



First Amendment to the Initial Study/Mitigated Negative Declaration

2nd and Walpert Residential Project
Application No. 201400648
State Clearinghouse No. 2015122060

February 2016

1. Summary of Project Change.

The Initial Study and Draft Mitigated Negative Declaration for the 2nd and Walpert Residential Project circulated for public and agency review between December 22, 2015 and January 21, 2016. Through the development of specific conditions of approval for the proposed project and subsequent to that circulation, specific utility related information was identified that should be made part of the project description to ensure that it is full disclosed to the public and regulatory agencies.

Specifically, the following text shall be added to the Project Description and Section 3.4(b), Biological Resources:

“The applicant will also replace the existing sixteen (16) inch reservoir storm drain with a minimum eighteen (18) inch storm pipeline from the development’s point of connection to the energy dissipater outfall in Ward Creek.”

2. Impact Discussion.

The expanded project detail was reviewed to determine if it would result in any new significant or substantially increased project impacts. As shown on Figure 6, project-specific stormdrain improvements within the vicinity of Ward Creek were analyzed as part of the project, and discussed in detail in Section 3.4(b) of the Initial Study; however, there was not a specific discussion about the applicant connection to or replacement of City-owned pipes to which the applicant is proposing to connect. The planned project-related utility work was generally considered as part of project related construction impacts and inclusion of an additional utility line would not result in a significant increase in construction-related impacts not already analyzed and disclosed in the Air Quality, Greenhouse Gas Emissions, and Noise impact discussions.

With regard to Biological Resources, Impact BIO-2 identified construction-related impacts to the riparian habitat along Ward Creek. Mitigation Measures (MM) BIO-2.1 through 2.3 and existing regulatory processes such as the requirement for the applicant to obtain a 1602, Streambed Alteration Agreement (SAA) from the California Department of Fish and Wildlife were found to reduce the impact to a level of less than significant. Thus, the expanded project description to include developer replacement of a City-owned pipe in the vicinity of the proposed connection would not result in any new impacts or mitigations not already disclosed in the Initial Study/MND.

3. Conclusion.

According to California Environmental Quality Act (CEQA) Guidelines Section 15073.5, Recirculation of a Negative Declaration Prior to Adoption, a document shall be recirculated if it is substantially revised following its release and prior to adoption. A substantial revision includes identification of a new avoidable significant impact and mitigation measure or if the lead agency determines that the proposed mitigation measure will not reduce potential effects to a level of less than significant.

This additional project detail does not require substantial revisions to the document, and would not result in new, avoidable significant effects. The proposed mitigation measures in addition to standard regulatory permits and processes would ensure that the proposed utility work would be mitigated to a level of less than significant.

For these reasons, the Initial Study/Mitigated Negative Declaration and First Amendment together provide adequate CEQA review for the project, and recirculation is not required. The First Amendment will be incorporated into the Final Initial Study/Mitigated Negative Declaration that will be presented to the City Council.