



Save Seven Hills Ranch
SaveSevenHillsRanch@gmail.com

August 23, 2021

Sean Tully, Principal Planner
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
sean.tully@dcd.cccounty.us Sent via email

Subject: Response to the Notice of Preparation for the Environmental Impact Report (EIR) for the Spieker Senior Continuing Care Community Project

County File Numbers: CDGP20-00001, CDRZ20-03255, CDMS20-00007, CDDP20-03018, CDLP20-02838.

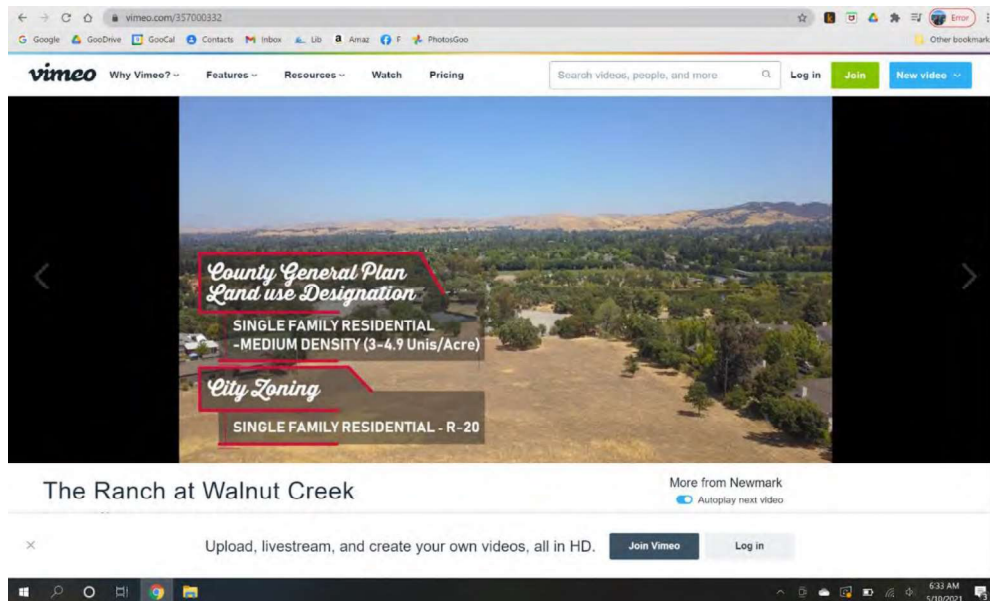
Dear Mr. Tully,

Thank you for this opportunity to provide comment on the above referenced project. I am writing as the representative of the Save Seven Hills Ranch grassroots community group to provide our comments regarding environmental concerns related to the proposed Spieker Senior Continuing Care Retirement Community project (Project). We have received the Notice of Preparation (NOP) and Notice of Scoping Meeting dated July 23, 2021. We are presenting initial general comments before we proceed with the "Potential Environmental Impacts" listed on pages 3-5 of the NOP document.

General Comments on Land Use and the City of Walnut Creek's "Sphere of Influence"

We are particularly concerned with the project's need and request for an amendment to the County's General Plan which would extremely increase the allowable density and require a leveling of the of the site and near complete habitat alteration to do so.

The original online ad answered by the developer, clearly indicating both the County Land Use Designation and the City of Walnut Creek Zoning would not accommodate the proposal:

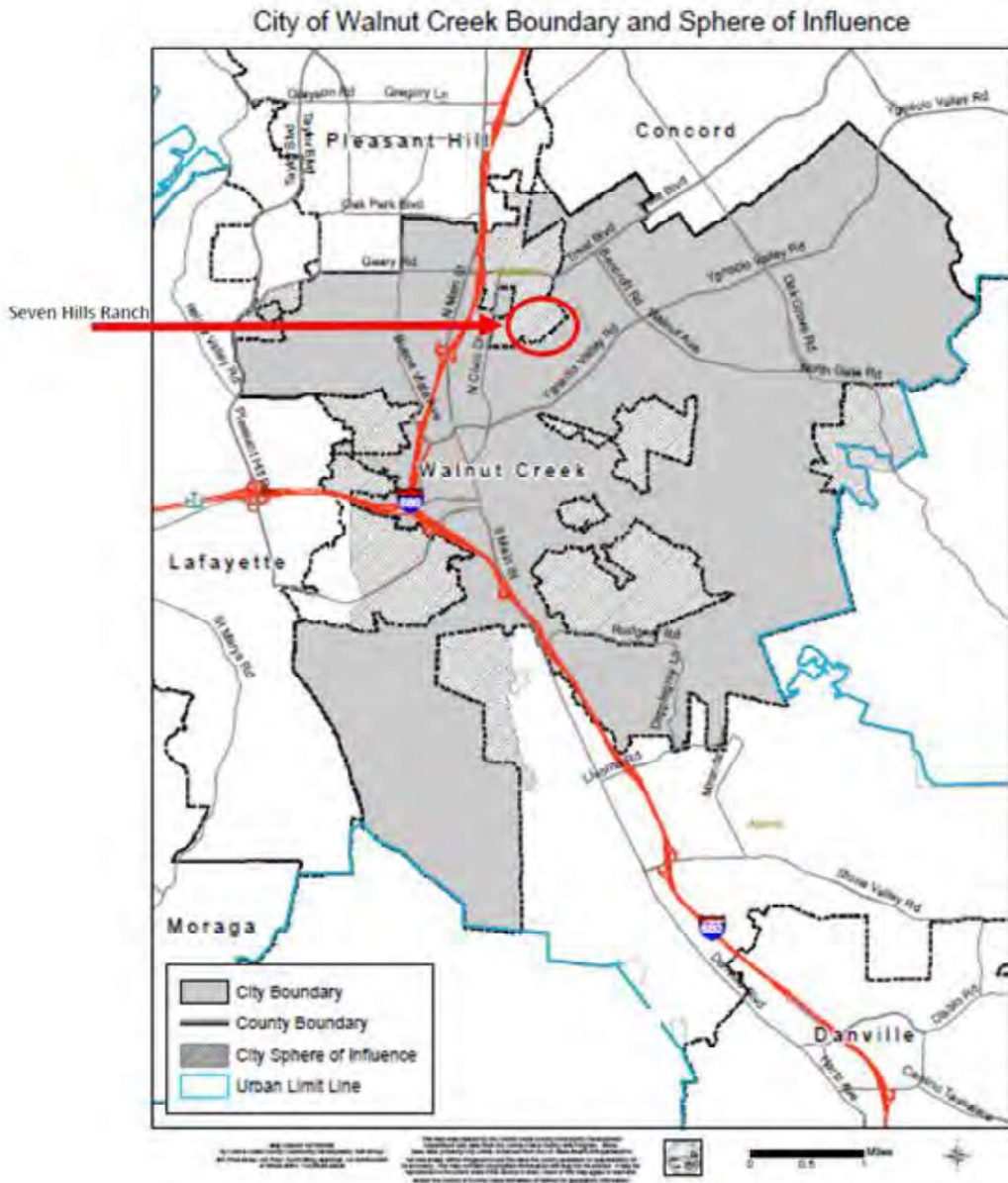


View the video ad online: [Seven Hills Ranch Video Real Estate Ad](#)

While the property itself is under County jurisdiction it is located within the City of Walnut Creek's "Sphere of Influence" and very nearly surrounded by property which is under the jurisdiction of the City of Walnut Creek, including the city's Heather Farm Park which is visited by 1.5 million visitors per year. Access is planned through incorporated Walnut Creek and will significantly affect the City's communities.

For these reasons we request that the EIR evaluate the project's conformance using both the County's and the City of Walnut Creek's relevant land use plans, policies, and regulations.

In addition, given that the County is making the decision for a project which will have significant impact on the City of Walnut Creek the project should also be reviewed and commented on by the Contra Costa County LAFCO.



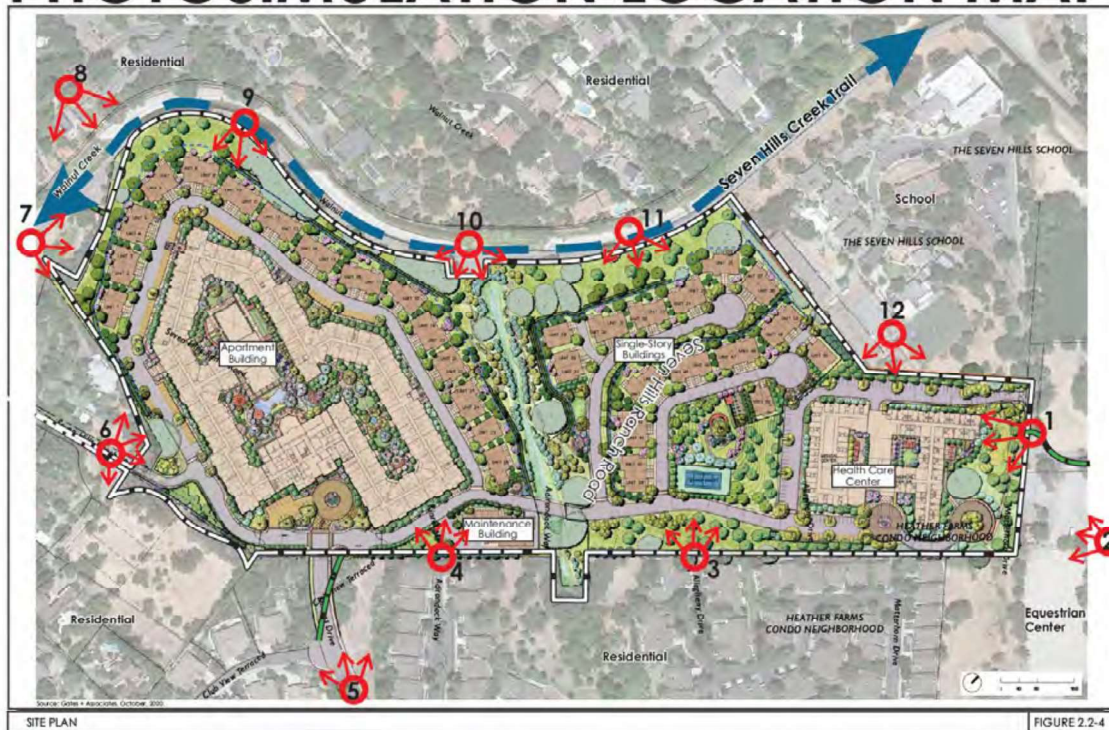
Comments on Potential Environmental Impacts


1. Aesthetics:

Views of the beautiful, natural character of Seven Hills Ranch (SHR) from various viewpoints are what make it so special. Hillsides of undeveloped grassland, dotted with native oaks and other trees, make this beautiful setting one of **high visual quality and character**. That would be completely altered under the proposed Project, with over 90 percent of the site graded to accommodate level building pads, massive retaining walls up to 26 feet in height, removal of nearly all the existing vegetative cover including over 400 trees, and replacing them with two massive structures along with additional buildings, roadways, parking areas, and limited replacement plantings and landscaping.

The following provides a review of the existing visual character of the SHR site in views from the adjacent Heather Farm Park, Seven Hills School, Seven Hills Creek Trail, and the surrounding neighborhoods. The varied topography of the site prevents views of the entire property from just a few locations, and therefore the site must be viewed from many locations. The enormity of the proposed Project warrants a thorough analysis from all surrounding areas. As a result, SSHR is requesting that photosimulations be provided from twelve different locations to fully characterize the potential impacts on aesthetics and visual character. The viewpoint locations have been carefully selected from publicly accessible viewing areas to fully represent the potential changes to the existing visual character of the site which would occur under the proposed Project. Although the proposed Project would dramatically alter views from the surrounding residences, we have focused the recommended viewpoint locations from publicly accessible areas as our understanding is the County does not evaluate potential impacts from private residences.

PHOTOSIMULATION LOCATION MAP



 Location of Requested Photosimulations and Direction of View

The recommended viewpoint locations are shown here and in the attached “Photosimulation Location Map” and include views from the north, east, south and west of the SHR site. Specifically, these consist of

- **(View 1)** the sidewalk along North San Carlos Drive near the entrance to Seven Hills School
- **(View 2)** the Natural Area on the north side of the parking lot of the Equestrian Center in Heather Farm Park
- **(View 3)** the west ends of Allegheny Drive and **(View 4)** Adirondack Way in the Heather Farms neighborhood
- **(View 5)** from Kinross Drive
- **(View 6)** from the end of Seven Hills Ranch Road where it enters the SHR site at the intersection with Homestead Avenue
- **(View 8)** from the Cherry Street neighborhood to the west
- **(Views 7, 9, 10 and 11)** from the Seven Hills Creek Trail along the western edge of the site along the east side of the Walnut Creek channel
- **(View 12)** from Seven Hills School

Representative photographs from each of these recommended viewpoint locations are provided in the summary below. This is followed by a review of the major issues of concern and the requests of SSHR regarding the scope of the *Aesthetics, Visual Quality, and New Light and Glare* section of the EIR.

Review of Recommended Photosimulation Locations

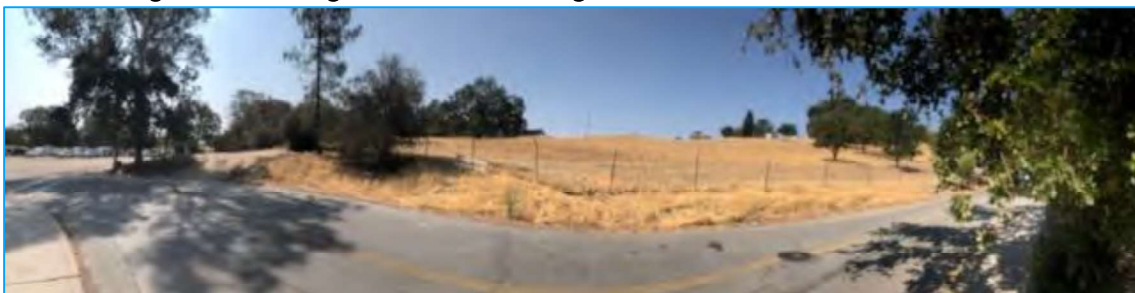
View 1 from North San Carlos Drive in Heather Farm Park – looking south from the sidewalk along the entrance road to Seven Hills School. This view of the SHR site is an essential component of the pastoral setting in the southwestern portion of Heather Farm Park. The undeveloped setting with rolling hills, native oaks and other scatter trees has been a key characteristic of the experience at Seven Hills School, a private school at the end of North San Carlos Drive, which was established at this location in the 1960’s.

The Seven Hills School property was the original home of the Diablo Junior Museum formed by Alexander Lindsay and others in 1955. The museum eventually became Alexander Lindsay Junior Museum after Lindsay’s death in 1962 and continues today in Larkey Park as the Lindsay Wildlife Experience. Protecting and rehabilitating injured wildlife from the Seven Hills Ranch property and surrounding area was an important mission of Lindsay and the education of children, and their important work continues today.

As Seven Hills School has expanded over the decades, it has been accomplished with respect for the hillside setting of the campus, protecting the native oaks and other trees, with some of the original buildings from the Lindsay era still in use today.

The proposed Medical Center, parking lots, access road, and Exclusionary Fence at the boundary of the site, would completely alter this pastoral setting. No information has been provided on the design and height of the security fencing along the northern edge of the SHR site where it borders Heather Farm Park, but it would most likely alter the current open condition, where rural ranch fencing remains along much of the frontage.

View 1



View 2 from Nature Area at Heather Farm Park – looking south from the main trail near the entrance off the parking lot near the Equestrian Center. Views of SHR are prominent in views from the HFP Nature Area and adjacent Equestrian Center, including the specimen valley oak (Tree # 428) that dominates the grassland covered hillside.

The existing condition of SHR reinforces the natural setting of this part of Heather Farm Park and calls back to an earlier era of Walnut Creek and Contra Costa County, when ranching and horses played an essential role in everyday life.

The specimen valley oak is visible in the center of the first image, on the hillside above the parking lot to the Equestrian Center, at the right edge of the second image, and features in the third image. Under the proposed project, a retaining wall would be installed within the tree canopy above the specimen oak and extend down the east (left) side of the tree, reaching a height of almost 12 feet in the foreground above the Equestrian Center. The Medical Center would surround the uphill side of the specimen tree, completely altering the existing undeveloped character of the SHR site. Grading, retaining wall construction and changes in surface hydrology would all pose risks to the long-term health of the specimen oak, given construction would extend within the dripline of this tree, and would likely lead to its eventual decline and death, which should be recognized as part of the analysis in the EIR.

View 2



View 3 from west end of Allegheny Drive – looking west across SHR over the cyclone fence that borders the east side of the property along the Heather Farms neighborhood.

The rolling hillsides, scattered oaks and abundant deer and wildlife characterize the existing condition of the site in views from the Heather Farms neighborhood, with distant views of Acalanes Ridge and Briones. All of which would be replaced with structures, roadways, and retaining walls, with only the top of the graded highest knoll on the SHR property remaining intact.

Grading would extend into the dripline of the specimen valley oak (Tree # 389) at the left edge of the photograph and would likely lead to the death of this oak. All of the other oaks and other trees on the site visible in this view would be removed as part of the project.

View 3



View 4 from west end of Adirondack Way – looking west across SHR over the cyclone fence that borders the east side of the property along the Heather Farms neighborhood. The rolling hillsides, scattered oaks and abundant deer and wildlife characterize the existing condition of the site in views from the Heather Farms neighborhood, with distant views of Acalanes Ridge and Briones.

These bucolic views would be replaced with the massive Main Building extending to an elevation of 180 feet at the continuous roof peak, along with other structures, roadways, and retaining walls. All of the trees on the site visible in this photograph would be removed under the proposed project and the majority of this view would be completely obstructed by the massive Main Building that would be about 480 feet wide and 900 feet long. The photosimulation should accurately depict the dramatic change in existing conditions from this location.

View 4

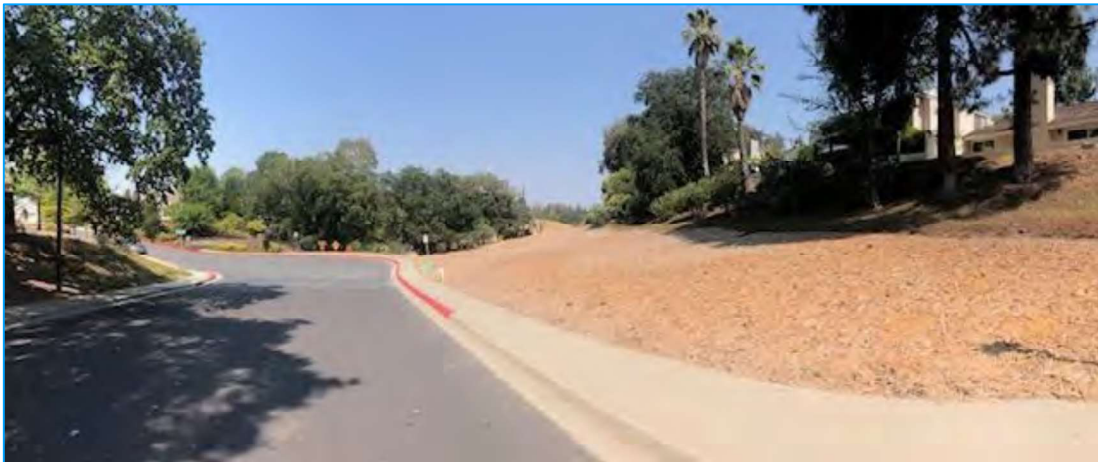


View 5 from Kinross Drive - looking west from Kinross Drive where the main entrance to the Project is proposed. Kinross Drive would be extended directly through the riparian woodland on the far side of the cul-de-sac in this view, rather than the open grassland area to the right.

The Main Building would be highly visible in views from Kinross Drive and Club View Terrace as most of the existing trees that currently screen or occupy the site would be removed. The roof peak of the Main Building would be at an elevation of about 180 feet, an estimated 30 feet higher than the elevation where this particular photograph was taken. The entrance to the building would be two stories, but the four stories that ring the structure would be visible behind, forming a continuous horizon line. The Main Building would occupy most of this view, stretching out of view beyond the hillside at the right edge of the photograph and in line with the single-story residence on the west side of Club View Terrace on the left edge of the image, and higher than the existing tree canopy between these points.

The applicant's Preliminary Arborist Report (by Hortscience/Bartlett Consulting dated July 2020) inaccurately assumes the valley oaks on the south (left) side of the entrance road off of Kinross Drive would be retained. However, the trunks of these trees would be located just a few feet from the new retaining wall and roadway, and construction would so severely affect these trees that they could not survive. These existing trees should therefore not be shown as being retained in the photosimulation as they would inaccurately screen much of the new Main Building in views from this location and closer to the intersection with Club View Terrace.

View 5



View 6 from Seven Hills Ranch Road at Homestead Avenue Intersection – looking northeast onto the existing entrance of SHR.

The bucolic entrance onto the property includes an old arch, mature eucalyptus and oaks, rustic ranch fencing and outbuildings which all contribute to the rural character that has been largely lost in the Walnut Creek area. Everything in this view would be completely altered with implementation of the proposed Project, with almost all of the trees either removed from the site in this location, or at risk of damage and rapid decline because of the proximity of grading and retaining wall construction.

The massive Main Building would completely transform views from this location, spanning the length of three football fields in this view. With a continuous roof peak at an elevation of 180 feet, looming over 50 feet higher than the elevation at this location and with a continuous height and mass along the south elevation of the Main Building.

Grading would extend under the canopy of the valley oak trees that are proposed to be retained in the applicant's Preliminary Arborist Report. Many would most likely not survive the damage to the tree root zone and canopy and should therefore not be shown as retained in the photosimulation where they would inaccurately screen much of the new Main Building in views from this location.

View 6



View 7 from the southwest along Seven Hills Creek Trail – looking northeast onto the southern ridgeline on the SHR site. Seven Hills Creek Trail is located along the existing maintenance road owned by the County along the east side of the Walnut Creek channel, connecting Seven Hills Ranch Road to the Contra Costa Canal Trail to the north and stretching almost a half mile along the west frontage of the SHR site and the Seven Hills School property. It is open to the public on a regular basis by volunteers who are working to formalize incorporating this trail segment into the larger network of trails in the area, providing an important link between the Homestead and Walnut Boulevard neighborhoods to the southwest and the Canal Trail alignment and Heather Farm Park to the northwest. It provides stunning views of the rolling hillsides, tree covered slopes, valleys and the perennial stream through the center of the SHR site.

The proposed Main Building in the southern portion of the SHR site would loom over the trail and Cherry Street neighborhood to the west, dramatically altering the natural setting that characterizes this area. The top of the ridgeline would be cut down by more than 20 feet and the hillside leveled down to an elevation of 130 feet, removing all the trees along the horizon line and replacing them with the massive Main Building that would extend above the current horizon line in this image. The Main Building would have a roof peak elevation of 180 feet, approximately 80 feet higher than the elevation along the trail corridor and residential neighborhood to the west which sits on the valley floor at an elevation of about 100 feet.

View 7



View 8 from Cherry Street – looking east through the existing single-family residences that characterize the established neighborhood of one- and two-story homes to the west of the SHR site. The Main Building would loom over the neighborhood with the roof peak reaching an elevation of 180 feet above the valley floor which has an elevation of about 100 feet, appearing as one massive building larger than anything in the surrounding area. The continuous building height, width of up to 480 feet and length of 900 feet would magnify its massive form and how dramatically it would alter the visual character and quality of the area. One-story units would ring the west and north sides of the Main Building and would further intensify the change in character from natural open space to urban development.

The lack of available planting area between the Main Building and one-story units would preclude the opportunity to provide any effective screening of this new building mass, and any plantings installed as landscaping would take decades before it could be even partially effective at obscuring the mass and bulk of the buildings.

View 8



View 9 from Seven Hills Creek Trail – looking east through an undeveloped valley of grassland bordered by native oaks and planted eucalyptus. This entire valley would be filled and all trees in this image would be removed to accommodate the proposed earthwork to fit the massive Main Building and perimeter “cottages” in the Project, completely altering the existing character of the SHR site in views from Seven Hills Creek Trail and the single-family residences along the west side of the Walnut Creek channel.

The second image shows the Seven Hills Creek Trail between photosimulation locations #9 and #10, showing trail users and the natural mosaic of grassland and woodland habitat along this frontage of the SHR site. A continuous retaining wall system with heights of 15 to 25 feet would border this entire frontage, completely altering the natural setting of the trail corridor and views from residences to the west.



View 9



View 10 from Seven Hills Creek Trail – looking east across the center of the SHR site where the perennial stream bisects the property.

This is one of the widest valleys on SHR, with sensitive riparian woodlands to the east at the spring which feeds the perennial stream, and scattered oaks on the hillside slopes.

Retaining walls up to 26 feet in height would border almost the entire length of the perennial stream under the proposed Project to accommodate the level building pads and buildings of the development. Although the stream would be retained and native species planted along the edge under the proposed project, it would be bordered by vertical walls and new development.

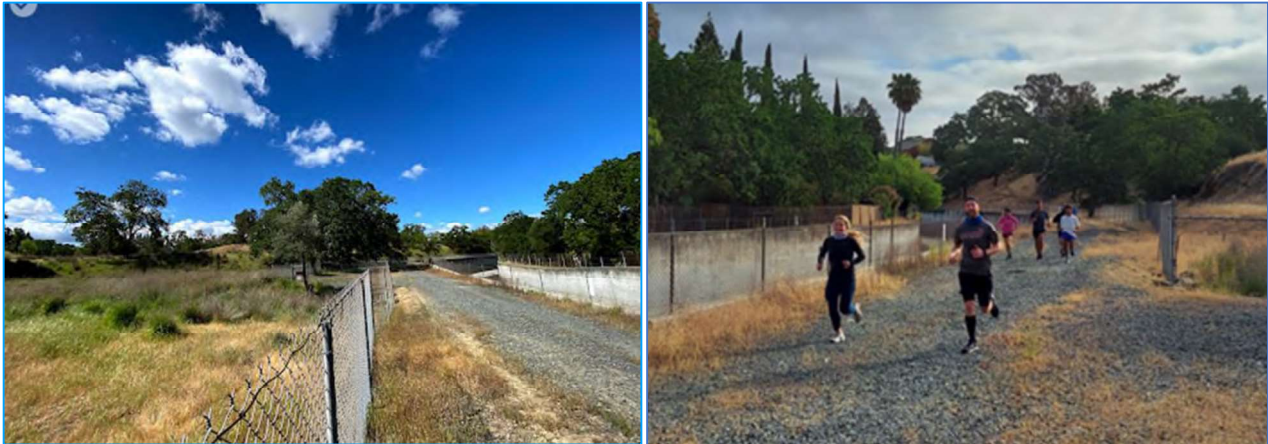
The proposed retaining walls along the central drainage would reach a height of 26 feet across the center of the second photograph, almost to the top of the large oaks (Trees #287, 288, and 291) on the left side of the image. Most of this cluster of valley oaks is shown as being retained in the applicant’s Preliminary Arborist Report, but the proximity of grading within the tree canopy, and construction of the massive retaining walls would adversely affect the root zone of these trees and their long-term survival is uncertain.

Similarly, retaining walls would extend into the root zone of the other specimen oaks along the north (left) side of the drainage (Trees # 370, 359, 357, and 356), with retaining walls in close proximity to the tree trunks, and their long term survival is unlikely. With their decline and eventual death, the continuous retaining wall system in close proximity to these trees would be completely exposed and unscreened in views from Seven Hills Creek Trail and the residences along the west side of the Walnut Creek channel. Effectively screening a retaining wall structure of this kind is unlikely and under best case conditions would take decades before it masked this harsh vertical element. Similarly, views of the massive Main Building could not be effectively screened in views from the Seven Hills Creek Trail in the third and fourth photographs (*next page*) and would permanently alter this beautiful setting on the SHR site.

View 10



View 10 *continued*



View 11 from Seven Hills Creek Trail – looking east on the hillside slopes of the SHR site where fills and a retaining wall system are proposed. A retaining wall system over 25 feet in height would sit at the top of the new 2.5:1 fill slope, looming over Seven Hills Creek Trail and the residences along the west side of the Walnut Creek channel. Effectively screening a retaining wall structure of this kind is unlikely and under best case conditions would take decades before it masked this harsh vertical element. The two valley oaks in the center of both images, as would other trees in this area, would be removed to accommodate the proposed fills slope that would extend all the way to the western frontage along the Seven Hills Creek Trail corridor.

View 11



View 12 from Seven Hills School – looking east across the soccer field and past the large valley oak on SHR site, with Mount Diablo prominently visible in the distance.

The field is well used by the school for sports, outdoor assemblies and public events. The field bleachers on the west side of the field are oriented to take in the panoramic view of the peak and surrounding foothills of Mount Diablo.

The proposed Medical Center on the SHR site would obstruct views of the specimen oak (Tree #428) on SHR the site, ridgelines, and possibly even the summit of Mount Diablo from the field and bleachers. Photosimulations are necessary to clarify potential impacts on this important

view from the school campus and should disclose the full building mass and height without any assumed landscape screening, which tends to take decades before it becomes effective.

View 12



Specimen oak (Tree #428) features prominently in views to the east from Seven Hills School campus.



Requested Analysis to address Aesthetics, Visual Quality, and New Light and Glare

Accurate photosimulations from each of the above locations is necessary to understand the magnitude of the proposed project and how it would substantially degrade the existing visual character and quality of the site and its surroundings and would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The photosimulations should accurately depict new structures, retaining walls, new roadways and parking, graded slopes and trees to be removed. Information on the exclusionary walls and fencing that are proposed around the entire perimeter of the SHR site as part of the proposed Project should be clearly mapped and incorporated into photosimulations and elevations. The photosimulations should depict conditions without mature landscaping as it will take more than 20 years before it provides any effective screening.

It is clear in our review of the Grading Plans, Site Plans, Landscaping Plans and Elevations that the proposed Project would substantially degrade the existing visual character and quality of the site and its surroundings. Over 90 percent of the site would be graded and the majority of the existing trees removed. To accommodate the proposed approach to development, large building pads would be created leveling the rolling hills of Seven Hills Ranch and creating enormous retaining walls up to 26 feet in height. The Main Building and Medical Center would be the largest buildings in the area, with the Main Building having a footprint that is possibly the largest in all Walnut Creek. A building footprint that is larger than any of the commercial buildings that surround the Pleasant Hill BART station to the northwest.

Comparison of the proposed building mass to existing structures in the area should be provided in the EIR analysis to understand visual compatibility in terms of building footprint, height, mass, and design. These new structures would loom over the existing residential neighborhoods that surround the SHR, and the Natural Area of Heather Farm Park, creating sources of new light and glare which should be carefully analyzed in the EIR.

From the surrounding neighborhoods the Main Building would appear as one massive building about 480 feet wide and 900 feet long with a continuous roof peak at an elevation of 180 feet in views from the south, west and north. Even in views from the east along Kinross Drive, where the main entrance would be visible, it would still appear as one massive building because the four-story roof peak would obstruct the horizon line behind the entrance. The current elevations of the entrance to the building off of Kinross Drive are misleading (Sheet A321 by KTGy) as they give the impression of no building mass behind the entrance area, which should be corrected and accurately depicted in the photosimulations.

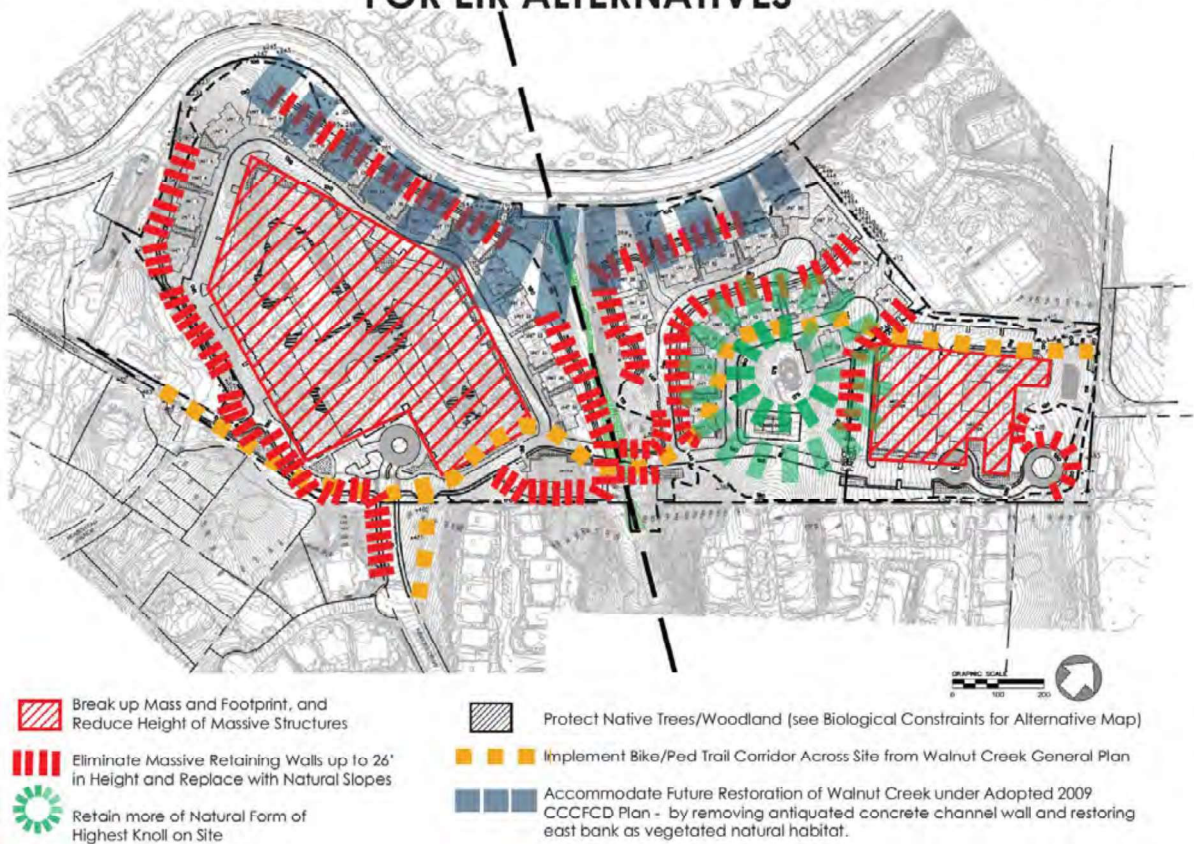
The analysis should provide a comparison of the proposed building footprint and mass to other structures in Walnut Creek and the surrounding area to fully understand the magnitude of what is being proposed on the site.

To accommodate the enormous building pads, large retaining wall systems are being proposed that ring and traverse the site. The photosimulations should accurately depict these structures and recognize the challenges with providing effective landscaping to screen their vertical mass, even where designed as stepped systems. Over time, landscape plantings tend to die off on these wall systems, leaving inaccessible weed covered terraces with inadequate growing areas to support mature trees that could otherwise eventually provide screening of both the wall system and the structures beyond.

Conflicts with the relevant goals and policies of the County General Plan related to protection of hillside settings, native vegetation, and avoiding excessive grading should all be reviewed in the EIR section and considered in confirming the substantial adverse impact on the visual quality of the SHR site and its importance to the aesthetic experience appreciated by users of Heather Farm Park, Seven Hills School, Seven Hills Creek Trail, and the surrounding residents.

Mitigation Measures should be included in the EIR to address the significant adverse impacts of the proposed Spieker Project on aesthetics and visual quality. This includes breaking up the mass and footprint of the Main Building and Medical Center, reducing the height of these massive structures where necessary to protect important views, such as across the SHR site from the soccer field on the Seven Hills School campus. The massive retaining walls with heights of up to 26 feet should be eliminated or reduced, and natural slopes used to prevent the “fortress” effect these walls would have on views from the surrounding areas, particularly from the Seven Hills Creek Trail corridor, the residential neighborhood to the west, Seven Hills School, and Heather Farm Park. The extensive tree removal and grading required under the proposed project would conflict with County policies and should be modified to retain areas of native oak woodland and specimen trees and the rolling landform, with adequate restrictions to avoid the dripline of trees to be retained and the highest knoll on the SHR site. The map “*Land Use Compatibility and Aesthetics Constraints for EIR Alternatives*” shown here (and attached) provides a summary of these major considerations in addressing the significant impacts of the Spieker Project on the visual quality and character of the area. These should be used in developing an Environmentally Superior Alternative in the EIR that respects the hillside setting of SHR and natural character of this beautiful site.

LAND USE COMPATIBILITY AND AESTHETICS CONSTRAINTS FOR EIR ALTERNATIVES



2. Agricultural and Forestry Resources: The SHR site is currently zoned as agriculture. This should be acknowledged in the DEIR, with an explanation for why it was zoned agriculture, for how long, location of other agriculturally zoned properties in the surrounding area, and the significance of its loss.

3. Air Quality: The Project has a particularly lengthy construction period of up to four years. Because of this we feel the construction impacts must be included in the EIR. The temporary but lengthy impacts are also magnified due to the tremendous size of the proposed project, which is not in keeping with the current land use designation for the property.

3a. We request that the EIR analyze not just permanent air quality (AQ) impacts but also temporary impacts resulting from construction, since the construction will last an inordinate four years and will take place next to a city park, a school and residences. We request that this include AQ impacts from

- diesel earthwork equipment, dump trucks used both on-site to move the soil around on the project site plus dump trucks used to haul the soil off-site to include an estimated distance of where the 75,000 cubic yards of soil and the approximate number of dump truck loads will be hauled to and the AQ impacts of getting it there. In addition to dump trucks, the EIR should take into account pollutants from diesel trucks delivering concrete and asphalt, diesel and non-diesel trucks delivering construction supplies and construction equipment, plus vehicles for construction workers throughout the 4+ years duration of construction of the project.
- dust and particulate matter resulting from 375,000 cubic yards of grading activities and this impact on children and adults using the adjacent school, public park and golf course as well as adjacent residents.

3b. The finished project will have at least one restaurant on site. The EIR should indicate the potential for objectional odors to waft out into the adjacent park, school and neighborhoods.

4. Biological Resources

The potential impacts of the proposed Project on the biological and wetland resources of the SHR site must be thoroughly evaluated in the EIR. Numerous policies in the Contra Costa County General Plan and adopted ordinances of the County call for the protection of native vegetation, streams and other wetlands, native trees, rare plant communities, and special-status species. State and federal regulations administered by the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), the U.S. Army Corps of Engineers (CORPS), and the U.S. Fish and Wildlife Service (USFWS), among other agencies, apply to the protection and management of biological and wetland resources known or suspected to occur on the SHR site and vicinity. On the local level, the Contra Costa County Tree Ordinance (Chapter 816.6) provides for the preservation of certain protected trees in unincorporated areas by controlling tree removal in the interest of public health, safety and welfare, and to preserve scenic beauty (Ords. 94-59, 94-22). Title 9, Division 914 (Sections 914-14.010, .012, .014) of the County Code discusses policies related to water resources within unincorporated areas and defines restrictions for development adjacent to natural watercourses, which includes a minimum setback of 50 feet from creeks, which is not met under the proposed project, among other major conflicts. This is in addition to other policies and regulations, including those of the City of Walnut Creek which apply to the portions of the areas affected by the proposed Project within city limits.

In providing our comments in response to the NOP on the Project, we have reviewed the studies prepared by consultants to the applicant, including the Biological Resource Assessment from LSA Associates (LSA) (dated February 2020), summary report on Biological Resources by Olberding Environmental (OE) (dated July 28, 2020), and the Preliminary Arborist Report by Hortscience/Bartlett Consulting (HBC) (dated July 2020). We have also reviewed the Biological Resources Report Peer Review by H.T. Harvey & Associates (HTH) (dated July 30, 2021), which purportedly is to provide a review of the adequacy of the applicant's studies and provide a basis for preparation of the Biological Resources section of the DEIR. However, The

HTH peer review and the applicant's studies upon which it is based inadequately describe existing resources on the SHR site, do not accurately describe potential impacts of the Spieker Project and inconsistency with the relevant plans and regulations, and do not provide adequate mitigation to address significant impacts. Accurate information on existing resources must first be documented before impacts can be fully disclosed and then adequate mitigation measures developed. Mitigation guidelines of the CDFW, USFWS, Corps and RWQCB all call for avoidance of potential impacts as the preferred approach to mitigating substantial adverse effects, followed by on-site replacement, off-site replacement in the same vicinity and other forms of compensatory mitigation in descending order of preference and only when the preferred method of avoidance and on-site replacement is not feasible.

The information provided in the HTH review does not adequately describe known or potential resources on the SHR site, and does not provide meaningful mitigation for substantial impacts, which must be included in the EIR. Examples of ways in which the HTH review is inadequate includes the insufficient information on special-status species and sensitive natural communities, no peer review of the Preliminary Arborist Report by the applicant's consulting arborist or detailed mapping and analysis of the hundreds of trees proposed for removal, erroneous conclusions dismissing the importance of the SHR site for native wildlife and the substantial disruption of wildlife movement opportunities that would occur as a result of the proposed Project, and the lack of any meaningful mitigation for potential impacts on native trees and woodland habitat, among other issues which must be fully described and addressed in the DEIR. A few of these issues are addressed below to demonstrate the inadequacy of the HTH review and need for a thorough analysis and adequate mitigation in the DEIR.

4a. Special-Status Plant Species and Sensitive Natural Communities Surveys for special-status plants and sensitive natural communities must be conducted in accordance with the latest surveys guidelines of the CDFW, which has not been performed based on the information provided in the LSA, OE and HTH reports. The surveys must be conducted during the appropriate time of year to allow for detection, and the results incorporated into the DEIR to provide an adequate understanding of the full potential impacts of the proposed project on biological resources. Deficiencies found in the available reports include inadequate information on the potential for occurrence of sensitive natural communities, insufficient surveys to confirm presence or absence of a number of special-status animal species, and the continued potential for presence of at least three special-status plant species on the site. Some of these deficiencies are discussed further below, but others remain as well, and all should be fully addressed and updated information provided in DEIR.

4b. Special-Status Plants. In the discussion of "Results" in the review by HTH regarding the potential for occurrence of special-status plants on the site, they refer to the focused surveys and the conclusion in the Summary Report by OE (see excerpted text below) as evidence that "systematic surveys" were conducted, that no special-status plant species were encountered, and none are suspected to occur on the site. When in fact, the surveys performed by OE were not "systematic" surveys conducted in accordance with the latest CDFW Survey Guidelines for Rare Plants and Sensitive Natural Communities, but instead were "focused plant surveys" that were literally focused on the potential for presence of only the five special-status plant species identified in the LSA report as having some potential for occurrence on the site. These "focused" surveys did not consider the potential for presence of the three California Rare Plant Rank 3 and 4 species identified by HTH as having some potential for occurrence on the site. The brief paragraph in the Summary Report by OE does not come anywhere close to meeting the standards for rare plant surveys called for in the CDFW Guidelines which require that a list of all plant species encountered during the identified surveys be provided as part of the report of findings, along with a description of survey methods, map of the survey limits, and information on qualifications of the individuals conducting the surveys, all of which are required at a minimum under the CDFW Guidelines to allow for a determination on the

adequacy of the survey results and were not provided. These deficiencies were not pointed out in the HTH review, which simply assumes that “systematic” surveys were conducted, and no special-status plants were encountered or suspected to occur on the site.

Protocol-level special status plant surveys - LSA determined that five special status plant species had the potential to occur on the Property. Focused plant surveys were conducted by Olberding Environmental during the appropriate blooming periods for the five species. Surveys were performed on March 25, April 21, May 29, and June 29, 2020. None of the five special status plant species with potential to occur were found during any of the surveys and are presumed absent. (Excerpt from page 1 of OE Summary Report)

Because of the lack of any map in the Summary Report by OE, there is no way to confirm whether surveys for special-status plant species were conducted for areas off of the SHR property that could be affected by the proposed Project, including the City of Walnut Creek parcel where the main entrance is proposed off of Kinross Drive and areas along Seven Hills Ranch Road that would have to be disturbed to accommodate improvements to the roadway, drainage, sewer line and other infrastructure. Without additional evidence demonstrating where the surveys were performed, the peer review by HTH should not simply assume that adequate surveys of off-site areas were conducted by the applicant’s consulting biologists. Systematic surveys should be conducted during the appropriate time of the year to verify whether the three special-status plant species identified by HTH as possibly occurring on the SHR site are present, and whether any other special-status plant species are present on off-site locations that could be disturbed by project construction.

4c. Sensitive Natural Communities. The HTH review does not adequately describe the extent of sensitive natural community types on the SHR site or off-site areas that could be affected by the proposed Project. The HTH review describes and maps small area riparian woodland that surrounds a perennial stream along the proposed off-site main access off of Kinross Drive. But it assumes that all construction work would be accomplished within this unrealistically narrow zone when in fact construction disturbance would likely extend well beyond this footprint. Many of the willows and other trees growing along this perennial drainage have trunks rooted within the roadway footprint, but then grow laterally along the ground surface with canopy that extends well beyond this footprint. For this reason a much greater area of riparian habitat would be affected as a result of construction. The HTH review does not acknowledge the presence of riparian woodland along the central perennial drainage that bisects the SHR site, which extends over the active channel. This area also supports areas of freshwater marsh and stands of native grassland, not disclosed in the HTH review, which qualify as sensitive natural community types. In fact, the valley oak woodlands are considered of high value by CDFW and should be considered a sensitive natural community type because of State-wide threats. Additional detailed surveys and mapping must be performed in accordance with CDFW Guidelines, and the results provided in the DEIR to allow for a full disclosure of sensitive resources and the potential impacts of the proposed Project.

4d. Special-Status Animal Species The reports by LSA, OE and HTH provide only a cursory review of the potential for occurrence of special-status animal species known or suspected from the Walnut Creek vicinity, including listed species such as California red-legged frog and California tiger salamander, and California Species of Special Concern such as western pond turtle and several bat species. As acknowledged in LSA report, California tiger salamander has been reported from the site from an occurrence in 1953 or 1954 and California red-legged frog is known to occur in the surrounding area. The central perennial stream includes areas of ponded water and freshwater marsh that provides suitable habitat for both species, and other habitat remains in the adjacent areas of Heather Farm Park and the CCWD storage pond property, and tributary drainages to Walnut Creek. While the surrounding areas have been developed over the past 60 years, the SHR site has remained relatively undisturbed and still contains natural habitat that could support these species. No information is provided in the

applicant's reports or the HTH review that supports how a conclusion of absence was reached, no protocol level habitat assessment was apparently performed, and no protocol surveys conducted, which are necessary when suitable habitat is present. Detailed surveys must be conducted in accordance with agency protocols to confirm presence or absence of California red-legged frog and California tiger salamander on the site, given past records and continuous undeveloped condition of the SHR site. This is critical information that would have a substantial influence on the feasibility of the proposed Project if occurrences of either of these species remain on the SHR site. A thorough analysis in the EIR based on appropriate surveys of the SHR site is necessary to provide for an adequate assessment of the potential impacts of the proposed Project, which has not been provided based on the information presented in the HTH review.

Similarly, no detailed description of the survey methods and results were provided in the HTH review to allow for a conclusive determination on presence or absence of any special-status bat species on the SHR site. Given the presence of numerous unused structures, which both pallid bat and Townsend's big-eared bat have been known to occupy, and large trees with cavities and exfoliating bark, acoustic surveys should be conducted to confirm whether any special-status bats are present and could be affected by the proposed Project, and to allow for detection of any maternity roosts which should preferably be permanently avoided given the sensitivity of these species. The HTH review includes a standard preconstruction measure to address avoidance of any maternity bat roosts when occupied by young, but this does not address the permanent loss of this sensitive resources if present on the SHR site. Special-status bat species are also known to roost in foliage and could be injured or lost during tree removal unless appropriate construction avoidance measures are implemented, which should be provided as additional mitigation. Additional detailed investigation is necessary to accurately document presence or absence of special-status animal species on the SHR site and allow for an adequate review in the DEIR, which is not possible with the limited scope and information contained in the current HTH review.

4e. Loss of Protected Trees and Woodland Habitat The HTH review does not contain any analysis regarding tree and woodland habitat loss, and simply relies on the inadequate Preliminary Arborist Report (PAR) prepared by HBC for the applicant. Under close examination the mapping of vegetative cover in Figures 1 and 2 in the HTH review appears to grossly underestimate the limits of tree canopy on the SHR site when one compares the map boundaries to the underlying tree driplines visible on the aerial base to these maps. Our quick review of the PAR indicates major discrepancies and problems with the mapping in the PAR which also incorrectly assumes that many of the trees in close proximity to grading and other construction disturbance would be preserved under the proposed Project. This would result in far more trees removed, damaged, or eventually lost as a result of construction and changes in growing conditions than has been assumed in the PAR and reported in the HTH review. Review of the Tree Assessment in the PAR and comparison to the Tree Assessment Map and the Tree Removal Plan (BKF Sheets C2.1 and C2.2, undated) indicates that as many as 81 trees were not mapped, were mapped twice, or had conflicting information on removal or preservation. At least an additional 31 trees were identified in the PAR to be preserved but grading and development would extend within the tree driplines and pose a severe risk to these trees, in conflict with the basic recommendations for tree preservation. Several examples of this inaccurate and incorrect information in the PAR include:

- Trees #467, 468, 469, and 477 are all shown as being preserved in the Tree Removal Plan and PAR, but the access road through the riparian woodland off of Kinross Drive would include grading and new retaining walls within just a few feet of their trunks, and there is no way these trees could survive construction-related damage and disturbance to the tree root zones and canopy.

- Tree #389 is a specimen valley oak growing on the property line, which has undergone decline but remains a dramatic feature at the west end of Adirondack Way. Grading would extend to within several feet of the trunk of this tree, well within the tree canopy, and would eliminate most of the remaining root system that wasn't disturbed when the Heather Farm Neighborhood was developed decades ago.
- Trees #356, 357, 359, and 370 occur along the north side of the central perennial drainage and would have retaining walls constructed within much of the tree dripline, some within just a few feet of the trunk. These walls would reach heights of over 20 feet and would require removal of much of the major limbs over half of the tree dripline if the trees were to survive construction.
- Tree #428, the specimen valley oak that forms the predominant feature in views of the SHR site from the Equestrian Center in Heather Farm Park and the soccer field from Seven Hills School would have a retaining wall within the uphill side of the tree dripline up to six feet in height, extending along the east side of the tree and reaching a height of almost 12 feet to the east. Surface drainage important to the long-term survival of this iconic specimen tree would be completely interrupted by the proposed Project, and pathways with irrigated landscaping would surround the remaining perimeter of the tree dripline, all conditions that would conflict with best management practices for mature oaks and would likely contribute to its eventual decline and death.
- Trees #436 through 450 grow along the south edge of the property line to Seven Hills School and would have grading to install a new retaining wall within 15 feet of their trunks. Grading this close to established trunks could lead to their decline and eventual death.
- Trees #287, 288, 291 are specimen valley oak trees that would be affected by construction of retaining walls up to 26 feet in height within their driplines on the northwest end of the central perennial drainage, with the footings of the walls constructed less than 15 feet from their trunks. Major limbs and much of the tree canopy would likely have to be removed to accommodate these walls, and if they were to survive likely construction damage, the changes in surface drainage and other modifications would most likely lead to their eventual decline and death.
- Trees #269, 267, 262, 259, 258, 257, 256, 255, 253, 252, 247, 233, 232, and 231 are a variety of trees along the western edge of the site that would be affected by grading, fills and construction of retaining walls up to 21 feet in height within their driplines, with the footings and other grading constructed less than 15 feet from their trunks. Major limbs and much of the tree canopy would likely have to be removed to accommodate these walls, and if they were to survive likely construction damage, the changes in surface drainage and other modifications would most likely lead to their eventual decline and death.
- Trees #183, 182 and 036 are specimen valley oaks near the southwestern edge of the property that would have grading and retaining wall construction within their driplines. Surface drainage important to the long-term survival of these specimen trees would be completely interrupted by the proposed Project and would conflict with best management practices for mature oaks and would likely contribute to its eventual decline and death.

An independent peer review of the PAR should be performed as part of the impact analysis, and information on tree removal and risk provided in the EIR. An accurate map showing each protected tree proposed for removal or preservation under the proposed Project should be provided in the EIR, indicating whether it is a native or non-native species, some indication of size class, and the limits of proposed grading and other disturbance in the vicinity so that an accurate assessment of possible damage or loss can be made as part of the analysis and to confirm its accuracy. A detailed analysis of the risk of loss or decline to individual trees which

qualify as a protected tree under County ordinance, and the number of trees proposed for removal updated to provide an accurate understanding of the full impacts of the proposed Project on tree resources and woodland habitat. This includes trees off-site but in proximity to proposed grading and other disturbance, such as the mature valley oaks along the southwestern edge of the site, trees along Seven Hills Ranch Road which could be affected by off-site infrastructure improvements, and all trees along the proposed entrance off of Kinross Drive. Where trees within the incorporated areas of Walnut Creek could be affected, a review of conformance with the Walnut Creek General Plan policies and ordinances should be provided.

The proposed mitigation identified in the HTH review is grossly inadequate and basically provides only standard practices to protect trees to be retained. It provides no measures to avoid the canopy of specimen trees to be protected or adjust the limits of grading to avoid large areas of native trees that qualify as protected under County ordinance, which should be provided as part of the independent peer review and incorporated as mitigation measures in the EIR. Where replacement tree plantings are provided as part of recommended mitigation, they should be provided at ratios consistent with CDFW and other standards. Replacement plantings should be provided on-site in areas that are retained as permanent open space, and the analysis should demonstrate that there is adequate land area to provide compensatory mitigation. The HTH review provides no analysis regarding the feasibility of on-site replacement plantings, which would be unachievable at even a 1:1 replacement ratio as recommended in the PAR under the proposed Project given the high number of trees to be removed and the limited area around the perimeter of the site without structures and impervious surfaces and biofiltration areas.

4f. Wildlife Habitat and Movement Opportunities The HTH review inaccurately characterizes the existing wildlife habitat conditions on the site, does not acknowledge its relationship to the surrounding undeveloped lands such as the Nature Area of Heather Farm Park or the current opportunities for wildlife movement to and from the Homestead Creek corridor, the Heather Farms neighborhood to the east, and parklands to the north. The EIR should note that over 175 bird species use the City's adjacent Heather Farm Park making it a known [eBird Hotspot](#). Migratory and native species of Heather Farm Park utilize the Seven Hills Ranch as part of their habitat.

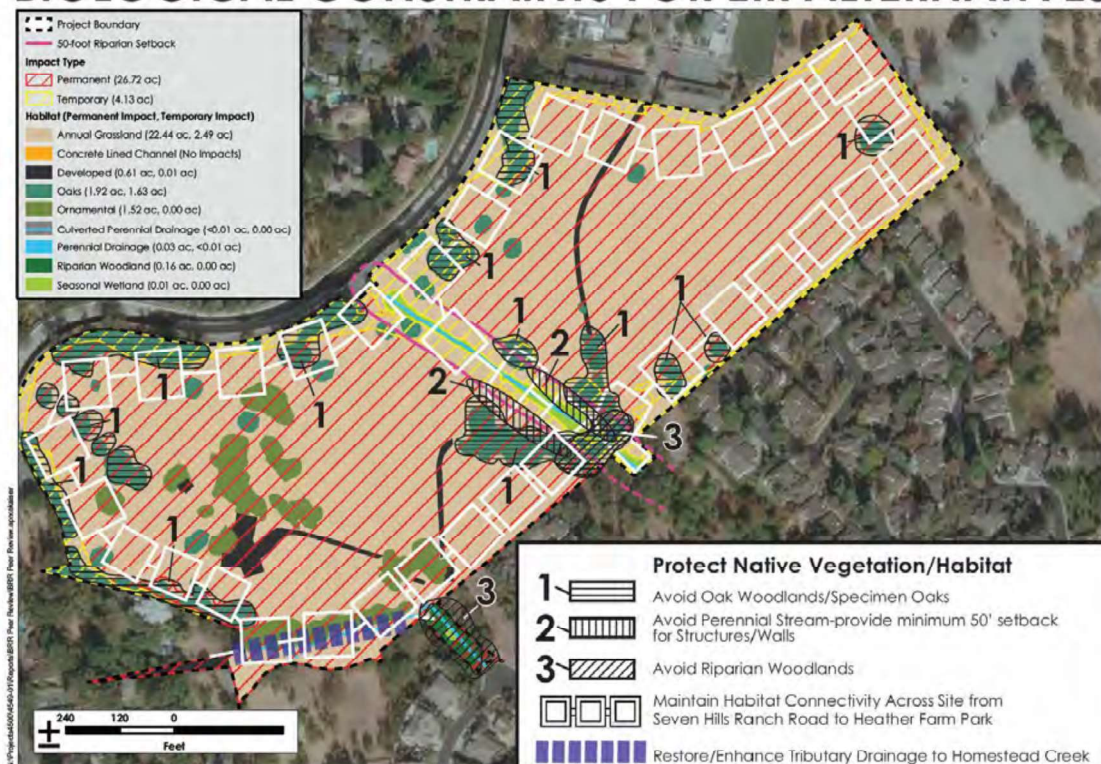
The proposed Project would include impermeable fences, walls and gates along the boundaries of the SHR site where existing barbed wire livestock fencing and openings in the cyclone fencing still allow for unobstructed movement of land mobile wildlife through the area. Extreme urbanization of the site would eliminate existing wildlife habitat over more than 90 percent of the 30.6-acre site, including highly sensitive riparian woodland, oak woodland, and most of the tree and grassland cover. Retaining and enhancing the central perennial drainage would not replace the current functions and values of the site to wildlife, which would have no alternative location to survive if displaced by the proposed Project.

4g. Regulated Waters A thorough assessment of potential impacts on State and federally regulated waters should be provided in the EIR. The HTH review does not address the full impact on wetlands and regulated waters, including the loss of riparian woodland along the central perennial drainage. County ordinance and General Plan policies call for a minimum 50-foot setback from creeks, and even this minimum is not met as indicated in Figure 2 of the HTH review. Proposed retaining walls and other improvements would overlap this 50-foot setback for a distance of over 100 feet on either side of the drainage, even though the review by HTH incorrectly claims that the proposed Project would be consistent with these standards. As noted above under the discussion of tree and woodland impacts, the riparian woodland along the proposed main entrance off of Kinross would affect far more of the sensitive habitat than is marked in Figure 2 of the HTH review. Compensatory mitigation should be provided where impacts on regulated waters are unavoidable, and should be achieved through creation of new in-kind habitat at a minimum replacement ratio of 2:1. Enhancing the already high value habitat along the central perennial drainage, as suggested in the HTH review, would be inadequate

given this feature is already of high habitat value and would be basically isolated from wildlife access because of the extent of adjacent development and barrier fencing installed as part of the proposed Project.

4h. Biological Constraints for EIR Alternatives The shown and attached “*Biological Constraints for EIR Alternatives*” map shows highly sensitive biological features on the SHR site that warrant avoidance and protection. This map is plotted on Figure 2, Impacts Map from the HTH review to show the relationship of known sensitive biological resources to the permanent and temporary impacts of the proposed Project, which in essence encompass the entire site with the exception of the wetlands along the central drainage and a small area around the trunks of specimen oaks to be retained. Additional sensitive biological resources could be identified in the studies recommended above, but the known sensitive resources should be recognized as biological constraints in developing the Environmentally Superior Alternative in the EIR. These known constraints include: 1) avoidance of oak woodlands and protected oaks, 2) providing full avoidance of the perennial stream through the center of the site with a minimum 50-foot setback, 3) avoiding the sensitive riparian woodlands, 4) maintaining wildlife habitat connectivity and movement opportunities across the site, and 5) restoring and enhancing the tributary drainage to Homestead Creek along the southeastern boundary of the site. The proposed Project currently completely disregards each of these sensitive biological resources as indicated in the extent of permanent and temporary impacts mapped in the HTH review, essentially eliminating all of these features from the SHR site. Unfortunately, the HTH review does not include any mitigation measures to address these substantial and significant adverse impacts, which must be provided in the EIR. This is warranted to ensure compliance with applicable State and federal regulations and consistency with the County and City of Walnut Creek General Plans and ordinances.

BIOLOGICAL CONSTRAINTS FOR EIR ALTERNATIVES



4i. We also request that the EIR analyze compliance, or lack thereof, of the County’s Tree Protection and Tree Preservation Ordinance, and specifically, how the Project complies with the purpose stated in the Ordinance which states:

(1) The county finds it necessary to preserve trees on private property in the interest of the public health, safety and welfare and to preserve scenic beauty.

(2) Trees provide soil stability, improve drainage conditions, provide habitat for wildlife and provide aesthetic beauty and screening for privacy.

(3) Trees are a vital part of a visually pleasing, healthy environment for the unincorporated area of this county.

5. Cultural Resources: A detailed assessment of the potential impacts on cultural and historic resources should be provided in the EIR. A review of known historic resources on the SHR site and adjacent lands should be described, and an evaluation of potential impacts included for both on-site and nearby resources.

5a. Prior to commencement of project activities the residential complex on the western side of the property be assessed by an independent qualified professional familiar with the architecture and history of Contra Costa County and a formal CEQA evaluation conducted.

The EIR document should note that property home seems to be of some architectural merit or historical value for the adobe construction, and the fact that the walls appear to be load bearing. Adobes which carry the weight of the roof structure are more authentic or structurally significant (than, for example, a house that just appears to be adobe on the finished surface).

Adobe homes are rare in Northern California, the few that do remain are often historical landmarks, although not necessarily open to the public. Adobe home destruction should not be taken lightly.

The house has potential to be a great teaching tool; it has many adobe features which make it of interest to the general public and their understanding of California history. Even though it is not particularly fancy or elaborate architecture; it is a great example of a regional building type, a modest but important adobe structure that has potential to be open to the public for educational and historic purposes.

In addition, the residential complex is listed on The City of Walnut Creek General Plan 2025 list of properties over 50 years of age within and adjacent to the City boundaries (see Appendix A Preliminary list of Walnut Creek properties over fifty years old compiled by DC&E/Garcia (2004:30, Appendix A).

5b. The significant family history of the property should be indicated in the EIR. Historical papers related to the property owner’s Hooper-Hale family history are now held in the Bancroft Library, University of California at Berkeley. Charles Appleton Hooper, father of Idolene Hooper - the original owner of the property and author of a fiction book that takes place on a California ranch - is included in the book *History of Contra Costa County, California – with Biographical Sketches of The Leading Men and Women of the County...* and his 3-page biographical sketch notes “*The death of C.A. Cooper marked the passing of one of the most influential citizens of Contra Costa County.*” The Hooper family was originally from the east coast and members of the family participated in the U.S. Revolutionary War.

5c. The EIR should recognize that an adjacent property “The Burgess Residence Rabbit Cannery” at 962 Seven Hills Ranch Road, which is listed as a historic property per [Contra Costa County Historic Resources Inventory 2019](#) and in the [Walnut Creek 2025 General Plan](#) (pg 4-46, figure 20) may be significantly impacted by proposed retaining walls for the Project. Prior to

commencement of project activities, this should be assessed by a qualified professional familiar with the architecture and history of Contra Costa County and a formal CEQA evaluation conducted.

Further, the proposed Project would also so alter the existing conditions of the SHR site that it could adversely affect the status and value of other historic resources if present in the surrounding area but not documented in the review by the applicant's consulting archaeologist and historic resource specialist. The location of nearby properties that could qualify as historic should be described, any adverse impacts identified, and appropriate mitigation recommended in the EIR.

5d. The EIR should address the potential impacts of the proposed Project on the history of SHR as part of the setting for the original Diablo Junior Museum established by Alexander Lindsay in 1955, which had a mission to rehabilitate injured wildlife and use them as a means to engage youth in understanding and appreciating wildlife and understanding the impact of human encroachment on their habitat needs. The complete conversion of the natural habitat on the SHR site to urban development as would occur under the proposed Project would conflict with this mission of Lindsay.

5e. The EIR should indicate results of consultation with California Native American tribes per Senate Bill 18 (Chapter 905, Statutes of 2004) *"Each time a local government considers a proposal to adopt or amend the general plan, they are required to contact the appropriate tribes identified by the Native American Heritage Commission"*.

6. Energy: We request that the EIR also the impact from Project's use of fossil fuel to construct the project.

7. Geology and Soils:

7a. The EIR should address the extensive grading of over 90 percent of SHR, utilizing 'cut and fill' techniques, along with the overabundant use of retaining walls. While earthquake faults can be found near most sites in the Bay Area, this Project's design at the proposed site requires a massive amount of fill which may make the Project extremely vulnerable to seismic-related liquefaction.

7b. The unusually high number of retaining walls around the perimeter of much of the site, of significant height up to 26 feet, could pose a risk to the long-term stability of the site and possibly adjacent properties. Proposed plans place some of the constructed walls in proximity to planned structures and property lines. A detailed assessment of the assumed life of these walls and how they would be maintained and eventually replaced in the future should be provided in the EIR, along with recommendations to address any deficiencies and risk they could pose.

Given the site's nearness to four major earthquake faults - the Mt. Diablo thrust fault, the Concord/Green Valley fault, the Calaveras fault, and the Hayward fault - the EIR should thoroughly and independently study the safety of this site due to its extensive "cut & fill" techniques and retaining walls.

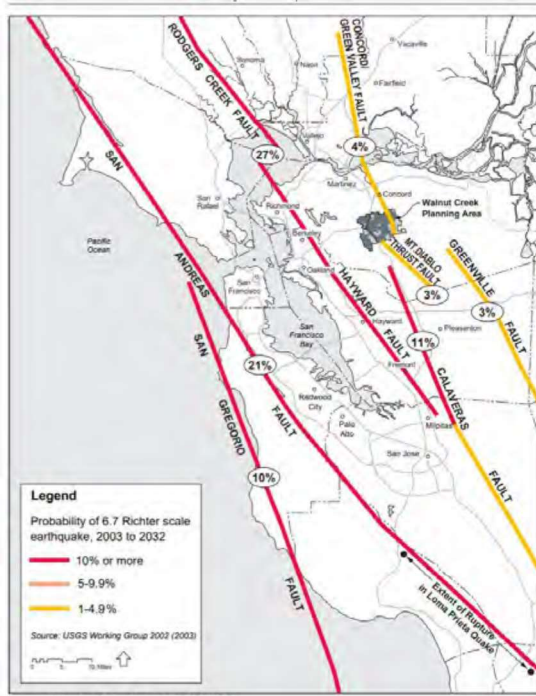


Figure 1. Regional Faults and Probabilities

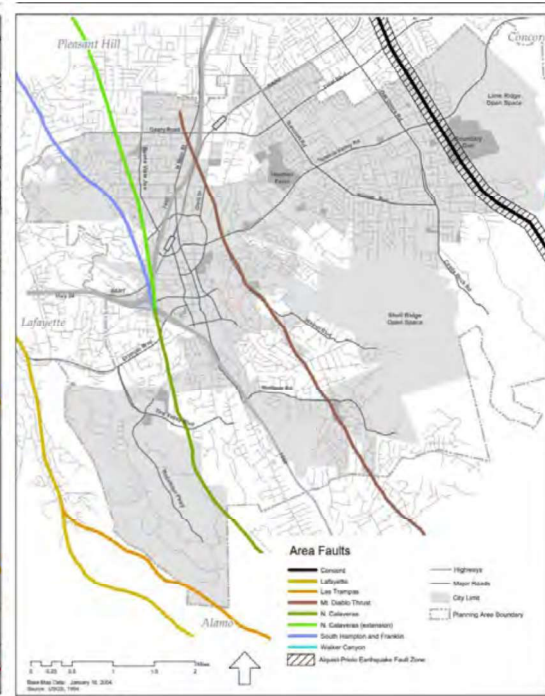


Figure 2. Area Faults

7b. The County’s own [Open Space Element](#) of the General Plan should be referred to when determining the environmental impacts on slope and the ridgeline, in addition to evaluating the appropriateness of cut & fill pad construction.

- The percent of the various slopes for this property should be included as part of the EIR. Stated under Scenic Resources Policies, 9-11 of the Open Space Element: *“Particularly vulnerable areas should be avoided for urban development. Slopes of 26 percent or more should generally be protected and are generally not desirable for conventional cut-and-fill pad development. Development on open hillsides and significant ridgelines shall be restricted.”*
- The EIR should note that the City of Walnut Creek has policies, regulations and restrictions for slopes of 15% or greater, and how those restrictions apply on this property.

8. Greenhouse Gas Emissions:

The EIR should include analysis of the impact on greenhouse gas emissions from construction vehicles used to construct the Project.

9. Hazards and Hazardous Materials:

The site has supported agricultural use and contains several barns and outbuildings that could have been used for storage of hazardous materials which could pose a risk that should be addressed in the EIR. This should include conduct of a Phase 1 assessment at a minimum to confirm absence of any hazardous conditions and appropriate mitigation, if required.

10. Hydrology and Water Quality:

10a. We request that the EIR include the impact on hydrology and water quality resulting from the construction of the entry road proposed as an extension of Kinross Road (which will require significant fill and change to the drainage in that part of the site) in addition to analysis of the impact on hydrology and water quality resulting from the complete re-grading of the site.

10b. The EIR should include an analysis of the project’s paved areas vs exposed soil ratio and the effect on groundwater and nearby waterways. Additionally, the effect on groundwater from the project in general should be included.

10c. The EIR should include analysis of the impact on the directly adjacent Heather Farm Park waterways and the Walnut Creek channel and the natural living things that depend on those waterways, including the unique impacts from the 3-4 year construction on the site’s and its surrounding waterways.

10d. As an agricultural property, the potential for wells on the SHR site should be thoroughly assessed. Pump equipment is visible from a number of locations in the surrounding area, including near the northern property boundary near the Equestrian Center in Heather Farm Park and at the top of the highest knoll on the site. Grading and other development could pose a risk to any wells and the groundwater conditions on the site if not properly identified and sealed.

11. Land Use and Planning The EIR should provide a thorough review of any conflicts of the proposed Project with relevant policies in the County and City of Walnut Creek General Plans and other agencies. The property lies in the City of Walnut Creek’s “Sphere of Influence” and therefore the City’s policies, ordinances, regulations and General Plan must be considered. These include policies regarding the preservation of native vegetation, protected trees, hillside slopes, open space protection, creeks, and other natural features found on the SHR site in addition to the implementation of future trail corridors.

11a. We request that the EIR address the project’s compliance and/or conflict with the Walnut Creek Municipal code §10-2.3.401. through §10-2.3.409 [Hillside Performance Standards](#) the introduction of which reads as follows:

“The City of Walnut Creek is situated among a series of major and minor hills. These hills are a highly-valued natural topographical feature of the community because they visually define the City’s boundaries and public open spaces, and/or public trails, because they provide a sense of the community’s indigenous history, and because they provide visual stress relief to all persons traveling our highly traveled freeways, major arterials, and/or scenic corridors in and around the City.

The City’s General Plan recognizes the intrinsic value and sensitive nature of these hillside areas by listing numerous policies and programs especially designed to minimize the negative impacts that may otherwise be associated with developing in hillside areas.

*It is the intent of this ordinance to implement the policies and programs of the City’s General Plan relative to residentially zoned hillside areas **and minimize visual impacts by reducing densities, preserving ridgelines and other significant natural topographical features of hillside areas, minimizing grading and regulating the placement of structures and other aesthetic qualities of development.** This ordinance is also intended to limit development which will result in high levels of risk of property damage and personal injury.”*

11b. We request that the EIR examine the project’s compliance and/or conflict with “[The Walnut Creek Hillside/Open Space Protection Ordinance](#)” found in the City of Walnut Creek’s General Plan 2025, Appendix B which was approved by the city’s citizens in 1991 and mandates standards for the city’s hillside and ridgeline development.

- The ridgeline of the property is clearly visible looking up from public areas of Heather Farm Park.
- Seven Hills Ranch is just as its name describes: hilly. It falls under the protection guidelines of the ordinance due to its location in the City of Walnut Creek’s “Sphere of Influence” within the county.

- In addition, vistas of Mt Diablo and the hills to the west of the property are clearly and spectacularly visible when looking out from the ridgeline and hills of the property.

11c. The County’s own [Open Space Element](#) of the General Plan should be referred to and conflicts identified when determining the environmental impacts of this project on this property.

- Stated under the Open Space Element Scenic Resources Policies, pg 9-7, item 9-11: *“Development on open hillsides and significant ridgelines shall be restricted.”*
- Stated in the Open Space Element pg 9-1, item 9.1 Introduction: *“The ULL (Urban Limit Line) works together with the 65/35 Standard to protect open space. Criteria for considering the location of the ULL include open space, parks and other recreation areas, lands with slopes of 26 percent grade or greater, wetlands, and certain other areas not appropriate for urban growth. Even if land is developed within the ULL, a substantial portion is to be retained for open space, parks, and recreational uses.”*

11d. The EIR should determine any Project conflicts with the purposes and goals of the County’s [Tree Protection and Preservation ordinance, Chapter 816-6](#) along with the stated goals and objectives of the [Conservation Element](#) of the County’s General Plan. Likewise, the City of Walnut Creek’s ordinances and policies [Chapter 3-8 Preservation of Trees on Private Property](#) along with the [Environmental Integrity](#) section of the General Plan (pg. 4-47) should be examined for compliance or conflict. The latter is necessary because the property, while under the County’s jurisdiction, also falls within the “Sphere of Influence” of the City of Walnut Creek.

11e. The immense number of trees planned for tree removal (400+) will significantly affect the wildlife and the avian populations’ habitat, corridors and migration patterns. Significantly, the site is directly adjacent to an [eBird ‘hotspot’](#), the City of Walnut Creek’s Heather Farm Park.

- Tree removal numbers in the NOP document, the Preliminary Arborist Report prepared for the developer in July 2020, and the Spieker Project Description dated 2/8/21 do not match. It seems the 353 number noted in the NOP refers only to “protected trees” which are to be removed and does not include the additional “non-protected” trees to be removed
- An independent arborist report is requested.

11f. The Project will remove the grove of trees from the end of Kinross Drive. Those trees fall specifically under the jurisdiction and ordinances of the City of Walnut Creek.

11g. The project **does** conflict with local ordinances and policies protecting trees and the EIR should reflect that.

11h. The Bicycle Facilities Map (Figure 4) in the [Transportation Element](#) of the Walnut Creek General Plan includes a proposed bicycle and pedestrian route following the extension of Seven Hills Ranch Road across the entire SHR site, which would logically link the Homestead and Walnut Boulevard neighborhoods to the southwest to Heather Farm Park to the north. The proposed Project would permanently preclude ever implementing this important route, which would be a significant conflict given the limited opportunities to provide alternative routes without using the heavily impacted Iron Horse Trail and dangerous Ygnacio Valley Road.

11i. Development as proposed under the Project would permanently preclude future restoration of the Walnut Creek channel along the western frontage of the site. New fill slopes and extensive retaining walls reaching heights of over 25 feet along the western edge of the

SHR site. Construction of these walls and fill slopes would prevent the eventual restoration of the existing creek, which was channelized in the early 1970's. The 2009 Plan adopted by the Contra Costa County Flood Control District understood that the concrete channel treatment would soon be reaching the end of its useful life and should be replaced with restored bank habitat wherever feasible. Unfortunately, few locations remain in an undeveloped state where that type of restoration is possible, and the SHR site provides one of the few locations where that type of creek habitat restoration could be accomplished. The relationship of the SHR site to the 2009 Plan should be thoroughly evaluated in the EIR and appropriate restrictions provided to prevent the permanent loss of this potential important restoration opportunity.

12. Mineral Resources: No comment.

13. Noise and Vibration:

13a. We request that noise impacts from emergency vehicles servicing the various residences, including the skilled nursing component, be analyzed, including noise at night.

13b. We request that the EIR analyze temporary noise impacts on the adjacent school, public park and nearby homes which will occur during the longer than normal 4+ year construction period.

14. Population and Housing:

14a. We request that the EIR analyze whether or how the Project will advance the County's required compliance with the Association of Bay Area Governments (ABAG) Regional Housing Needs Allocation for the County. As stated on page 3 of the NOP, "the Project does not contain any residential component".

14b. We request that the EIR include a summary as to why the Project is not considered residential and therefore need not comply with the County Inclusionary Housing Ordinance. Impacts from the exclusion of this Project from such requirements should be addressed, in terms of the lost opportunity for the County to fulfill Inclusionary Housing goals and how realistic and impactful the expectation is that these goals will be met elsewhere.

15. Public Services:

15a. We request that the EIR analyze the impact on emergency services, in particular ambulance and fire aid call services, of the Project adding 454 to 700 new senior residents plus 225 employees. This significant increase in aged population may result in the need for new County emergency equipment and/or staffing and should be noted in the EIR

15b. We request that the EIR analyze the impact on library services for the County and the City of Walnut Creek. The downtown Walnut Creek Library offers special services to the senior population at Rossmoor and the addition of increased senior services should be studied. Responsibility for the library's management and funding is shared by the City and the County.

16. Recreation:

16a. The EIR should examine the appropriateness of allowing Quimby Act in-lieu fees to release the Project from the dedication of on-site open space/park requirements. The Quimby Act in-lieu fees are meant to be applied for projects whose site restrictions, not project design choices, are such that the inclusion of open space would be difficult. The Seven Hills site is 30 acres which allows for ample inclusion of integrated green space with proper design. A design that adheres more closely to the County's General Plan Land Use Designation and the City's Zoning, and does not require a dramatic designation change through the use of a General Plan Amendment, would more easily fulfill integrated open space requirements.

16b. The EIR should examine the impact on the nearby Nature Area at Heather Farm Park. The area is in continuous use as an easily accessible walking area and must accommodate a future growing regional population. The Project's walled-off community does not satisfy that need and eliminates the possibilities for further walking/biking expansion. This impact should be included.

16c. The proposed Project provides no public benefit for recreation and open space. The SHR site was identified as one of many parcels to be permanently protected as open space under Measure P and the Walnut Creek Hillside/Open Space Protection Ordinance. The extension of Seven Hills Ranch Road continues to be identified as a bike/pedestrian route in the City of Walnut Creek General Plan (Figure 4 in the Transportation Element) and reflects the goal and desire to include meaningful open space amenities on the site. A thorough review of the deficiencies under the proposed Project should be provided in the DEIR, and recommendations included to provide for publicly accessible open space and recreation amenities.

17. Transportation:

17a. Due to the lengthy construction time (four years) required for this project, we request that the EIR analyze the impact of construction vehicles, including delivery and removal of earthwork equipment, dump trucks, concrete trucks and construction delivery trucks. The number per day and what routes they will use. Note that the proposed entry/exit point accesses already heavily used roadways, with much pedestrian use, bike lanes and community traffic.

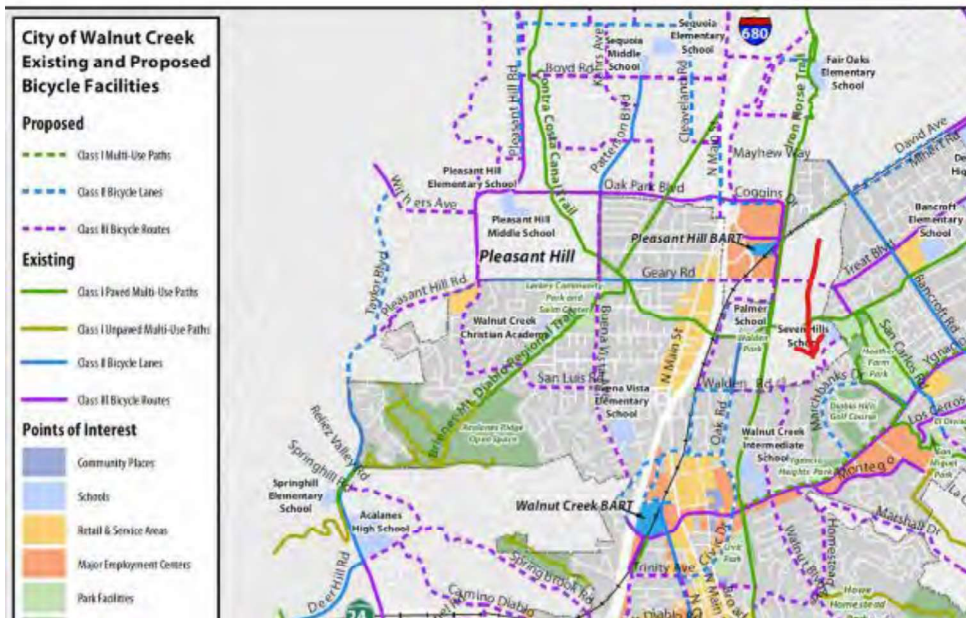
17b. The EIR should recognize that there will be impacts from traffic on already heavily traveled community roadways, which also have much pedestrian use, bike lanes and in the case of Marchbanks Drive, golfers in golf carts crossing the roadway at two crosswalks. Additionally, traffic heading east from the proposed development and using Marchbanks Dr routes through an extremely busy area of the City's Heather Farm Park. A skatepark, tennis courts with parking access requiring pedestrians to cross the street, and a swim center with swim meets that bring parking all up and down the adjoining area streets are some of the obstacles to contend with and which already require careful attention to ensure the safety of park users. Impacts will be magnified with the proposed development and should be addressed in the EIR.

17c. There are many questions surrounding the extension of Kinross Rd. for entry to the proposed Project. The legality of this entry should be addressed in the EIR along with the City of Walnut Creek's restrictions on gated/guard shack entries. The City of Walnut Creek long ago recognized that the extension of Kinross Dr would alter the tranquility of the neighboring communities and to prevent this from happening put safeguards in place. Those safeguards are being ignored and the EIR should include a research, discussion, findings and conclusion on this situation.

17d. We are requesting that the traffic analysis for trip generation includes Level-of-Service (LOS) assessment methodology be included for key intersections in the surrounding area. This should include the intersections of Kinross Dr. and Marchbanks Dr., N San Carlos Dr. and Ygnacio Valley Rd., N San Carlos Dr. and Heather Dr., Marchbanks and Heather Dr. and both intersections where Marchbanks Dr. and Ygnacio Valley Rd. cross. An accurate understanding of the changes in operation at each of these intersections as a result of Project-generated traffic is critical to understanding the full impacts of the proposed Project.

17e. The Bicycle Facilities Map (pg 5-9) in the [Transportation Element](#) of the Walnut Creek General Plan in addition to the [City of Walnut Creek Bicycle Plan 2011](#) include a proposed bicycle and pedestrian route following the extension of Seven Hills Ranch Road across the entire SHR site, which would logically link the Homestead and Walnut Boulevard neighborhoods to the southwest to Heather Farm Park to the north. The proposed Project would permanently preclude ever implementing this important route, which would be a significant

conflict given the limited opportunities to provide alternative routes without using the heavily impacted Iron Horse Trail and dangerous Ygnacio Valley Road.



[City of Walnut Creek Bicycle Plan 2011](#)

18. Utilities and Service Systems:

18a. The EIR must address how the need for water supplies will be met for this large population increase. The EIR must address how the need will be satisfied in normal, dry, and multiple dry years.

18b. The EIR should address all proposed infrastructure systems impacted by the proposed Project. This should include changes in service demands and available capacity. Off-site improvements, such as required upgrades to the sanitary sewer and storm drain facilities along Seven Hills Ranch Road should be thoroughly described as they could result in impacts on the jurisdictional waters associated with Homestead Creek and could adversely affect specimen valley oaks growing along the creek and roadway, among other sensitive resources which should be thoroughly described and assessed in the EIR.

19. Wildfire: No comment.

20. Alternatives

- In general, the EIR should provide a full range of alternatives to the proposed Project. These should incorporate avoidance and minimization measures to protect sensitive resources and address the adverse impacts of the proposed Project. These include avoidance of oak woodlands and riparian habitat, reduction in the mass, height and footprint of the massive Main Building and Medical Center, eliminating and reducing the height of the massive retaining walls that ring and crisscross the site, and retaining more of the natural hillside landform of the SHR site. The attached “*Land Use Compatibility and Aesthetics Constraints for EIR Alternatives*” and the “*Biological Constraints for EIR Alternatives*” should be used in developing and refining the Alternatives evaluated in the EIR to address the numerous significant adverse impacts of the proposed Project.
- As indicated in the “*Land Use Compatibility and Aesthetics Constraints for EIR Alternatives*” map, the Alternatives in the EIR should incorporate the major land use considerations pertaining to the SHR site. This includes protecting areas of native oak

woodlands, maintaining the western frontage of the SHR site as a reserve area for future restoration of the Walnut Creek channel, accommodating the future alignment of the bike/pedestrian route along the extension of Seven Hills Ranch Road, and protection of more of the natural landform on the SHR site, including the highest knoll on the site. These important features and land use treatments should all be incorporated as land use considerations in the Alternatives chapter of the EIR.

- We request that the EIR include an Alternative Development Scenario which complies with the County's General Plan of medium-density residential on the site and has far less disruption to the natural landscape which would be completely eradicated under the current Project proposal. Such an alternative would allow access and through walkways from the city park across the site along the Seven Hills Ranch Rd. trail alignment designated in the Walnut Creek General Plan, and incorporate a public Mt. Diablo scenic viewpoint site at the top of the protected ridge. The existing adobe would be incorporated into the design as a historical building open to the public with educational displays.
- An Alternative which incorporates and meets many of the County's and City of Walnut Creek's General Plan objectives and Code requirements, without a need for such a dramatic change in Land Use Designation, is desirable and should be included. Such an alternative would eliminate many of the impacts associated with this Project.
- The EIR should present a No-Project Alternative.
- The EIR should include an Off-site Alternative that provides for the Continuing Care Use that the applicant is proposing. While this section is for Alternative scenarios for the site itself, we find that the Project would be better suited to an already level location which would involve much less landscape alteration and devastation. The changes in how our communities now do business has presented opportunities for many more appropriate sites for this proposal, such as vacant or under-utilized retail or office-park land that could easily be repurposed. Sites on which the Project would inflict much less environmental damage should be considered

Significant Environmental Changes

- The proposed Project has many irreversible environmental changes. Environmentally, the proposal largely eliminates everything that is on this site today. Flora, fauna, hills, offsite views of the property, and the natural contours of the landscape are all eliminated by this design. The design proposal is such that all these impacts are significant and unavoidable. To ask that the proposed Project adhere more closely to the regional and local government's current land use designation, zoning, and ordinances would aid in reducing its unavoidable and irreversible environmental impacts.

We appreciate the opportunity to provide comments on this project and we look forward to reviewing the responses to our comments on the Notice of Preparation. If you have should have any questions, please email me at SaveSevenHillsRanch@gmail.com

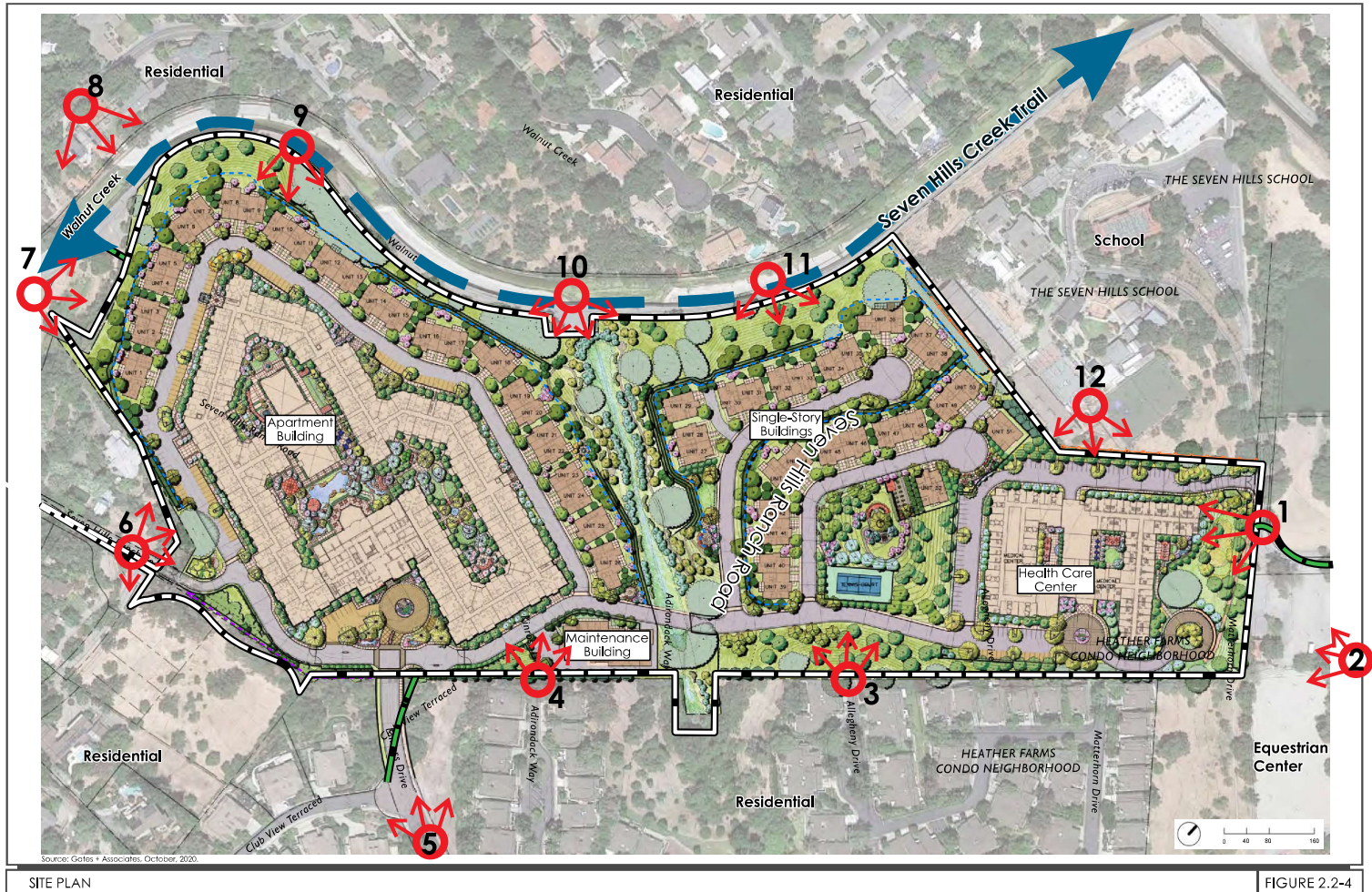
Sincerely,



Michele Sheehan

SaveSevenHillsRanch@gmail.com

PHOTOSIMULATION LOCATION MAP



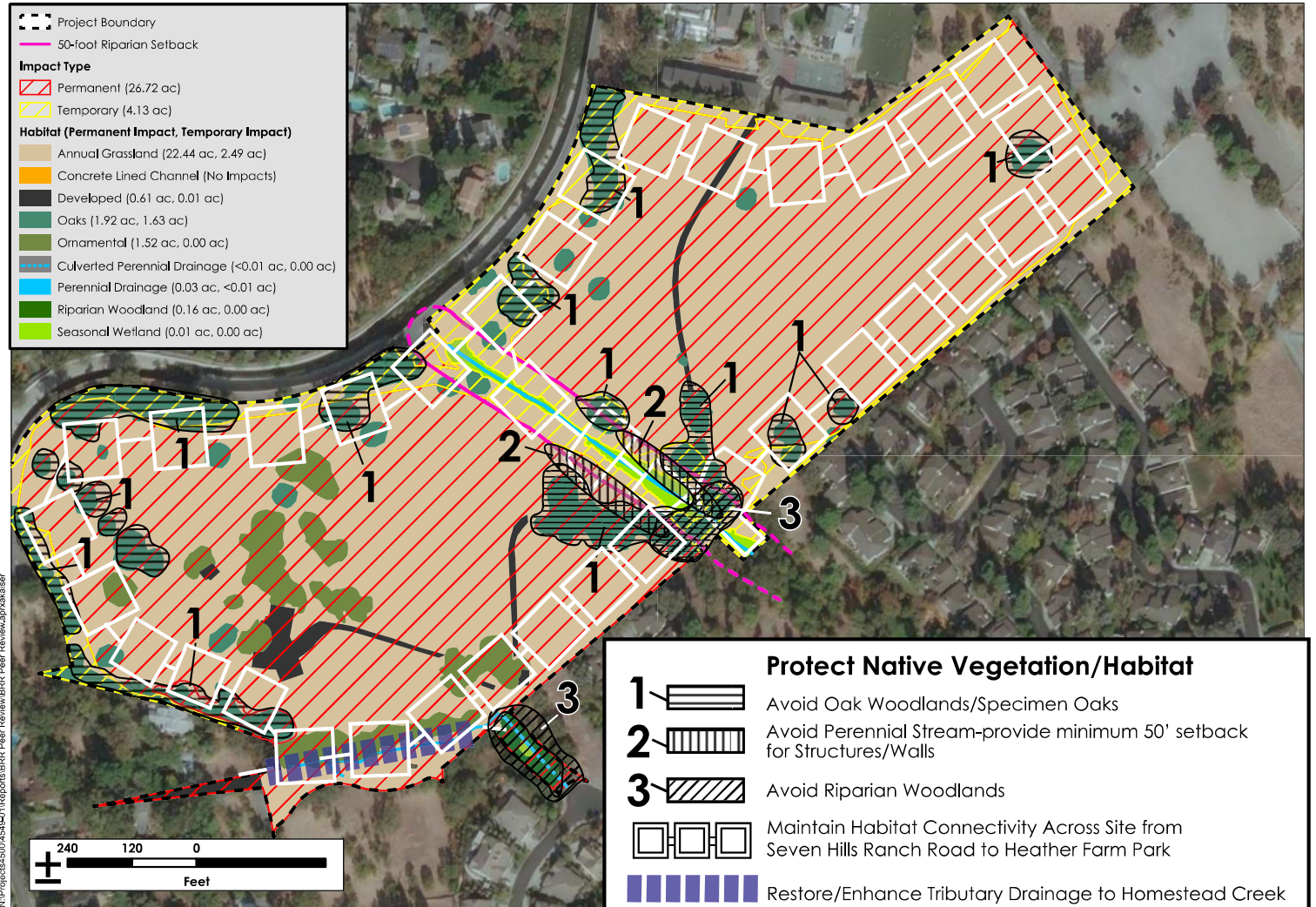
SITE PLAN

FIGURE 2.2-4



Location of Requested Photosimulations and Direction of View

BIOLOGICAL CONSTRAINTS FOR EIR ALTERNATIVES



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H. T. HARVEY & ASSOCIATES
 Ecological Consultants

Figure 2. Impacts Map

Speiker Senior Continuing Care Community Project – Biological Resources Report Peer Review (4549-01)
 July 2021

LAND USE COMPATIBILITY AND AESTHETICS CONSTRAINTS FOR EIR ALTERNATIVES



-  Break up Mass and Footprint, and Reduce Height of Massive Structures
-  Protect Native Trees/Woodland (see Biological Constraints for Alternative Map)
-  Eliminate Massive Retaining Walls up to 26' in Height and Replace with Natural Slopes
-  Implement Bike/Ped Trail Corridor Across Site from Walnut Creek General Plan
-  Retain more of Natural Form of Highest Knoll on Site
-  Accommodate Future Restoration of Walnut Creek under Adopted 2009 CCCFCD Plan - by removing antiquated concrete channel wall and restoring east bank as vegetated natural habitat.