

## Chapter 3

# Revisions to the Draft EIR

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This chapter includes revisions to the Draft EIR by errata as allowed by CEQA. The revisions are presented in the order they appear in the Draft EIR, with the relevant page number(s) indicated with italicized print. New or revised text is shown with underline for additions and ~~strike-out~~ for deletions.

All text revisions are to provide clarification or additional detail. After considering all comments received on the Draft EIR, the Lead Agency has determined that the changes do not result in a need to recirculate the Draft EIR. Under the CEQA Guidelines, recirculation is required when new significant information identifies:

- A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented;
- A substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure, considerably different from others previously analyzed, that clearly would lessen the significant environmental impacts of the project, but that the project's proponents decline to adopt; or
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (Guidelines Sec. 15088.5[a]).

Recirculation of a Draft EIR is not required where the new information merely clarifies, amplifies or makes minor modifications to an adequate EIR (Guidelines Sec. 15088[b]). The information provided below meets those criteria.

## Chapter ES – Executive Summary

The fourth sentence in the fourth paragraph on page ES-1 of the Draft EIR has been revised as follows:

In order to comply with the M-2 zoning, the increase in height from 35 feet (allowed) to ~~62~~ 63.3 feet (proposed) would require rezoning the Project site to M-2(X).

The second full paragraph on page ES-8, continuing to page ES-9, in Mitigation Measure TRA-1.1a has been revised as follows:

Prior to ~~submitting an application for a building~~ issuance of a grading permit, the Project Sponsor shall prepare detailed improvement construction plans for the proposed mitigation measures on the eastbound approach at the intersection of Marsh Road and Bayfront Expressway for review and approval by the Public Works Director. Prior to the issuance of a building permit for the shell, the Project Sponsor ~~shall obtain the approval from the Public Works Director for the improvement construction plans and~~ shall provide a bond for improvements in the amount equal to the estimated construction cost for the intersection improvements plus a 15 percent contingency. Complete plans shall include all necessary requirements to construct the improvements in the public right-of-way, including grading and drainage improvements, utility relocations, traffic signal relocations/modifications, tree protection requirements, and signage and striping modifications. The plans shall be subject to review and approval of the Public Works Director prior to submittal to Caltrans.

The Project Sponsor shall complete and submit a Caltrans encroachment permit within 30 days of receiving City approval of the plans. The Project Sponsor shall commence the construction of the improvements within 180 days of receiving Caltrans approval Caltrans and any other applicable agencies and diligently prosecute such construction until it is completed. If Caltrans does not approve the proposed intersection improvements within 5 years from the CDP effective date, and the Project Sponsor demonstrates that it has worked diligently to pursue Caltrans approval to the satisfaction of the Public Works Director, in his/her sole discretion, then the Project Sponsor shall be relieved of responsibility to construct the improvement and the bond shall be released by the City after the Project Sponsor submits funds equal to the bid construction cost to the City. The City may use the funds for other transportation improvements, including, but not limited to, bicycle, pedestrian, and transit improvements and TDM programs, throughout the City with priority given to portions of the City east of US 101. Construction of this improvement, or in the case that Caltrans does not approve the intersection improvement, payment of funds equal to the bid construction cost to the City, by the Project Sponsor shall count as a future credit toward payment of the Transportation Impact Fee (TIF) pursuant to the TIF Ordinance. Although the proposed mitigation would fully mitigate the impact, it remains significant and unavoidable because the intersection is under the jurisdiction of Caltrans and the City cannot guarantee the mitigation measure would be implemented. (SU)

Mitigation Measure NOI-1.1 on pages ES-33 to ES-34 of the Draft EIR has been revised as follows:

*NOI-1.1: Implement Noise Control Measures to Reduce Construction Noise during Project Construction.* The Project Sponsor shall implement the following measures during demolition and construction of the Project—as needed to maintain off-site construction-related noise at 90 dBA or less. The Noise Control Measures may include, but are not limited to the following:

- To the extent feasible, the noisiest construction activities (~~such as~~ primarily demolition and grading activities) shall be scheduled during times that would have the least impact on nearby office uses. This could include restricting construction activities in the areas of potential impact to the early and late hours of the work day, such as from 8:00 a.m. to 10:00 a.m. or 4:00 p.m. to 6:00 p.m., Monday through Friday.
- Equipment and trucks used for Project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) ~~wherever feasible.~~
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Construction contractors, to the maximum extent feasible, shall be required to use “quiet” gasoline-powered compressors or other electric-powered compressors, and use electric rather than gasoline or diesel powered forklifts for small lifting. Stationary noise sources, such as temporary generators, shall be located at least 50 feet from the property line and as far from nearby sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures ~~to the extent feasible.~~

- Install temporary noise barriers eight feet in height around the construction site to minimize construction noise to 90 dBA as measured at the applicable property lines of the adjacent uses, unless an acoustical engineer submits documentation that confirms that the barriers are not necessary to achieve the attenuation levels.
- Trucks shall be prohibited from idling along streets serving the construction site for more than five minutes.

Mitigation Measure NOI-4.2 on pages ES-35 to ES-36 of the Draft EIR have been revised as follows:

*NOI-4.2: Implement Construction Best Management Practices to Reduce Construction Vibration.* If vibration-sensitive equipment is identified within 225 feet of construction sites, the Project Sponsor shall implement the following measures during construction.

- To the extent feasible, construction activities that could generate high vibration levels at identified vibration-sensitive locations shall be scheduled during times that would have the least impact on nearby office uses. This could include restricting construction activities in the areas of potential impact to the early and late hours of the work day, such as from 8:00 am to 10:00 a.m. or 4:00 p.m. to 6:00 p.m. Monday through Friday, or to those times as may be mutually agreed to adjacent vibration-sensitive businesses, the Project Sponsor, and the City.
- Stationary sources, such as construction staging areas and temporary generators, hammer mills, or other crushing/breakup equipment, etc. shall be located as far from nearby vibration-sensitive receptors as possible.
- Trucks shall be prohibited from idling along ~~streets serving the construction site where vibration-sensitive equipment is located.~~ Commonwealth Drive where vibration-sensitive equipment is located, as requested by a vibration-sensitive business.

## Chapter 1 – Introduction

The fourth sentence in the second paragraph on page 1-2 of the Draft EIR has been revised as follows:

In order to comply with the M-2 zoning, the increase in height from 35 feet (allowed) to ~~61.3~~ 63.3 feet (proposed) would require rezoning the Project site to M-2(X).

## Chapter 2 – Project Description

Figure 2-3, “Proposed Conceptual Site Plan,” following page 2-4 of the Draft EIR, has been revised to add trails and enhance the connection between Commonwealth Drive and Jefferson Drive. This updated figure is included on the following page. The revisions relate to the site design and do not change the fundamental descriptions of the Project or analysis presented in the Draft EIR. Therefore, no additional revisions related to the updated site plan are provided in this chapter.

Figure 2-6, “Proposed Landscape Plan,” following page 2-6 of the Draft EIR, has been revised to add trails, enhance the connection between Commonwealth Drive and Jefferson Drive, and to show the updated landscape plan. The updated landscape plan includes fewer trees than what was presented in the Draft EIR. In addition, due to the addition of the perimeter trail, impervious surfaces at the Project

site have increased slightly. This updated figure is included on the following page. The proposed trees to be planted at the Project site has been reduced from 474 to between 464 and 400, representing a decrease of between 10 and 74 trees from what was presented in the Draft EIR. The updated tree planting numbers are reflected in the revisions provided below. In addition, the trail that would encompass the perimeter of the Project site increased the impervious surfaces from 74.4 percent in the Draft EIR to 75.9 percent. However, the revised tree and impervious surface numbers do not represent a substantial change from what was presented in the Draft EIR and would not require any changes to the analysis. Therefore, no further edits beyond minor text edits are necessary. Although the change in impervious surfaces would slightly affect the results in the Stormwater Report prepared for this Project (Appendix 3.9 of the Draft EIR), the change is insignificant and the technical report remains relevant to the Project.

The fourth row in Table 2-2 on page 2-3 of the Draft EIR has been revised as follows:

**Table 2-2. Allowed and Proposed Development at the Project Site**

|                       | Allowed Development (M-2 Zoning) | Proposed Development (M-2[X]Zoning)        |
|-----------------------|----------------------------------|--|
| Max. Building Heights | 35'                              | <del>61'4"</del> <u>63'4"</u> <sup>b</sup> |

The fourth sentence in the first paragraph under the header, "Entitlements," on page 2-3 of the Draft EIR has been revised as follows:

In order to comply with the M-2 zoning, the increase in height from 35 feet (allowed) to ~~61.3~~ 63.3 feet (proposed) would require rezoning the Project site to M-2(X).

The following text has been added to the third paragraph under the header "Proposed Site Plan" on page 2-4 of the Draft EIR:

The proposed structures would be surrounded by surface parking, landscaping, pedestrian paths, and water features. A trail for pedestrians would be located around the perimeter of the Project site and would connect to crosswalks that bisect the site. A courtyard with café tables and chairs would be situated in between the two buildings and would provide a social space for the Project. Two covered trash and generator enclosures would be located within the parking lots to the northwest of Building 1 and to the southeast of Building 2.

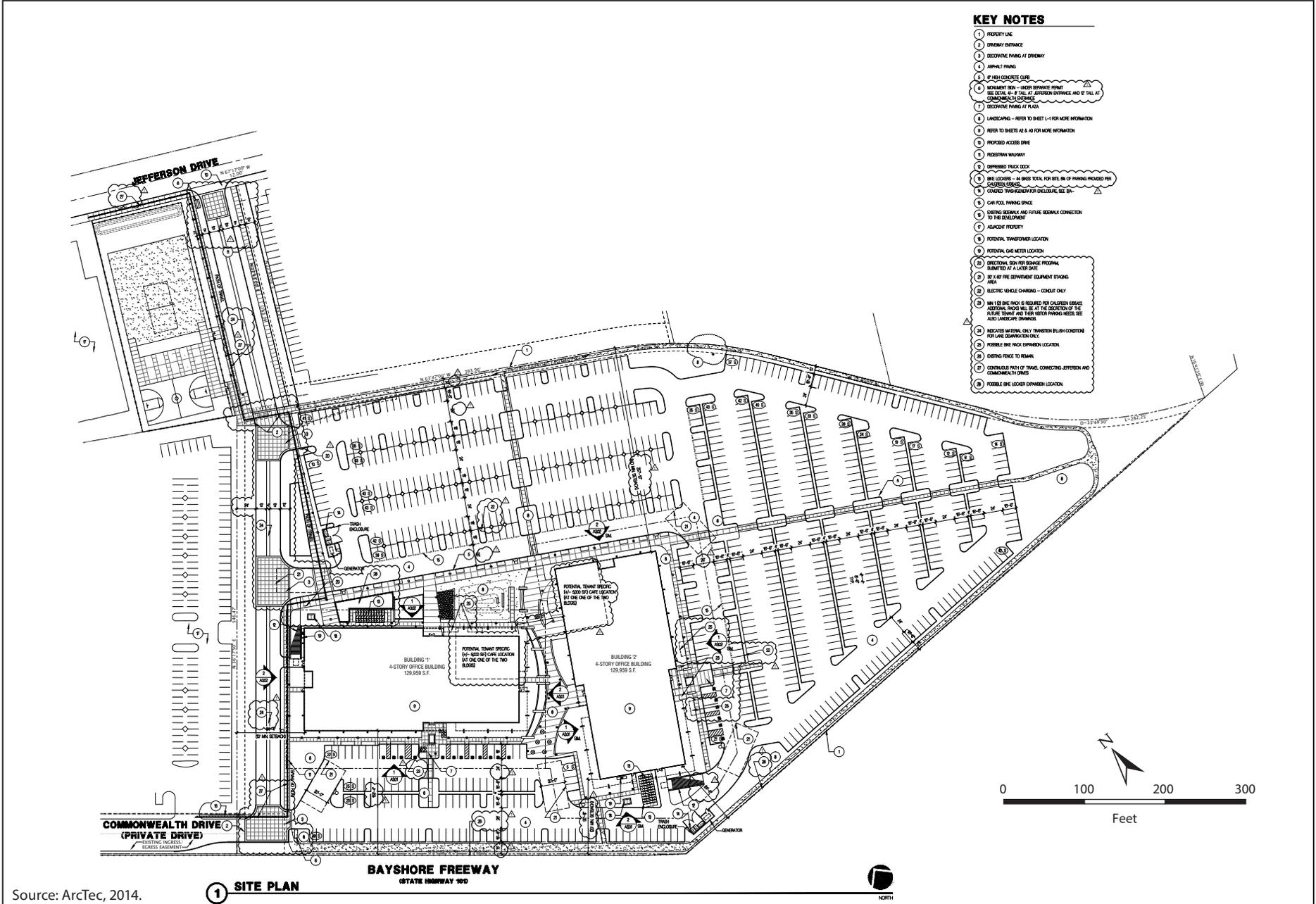
The following sentence has been added to first paragraph on page 2-6 of the Draft EIR:

The portion of the Project site adjacent to Jefferson Drive would include a lawn, active recreation spaces with a basketball court and a lawn volleyball court, planting areas, picnic tables, fencing and other vegetation. A trail for pedestrians would be located around the perimeter of the Project site.

Page 2-6 of the Draft EIR, first and second full paragraphs, are revised as follows:

Currently, there are 45 trees at the Project site. The Project would remove 44 of these trees, 23 of which are considered Heritage Trees per Section 13.24 of the City's Municipal Code.<sup>5</sup> One Heritage Tree, a native oak tree, would remain upon implementation of the Project. However, approximately ~~474~~ 400 to 464 trees would be planted to offset the Heritage Tree removal. A variety of tree species would be planted.

The existing Project site is covered with approximately 540,577 sf of impervious surfaces (93.4 percent). Implementation of the Project would reduce impervious surfaces to ~~74.4~~ 75.9 percent (approximately ~~430,278~~ 439,278 sf). Up to eight stormwater treatment areas would be located throughout the Project site in order to limit stormwater runoff. These biotreatment areas would be



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Source: ArcTec, 2014.



Figure 2-3  
Proposed Conceptual Site Plan



open, level, vegetated areas that would allow runoff to be distributed evenly across the area. They would be designed to treat runoff by filtering raw runoff through the soil media in the treatment area. These biotreatment areas would trap particulate pollutants (suspended solids and trace metals) and promote infiltration.

## Section 3.1 – Land Use and Planning

The second and third sentences in the first full paragraph on page 3.1-9 of the Draft EIR has been revised as follows:

The two proposed buildings would be four stories in height, with the Project Sponsor proposing an overall height limit of ~~61.3~~ 63.3 feet for the entire Project site. This increase in the height limit from 35 feet to ~~61.3~~ 63.3 feet would require rezoning the site to M-2(X).

The fourth row in Table 3.1-1 on page 3.1-8 of the Draft EIR has been revised as follows:

**Table 3.1-1. Allowed and Proposed Development at the Project Site**

|                       | Allowed Development<br>(M-2 Zoning) | Proposed Development<br>(M-2[X]Zoning)     |
|-----------------------|-------------------------------------|--|
| Max. Building Heights | 35'                                 | <del>61'4"</del> <u>63'4"</u> <sup>b</sup> |

## Section 3.2 – Aesthetics

The following sentence has been added prior to the first full sentence on page 3.2-8 of the Draft EIR:

Since façade articulations and architectural designs have not yet been developed, these features are not included in the photomontages. In addition, as a conservative scenario, the photomontages show the existing vegetation and do not reflect the proposed tree removal or additional plantings as a result of the Project. The photomontages, as included in Figures 3.2-6 through 3.2-8, depict views of the Project from the following locations.

The fourth full paragraph on page 3.2-9 of the Draft EIR has been revised as follows:

There are 45 existing trees at the Project site. Of these trees, 24 trees are considered to be Heritage Trees per Section 13.24 of the City’s Municipal Code. Under the existing site plans, 23 Heritage Trees and 21 non-Heritage Trees would be removed. However, one existing Heritage Tree would remain, and approximately ~~474~~ 400 to 464 trees would be planted to offset the Heritage Tree removal. These trees would be located throughout the Project site, including around the site perimeter, throughout the surface parking lot, along the two-lane boulevard in the western portion of the site, and surrounding the proposed buildings. When first planted, the proposed trees would not sufficiently screen the buildings from surrounding areas. However, at full maturity, it is expected that the proposed trees could screen a substantial portion of the buildings.<sup>9</sup> In addition, all of the existing perimeter trees not located on the Project site would remain with implementation of the Project and continue to limit views to and from the site.

<sup>9</sup> For conservative purposes, the photosimulations presented in Figures 3.2-6 through 3.2-8 show existing vegetation and not the trees to be removed or planted under the Project. Since the Project would result in approximately 356 to 420 net new trees, the photosimulations present a conservative scenario.

The following sentence has been added to the fifth full paragraph on page 3.2-10 of the Draft EIR:

As shown in Figure 3.2-6a, the existing buildings at the Project site are predominantly screened from US 101 by dense clusters of perimeter vegetation. No background views are visible. With the proposed development (Figure 3.2-6b), the Project buildings would appear to be taller than the existing surrounding development as seen from southbound US 101. The two buildings would be visible to varying degrees from US 101; however, the existing perimeter landscaping, which would remain under the Project, would soften the Project's appearance and reduce its visual contrast with the immediate landscape. In addition, new trees would be planted within the southwest parking lot and at the Commonwealth Drive entrance to the Project site, which would further buffer the views of the proposed buildings from US 101. Figure 3.2-6b does not show the proposed landscaping; therefore, this view depicts a conservative scenario.

The following revision has been made to the last sentence in the first paragraph on page 3.2-11 of the Draft EIR:

However, since the buildings would be significantly taller than the existing structures (27 feet in height compared to ~~61.3~~ 63.3 feet), the proposed buildings would still be visible from Kelly Park, as depicted in Figure 3.2-7b.

The sixth sentence in the second paragraph on page 3.2-11 of the Draft EIR has been revised as follows:

The existing 27-foot-tall industrial buildings would be demolished and replaced with two ~~61.3~~ 63.3-foot-tall buildings. However, as shown in Figure 3.2-7b, the existing perimeter vegetation, which would remain with implementation of the Project, would screen portions of the proposed building. In addition, as discussed above, the Project Sponsor would plant approximately ~~474~~ 400 to 464 new trees, many of which would be in the parking lot between the proposed buildings and Kelly Park. Although these trees, when first planted, may not provide a significant visual buffer, at maturity, they would screen a substantial portion of the buildings. Figure 3.2-7b does not depict the proposed vegetation; therefore, this view represents a conservative scenario.

## Section 3.3 – Transportation/Traffic

The second full paragraph on page 3.3-33, in Mitigation Measure TRA-1.1a, has been revised as follows:

Prior to ~~submitting an application for a building~~ issuance of a grading permit, the Project Sponsor shall prepare detailed improvement construction plans for the proposed mitigation measures on the eastbound approach at the intersection of Marsh Road and Bayfront Expressway for review and approval by the Public Works Director. Prior to the issuance of a building permit for the shell, the Project Sponsor ~~shall obtain the approval from the Public Works Director for the improvement construction plans and~~ shall provide a bond for improvements in the amount equal to the estimated construction cost for the intersection improvements plus a 15 percent contingency. Complete plans shall include all necessary requirements to construct the improvements in the public right-of-way, including grading and drainage improvements, utility relocations, traffic signal relocations/modifications, tree protection requirements, and signage and striping modifications. The plans shall be subject to review and approval of the Public Works Director prior to submittal to Caltrans.

The Project Sponsor shall complete and submit a Caltrans encroachment permit within 30 days of receiving City approval of the plans. The Project Sponsor shall commence the construction of the improvements within 180 days of receiving Caltrans approval Caltrans and any other applicable agencies and diligently prosecute such construction until it is completed. If Caltrans does not approve the proposed intersection improvements within 5 years from the CDP effective date, and the Project Sponsor demonstrates that it has worked diligently to pursue Caltrans approval to the satisfaction of the Public Works Director, in his/her sole discretion, then the Project Sponsor shall be relieved of responsibility to construct the improvement and the bond shall be released by the City after the

Project Sponsor submits funds equal to the bid construction cost to the City. The City may use the 7 funds for other transportation improvements, including, but not limited to, bicycle, pedestrian, and transit improvements and TDM programs, throughout the City with priority given to portions of the City east of US 101. Construction of this improvement, or in the case that Caltrans does not approve the intersection improvement, payment of funds equal to the bid construction cost to the City, by the Project Sponsor shall count as a future credit toward payment of the Transportation Impact Fee (TIF) pursuant to the TIF Ordinance. Although the proposed mitigation would fully mitigate the impact, it remains significant and unavoidable because the intersection is under the jurisdiction of Caltrans and the City cannot guarantee the mitigation measure would be implemented. (SU)

## Section 3.5 – Greenhouse Gas Emissions

The fourth bullet on page 3.5-20 of the Draft EIR has been revised as follows:

- **Urban Forest.** Emissions associated with proposed emission sinks were estimated using the same approach described for the existing Project site inventory above. There would be ~~474~~ 400 to 464 new trees planted at the Project site to replace the 44 existing trees.

## Section 3.6 – Noise

Mitigation Measure NOI-1.1 on pages 3.6-13 to 3.6-14 of the Draft EIR has been revised as follows:

*NOI-1.1: Implement Noise Control Measures to Reduce Construction Noise during Project Construction.* The Project Sponsor shall implement the following measures during demolition and construction of the Project ~~as needed to maintain off-site construction-related noise at 90 dBA or less. The Noise Control Measures may include, but are not limited to the following:~~

- To the extent feasible, the noisiest construction activities (~~such as~~ primarily demolition and grading activities) shall be scheduled during times that would have the least impact on nearby office uses. This could include restricting construction activities in the areas of potential impact to the early and late hours of the work day, such as from 8:00 a.m. to 10:00 a.m. or 4:00 p.m. to 6:00 p.m., Monday through Friday.
- Equipment and trucks used for Project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) ~~wherever feasible.~~
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Construction contractors, to the maximum extent feasible, shall be required to use “quiet” gasoline-powered compressors or other electric-powered compressors, and

use electric rather than gasoline or diesel powered forklifts for small lifting. Stationary noise sources, such as temporary generators, shall be located at least 50 feet from the property line and as far from nearby sensitive receptors as possible, and ~~they~~ shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures ~~to the extent feasible~~.

- Install temporary noise barriers eight feet in height around the construction site to minimize construction noise to 90 dBA as measured at the applicable property lines of the adjacent uses, unless an acoustical engineer submits documentation that confirms that the barriers are not necessary to achieve the attenuation levels.
- Trucks shall be prohibited from idling along streets serving the construction site for more than five minutes.

Mitigation Measure NOI-4.2 on page 3.6-20 of the Draft EIR have been revised as follows:

*NOI-4.2: Implement Construction Best Management Practices to Reduce Construction Vibration.* If vibration-sensitive equipment is identified within 225 feet of construction sites, the Project Sponsor shall implement the following measures during construction.

- To the extent feasible, construction activities that could generate high vibration levels at identified vibration-sensitive locations shall be scheduled during times that would have the least impact on nearby office uses. This could include restricting construction activities in the areas of potential impact to the early and late hours of the work day, such as from 8:00 am to 10:00 a.m. or 4:00 p.m. to 6:00 p.m. Monday through Friday, or to those times as may be mutually agreed to adjacent vibration-sensitive businesses, the Project Sponsor, and the City.
- Stationary sources, such as construction staging areas and temporary generators, hammer mills, or other crushing/breakup equipment, etc. shall be located as far from nearby vibration-sensitive receptors as possible.
- Trucks shall be prohibited from idling along ~~streets serving the construction site where vibration-sensitive equipment is located.~~ Commonwealth Drive where vibration-sensitive equipment is located, as requested by a vibration-sensitive business.

## Section 3.9 – Hydrology and Water Quality

The following sentence has been added to the first paragraph on page 3.9-23 of the Draft EIR:

As described in the stormwater report for the Project site (Appendix 3.9), following Project development, there would be an approximately 20 percent reduction in impervious surfaces relative to existing conditions (from 93.4 percent to ~~74.4~~ 75.9 percent). Pervious surfaces will increase from 37,895 sf to ~~148,194~~ 139,194 sf following project development. The stormwater report prepared for the Project (Appendix 3.9) estimated pre-and post-construction 10-year storm runoff rates (Q10). The stormwater report states that the existing Project site Q10 is 19.43 cfs. As a result of the increase in pervious area and other improvements, the Project site Q10 would decrease ~~by 2.58 cfs to 16.85 cfs post Project development.~~<sup>29</sup> commensurate with the change in pervious surface at the Project site. The overall effect of these changes would be an approximate 13.3 percent reduction in the total volume of stormwater runoff rate at the Project site. Drainage plans typically focus on preventing street flooding during a 10-year storm, which is representative of smaller, frequent storms compared to the 100-year storm event.

## Section 3.13 – Utilities and Service Systems

The following text in the first paragraph on page 3.13-19 of the Draft EIR has been revised:

Specifically, as discussed in Section 3.9, Hydrology and Water Quality, there would be an approximately 20 percent reduction in impervious surfaces relative to existing conditions (from 540,577 sf to ~~430,278~~ 439,278 sf). There would be an approximately ~~291~~ 267 percent increase in pervious surfaces (from 37,895 sf to ~~148,194~~ 139,194 sf) following Project implementation. The overall effect of these changes would be an approximate 13.3 percent reduction in the total volume of stormwater runoff at the Project site.<sup>39</sup>

The fifth sentence in the second paragraph under Impact UT-6 on page 3.19-19 of the Draft EIR has been revised as follows:

In order to comply with the M-2 zoning, the increase in height from 35 feet (allowed) to ~~61.3~~ 63.3 feet (proposed) would require rezoning the Project site to M-2(X).

## Section 3.14 – Biological Resources

The following text in the first paragraph on page 3.14-11 of the Draft EIR has been revised:

Several existing shrubs and approximately 44 of 45 trees (23 of which are heritage trees<sup>6</sup>) would be removed prior to redevelopment. However, approximately ~~474~~ 400 to 464 trees would be planted to offset the heritage tree removal. This would result in an overall net gain in roosting habitat for potential bat species.

Text in the second paragraph on page 3.14-12 of the Draft EIR has been revised as follows:

Therefore, most or all of the existing shrubs along the perimeter of the property, along with those associated with the landscaping around the existing buildings on the Project site, would be removed. As discussed in BIO-1, ~~474~~ 400 to 464 trees would be planted, resulting in an overall net gain in migratory bird nesting habitat at the Project site.

Text in first full paragraph on page 3.14-14 of the Draft EIR has been revised as follows:

As discussed above in Impact BIO-1, the existing facilities and majority of the vegetation at the Project site would be removed and redeveloped. As part of the Project, two new buildings would be constructed and ~~474~~ 400 to 464 trees would be planted. The number of trees at the Project site would increase from 45 to approximately ~~474~~ 400 to 464 upon Project implementation.

The third bullet on page 3.14-15 of the Draft EIR has been revised as follows:

- The heritage tree replacement ratio in the City is determined by the Community Development Director. In general, all commercial applicants who are granted approval to remove a heritage tree are required to replace the lost trees at a ratio of 2 to 1. However, City staff may exercise discretion on the size and number of trees an applicant may be required to install. Consequently, 23 heritage trees would be removed from the Project site and replaced with approximately ~~474~~ 400 to 464 trees of various species, which is a replacement ratio of approximately 7:1. Replacement trees must be installed within 30 days after the heritage tree is removed, must be planted at least 10 feet away from any structures, must not be planted under overhead utility wires, and must not be planted over underground utilities.<sup>10</sup>

The third paragraph on page 3.14-16 of the Draft EIR has been revised as follows:

The Project would result in the removal of approximately 44 trees out of a total of 45 trees. Removal of trees and removal of or modification to buildings containing active bat roosts, particularly during

the nesting season (typically April through August), could result in the loss of individual bats, bat colonies, or their habitat. Mitigation Measure BIO-1.1 would reduce the Project’s contribution to this potentially significant cumulative impact to less than cumulatively considerable because they would identify and protect breeding roosting bats on the Project site. In addition, the Project would plant ~~474~~ 400 to 464 trees at the Project site, resulting in a net gain in potential roosts and offsetting the impacts of potential tree removal in surrounding areas over time. The Project’s cumulative impact would be ***less than significant***.

Text on page 3.14-16, last paragraph, has been revised as follows:

Approximately 44 trees would be removed by the Project and replaced with approximately ~~474~~ 400 to 464 trees, resulting in net gain in potential nesting habitat and reducing cumulative impacts associated with habitat loss in the surrounding area. In addition, Mitigation Measure BIO-2.1 requires identification and protection of nesting migratory birds, reducing the potential impact to less than significant. Mitigation Measure BIO-2.2 requires implementation of bird-safe design standards in Project buildings and lighting design. Therefore, the cumulative impact is ***less than significant***.

## Chapter 4 – Alternatives Analysis

The third row of Table 4-1 on page 4-3 of the Draft EIR has been revised as follows:

**Table 4-1. Comparative Description of the Project Alternatives**

|                      | Project                       | No Project Alternative | Reduced Intensity Alternative |
|----------------------|-------------------------------|------------------------|-------------------------------|
| Max Building Heights | <del>61’4”</del> <u>63’4”</u> | ~27’                   | ~46’                          |