big tarplant and the locally rare angle-stem buckwheat, the project Applicant shall comply with MM BIO-3.</p> <p>The project Applicant shall have the following options to mitigate for direct and/or indirect impacts to the shining navarretia. Options one and two are listed by order of effectiveness:</p>	

Page ES-49

The following edit has been made to the impact determination before mitigation for clarification.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact BIO-2: The project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game Wildlife or U.S. Fish and Wildlife Service.	Potentially Less Than Significant	Implementation of MM BIO-3 below.	Less Than Significant

Page ES-49 through ES-50

MM BIO-3 has been revised to strengthen mitigation measures. The substance of the discussion and the impact conclusion remains unchanged, and no new significant impacts would result.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact BIO-3: The project could have a substantial adverse effect on State or federally protected wetlands (including, but	Potentially Significant	MM BIO-3: Prior to the issuance of a grading permit for the project, the project Applicant shall obtain all required resource agency	Less Than Significant

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
not limited to, marsh, vernal pool coastal, etc.) through direct removal, filling, hydrological interruption, or other means.		<p>approvals for the project, including as follows:</p> <p>The project Applicant shall obtain apply for a Section 404 permit from the United States Army Corps of Engineers (USACE). <u>USACE-jurisdictional W</u>waters that will be impacted shall be replaced or rehabilitated on a “no-net-loss” basis <u>and at ratios set by the USACE (but no less than 1:1)</u>. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE (i.e., at a <u>mitigation bank, or otherwise protected by conservation easements and/or deed restriction(s) in perpetuity</u>).</p> <p>The project Applicant shall apply for and obtain a Section 401 water quality certification from the Regional Water Quality Control Board (RWQCB) and adhere to the certification conditions.</p> <p>The project Applicant shall apply for and obtain a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW).</p> <p>The information provided will include a description of all of the activities associated with the proposed project, not just those closely associated with the drainages and/or riparian vegetation. Impacts will be outlined in the application and are expected to be in substantial conformance with the</p>	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>impacts to biological resources outlined in this document. Impacts for each activity will be identified as temporary or permanent with a description of the proposed mitigation for the associated biological resource impacts. Information regarding project-specific drainage and hydrology changes resulting from project implementation will be provided as well as description of stormwater treatment methods.</p> <p><u>Prior to any construction activities that could impact protected plants, species, or waters, the project Applicant shall install orange exclusionary fencing around the areas to be avoided or preserved to prevent construction impacts from construction vehicles, equipment, and workers. The fencing shall be placed with a buffer area of 250 feet (or lesser distance if deemed sufficiently protective by a qualified biologist with approval from the USACE/California Department of Fish and Wildlife (CDFW). A qualified Biologist shall inspect the fencing throughout construction to ensure it is in good functional condition. The fencing shall remain in place until all construction activities in the immediate area are completed. No activity shall be permitted within the protected fenced areas except for those</u></p>	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>expressly permitted by the USACE or CDFW.</u></p> <p><u>A construction buffer shall be provided along all avoided wetlands in accordance with the 404 and 401 permits. Only those uses permitted under the 404 and 401 permits and/or Streambed Alteration Agreement shall be permitted in the wetlands preserve and its buffer. Water quality in the avoided wetlands shall be protected during construction in the watershed by using erosion control techniques, including (as appropriate), but not limited to, preservation of existing vegetation, mulches (e.g., hydraulic, straw, wood), and geotextiles and mats. Urban runoff shall be managed to protect water quality in the preserve areas using techniques such as velocity dissipation devices, sediment basins, and pollution collection devices, as required by any regulatory permits.</u></p> <p><u>Prior to ground disturbance, all on-site construction personnel shall receive instruction regarding the presence of listed plants and species and the importance of avoiding impacts to these species and their habitat.</u></p> <p><u>Minimization and avoidance measures shall be proposed as appropriate and may include preconstruction species surveys and reporting; protective fencing around avoided biological resources; worker</u></p>	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		environmental awareness training; seeding disturbed areas adjacent to open space areas with native seed; and installation of project-specific stormwater Best Management Practices (BMPs). Where impacts will occur, mitigation may <u>shall</u> include restoration or enhancement of resources on- or off-site, purchase of habitat mitigation credits from an agency-approved mitigation/conservation bank, purchase of off-site land approved by resource agencies for mitigation, working with a local land trust to preserve land, or any other method acceptable to the CDFW.	

Page ES-52

Impact BIO-4 has been revised for purposes of clarification. No changes to the substance of the discussion or impact conclusion result.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact BIO-4: The project would not <u>could</u> interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.	Potentially Significant	MM BIO-4: No permanent or temporary fencing shall be erected that will hinder migratory wildlife from utilizing the Sand Creek corridor. Utility and bridge crossings of Sand Creek shall be designed to be free spanning of the creek.	Less Than Significant

Page ES-54

The discussion of Impact CUL-1 in the Draft EIR properly identifies and discusses the potentially significant impacts on historical and cultural resources and provides mitigation for the same, however, the Executive Summary misstates the level of significant before mitigation and

inadvertently omits MM CUL-1. Additionally, MM CUL-1 has been revised to strengthen it. The Executive Summary table has been revised to correct these typographical errors to accurately reflect the level of significance and updated mitigation. No changes to the substance of the discussion or impact conclusion result, nor do any significant environmental impacts result from the revised mitigation.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact CUL-1: The project could cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.	Potentially Less Than Significant	<p>No mitigation is necessary</p> <p><u>MM CUL-1: Treatment Plan and Avoidance and Preservation in Place of Existing Cultural Resources</u></p> <p>Historic Resources P-07-000008 and Locus 1 of site P-07-000010 are eligible historic resources that shall be avoided during project construction and preserved in-place.</p> <p>Prior to tentative map approval and the issue issuance of the first grading permits, <u>The project Applicant shall prepare a Cultural Resources Management Plan detailing how all cultural resources within the project disturbance area will be avoided or treated. The Plan shall be submitted to the City of Antioch Planning Division for review and approval prior to tentative map approval and the issuance of grading permits, as well as the California Office of Historic Preservation (OHP), if required. The Cultural Resources Management Plan shall be prepared by an Archaeologist who meets the Secretary of Interior's qualification standards for archaeology, and shall include the following components:</u></p> <ul style="list-style-type: none"> <u>• A detailed summary, avoidance, and protection</u> 	Less Than Significant

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>plan for nearby resources that are eligible or potentially eligible for the California Register of Historical Resources (CRHR). The plan shall include a provision stating that prior to grading, the Project Archaeologist shall determine the existing boundaries of each historic site and mark the boundaries of each site with protective Environmentally Sensitive Area (ESA) fencing. Any project-related ground disturbance occurring within 50 feet of the established boundary of either site shall be monitored full time by the Project Archaeologist.</u></p> <ul style="list-style-type: none"> • <u>A monitoring plan developed in coordination with Wilton Rancheria that details the scheduling, safety protocols and procedures to be followed by the Archaeological Monitor and Native American Tribal Monitor.</u> • <u>If it is determined that development of the proposed project would occur in areas identified as containing portions of site P- 07-000008 and/or Locus 1 of site P-07-000010, and the sites cannot be avoided or preserved, the City, the United States Army Corps of Engineers (USACE), OHP and an Project Archaeologist meeting the Secretary of the Interior's professional standards for historical archaeology shall</u> 	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>coordinate as necessary to determine the appropriate course of action, which could <u>may</u> include data recovery, scientific analysis, and professional museum curation of material.</p> <p>Prior to grading, the Applicant shall hire a qualified Archaeologist to determine the existing boundaries of each historic site and mark the boundaries of each site with protective Environmentally Sensitive Area (ESA) fencing. Any project related ground disturbance occurring within 50 feet of the established boundary of either site shall be monitored by the Archaeologist.</p>	

Page ES-54

MM CUL-2 has been updated and clarified to include provisions for any significant tribal cultural resources or human remains that may be encountered over the course of project-related ground disturbance. No new significant environmental impacts would occur, and no changes to the substance of the discussion or impact conclusion result.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact CUL-2: The project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	Potentially Significant	<p>MM CUL-2: <u>Archaeological Training Monitoring, and Stopping Stop</u> Construction Upon Encountering Archeological Materials</p> <p><u>Prior to construction, the Project Archaeologist and a Native American Tribal Monitor from Wilton Rancheria shall provide cultural resources sensitivity training for the construction</u></p>	Less than Significant

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>crew that will be conducting grading and excavation at the project site. The training shall include visual aids and/or hand-outs detailing applicable laws and regulations, the kinds of archeological and/or Native American resources that may be encountered, as well as what to do in case of a discovery.</u></p> <p><u>Due to the sensitivity of the site, project-related ground disturbance shall be monitored by the project Archaeologist and a tribal monitor from Wilton Rancheria. If, over the course of construction, the Archaeologist and monitor determine that monitoring may be reduced or is no longer required, they shall present their reasoning to the appropriate City Planner for concurrence. In the event that subsurface archeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during earth-moving activities, all work within 100 feet of the resource shall be halted, and the Applicant shall consult with a qualified Archeologist until the Project Archeologist can stabilize and evaluate the find. If the resource is determined significant under CEQA, the</u></p>	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>qualified Archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant in accordance with Section 15064.5 of the CEQA Guidelines. If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives</u></p> <p><u>The Archaeologist shall also perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, and provide for the permanent curation of the recovered resources. Specifically, treatment of unique archaeological resources shall follow the applicable requirements of Public Resources Code Section 21083.2. Treatment for most resources could, but shall not be limited to, sample excavation, artifact collection, site documentation, and historical research with the aim to target the recovery of important scientific data contained in the portions of the significant resource to be impacted by the project. The report shall be submitted to the City of Antioch, the Northwest Information</u></p>	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>Center, and the California Office of Historic Preservation.</u></p> <p><u>Representatives of the City and the qualified Archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation.</u></p> <p><u>If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</u></p> <p><u>If a Native American archeological, ethnographic, or a spiritual resource is discovered, all identification and treatment shall be conducted by qualified Archeologists who are certified by the Society of Professional Archeologists and/or meet the federal standards as stated in the Code of Federal Regulations (36 Code of Federal Regulations [CFR] Part 61), and are Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</u></p> <p><u>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in</u></p>	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical Archeologists, who shall meet Register of Professional Archeologists or 36 Code of Regulations Part 61 requirements.</p> <p>The Applicant shall retain the services of a professional Archaeologist to educate the construction crew that will be conducting grading and excavation at the project site. The education shall consist of an introduction to the geology of the project site and the kinds of archeological and/or Native American resources that may be encountered, as well as what to do in case of a discovery.</p>	

Page ES-59

MM GEO-2 was revised to correct a minor typographical error.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact GEO-2: The proposed project could result in substantial soil erosion or the loss of topsoil.	Potentially Significant	<p>MM GEO-2: a Development of a Storm Water Pollution Prevention Plan</p> <p>Prior to the issuance of grading permits, the project Applicant shall prepare and submit to the City Public Works Department and Central Valley Regional Water Quality Control Board (RWQCB), a Storm Water</p>	Less Than Significant

		Pollution Prevention Plan (SWPPP) detailing measures to control soil erosion and waste discharges during construction. The SWPPP shall include an erosion control plan, a water quality monitoring plan, a hazardous materials management plan, and post-construction Best Management Practices (BMPs).	
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Page ES-61

Minor modifications and additions were made to MM GHG-1.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact GHG-1: The project could generate direct and indirect greenhouse gas emissions that could result in a significant impact on the environment even with mitigation.	Potentially Significant	<p>MM GHG-1: Implement potentially feasible mitigation measures</p> <p>Prior to the issuance of the last certificate of occupancy (or as otherwise specifically stated), the project Applicant shall provide documentation to the City of Antioch that the proposed project has employed one or more of the following measures to reduce greenhouse gas (GHG) emissions (i.e., 1,191 metric tons of carbon dioxide equivalent per year (MT CO₂e/year) to at or below 2.6 MT CO₂e/year/service population by 2030:</p> <ul style="list-style-type: none"> • Purchased electricity from a utility offering 100 percent renewable power for some or all of the proposed project’s power needs. • <u>Constructed homes and buildings to be all-electric (thereby minimizing the project’s natural gas</u> 	Significant and Unavoidable

		<p><u>consumption during operations).</u></p> <ul style="list-style-type: none">• <u>Installed all-electric appliances during construction to minimize the use of natural gas consumption during project operations.</u>• <u>Provided outlets on the outside of buildings or in other accessible areas to facilitate the use of electrically powered landscape equipment.</u>• Installed on-site solar panels to generate electricity for a portion or all of project electricity consumption.• Installed on-site charging units for electric vehicles consistent with parking requirements in California Green Building Standards Code (CALGreen) Section 5.106.5.2.• Implemented a ride sharing program for employees starting no later than 60 days after commercial operations begin.• Purchased voluntary carbon credits from a verified GHG emissions credit broker in an amount sufficient to offset operational GHG emissions of approximately 34,531 MT CO₂e over the lifetime of the proposed project (or a reduced amount estimated based on implementation of other measures listed above). Copies of the contract(s) shall be provided to the City Planning Department.	
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Page ES-70

Impact Statement HYD-3 and HYD-4 have been revised as follows for purposes of clarification.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact HYD-3: The proposed project <u>would not</u> could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:</p> <ul style="list-style-type: none"> (i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) impede or redirect flood flows? 	Less Than Significant	No mitigation is necessary	Less Than Significant
<p>Impact HYD-4: The proposed project <u>would not</u> could be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation.</p>	Less Than Significant	No mitigation is necessary	Less Than Significant

Page ES-75

Impact Statement PUB-1 has been revised for purposes of clarification. The substance of the discussion and the impact conclusion remains unchanged.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact PUB-1: The project could <u>would</u> result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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.	Potentially Significant	Implementation of MM AQ-2a, MM BIO-1a through MM BIO-1p, MM BIO-3, MM BIO-4, MM CUL-1, MM CUL-2, MM CUL-3, MM GEO-1a, MM GEO-1b, MM GEO-2, and MM GEO-3, MM HAZ-2a, MM HAZ-2f, MM HAZ-2h, MM NOI-1a, MM NOI-1b, MM NOI-1c, MM TRANS-1a, TRANS-1b, MM TRANS-1c, MM TRANS-2, MM TRANS-7, MM TRANS-8a, MM TRANS-8b, and MM TRANS-8c.	Less than Significant

Page ES-85

Impact Statement UTIL-1 has been revised for purposes of clarification. The substance of the discussion and the impact conclusion remains unchanged.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact UTIL-1: The project would not <u>could</u> require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.	Less Than Significant	No mitigation is necessary	Less Than Significant

Section 2.0, Project Description

Page 2-26, Open Space Uses

The following text has been added as the second paragraph to the Open Space Uses discussion to clarify the amount of open space that will be preserved on the project site, among other things. No changes to the substance of the discussion or impact conclusion result.

The project has been designed, designated, and zoned to include over 40 percent of the project site as open space to avoid impacts to the various special-status plants and species, sensitive natural communities, and aquatic resources. More specifically, approximately 210 acres will be avoided and outside of any development footprint. The one minor exception to this is the trail system, which will be located well outside the 125-foot set back from centerline of Sand Creek (on both sides) but within the open space preserve area around Sand Creek. As provided in the Design Guidelines and Resource Management Plan (RMP) for the project, the trails will be lined with post and cable (or other suitable) fencing and signage (all subject to regulatory approvals from the resource agencies) to keep people and pets out of the sensitive open space area. Additionally, the RMP requires that the open space areas be placed into conservation with a qualified third-party entity (i.e., the City or a local land trust) to hold and manage in perpetuity as required by regulatory agency permits or be deed restricted (RMP § 6.1). The care and monitoring of the open space area will be funded either by bonds (i.e., Community Facilities District [CFD]) or HOA fees. The open space areas will be managed in accordance with Sections 6.4 (Weeds), 6.6 (Litter), and 7.0 (Cattle Grazing) of the proposed RMP.

Page 2-39, Section 2.4.1, City Discretionary Actions

This section has been revised to clarify General Plan Amendments required as part of the project as follows. The other listed entitlements remain unchanged.

- General Plan Amendments:
 - Map and text amendments to the Land Use Element to change the existing underlying land use designation of the project site from Golf Course Community/Senior Housing/Open Space, Hillside and Estate Residential, and Public/Quasi Public to Restricted Development Area (which would allow for Rural Residential, Agriculture, Open Space) and to Limited Development Area (which would allow for Estate Residential; Low Density Residential; Medium Low Density Residential; Medium Density Residential; Convenience Commercial; Mixed Use; Public/Quasi Public; and Open Space).
 - Map and text amendments to the Circulation Element to reflect the proposed construction and realignment of Sand Creek Road (Exhibit 2-15 and 2-16).
 - Text amendment to the Housing Element to reflect changes related to Executive Housing. (Appendix B)
- ~~Amendment (map and text) to add the “Restricted Development Area” and “Limited Development Area” overlay land use designations to the General Plan for the project site.~~

- ~~Amendment (map and text) to change the existing underlying General Plan land use designation of the land on the project site within the Restricted Development Area from “Golf Course Community/Senior Housing/Open Space,” “Hillside and Estate Residential,” and “Public/Quasi Public” to “Rural Residential, Agriculture, Open Space.”~~
- ~~Amendment (map and text) to change the existing underlying General Plan land use designation of the land on the project site within the Limited Development Area from “Golf Course Community/Senior Housing/Open Space” and “Hillside and Estate Residential” to “Estate Residential;” “Low Density Residential;” “Medium Low Density Residential;” “Medium Density Residential;” “Convenience Commercial;” “Mixed Use;” “Public/Quasi Public;” and “Open Space.” (Appendix B)~~

Page 2-43, Section 2.4.2, Other Agency Approvals

In response to comment CVRWQB-5, text related to the Construction Storm Water General Permit has been added to the list of Other Agency Approvals as follows:

The proposed project would also require the additional approvals and/or permits from a number of local, State, and federal agencies that are Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively: These agencies and permits may include but are not limited to:

- California Department of Fish and Wildlife (CDFW)—1602 Streambed Alteration Permit; Incidental Take Permit
- Contra Costa Water District (CCWD)—Will Serve Letter
- Bay Area Air Quality Management District (BAAQMD)—Authority to Construct
- Central Valley Regional Water Quality Control Board (Central Valley RWQCB)—401 Certification; NOI for the Construction Storm Water General Permit (SWPPP).
- United States Army Corps of Engineers (USACE)—Nationwide Permit (404)
- United States Fish and Wildlife Service (USFWS)—Incidental Take Permit(s)

Section 3.0, Environmental Impact Analysis

Page 3-4 and 3-5

Table 3-1 has been revised to include the number of building permits issued for each cumulative project. The “Location” column has been deleted from Table 3-1 because it contained duplicative information. No changes to the substance of the discussion or impact conclusion result, and no new significant environmental effects will result.

Table 3-1: List of Cumulative Projects

No.	Project	Characteristics	Project Development				
			Number of Units	Square Footage or Acreage	Location	Status	Number of Building Permits Issued
City of Antioch							
1	Park Ridge	Single-family detached dwelling units	525 single-family	171 Acres	Antioch, CA	Approved, under construction	<u>135</u>
2	Heidorn Village	Single-family detached dwelling units	117 single-family	20 Acres	Antioch, CA	Approved, under construction	<u>58</u>
3	Aviano	Single-family detached dwelling units	533 single-family	189 Acres	Antioch, CA	Approved	<u>0</u>
4	Vineyard at Sand Creek	Single-family detached dwelling units	641 single-family	141 Acres	Antioch, CA	Approved, under construction	<u>70</u>
5	Laurel Ranch	Single-family detached dwelling units	180 single-family	54 Acres	Antioch, CA	Approved	<u>0</u>
6	Wildflower	Single-family detached dwelling units, condominiums, commercial	22 single-family, 98 condominiums	10 acres of commercial use	Antioch, CA	Approved, under construction	<u>98 apartments</u> <u>22 single-family</u>
7	Quail Cove	Single-family detached dwelling units	32 units	5.6 Acres	Antioch, CA	Approved, awaiting construction	<u>15</u>
City of Brentwood							
8	Parkside Villas	Single-family detached dwelling units	37 single-family dwelling units	—	Brentwood, CA	Approved	<u>0</u>
9	Bridle Gate Residential Elementary School	Single-family detached dwelling units, elementary school	265 single-family, 700 student school	—	Brentwood, CA	Pending	<u>0</u>
9	Bridle Gate Commercial	Shopping Center	—	150,000 square-foot shopping	Brentwood, CA	Pending	<u>0</u>

No.	Project	Characteristics	Project Development				
			Number of Units	Square Footage or Acreage	Location	Status	Number of Building Permits Issued
				center			
9	The Enclave	Single-family detached dwelling units	258 apartments	—	Brentwood, CA	Pending	<u>0</u>
10	Brentwood Country Club	Detached active adult dwelling units	63 active adult	—	Brentwood, CA	Approved	<u>0</u>
11	Orfanos	Single-family detached dwelling units	160 single-family	—	Brentwood, CA	Approved	<u>0</u>
12	Alvarez Partners	Single-family dwelling units	48 single-family	—	Brentwood, CA	Approved	<u>24</u> ¹
13	Streets of Brentwood	Apartments, retail	320 apartments	32,000 square feet of retail	Brentwood, CA	Pending	0
14	Shop at Lone Tree Village	Shopping center	—	54,000 square feet of retail	Brentwood, CA	Pending	<u>5</u> ²
Total Units/Square footage			3,299 units	236,000 square feet	—	—	427 permits
¹ 24 permits have been issued, 19 of which have been finalized.							
² 5 permits have been issued for commercial buildings, totaling 56,457 square feet.							

Section 3.1, Aesthetics, Light, and Glare

Page 3.1-47, Impact AES-4

Impact Statement AES-4 has been revised to clarify that the project would not have a substantial impact on day or nighttime views. The substance of the discussion and the impact conclusion remains unchanged.

Impact AES-4: **The project would create a new source of substantial light or glare which would not adversely affect day or nighttime views in the area.**

Section 3.2, Agricultural Resources and Forestry Resources

Page 3.2-14, Impact AG-5

Impact Statement AG-5 has been revised to correct a typographical error to remove the question mark and add a period: No changes to the substance of the discussion or impact conclusion result.

Impact AG-5:	The project would not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use².
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Section 3.3, Air Quality

Page 3.3-46, Section 3.3.4, Impacts and Mitigation Measures

Mitigation Measure AIR-2b has been revised to clarify the use of the terms VOCs and ROGs, as well as add optional mitigation measures to reduce ROGs. No changes to the substance of the discussion or impact conclusion, and no new environmental impacts result.

MM AIR-2b The following measure shall be applied during construction of the proposed project to facilitate the use of low ~~volatile organic compound (VOC)~~ reactive organic gases (ROG) landscaping equipment during project operations:

- Prior to issuance of building permits, the ~~applicant-project Applicant~~ shall prepare and submit building plans to the City of Antioch that demonstrate that all buildings meet or exceed building code standards. This measure would reduce ROG emissions by ensuring that proposed buildings include exterior outlets to facilitate the use of electric landscaping equipment.

Additionally, the following measures shall be applied during both construction and operation of the proposed project to reduce ~~reactive organic gases (ROG)~~ emissions. (Note: Although there are slight differences in the definition of ROGs and VOCs, the two terms are often used interchangeably. The Bay Area Air Quality Management District (BAAQMD) uses the term “ROG,” while super-compliant architectural coatings is a South Coast term for low-VOC emissions.)

- Use super-compliant architectural coatings. These coatings are defined as those with volatile organic compound VOC less than 10 grams per liter. South Coast Air Quality Management District (SCAQMD)¹ provides a list of manufacturers that provide this type of coating.
- Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.
- Use compliant low VOC cleaning solvents to clean paint application equipment.
- Keep all paint and solvent laden rags in sealed containers to prevent VOC emissions.

¹ The availability of super-compliant architectural coatings for purchase is not limited to any geographical area.

The following measures shall be applied during construction of the proposed project to reduce ROG emissions:

- Consider alternative paving materials such as pervious pavement, porous concrete, or other low impact options to reduce the use of asphalt.

The following measures shall be applied during operation of the proposed project to reduce ROG emissions:

- Encourage the use of locally-based compost/mulch into landscaped areas for soil enrichment and weed suppression to minimize the need for synthetic fertilizers and pesticide use through educational outreach to the proposed residents.
- Encourage the use of integrated pest management techniques through educational outreach to the proposed residents.

Page 3.3-46, Impact AIR-3

Impact Statement AIR-3 has been edited for clarification purposes. No changes to the substance of the discussion or impact conclusion result.

Impact AIR-3: The project could ~~would not~~ expose sensitive receptors to substantial pollutant concentrations.

Page 3.3-55, Impact Determination

The following text has been edited to correct a typographical error to the impact determination for Impact AIR-3, and clarify that MM AIR-2 applies. These are edits that capture the text of the Draft EIR in Section 3.3, Air Quality and under the discussion of Impact AIR-3.

Level of Significance Before Mitigation

Potentially Significant

Mitigation Measures

Implement MM AIR-2a.

Level of Significance After Mitigation

Less Than Significant

~~Level of Significance~~

~~Less Than Significant~~

Section 3.4, Biological Resources

Page 3.4-16, Special-status Plants on the Project Site

The first paragraph of this section has been revised to explain the absence of Mount Diablo Buckwheat from the project site.

The Special-status Species Table identified 61 special-status plant species. Of the 61 special-status plant species with the potential to occur within the vicinity of the Study Area, 35 species were determined to not be present due to the lack of suitable habitat; 22 of the remaining 26 species were determined to be absent from the Study Area as they were not observed during the 2018-2019 special-status plant surveys. This includes Mount Diablo Buckwheat. While this species was included in the CNPS and CNDDB results, it was concluded that the suitable habitat for the species is not present within the site. Additionally, Mount Diablo Buckwheat was not observed or documented within the project site during the plant surveys. The remaining four species were documented within the Study Area during the 2018-2019 special-status plant surveys. Occurrences of special-status plant species occurring within the project site and surrounding area are shown in Exhibit 3.4-4. All species within the Special-status Species Table can be found in Table 2 of the updated BRA by Madrone (Appendix D).

Page 3.4-31, Environmental Setting

The following text detailing the project Applicant's Off-site Mitigation properties shall be included under a new section at the end of the Environmental Setting section. No changes to the substance of the discussion or impact conclusion result.

Off-site Mitigation Properties

The project Applicant owns or controls two parcels totaling upwards of 955 acres in eastern Contra Costa County with the San Joaquin Delta Watershed. The project RMP outlines that all or a portion of the properties may be required to mitigate for on-site impacts, but the total amount of mitigation required will depend upon resource agency permits. Whatever amount is deemed required, the off-site mitigation land protected by a conservation easement or deed restriction and managed by a land trust or qualified third-party entity for the benefit of natural resources, including waters of the United States and waters of the State, as well as the other special-status plants, species, and sensitive natural communities found on the project site.

The project Resource Management Plan (RMP) outlines that all or a portion of the mitigation properties may be required to mitigate for on-site impacts, but the total amount of mitigation required will depend upon resource agency permits (i.e., 404, 401, 1602, FESA, CESA). The Draft EIR indicates that direct impacts to special-status plant species shall be mitigated at a 3:1 ratio, and indirect impacts to special-status plant species shall be mitigated at a 1:1 ratio. Whatever amount is deemed required, the off-site mitigation lands will be protected by a conservation easement or deed restriction and managed by a land trust or other qualified third-party entity for the benefit of natural resources, including waters of the United States and waters of the State, as well as the other special-status plants, species, and sensitive natural communities found on the project site.

Page 3.4-42, Impact BIO-1, Special-status Plant Species

The second and third paragraphs of the discussion under this Special-status Plant Species section have been revised as follows:

Three special-status species, including shining navarretia, crownscale, and big tarplant, and a locally rare species, angle-stem buckwheat, were present during the 2018 and 2019 plant surveys and have the potential to occur on site. ~~While a~~All of the known on-site populations of crownscale, big tarplant, and angle-stem buckwheat will be preserved within the project's open space preserve areas; however, it is possible that construction activities could impact these special-status plant species. Additionally, some of the shining navarretia populations will be directly or indirectly impacted by the development footprint, as shown in Exhibit 3.4-7.

Because the proposed project could result in adverse effects to on-site populations of crownscale, big tarplant, and angle-stem buckwheat, and shining navarretia, this represents a potentially significant impact. ~~No special-status plant species were observed within the Off-site Improvement Area during the 2018 and 2019 surveys. Impacts to special-status plant species are shown in Exhibit 3.4-7.~~ Implementation of Mitigation Measure (MM) BIO-1a, which requires exclusionary fencing, construction buffers, erosion control techniques, and job site training, would reduce impacts to the crownscale, big tarplant, and angle-stem buckwheat during construction. Furthermore, avoidance and/or replacement and preservation via a conservation easement and/or deed restrictions, would reduce impacts to shining navarretia, crownscale, big tarplant, and the locally rare species, angle-stem buckwheat to a less than significant level. Options 1 and 2 outlined in BIO-1a are equally effective in reducing impacts to a less than significant level if ~~Option 2 succeeds~~. However, Option 1 is the most effective option, as there is no risk of failure. Additionally, if project construction occurs after the City of Antioch has adopted an HCP/NCCP, the project shall comply with the provisions of the adopted document to the extent that all project impacts would be mitigated to a less than significant level. In the meantime, MM-BIO1a includes mitigation measures outlined in the East Contra Costa County HCP to protect potentially impacted special-status plant species during construction.

No special-status plant species were observed within the Off-site Improvement Area during the 2018 and 2019 surveys. Accordingly, no mitigation for the Off-site Improvement Area is necessary.

The following text shall be added as the second paragraph of the Impact BIO-1, Special-status Plant Species, under Operation analysis:

The project has been designed, designated, and zoned to include over 40 percent of the project site as open space to avoid impacts to the various special-status plants and species, sensitive natural communities, and aquatic resources. More specifically, approximately 210 acres will be avoided and outside of any development footprint. The one minor exception to this is the trail system, which will be located well outside the 125-foot set back from centerline of Sand Creek (on both sides), and within existing farm roads and/or culverts. As provided in the Design Guidelines and Resource Management Plan (RMP) for the project, the trails will be lined with post and cable (or other suitable) fencing and signage (all subject to regulatory approvals from the resource agencies) to keep people and pets out of the sensitive open space area. Additionally, the RMP requires that the open space areas be

placed into conservation with a qualified third-party entity (i.e., the City or a local land trust) to hold and manage in perpetuity as required by regulatory agency permits or be deed restricted (RMP § 6.1). The care and monitoring of the open space area will be funded either by bonds (i.e., CFD) or HOA fees. The open space areas will be managed in accordance with Sections 6.4 (Weeds), 6.6 (Litter), and 7.0 (Cattle Grazing) of the proposed RMP.

Page 3.4-45, Operation

The following text has been added as the second paragraph in the discussion of Operations under Impact BIO-1:

Additionally, once constructed, the project components such as trails and recreation could impact special-status plants and wildlife species as well as sensitive natural communities and wetlands, due to human interference and damage (i.e., trash, entrance into preserves, etc.). As a result, the project has been designed by the project Applicant to ensure human interference is minimized and mitigated. Specifically, the Design Guidelines and the RMP for the project require fencing to keep people out of the preserve areas, as well as the posting of open space preserves with signage. (See Design Guidelines, Section 5.9.2 and RMP Section 6.5). Additionally, State and federal resource agencies are expected to employ similar mitigation requirements pursuant to the various permits required for the project (i.e., CDFW 1602, USFWS biological opinion, CDFW take permit, CWA Section 404, CWA Section 401).

Page 3.4-45, MM BIO-1a

The following revisions have been made to MM BIO-1a:

The project Applicant hired a qualified Biologist to conduct protocol surveys of the shining navarretia, crownscale, and big tarplant, and the locally rare species, angle-stem buckwheat, in ~~the 2018-2019~~ 2018 and 2019 and submitted them to the City for independent peer review (See Appendix D). To the extent construction ~~moves forward~~ occurs within 5 years of these surveys, they shall be deemed valid and no further surveys shall be required. However, if construction does not occur on affected areas ~~on or before~~ within 5 years of the protocol surveys, the project Applicant shall hire a qualified Biologist to survey the project area or phase prior to construction. All survey results shall be submitted to the City of Antioch Planning Division prior to approval of grading permits.

Where populations are located outside of the project footprint, a qualified Biologists shall demarcate ~~these areas for complete~~ an appropriate avoidance zone sufficient to completely avoid impacts to any individual plants. If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, then that shall be considered an indirect impact and the project Applicant shall ensure the plants are protected during construction by installing protective buffers such as orange exclusionary fencing and/or any necessary erosion controls methods such as the placement of straw wattles around the plants, in accordance with permits issued by the CDFW and/or USFWS.

Where ~~shining navarretia~~ populations of special-status plant species are located within the project footprint, this shall be considered a direct impact. If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, then that ~~will~~ shall be considered an indirect impact.

For impacts to the crownscale, big tarplant and the locally rare angle-stem buckwheat, the project Applicant shall comply with MM BIO-3. The project Applicant shall have the following options to mitigate for ~~direct and/or indirect~~ impacts to the shining navarretia. Options one and two are listed by order of effectiveness:

[Options 1, 2 and 3 remain unchanged.]

Page 3.4-63, Impact BIO-2, Sensitive Natural Communities

Impact Statement BIO-2 is revised to correct the CDFW reference.

Impact BIO-2:	The project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game <u>Wildlife</u> or U.S. Fish and Wildlife Service.
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The last line of the second paragraph under Construction/Operation is revised as follows:

~~No sensitive natural vegetation communities will~~ could also be impacted by the project.

While valley oak woodland and Alkali weed-salt grass playas and sink have been mapped within the project area, the project has been designed to fully avoid these landcover types, however, it is possible that impacts to sensitive natural communities could occur during construction. Accordingly, MM BIO-3 has been revised to ensure that sensitive natural communities within the avoidance area would be fully avoided during construction. Following construction, these areas would be protected by a conservation easement or deed restriction and protected from development in perpetuity. No sensitive natural vegetation communities will be impacted by the project with the implementation of MM BIO-3.

The following text has been added as the third paragraph under Construction/Operation just below Table 3.4-2 related to sensitive natural communities as follows.

As mentioned under Impact BIO-1, the project has been designed, designated, and zoned to include over 40 percent of the project site as open space to avoid impacts to the various special-status plants and species, sensitive natural communities, and aquatic resources. Approximately 210 acres will be avoided and outside of any development footprint. The one minor exception to this is the trail system, which will be located well outside the 125-foot set back from centerline of Sand Creek (on both sides) but constructed on existing farm roads and/or culverts. Once constructed, the project components such as trails and recreation could impact special-status plants and wildlife species as well as sensitive natural communities and wetlands, due to human interference and damage (i.e., trash, entrance

into preserves, etc.). As a result, the project has been designed by the project Applicant to ensure human interference is minimized and mitigated.

As provided in the Design Guidelines and Resource Management Plan (RMP) for the project, the trails will be lined with post and cable (or other appropriate) fencing and signage (all subject to regulatory approvals from the resource agencies) to keep people and pets out of the sensitive open space area. (See Design Guidelines, Section 5.9.2 and RMP Section 6.5). Additionally, the RMP requires that the open space areas be placed into conservation with a qualified third-party entity (i.e., the City or a local land trust) to hold and manage in perpetuity as required by regulatory agency permits, or be subject to deed restriction (RMP § 6.1). The care and monitoring of the open space area will be funded either by bonds (i.e., CFD) or HOA fees. The open space areas will be managed in accordance with Sections 6.4 (Weeds), 6.6 (Litter), and 7.0 (Cattle Grazing) of the proposed RMP. Finally, state and federal resource agencies are expected to employ similar mitigation requirements pursuant to the various permits required for the project (i.e., CDFW 1602, USFWS biological opinion, CDFW take permit, CWA Section 404, CWA Section 401).

Also, a new exhibit (Exhibit 3.4-10) has been incorporated to identify the project trails, their locations, and site-specific photographs illustrating that there are existing farm roads and culverts in the exact locations that the trails are proposed to be located.

Page 3.4-64

The following typographical error is corrected in reference to Impact BIO-2:

Level of Significance Before Mitigation

Potentially-Less-Than Significant

Mitigation Measures

Implementation of MM BIO-3 below.

Level of Significance After Mitigation

Less Than Significant

Page 3.4-70, MM BIO-3

In response to various comments, MM BIO-3 is revised as follows:

MM BIO-3 Prior to the issuance of a grading permit for the project, the project Applicant shall obtain all required resource agency approvals for the project, including as follows:

The project Applicant shall obtain for a Section 404 permit from the United States Army Corps of Engineers (USACE). USACE-jurisdictional w~~W~~aters that will be impacted shall be replaced or rehabilitated on a “no-net-loss” basis and at ratios set by the USACE (but no less than 1:1). Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE (i.e., at a mitigation bank, or otherwise protected by one or more conservation easement(s) and/or deed restriction(s) in perpetuity).

The project Applicant shall apply for and obtain a Section 401 water quality certification from the Regional Water Quality Control Board (RWQCB) and adhere to the certification conditions.

The project Applicant shall apply for and obtain a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW).

The information provided will include a description of all of the activities associated with the proposed project, not just those closely associated with the drainages and/or riparian vegetation. Impacts will be outlined in the application and are expected to be in substantial conformance with the impacts to biological resources outlined in this document. Impacts for each activity will be identified as temporary or permanent with a description of the proposed mitigation for the associated biological resource impacts. Information regarding project-specific drainage and hydrology changes resulting from project implementation will be provided as well as description of stormwater treatment methods. ~~Minimization and avoidance measures shall be proposed as appropriate and may include preconstruction species surveys and reporting; protective fencing around avoided biological resources; worker environmental awareness training; seeding disturbed areas adjacent to open space areas with native seed; and installation of project-specific stormwater Best Management Practices (BMPs).~~ Mitigation ~~may~~ shall include restoration or enhancement of resources on- or off-site, purchase of habitat mitigation credits from an agency approved mitigation/conservation bank, purchase of off-site land approved by resource agencies for mitigation, working with a local land trust to preserve land, or any other method acceptable to the CDFW.

Prior to any construction activities that could impact protected plants, species, or waters, the project Applicant shall install orange exclusionary fencing around the areas to be avoided or preserved to prevent construction impacts from construction vehicles, equipment, and workers. The fencing shall be placed with a buffer area of 250 feet (or lesser distance if deemed sufficiently protective by a qualified biologist with approval from the USACE/California Department of Fish and Wildlife (CDFW). A qualified Biologist shall inspect the fencing throughout construction to ensure it is in good functional condition. The fencing shall remain in place until all construction activities in the immediate area are completed. No activity shall be permitted within the protected fenced areas except for those expressly permitted by the USACE or CDFW.

A construction buffer shall be provided along all avoided wetlands in accordance with the 404 and 401 permits. Only those uses permitted under the 404 and 401 permits and/or Streambed Alteration Agreement shall be permitted in the wetlands preserve and its buffer. Water quality in the avoided wetlands shall be protected during construction in the watershed by using erosion control techniques, including (as appropriate), but not limited to, preservation of existing vegetation, mulches (e.g., hydraulic, straw, wood), and geotextiles and mats. Urban runoff shall

be managed to protect water quality in the preserve areas using techniques such as velocity dissipation devices, sediment basins, and pollution collection devices, as required by any regulatory permits.

Prior to ground disturbance, all on-site construction personnel shall receive instruction regarding the presence of listed plants and species and the importance of avoiding impacts to these species and their habitat.

Page 3.4-71, Impact Statement

Impact Statement BIO-4 has been revised for purposes of clarification. The substance of the discussion and the impact conclusion remains unchanged.

Impact BIO-4:	The project could would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.
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Page 3.4-74, Habitat/Natural Community Conservation Plan Consistency, Impact Analysis

The discussion in Impact BIO-6 has been revised to read as follows. No new environmental impacts or change in conclusion result.

~~In July 2007, the ECCC HCP/NCCP was adopted by Contra Costa County, other member cities, the USFWS, and the CDFW. The City of Antioch, however, declined to participate in the HCP/NCCP. While the City is attempting to obtain coverage under the ECCC HCP/NCCP, the process is long, and the City is only in the beginning stages. Thus, the project site is not located in an area with an approved HCP/NCCP, or local, regional, or State HCP.~~

The project site is included within the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) inventory area as a “low priority” acquisition. The HCP/NCCP was adopted by the East Contra Costa County Habitat Conservancy on May 9, 2007, and covers the City of Brentwood, City of Clayton, City of Oakley, City of Pittsburg, all of the unincorporated areas of Contra Costa County, Contra Costa Water District, and East Bay Regional Park District. Although Antioch is located within the Inventory Area of the East Contra Costa County HCP, the City is not a permittee under the HCP and thus, the project cannot apply for take coverage under it. The HCP/NCCP seeks to avoid conflict between conservation and economic development by providing an opportunity to preserve diverse ecosystems, unique species, and scenic landscapes while clearly regulating obstacles to development and growth. The HCP/NCCP covers approximately 175,000 acres in East County, including a Preserve System of up to 30,000 acres to support recreation, livestock grazing, and in small instances, agriculture. Developers within the HCP/NCCP may pay a fee and/or dedicate land rather than individually having to survey, negotiate, and secure State and federal resource permits. The fees are collected, and the HCP Conservancy purchases habitat lands/easements from willing sellers. Funds are also collected for monitoring and/or habitat enhancement.

Chapter 5 of the HCP/NCCP outlines the conservation strategy, which relies on the following types of conservation measures for both habitat and species:

- Avoidance and minimization
- Habitat preservation
- Habitat enhancement
- Habitat restoration
- Habitat creation
- Population enhancement

With regard to wetlands and ponds, the main goal of the HCP/NCCP is to preserve wetlands within the inventory area and restore them in the Preserve System. With regard to grasslands, the goal is to preserve sufficient habitat in the inventory area to maintain viable populations of grassland species. With regard to riparian woodland and scrub habitat, the main goal is to preserve or enhance streams and riparian woodlands in the inventory area. The HCP/NCCP also includes several avoidance and minimization measures.

As noted by the HCP documents, the City of Antioch opted out. Thus, the project Applicant does not have the benefit of the HCP and is instead, required to fund surveys, prepare and obtain individual regulatory permits, and fully mitigate any and all impacts to biological resources in accordance with those permits prior to proceeding with any development on the project site. However, the project Applicant has included over 40 percent of the site as open space, taken all development off of hillsides, is preserving 99 percent of the existing trees on-site, and is preserving the entirety of the Sand Creek Corridor. Accordingly, the project clearly meets the conservation goals and the avoidance and minimization measures of the East Contra Costa County HCP.

If the City has adopted an HCP prior to the start of project construction, and both the City and all resource agencies have approved the HCP, the proposed project would be required to comply with all provisions of the HCP to the extent such impacts could be mitigated by the HCP, and compliance would reduce any impacts to a less than significant level. However, because no HCP/NCCP currently governs the project site, construction impacts related to the consistency with a conservation plan would have no impact on any such plan.

Section 3.5, Cultural and Tribal Cultural Resources

Page 3.5-20

The MM CUL-1 has been updated to include the presence of an Archaeological and Tribal Monitor who will be present during the initial grading of the site in order to check for undiscovered cultural resources.

MM CUL-1 Treatment Plan and Avoidance and Preservation in Place of Existing Cultural Resources

Historic Resources P-07-000008 and Locus 1 of site P-07-000010 are eligible historic resources that shall be avoided during project construction and preserved in-place. Prior to ~~tentative map approval and the issue~~ issuance of the first grading permits, the project Applicant shall prepare a Cultural Resources Management Plan detailing how all cultural resources within the project disturbance area will be avoided or treated. The Plan shall be submitted to the City of Antioch Planning Division for review and approval ~~prior to tentative map approval and the issue of grading permits~~, as well as the California Office of Historic Preservation (OHP), if required. The Cultural Resources Management Plan shall be prepared by an archaeologist who meets the Secretary of Interior's qualification standards for archaeology, and shall include the following components:

- A detailed summary, avoidance, and protection plan for nearby resources that are eligible or potentially eligible for the California Register of Historical Resources. The plan shall include a provision stating that prior to grading, the project archaeologist shall determine the existing boundaries of each historic site and mark the boundaries of each site with protective Environmentally Sensitive Area (ESA) fencing. Any project-related ground disturbance occurring within 50 feet of the established boundary of either site shall be monitored full time by the project archaeologist.
- A monitoring plan developed in coordination with Wilton Rancheria that details the scheduling, safety protocols and procedures to be followed by the archaeological monitor and Native American tribal monitor.
- If it is determined that development of the proposed project would occur in areas identified as containing portions of site P- 07-000008 and/or Locus 1 of site P-07-000010, and the sites cannot be avoided or preserved, the City, ~~the United States Army Corps of Engineers (USACE), OHP, and an Project Archaeologist meeting the Secretary of the Interior's professional standards for historical archaeology~~ shall coordinate as necessary to determine the appropriate course of action, which ~~may could~~ include data recovery, scientific analysis, and professional museum curation of material.
- ~~Prior to grading, the Applicant shall hire a qualified Archaeologist to determine the existing boundaries of each historic site and mark the boundaries of each site with protective Environmentally Sensitive Area (ESA) fencing. Any project related ground disturbance occurring within 50 feet of the established boundary of either site shall be monitored by the Archaeologist.~~

Page 3.5-21

MM CUL-2 has been updated and clarified to include provisions for any significant tribal cultural resources or human remains that may be encountered over the course of project related ground disturbance.

MM CUL-2 Archaeological Training, Monitoring, and Stopping ~~Stop~~ Construction Upon Encountering Archeological Materials

Prior to construction, the project archaeologist and a tribal monitor from Wilton Rancheria shall provide cultural resources sensitivity training for the construction crew that will be conducting grading and excavation at the project site. The training shall include visual aids and/or hand-outs detailing applicable laws and regulations, the kinds of archeological and/or Native American resources that may be encountered, as well as what to do in case of a discovery.

Due to the sensitivity of the site, project related ground disturbance shall be monitored by the project archaeologist and a tribal monitor from Wilton Rancheria. If, over the course of construction, the archaeologist and monitor determine that monitoring may be reduced or is no longer required, they shall present their reasoning to the appropriate City Planner for concurrence. In the event that subsurface archeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during earth-moving activities, all work within 100 feet of the resource shall be halted, and the Applicant shall consult with a qualified Archeologist until the project archeologist can stabilize and evaluate the find. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant in accordance with Section 15064.5 of the CEQA Guidelines. If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.

The archaeologist shall also perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, and provide for the permanent curation of the recovered resources. Specifically, treatment of unique archaeological resources shall follow the applicable requirements of Public Resources Code Section 21083.2. Treatment for most resources could, but shall not be limited to, sample excavation, artifact collection, site documentation, and historical research with the aim to target the recovery of important scientific data contained in the portions of the significant resource to be impacted by the project. The report shall be submitted to the City of Antioch, the Northwest Information Center, and the California Office of Historic Preservation. Representatives of the City and the qualified Archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation.

If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.

If a Native American archeological, ethnographic, or a spiritual resource is discovered, all identification and treatment shall be conducted by qualified Archeologists who are certified by the Society of Professional Archeologists and/or meet the federal standards as stated in the Code of Federal Regulations (36 Code of

~~Federal Regulations [CFR] Part 61), and are Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.~~

~~In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical Archeologists, who shall meet Register of Professional Archeologists or 36 Code of Regulations Part 61 requirements.~~

~~The Applicant shall retain the services of a professional Archaeologist to educate the construction crew that will be conducting grading and excavation at the project site. The education shall consist of an introduction to the geology of the project site and the kinds of archeological and/or Native American resources that may be encountered, as well as what to do in case of a discovery.~~

Section 3.6, Geology and Soils

Page 3.6-20, Mitigation Measures

The following mitigation measure was revised to correct a minor typographical error. No changes to the substance of the discussion or impact conclusion result.

MM GEO-2 ~~a~~ Development of a Storm Water Pollution Prevention Plan

Prior to the issuance of grading permits, the project Applicant shall prepare and submit to the City Public Works Department and Central Valley Regional Water Quality Control Board (RWQCB), a Storm Water Pollution Prevention Plan (SWPPP) detailing measures to control soil erosion and waste discharges during construction. The SWPPP shall include an erosion control plan, a water quality monitoring plan, a hazardous materials management plan, and post-construction Best Management Practices (BMPs).

Page 3.6-23, Cumulative Impacts

The last sentence of the last paragraph in Section 3.6.5 has been revised to delete a typographical error as follows:

Cumulative projects, including the project site, have the potential to experience strong to violent ground shaking from earthquakes. The other cumulative projects listed in Table 3-1 would be exposed to the same ground shaking hazards and likewise would be subject to the same requirements. Cumulative projects would adhere to the provisions of the CBC, and policies of the City of Antioch General Plan and Antioch Municipal Code reducing potential hazards associated with seismic ground shaking and ground failure. As such, the proposed project in conjunction with other cumulative projects would ~~not~~ result in a less than significant cumulative impact associated with seismic-related hazards.

Section 3.7, Greenhouse Gas Emissions and Energy**Pages 3.7-36, Section 3.7.3, Regulatory Framework**

The following paragraph has been revised to correct the date. The substance of the paragraph is unchanged.

Part 11 (California Green Building Standards Code)

California Code of Regulations Title 24, Part 11, is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect January 1, 2011. The code is updated on a regular basis, with the most recent update consisting of the ~~2016~~2019 California Green Building Code Standards that became effective January 1, ~~2017~~2020.² Local jurisdictions are permitted to adopt more stringent requirements, as state law provides methods for local enhancements. The Code recognizes that many jurisdictions have developed existing construction and demolition ordinances, and defers to them as the ruling guidance provided they provide a minimum 50-percent diversion requirement. The code also provides exemptions for areas not served by construction and demolition recycling infrastructure. State building code provides the minimum standard that buildings need to meet in order to be certified for occupancy, which is generally enforced by the local building official.

Page 3.7-39, Section 3.7.3, Regulatory Framework

The following text has been revised to remove reference of traditional and multi-generational plans.

~~Multi-Generational Plan and Traditional Plan~~ Project Compliance with the Community Climate Action Plan

The City's CCAP was established to ensure the City's compliance with the Statewide GHG reduction goals required by AB 32. The CCAP included emissions reduction targets for the City, as well as reduction strategies, but did not specify project-level emissions thresholds. Although the City's CCAP did not establish project-level thresholds to assess a project's compliance with AB 32, the BAAQMD adopted thresholds are designed to assess a project's compliance with AB 32 and Statewide reduction goals. Therefore, if GHG emissions relating to implementation of a project are below the BAAQMD's thresholds of significance, the project would be considered in compliance with AB 32 and the goals of the City's CCAP.

Page 3.7-49, Section 3.7.4, Impacts and Mitigation Measures

Minor modifications and additions were made to MM GHG-1. No changes to the substance of the discussion or impact conclusion result, and no new environmental impacts would be triggered.

MM GHG-1 ~~Implement potentially feasible mitigation measures~~

² California Building Standards Commission (CBC). ~~2016~~2019. Green Building Standards. Website: <https://www.ladbs.org/docs/default-source/publications/code-amendments/2016-calgreen-complete.pdf?sfvrsn=6> ~~https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen~~. Accessed ~~December 27, 2019~~ May 14, 2020.

Prior to the issuance of the last certificate of occupancy ~~(or as otherwise specifically stated)~~, the project Applicant shall provide documentation to the City of Antioch that the proposed project has employed one or more of the following measures to reduce greenhouse gas (GHG) emissions (i.e., 1,191 metric tons of carbon dioxide equivalent per year (MT CO₂e/year) to at or below 2.6 MT CO₂e/year/service population by 2030:

- Purchased electricity from a utility offering 100 percent renewable power for some or all of the proposed project's power needs.
- Installed on-site solar panels to generate electricity for a portion or all of project electricity consumption.
- Constructed homes and buildings to be all-electric (thereby minimizing the project's natural gas consumption during operations).
- Installed all-electric appliances during construction to minimize the use of natural gas consumption during project operations.
- Provided outlets on the outside of buildings or in other accessible areas to facilitate the use of electrically powered landscape equipment.
- Installed on-site charging units for electric vehicles consistent with parking requirements in California Green Building Standards Code (CALGreen) Section 5.106.5.2.
- Implemented a ride sharing program for employees starting no later than 60 days after commercial operations begin.
- Purchased voluntary carbon credits from a verified GHG emissions credit broker in an amount sufficient to offset operational GHG emissions of approximately 34,531 MT CO₂e over the lifetime of the proposed project (or a reduced amount estimated based on implementation of other measures listed above). Copies of the contract(s) shall be provided to the City Planning Department.

Page 3.7-60, Section 3.7.5, Cumulative Impacts

The following text has been revised to reflect the significant and unavoidable determination as listed under Impact GHG-1.

As discussed above, GHG emissions are inherently a cumulative impact. Therefore, the analysis presented above addresses the cumulative GHG impacts of the proposed project.

Level of Cumulative Significance Before Mitigation

Potentially Significant

Mitigation Measures

MM GHG-1.

Level of Cumulative Significance After Mitigation

Significant and Unavoidable ~~Less Than Significant~~

Section 3.8, Hazards, Hazardous Materials, and Wildfire**Page 3.8-28, Hazardous Materials Upset Risk, Impact Analysis**

The following sentence of the last paragraph of the construction impact analysis has been removed.

However, the project contractor would be required to comply with all federal, State, and local ordinances regulating the handling, storage, and transportation of hazardous and toxic materials, as overseen by Cal/EPA and the DTSC. ~~Thus, the on-site construction activities would not create a significant hazard to the public or the environment.~~

Page 3.8-32, Emergency Response and Evacuation

The following exhibit reference has been corrected to correct a typographical error.

In addition to providing the extension of Sand Creek Road, which would serve as the primary Emergency Vehicle Access (EVA) route to the project site, ~~A~~ a secondary EVA would be provided from the southern development area through Village 9 along Street C. EVA routes are shown in Exhibit ~~2-13~~ 2-14.

Page 3.8-39, Cumulative Impacts

The following text has been revised to correct a typographical error.

As such, cumulative impacts related to wildfire hazards and emergency response would be less than significant ~~with mitigation~~.

Section 3.9, Hydrology and Water Quality**Page 3.9-24, Impact Statement**

The following impact statement has been revised for purposes of clarification. The substance of the discussion and the impact conclusion remains unchanged.

Impact HYD-3: The proposed project would not could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- (i) result in substantial erosion or siltation on- or off-site;
- (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
- (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
- (iv) impede or redirect flood flows~~2~~.

Page 3.9-25, Erosion and Siltation

The following text has been revised for clarification purposes.

The project site is located in an urbanized area and primarily consists of pervious surfaces. Development of the project site would result in 7,731,723 square feet of new impervious surfaces compared to the existing condition. ~~Thus, project operation could result in increased amounts of stormwater runoff that could cause the increased erosion of soils and carry pollutants into Sand Creek.~~

Page 3.9-29, Impact Statement

The following impact statement has been revised for purposes of clarification. The substance of the discussion and the impact conclusion remains unchanged.

Impact HYD-4: **The proposed project would not ~~could~~ be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation.**

Section 3.10, Land Use and Planning

Page 3.10-22, Conflict with Applicable Plans, Policies, or Regulations, Impact Analysis

The following text has been added to further discuss proposed General Plan amendments.

Because the trial court invalidated the West Sand Creek Initiative, the proposed project would require a the exact same general plan amendments to the Land Use, Housing and Circulation Elements as were provided in the Initiative, but only as to the applicant's property and not to any of the surrounding properties. With ~~the~~ these amendments, the proposed project would be consistent with the existing and planned residential development within the Sand Creek Focus Area, including the planned development of a maximum of 4,000 residential units in the Sand Creek Focus Area. The proposed project would also avoid ~~hillside~~ development on hillsides and biologically sensitive habitats through the preservation of open space, ~~and would provide~~ providing a minimum 250-foot-wide corridor along Sand Creek as a buffer area for sensitive species and habitats, eliminating a westerly offshoot of the proposed roadway, and realigning the proposed Sand Creek Road to lie solely on the northern portion of the Creek, consistent with various General Plan policies listed throughout each section this chapter. Additionally, as required by the General Plan, the realignment of Sand Creek Road to north of the of the creek would improve circulation and emergency response times for new and existing residents wanting to access the Kaiser Hospital, across from the project site. ~~the proposed project would develop a Resources Management Plan (RMP) to outline mitigation of biological resources impacts within the project site.~~ Therefore, the proposed project would be consistent with the City of Antioch General Plan-~~4~~, and impacts related to General Plan consistency would be less than significant.

Section 3.13, Public Services and Recreation

Page 3.13-30, Mitigation Measures

The following text has been revised for consistency.

Mitigation Measures

Implementation of MM AQ-2a, MM BIO-1a through MM BIO-1p, MM BIO-3, MM BIO-4, MM CUL-1, MM CUL-2, MM CUL-3, MM GEO-1a, MM GEO-1b, MM GEO-2, and MM GEO-3, MM HAZ-2a, MMHAZ-2f, MM HAZ-2h, MM NOI-1a, MM NOI-1b, MM NOI-1c, MM TRANS-1a, TRANS-1b, MM TRANS-1c, MM TRANS-2, MM TRANS-7, MM TRANS-8a, MM TRANS-8b, and MM TRANS-8c.

Section 3.14, Transportation**Page 3.14-42 and 3.14-43, Near-Term Traffic**

Table 3.14-10 has been revised to list the number of building permits issued for each cumulative project. Additional edits have also been made to ensure that this table is consistent with Table 3-1 in Section 3.0, Environmental Impact Analysis.

Table 3.14-10: Pending and Approved Projects Summary

Map Location	Project Name	Characteristics	Number of Units Size	Square Footage or Acres Land Use Activity	Status	Number of Building Permits Issued
1	Park Ridge, Antioch	Single-family detached dwelling units	525 dwelling units	171 Acres Single-family Homes	Approved, under construction	135
2	Heidorn Village, Antioch	Single-family detached dwelling units	117 dwelling units	20 Acres Single-family Homes	Approved, under construction	58
3	Aviano, Antioch	Single-family detached dwelling units	533 dwelling units	189 Acres Single-family Homes	Approved, under construction	0
4	Promenade—Vineyards at Sand Creek, Antioch	Single-family detached dwelling units	641 dwelling units	141 Acres Single-family Homes	Approved, under construction	70
5	Laurel Ranch, Antioch	Single-family detached dwelling units	180 dwelling units; 10 acres commercial	54 Acres Single-family Homes	Approved	N/A
6	Wildflower Station, Antioch	Single-family detached dwelling units, condominiums, commercial	22 single-family 98 Condos 89,400 square feet commercial	10 acres of commercial use Mixed Use	Approved	98 apartments 22 single-family
7	Quail Cove	Single-family detached dwelling units	32 units	5.6 Acres	Approved	15
City of Brentwood						
7-8	Parkside Villas, Brentwood	Single-family detached dwelling units	37 single-family dwelling units	— Single-family Homes	Approved	0
8-9	Bridle Gate Residential Elementary School, Brentwood	Single-family detached dwelling units, elementary school	265 single-family dwelling units 700 students	— Single-family Homes Elementary School	Pending	0

Map Location	Project Name	Characteristics	Number of Units Size	Square Footage or Acres Land Use Activity	Status	Number of Building Permits Issued
8-9	Bridle Gate Commercial, Brentwood	<u>Shopping Center</u>	150,000 square feet	<u>150,000 square-foot shopping center</u> Shopping Center	Pending	0
8-9	The Enclave, Brentwood	<u>Single-family detached dwelling units</u>	258 dwelling units	<u>—</u> Apartments	Pending	0
9-10	Brentwood Country Club, Brentwood	<u>Detached active adult dwelling units</u>	63 dwelling units 123 units	<u>—</u> Detached-Active Adult Residential Care Facility	Approved	0
10-11	Orfanos, Brentwood	<u>Single-family detached dwelling units</u>	160 dwelling units	<u>—</u> Single-family Homes	Approved	0
11-12	Alvarez Partners, Brentwood	<u>Single-family dwelling units</u>	48 dwelling units	<u>—</u> Single-family Homes	Approved	<u>24</u> ¹
12-13	Streets of Brentwood, Brentwood	<u>Apartments, retail</u>	320 apartments dwelling units 32,000 square feet	<u>32,000 square feet of retail</u> Apartments Shopping Center	Pending	<u>0</u>
13-14	Shops at Lone Tree Village, Brentwood	<u>Shopping center</u>	n/a 54,000 square feet	<u>54,000 square feet of retail</u> Shopping Center	Pending	<u>5</u> ²
14	Quail Cove		32 dwelling units	Single Family Homes	Approved	
Total Units/Square footage			<u>3,299 units</u>	<u>236,000 square feet</u>	<u>—</u>	<u>427 permits</u>

Source: Fehr & Peers 2019.

¹ 24 permits have been issued, 19 of which have been finalized.

² 5 permits have been issued for commercial buildings, totaling 56,457 square feet.

Page 3.14-95, Exhibit 3.14-20: Cumulative AM and PM Peak Hour Volumes with Project

Exhibit 3.14-20 was revised to correct certain incorrect volumes that were inadvertently shown on a previous iteration of the site plan. Volumes used in the technical analysis presented in Section 3.14 reflected the correct site plan shown in Exhibit 2-8, and also reflected the correct volumes. Therefore, this correction to Exhibit 3.14-20 does not result in any change to the analysis or conclusions of the transportation analysis.

Page 3.14-97, Emergency Access Impact Discussion

The following text has been edited to clarify that Empire Mine Road is not planned to be used as an emergency vehicle access. The substance of the discussion and the impact conclusion remains unchanged.

Access to the proposed project would be provided from new roadway connections from Deer Valley Road via Street A and an extension of Sand Creek Road connecting to Dallas Ranch Road. Access to Villages 1 through 8 would be provided from multiple locations, meeting or exceeding the Fire Code requirements. Access to Villages 9, 10, 11, and 12 with a total of 555 units would be restricted to a single public access roadway. ~~A secondary emergency access connection from Empire Mine Road is proposed.~~ This configuration may not meet the California Fire Code and the Contra Costa County Fire Protection District (CCCFPD) Ordinance (D107.1).

Section 3.15, Utilities and Service Systems**Page 3.15-15**

The impact statement has been revised for purposes of clarification. The substance of the discussion and the impact conclusion remains unchanged.

Impact UTIL-1: The project would not ~~could~~ require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Section 6.0, Alternatives**Page 6-13, Reduced Density Alternative Trip Generation**

The following edit has been made to Table 6-2 to correct a typographical error in the number of daily trips for this alternative.

Table 6-2: Reduced Density Alternative Trip Generation

Scenario		Daily Trips	AM Peak-hour	PM Peak-hour
1.	Reduced Density Alternative	8,730 8,370	508	808
2.	Proposed Project	10,990	713	1,083
3.	Source: Fehr & Peers 2020.			

Page 6-24, Reduced Traffic Alternative Trip Generation

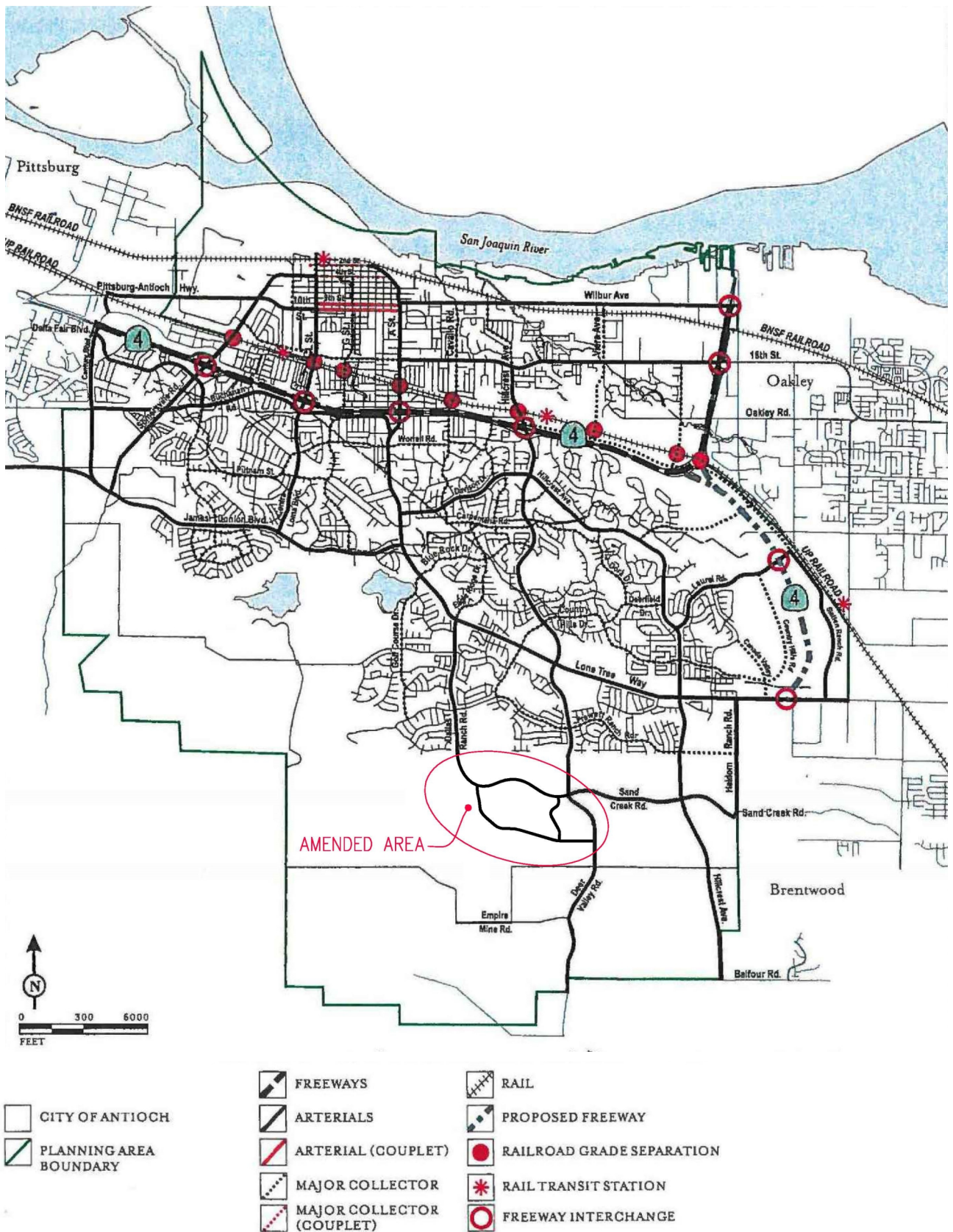
The following edit has been made to Table 6-4 to correct the name of Alternative 4.

Table 6-4: Reduced Traffic Alternative Trip Generation

Scenario	Daily Trips	AM Peak-hour	PM Peak-hour
No Project, No Development <u>Reduced</u> <u>Traffic Alternative</u>	9,310	550	858
Proposed Project	10,990	713	1,083
Source: Fehr & Peers 2020.			

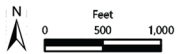
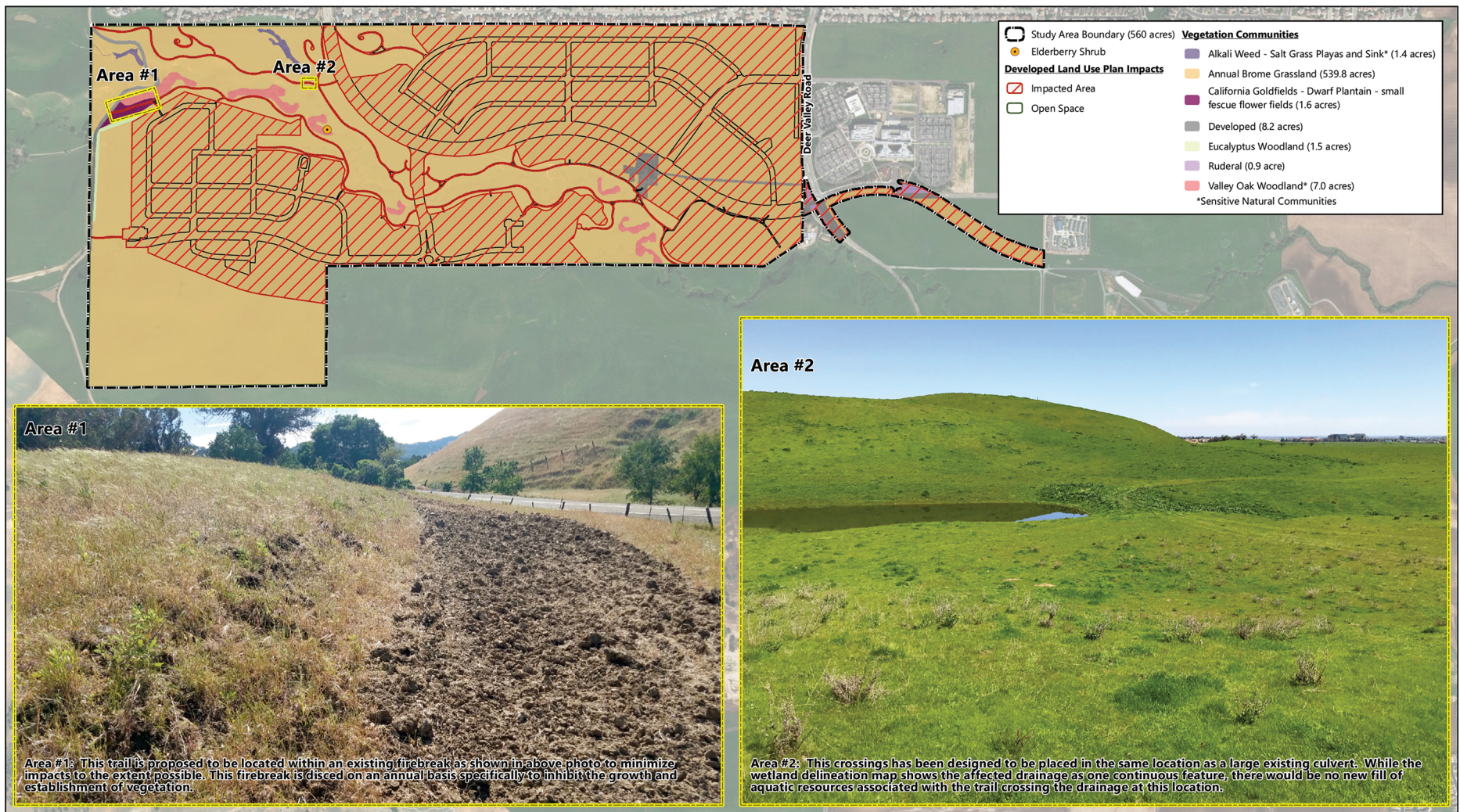
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Source: LSA, March 27, 2006. Revised by CBG Civil Engineers, April 26, 2018.

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Vegetation Community Source: Madrone Ecological Consulting, LLC, 2019
 Land Use Plan: CBG, Inc., March 2019
 Aerial Source: DigitalGlobe, 19 and 25 August 2017

Source: Madrone Ecological Consulting, LLC (Madrone) May 2020.

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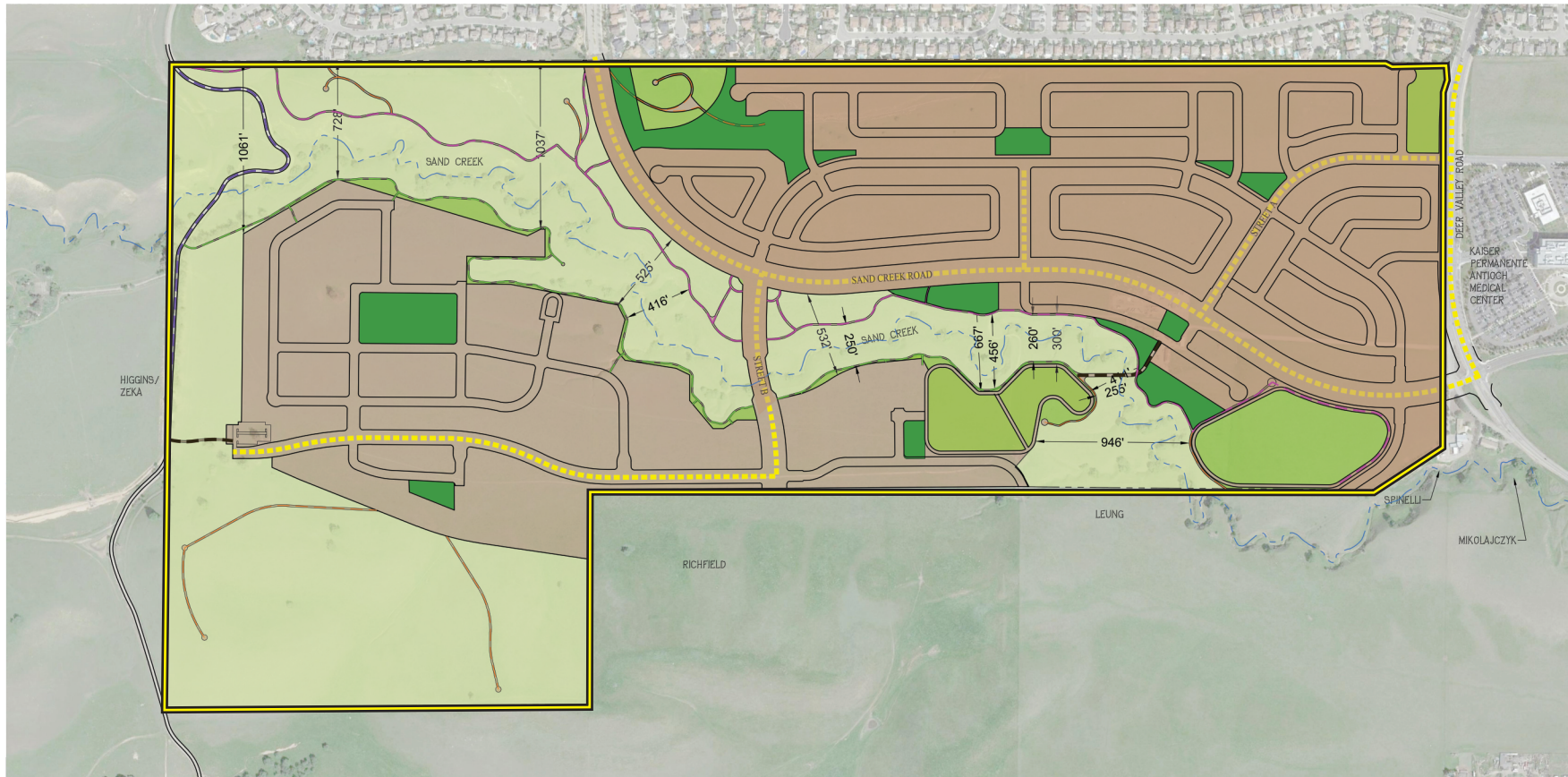


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Exhibit 3.4-10 Trail Impacts

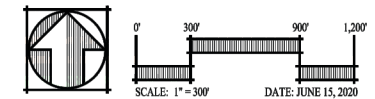
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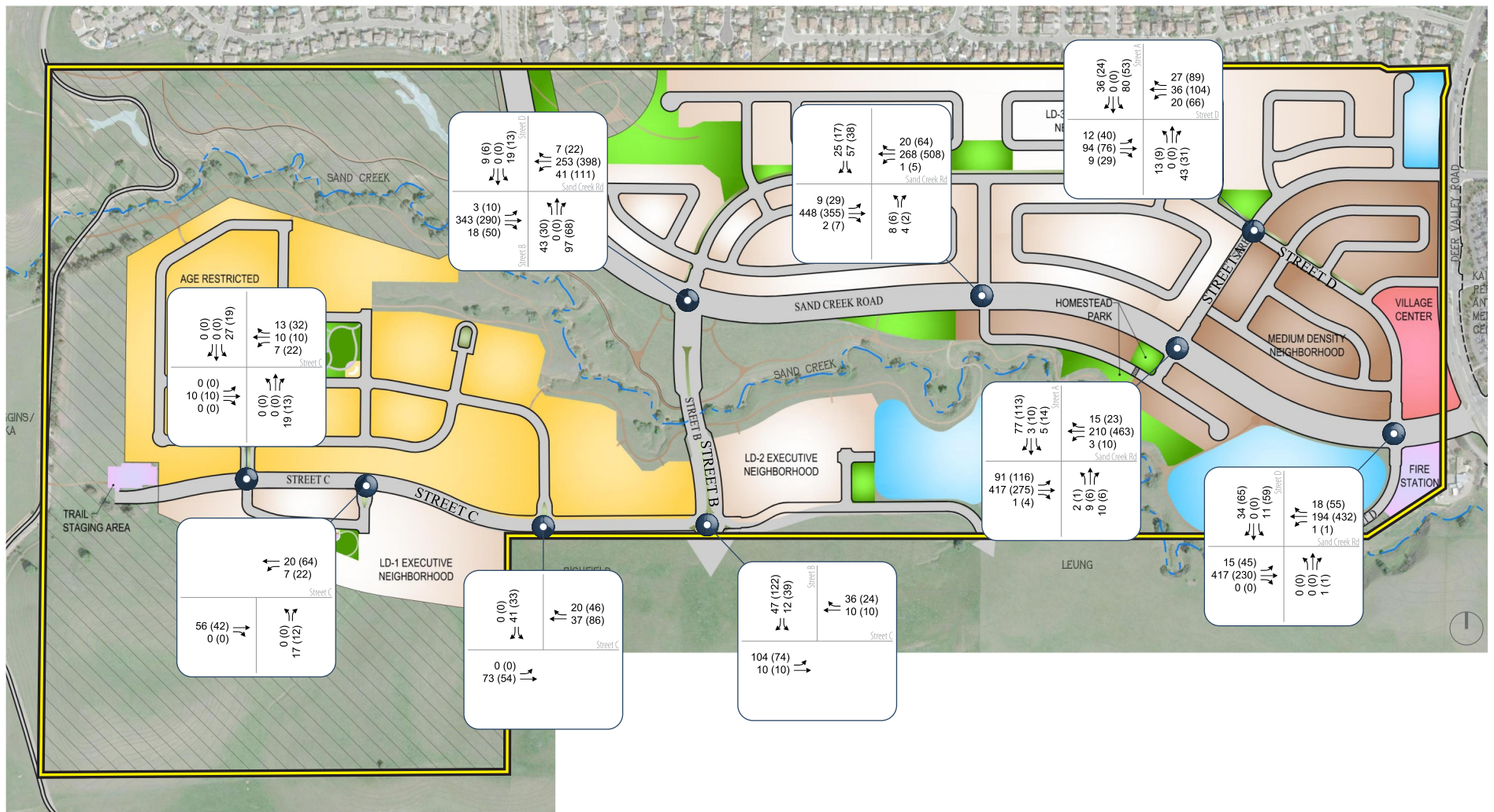
LEGEND

- | | |
|---|---|
|  IMPACTED (DEVELOPABLE) AREA = 302± AC |  EXISTING EMPIRE MINE ROAD (3,200± LF) |
|  PARKS = 20± AC |  TRAIL TYPE 1 - 10' AC W 5' STABILIZED SHOULDERS (1,000± LF) |
|  ON-SITE PRESERVE OPEN SPACE = 192.7± AC |  TRAIL TYPE 2 - 10' AC W 2' DG SHOULDERS (11,100± LF) |
|  ON-SITE PASSIVE OPEN SPACE = 36.8± AC
(INCLUDING 22± AC DRAINAGE BASIN AREA) |  TRAIL TYPE 3 - 8' SURFACE TBD (8,300± LF) |
|  SAND CREEK CENTERLINE |  TRAIL TYPE 4 - 4' NATURAL SURFACE (6,500± LF) |
|  Project Site |  ON STREET BIKE LANES (15,650± LF) |



Source: CBG Civil Engineers, June 15, 2020.

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XX (YY) AM (PM) Peak Hour Traffic Volumes

Source: FEHR & PEERS, July 2020.

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Exhibit 3.14-20 Cumulative AM and PM Peak Hour Volumes with Project

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