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DRAFT
Supplemental Environmental Impact Report
Walnut Creek–Mixed Use Special District Project
City of Walnut Creek, Contra Costa County, California

State Clearinghouse Number 2021060184

Prepared for:
City of Walnut Creek
Community Development Department
1666 North Main Street
Walnut Creek, CA 94596
619.481.5022

Contact: Mr. Darin Neufeld, Consulting Senior Planner

Prepared by:
FirstCarbon Solutions
2999 Oak Road, Suite 250
Walnut Creek, CA 94597
888.826.5814

Contact: Mary Bean, Project Director
Liza Debies, Senior Project Manager

Date: June 30, 2023

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ACRONYMS AND ABBREVIATIONS

°C	degrees Celsius (Centigrade)
°F	degrees Fahrenheit
µg/m^3	micrograms per cubic meter
AADT	Average Annual Daily Traffic
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACE	Altamont Corridor Express
ACHP	Advisory Council on Historic Preservation
ACM	asbestos-containing material
ACP	Alternative Compliance Plan
ACT	Advanced Clean Truck
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
AFY	acre-feet per year
AIA	Airport Influence Area
AIC	Archaeological Information Center
AICUZ	Air Installation Compatibility Use Zone
ALUC	Airport Land Use Commission
APCD	Air Pollution Control District
APE	Area of Potential Effect
APN	Assessor's Parcel Number
AQI	Air Quality Index
AQMD	Air Quality Management District
AQP	Air Quality Plan
ARB	California Air Resources Board
AST	aboveground storage tank
ATCM	Airborne Toxic Control Measures
AUHSD	Acalanes Unified High School District
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
BART	Bay Area Rapid Transit
BAU	Business as Usual
BCF	billion cubic feet
BCF/year	billion cubic feet per year

BGS	below ground surface
BIOS 5	Biogeographic Information and Observation System
BMP	Best Management Practice
BTEX	benzene, toluene, ethylbenzene, and xylene
BTU	British Thermal Unit
BVOC	biogenic volatile organic compound
C^2ES	Center for Climate and Energy Solution
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
Cal/EPA	California Environmental Protection Agency
Cal/OSHA	California Occupational Health and Safety Administration
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CAR	Climate Action Reserve
CBC	California Building Standards Code
CCCC	California Climate Change Center
CCCFPD	Contra Costa County Fire Protection District
CCCHSD	Contra Costa County Health Services Department
CCCSWA	Central Contra Costa Solid Waste Authority
CCHSHMP	Contra Costa Health Services Hazardous Materials Program
CCR	California Code of Regulations
CCTA	Contra Costa Transportation Authority
CCWD	Contra Costa Water District
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
Central San	Central Contra Costa Sanitary District
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFC	chlorofluorocarbon
CFR	Code of Federal Regulations
cfs	cubic feet per second
CH_4	methane
CHL	California Historical Landmarks

CHRIS	California Historical Resources Information System
CIP	Capital Investment Program
CMA	Congestion Management Agency
CMP	Congestion Management Plan
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CNPSEI	California Native Plant Society Electronic Inventory
CNRA	California Natural Resources Agency
CO	carbon monoxide
CO_2e	carbon dioxide equivalent
CPHI	California Points of Historical Interest
CPUC	California Public Utilities Commission
CRA	Cultural Resources Assessment
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
DBH	diameter at breast height
DOC	California Department of Conservation
DPM	diesel particulate matter
DTSC	California Department of Toxic Substances Control
du	dwelling unit
du/acre	dwelling unit per acre
DWR	California Department of Water Resources
EBMUD	East Bay Municipal Utility District
ECCCHCP	East Contra Costa County Habitat Conservation Plan
EIA	Energy Information Administration
EIR	Environmental Impact Report
EISA	Energy Independence and Security Act of 2007
EMF	electromagnetic field
EMFAC	Emission Factors mobile source emission model
EOP	Emergency Operation Plan
EPA	United States Environmental Protection Agency
ESA	Environmental Site Assessment
EVSE	electric vehicle supply equipment
FAA	Federal Aviation Administration

FAR	floor area ratio
FCS	FirstCarbon Solutions
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FTA	Federal Transit Administration
GHG	greenhouse gas
GPD	gallons per day
gpm	gallons per minute
GPS	Global Positioning System
GWh	gigawatt-hours
GWh/y	gigawatt-hours per year
GWP	global warming potential
HAP	Hazardous Air Pollutants
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HDM	Highway Design Manual
HFC	hydrofluorocarbon
HMUPA	Hazardous Materials Unified Program Agency
HOV/HOT	High Occupancy Vehicle/High Occupancy Toll
HRA	Health Risk Assessment
HRI	California Historic Resources Inventory
HSWA	Hazardous and Solid Waste Amendments
HVAC	heating, ventilation, and air conditioning
HWCL	Hazardous Waste Control Law
IOU	investor-owned utility
IPCC	United Nations Intergovernmental Panel on Climate Change
ISTEA	Intermodal Surface Transportation Efficiency Act
IWMP	Integrated Waste Management Plan
kV	kilovolt
kW	kilowatts
LBP	lead-based paint
LCFS	Low Carbon Fuel Standard
L_{dn}	day/night average sound level
LED	light-emitting diode
L_{eq}	equivalent sound level
LEV	low-emission vehicle

LID	Low Impact Development
LOS	Level of Service
LRA	Local Responsibility Area
LSE	load-serving entities
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
MCE	Marin Clean Energy
mgd	million gallons per day
MIR	Maximally Impacted Sensitive Receptor
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MMT	million metric tons
mph	miles per hour
MPO	Metropolitan Planning Organization
MS4	Municipal Separate Storm Sewer System
MSL	mean seal level
MT	metric tons
MTC	Municipal Transportation Commission
MTS	Metropolitan Transportation System
MW	megawatt
MWD	Metropolitan Water District of Southern California
MWELO	Model Water Efficient Landscape Ordinance
MXD	mixed-use development
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NDSP	North Downtown Specific Plan
NEHRP	National Earthquake Hazards Reduction Program
NEPA	National Environmental Policy Act
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NFPA	National Fire Protection Association
NHM	Natural History Museum of Los Angeles County
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NO_2	nitrogen dioxide
NOAA Fisheries	National Marine Fisheries Service
NOC	Notice of Completion

NOP	Notice of Preparation
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
O_3	ozone
OAL	Office of Administrative Law
ODS	Objective Design Standards
OEHHA	California Office of Environmental Health Hazard Assessment
OHWM	ordinary high water mark
ONAC	Federal Office of Noise Abatement and Control
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PCB	polychlorinated biphenyl
pCi/L	picocuries per liter
PDA	Priority Development Area
PERP	Portable Equipment Registration Program
PFC	perfluorocarbon
PG&E	Pacific Gas and Electric Company
Phase I ESA	Phase I Environmental Site Assessment
PM_{10}	particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$	particulate matter, including dust, 2.5 micrometers or less in diameter
PMP	Pedestrian Master Plan
PM_x	particulate matter
ppb	parts per billion
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
PVC	polyvinyl chloride
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Condition
Recology	Integrated Resource Recovery Company
RecycleSmart	Central Contra Costa County Solid Waste Authority
REL	Reference Exposure Level
RHNA	Regional Housing Needs Allocation
RMP	Risk Management Plan
rms	root mean square

ROG	reactive organic gases
RPS	Renewables Portfolio Standard
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
SCS	Sustainable Communities Strategies
SDWA	Safe Drinking Water Act
SEIR	Supplemental Environmental Impact Report
SF_6	sulfur hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SFO	San Francisco International Airport
SFPUC	San Francisco Public Utilities Commission
SO_2	sulfur dioxide
SO_X	sulfur oxide
SPCC	Spill Prevention, Control, and Countermeasure
SR	State Route
SRA	State Responsibility Area
SSMP	Sewer System Management Plan
State Water Board	California State Water Resources Control Board
SWIS	Solid Waste Information System
SWPPP	Storm Water Pollution Prevention Plan
TA	Transportation Analysis
TAC	toxic air contaminants
TAF	Transportation Analysis Framework
TAZ	Transportation Analysis Zone
TCM	transportation control measures
TDM	Transportation Demand Management
TDS	total dissolved solids
TDV	Time Dependent Valuation
TEA-21	Transportation Equity Act for the 21st Century
Tg	teragram
therms/y	therms per year
TIA	Transportation Impact Analysis
TIS	Traffic Impact Study
TISG	Transportation Impact Study Guide
TMA	Transportation Management Association
TMDL	Total Maximum Daily Load
TOD	Transit Oriented Development

UBC	Uniform Building Code
UFC	Uniform Fire Code
USACE	United States Army Corps of Engineers
USBR	United States Bureau of Reclamation
USC	United States Code
USDA	United States Department of Agriculture
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
UWMP	Urban Water Management Plan
V/C	volume to capacity ratio
Valley Air District	San Joaquin Valley Air Pollution Control District
VdB	vibration in decibels
VDECS	Verified Diesel Emission Control Strategies
VMT	Vehicle Miles Traveled
VOC	volatile organic compounds
WCPD	Walnut Creek Police Department
WCSD	Walnut Creek School District
WDR	Waste Discharge Requirements
WMP	Waste Management Plan
WQMP	Water Quality Management Plan
WSA	Water Supply Assessment
WWTP	Wastewater Treatment Plant
ZEV	Zero Emission Vehicle

EXECUTIVE SUMMARY

Purpose

This Draft Supplemental Environmental Impact Report (Draft SEIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Walnut Creek Mixed Use Special District Project (proposed project) (State Clearinghouse No. 2021060184). This document has been prepared in conformance with CEQA (Public Resources Code [PRC] § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et se*q.) (collectively, CEQA).

This Draft SEIR and supporting technical reports, studies, and other materials (including attached appendices) have been prepared to document the information necessary to make the certified North Downtown Specific Plan Environmental Impact Report (2019 NDSP EIR) (State Clearinghouse No. 2018012020) adequate to address the potential environmental impacts associated with the implementation of the proposed project, and to provide additional environmental analysis where appropriate to ensure full disclosure as required under CEQA. This Draft SEIR identifies relevant mitigation measures from the 2019 NDSP EIR that would be carried forward where necessary to avoid or reduce impacts, and also identifies new mitigation measures, where needed, to address the potential impacts resulting from the proposed project, to the extent required under CEQA.

Pursuant to Section 21166 of the Public Resources Code, the Draft SEIR need only contain the information necessary to analyze the proposed project as revised, including the identification of changed circumstances or new information of substantial importance that has triggered the need for additional environmental review to ensure the 2019 NDSP EIR is adequate for the proposed project.

The purpose of this Draft SEIR is to inform decision-makers, representatives of trustee and responsible agencies, the public, and other interested organizations of the potential environmental effects that may result from implementation of the proposed project. This Draft SEIR describes potential impacts relating to a wide variety of environmental issues and methods by which these impacts can be mitigated or avoided to the extent feasible.

Project Summary

Project Location

The Applicant, Toyota Walnut Creek, owns or controls approximately 6.2 acres of land in the City of Walnut Creek (City), in Contra Costa County, California (Exhibit 2-1 in Chapter 2, Project Description). The 6.2 acres consists of a total of 10 parcels (individually referred to as 2100 North Main [Site A], 2150 North Broadway [Site B], and 2100 North Broadway [Site C]), and is located entirely within the boundaries of the existing North Downtown Specific Plan (NDSP). This 6.2-acre area is generally bounded by North Main Street (west), Pine Street (north), Civic Drive (east), and Ygnacio Valley Road (south) (Exhibits 2-2 and 2-3 in Chapter 2, Project Description), and is located within Township 1N, Range 2W, Section 27 of the *Walnut Creek, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map (Latitude 37° 54’ 32” North; Longitude 122° 3’ 43” West).

The Applicant also leases approximately 1.42 acres of land within the City on North Broadway, where it currently operates an auto dealership(including auto sales, service, administration, inventory, and parts uses). This approximately 1.42 acres of land is identified as Site D, which is also located within the boundaries of the NDSP area and is near, but outside of the 6.2-acre Mixed Use Special District described below. (Exhibit 2-3 in Chapter 2, Project Description). Similarly, the Applicant also leases approximately 0.82 acre of land located at 1435 Pine Street, which abuts Site A and which the Applicant uses for automotive service within a 1-story building and an associated surface parking lot This approximately 0.82 acre site is known as Site E, and is also located within the boundaries of the NDSP area but is outside of the 6.2-acre Mixed Use Special District described below. Refer to Exhibit 2-3 in Chapter 2, Project Description.

For purposes of a comprehensive and conservative analysis, the potential redevelopment of Sites D and E are also evaluated in this Draft SEIR, on the basis of the existing land use designation of Automobile Sales/Service and Custom Manufacturing, which would remain applicable to both sites.

Project Description

The Applicant, Toyota Walnut Creek, has requested that the City amend a portion of the NDSP by, among other things, introducing a new "Mixed Use Special District"[1] to cover the approximately 6.2 acres of land that the Applicant controls or owns (Exhibits 2-1, 2-2, 2-3, and 2-4 in Chapter 2, Project Description). Auto sales, service, and ancillary uses are already permitted as of right within these 6.2 acres. However, to facilitate the enhancement of automotive sales, service and ancillary uses in an economically viable manner, the Applicant is proposing to amend the NDSP such that other potential mixed uses, including multi-family residential, hotel, and/or other compatible nonresidential uses, could be developed within the 6.2-acre Mixed Use Special District—along with auto sales, service, and ancillary uses—as part of a mixed use redevelopment (Exhibit 2-5 in Chapter 2, Project Description).

These amendments would facilitate redevelopment of the approximately 6.2-acre site within the NDSP area (collectively covering Sites A, B, and C, and referred to herein as the "Mixed Use Special District") as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates (Site D), and an approximately 0.82-acre property (Site E), [2] located adjacent to Site A. It is assumed for purposes of this analysis that the current Toyota Walnut Creek site (Site D) as well as Site E would be developed with uses consistent with the approved NDSP. Under all circumstances, it is assumed the Applicant would be required to enhance operations of its auto sales, service, and ancillary uses through construction of a new auto sales and service facility. When referred to throughout the Draft SEIR, "project site" refers to, collectively, all lands that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, C, D, and E). This analysis includes an evaluation of the entirety of the project site unless otherwise explicitly stated.

[1] The 6.2-acre Mixed Use Special District consists of 10 legal parcels. However, for ease of reference, the Mixed Use Special District has been further delineated into several sub-areas, designated collectively by relevant street addresses as follows: 2100 North Main (Site A), 2150 North Broadway (Site B), and 2100 North Broadway (Site C), See Table 2-1, Exhibit 2-3 in Chapter 2, Project Description, for more information.

[2] Because the contemplated redevelopment as reflected in the Applicant's proposed amendments to the NDSP could occur, in part, on Sites D and E as well as within the 6.2-acre Mixed Use Special District boundaries, this Draft SEIR appropriately discloses this possibility and evaluates, as appropriate, potential environmental impacts arising from development consistent with the NDSP that could occur on Sites D and E as a result.

The proposed amendments to the NDSP would result in (1) a net increase in auto sales, service and ancillary uses, as well as (2) the introduction of new potential multi-family residential, hotel, and/or other compatible nonresidential uses that were either not contemplated within the Mixed Use Specific District or that would be permitted at a higher floor area ratio (FAR) than are currently allowed by the NDSP. Accordingly, this Draft SEIR will evaluate the reasonably foreseeable potential environmental impacts that could result therefrom as compared to those identified and analyzed in the 2019 NDSP EIR.

As described in more detail in Chapter 2, Project Description, no specific individual development proposal has been formally submitted by the Applicant at this time. The particular development parameters, including the allocation of the proposed mix of uses across the 6.2-acre Mixed Use Special District (as well as potentially Sites D and E), and the ultimate size and scope of this future redevelopment are not currently known. For these reasons and to ensure sufficient flexibility to adapt the ultimate allocation, configuration, and mix of uses, at this time the Applicant is only seeking City approval of the necessary legislative entitlements, consisting of the proposed amendments to the NDSP (and related conforming amendments to the Walnut Creek General Plan [General Plan] and Walnut Creek Municipal Code [Municipal Code] to ensure consistency), as well as approval of a development agreement. The parameters of the proposed project (including as reflected in the development agreement) are laid out in Chapter 2, Project Description, in sufficient detail based on available information and reasonable assumptions and are analyzed throughout this Draft SEIR.

Assuming the City certifies the SEIR, adopts the requested NDSP amendments (and related conforming amendments to the General Plan and Municipal Code), and approves the development agreement, the Applicant would then prepare and submit for consideration individual specific development proposal(s) in accordance with the relevant criteria, standards, requirements, guidelines, and policies of the NDSP (as amended). Said application(s) would set forth the ultimate specific development parameters, allocation, configuration and mix of uses, and other site planning details ("specific development proposal"). At such time as a specific development proposal is formally submitted to the City for consideration, it would be required to adhere to all applicable development standards, policies, and regulations set forth in the NDSP (as amended), as well as all applicable design guidelines and other requirements.

Under CEQA, this Draft SEIR must document the information necessary to make the 2019 NDSP EIR adequate to address the potential environmental impacts associated with the requested amendments to the NDSP (and related conforming amendments to the General Plan and the Municipal Code) as well as the development agreement, and provide additional environmental analysis where required under CEQA. The basic characteristics of the proposed project would be consistent regardless of the final specific allocation and mix of uses ultimately developed; i.e., its location; sustainable design features; vehicular access; utility provision; its infill, urban, mixed use nature (involving an enhanced dealership and other compatible uses); the contemplated demolition of all existing structures; and its overall scope (which would involve substantially the same building footprint based on the reasonable maximum development from an intensity/density perspective). However, because the ultimate allocation, configuration, and mix of land uses and other site planning details are not currently known, in order to conduct the required environmental review, this Draft SEIR will evaluate the maximum reasonable development potential that could occur in light of reasonably available

information, taking into consideration the size, potential mix of uses, and nature of the subject lands and other relevant factors.

For the purpose of this analysis, the Project Description (as detailed in Chapter 2) includes three potential development scenarios, each of which involves the same basic project characteristics, but takes into consideration variations on the different mix, configuration, and allocation of uses that could reasonably be assumed along with the net increase in auto sales, service, and ancillary uses (which would remain a constant). In so doing, this ensures a conservative analysis, facilitates meaningful public participation, and helps to ensure that this SEIR, when considered as a whole, provides a reasonable, good faith disclosure and analysis of environmental impacts, and includes sufficient information to allow decision-makers and the public to understand the environmental consequences of the proposed project. The specific development assumptions and parameters of each scenario are described further in Chapter 2, Project Description, in order to articulate the potential project variations and fully disclose the maximum potential scope of the proposed project.

The City and its CEQA consultant conducted a preliminary assessment of each of these potential development scenarios in order to determine the scenario that would result in the "reasonable worst-case" under each environmental topic area. The identified reasonable worst-case scenario was fully evaluated herein under the relevant environmental topic area. As detailed further in this Draft SEIR, for almost all environmental topic areas, Scenario 3 reflects the reasonable worst-case scenario. For those few environmental topic areas where a different mix and allocation of potential uses (as depicted in either Scenario 1 or Scenario 2) reflects the reasonable worst-case scenario, this Draft SEIR evaluates that relevant scenario for purposes of identifying and disclosing potentially significant impacts.

Project Objectives

CEQA Guidelines Section 15124(b) requires that the project description in a Draft SEIR include "a statement of the objectives sought by the proposed project," which should include "the underlying purpose of the project." The underlying purpose of the proposed project is to facilitate the redevelopment of the project site with mixed uses including the auto sales, and ancillary service uses through construction of a new auto sales and service facility, which would be enhanced as part of any redevelopment, as well as potential multi-family residential, hotel, and/or other compatible nonresidential uses. The following are the project objectives for the proposed project:

1. Promote positive economic growth and new capital investment by supporting and enhancing the short- and long-term economic viability of automotive sales, service and ancillary uses within the NDSP by encouraging financially feasible mixed use redevelopment including the potential for new residential units to enhance the City's housing stock, the creation of new job-generating uses including potential hotel uses, and the expansion of the tax base through new sales tax generating uses.
2. Facilitate the realization of the vision of the NDSP by transitioning existing auto-oriented, underutilized commercial parcels into thoughtfully designed, higher-density, higher-intensity mixed use developments near public transit, thereby encouraging transit-oriented development near transit nodes.
3. Maximize the use of existing infrastructure by efficiently redeveloping existing infill properties within the Walnut Creek city limits currently served by urban services and utilities to higher and better uses.

4. Preserve the tax base by facilitating the continuation and enhancement of Applicant's auto sales activities and new potential hotel, office, and/or multi-family residential uses.
5. Respond to changing economic trends by maximizing opportunities to update and expand automotive business while also retaining sufficient flexibility from a land use planning standpoint including the potential for compatible hotel, office, and/or multi-family residential uses.
6. Reduce the heat island effect by replacing existing asphalt surface parking lots with minimal existing landscaping with modern structures constructed from high albedo building materials and ample landscaping.
7. Develop well-designed, visually appealing contemporary commercial and potential multi-family residential uses within the North Downtown area.

No Significant Unavoidable Adverse Impacts

The proposed project was analyzed for potentially significant impacts related to each of the environmental issues discussed in Sections 3.1 through 3.15. The results of the analysis demonstrate that the proposed project would not result in any significant and unavoidable impacts**.**

Summary of Project Alternatives

For discussion purposes, this Draft SEIR presents a reasonable range of potentially feasible alternatives to the proposed project for analysis and evaluation of their comparative merits, pursuant to CEQA Guidelines Section 15126.6, described in more detail in Chapter 6, Alternatives. Where a project does not include any significant and unavoidable impacts, as is the case here, and the potential impacts associated with a project can all be reduced to below a level of significance with the incorporation of mitigation, for informational purposes it is appropriate for the analysis to consider alternatives that would also reduce or eliminate those less than significant with mitigation impacts. CEQA Guidelines Section 15126.6(a) states that an EIR need not evaluate every conceivable alternative to a project. The alternatives analysis provided in this Draft SEIR is provided for each alternative to allow a meaningful comparison with the proposed project.

Below is a summary of the alternatives to the proposed project considered in Chapter 6, Alternatives to the proposed project.

No Project, No Build Alternative (Alternative 1)

Under the No Project, No Build Alternative, the proposed project would not be constructed. For the purposes of this alternatives analysis, it is assumed that the existing automotive services, sales and ancillary uses would remain, the existing vacant buildings would remain vacant, and the surface parking lots would remain and no other alternative land use activities would occur.

No Project, No Mixed Use Special District Alternative (Alternative 2)

Under the No Project, No Mixed Use Special District Alternative, it is assumed that the existing Toyota Walnut Creek Dealership office on Site D and automotive service uses on Site E would remain operational. The NDSP would not be amended to introduce a Mixed Use Special District on Sites A, B,

and C. Instead, Sites A, B, and C would retain their existing General Plan, NDSP, and zoning designations of Automobile Sales/Service and Custom Manufacturing (AS-CM). Under this land use and zoning designation, auto sales, service, and ancillary uses are permitted by right. Therefore, this alternative assumes Sites A, B, and C would be built out to their maximum allowed FAR of 1.5/1.8 with a total square footage of 447,841. Refer to Chapter 6, Alternatives, for further information about development assumptions associated with this alternative.

Reduced Density/Intensity Alternative (Alternative 3)

Consistent with the 2019 NDSP EIR, this alternative assumes a 40 percent reduction to the proposed project. Refer to Chapter 6, Alternatives, for further information about development assumptions associated with this alternative.

Areas of Potential Controversy

Pursuant to CEQA Guidelines Section 15123(b), a summary section must address areas of controversy known to the lead agency, including issues raised by agencies and the public, and it must also address issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

A Notice of Preparation (NOP) for the proposed project was issued on June 8, 2021. The NOP describing the proposed project and issues to be addressed in the SEIR was distributed to the State Clearinghouse, responsible and trustee agencies, other interested organizations, and the public for a 30-day public review period extending from June 8, 2021 through July 8, 2021. The City received four comment letters in response to the NOP. Pursuant to CEQA Guidelines Section 15082(c), the City sent notice of a public scoping meeting on June 8, 2021, as part of the NOP. The NOP scoping meeting was held virtually on Thursday, June 24, 2021, to receive comments on the scope and content of the Draft SEIR.[3] At the meeting, attendees were given an opportunity to provide comments and express concerns about the potential effects of the proposed project. No individuals provided verbal comments on the content of the Draft SEIR at the scoping meeting.

Copies of the NOP comment letters are provided in Appendix A of this Draft SEIR. The NOP identified the potential for significant impacts on the environment related to the following topical areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Energy
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Utilities and Service Systems

[3] The login information for the virtual meeting was provided in the NOP, published on June 8, 2021.

Potential Disagreement Among Experts

This Draft SEIR contains substantial evidence to support all the conclusions presented herein. It is possible that commenters on the Draft SEIR may disagree with respect to the scope of analysis, methodologies utilized, impact conclusions, and/or identified mitigation measures set forth in the SEIR, although the City is not aware of any such disagreement among experts at the time of this writing. CEQA provides the standards for treating disagreement among experts in the context of an EIR, such is the case here. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, an EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision-makers to make an informed judgment about the environmental consequences of the proposed project.

Potentially Controversial Issues

Below is a list of potentially controversial issues that may be raised during the public review and hearing process of this Draft SEIR:

- Aesthetics
- Air Quality
- Cultural and Tribal Cultural Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Land Use and Planning
- Public Services and Recreation
- Transportation
- Utilities and Service Systems

It is also possible that evidence will be presented during the 45-day, statutory Draft SEIR public review period that may identify areas of potential controversy and/or indicate disagreement among experts. City decision-makers would consider this evidence during the public hearing process and prior to taking action to certify this SEIR.

In rendering a decision on a project where there is disagreement among experts, the decision-makers are not obligated to select the most environmentally preferable viewpoint. Decision-makers are vested with the legal authority to choose whatever viewpoint is preferable and need not resolve a dispute among experts. In their proceedings, decision-makers must consider comments received concerning the adequacy of the Draft SEIR and address any objections raised in these comments. However, decision-makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on the Draft SEIR and can certify the Final SEIR without needing to resolve disagreements among experts.

Public Review of the Draft Supplemental Environmental Impact Report

Upon completion of the Draft SEIR, the City filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (PRC § 21161). Concurrent with the NOC, the City also provided the related Notice of Availability (NOA) (CEQA Guidelines § 15087(a)), and this Draft SEIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft SEIR, including the technical appendices, the NDSP, and

the 2019 NDSP EIR, are available for review at the City of Walnut Creek City Hall and the Walnut Creek Library. The address for each location is provided below:

City of Walnut Creek
Community Development Department
1666 North Main Street
Walnut Creek, CA 94596
Hours:
Monday-Friday: 8:00 a.m.–5:00 p.m.
Saturday/Sunday: Closed

Walnut Creek Library
1644 North Broadway
Walnut Creek, CA 94596
Hours:
Tuesday: 1:00 p.m.–8:00 p.m.
Wednesday/Thursday: 10:00 a.m.–6:00 p.m.
Friday/Saturday: 10:00 a.m.–6:00 p.m.
Sunday/Monday: Closed

The Draft SEIR, including the technical appendices, the NDSP, and the 2019 NDSP EIR, are also available for review on the project website: https://www.walnut-creek.org/departments/community-development-department/development-projects/toyota

Agencies, organizations, and other interested parties can comment on the Draft SEIR during the 45-day public review period. Written comments on this Draft SEIR should be addressed to:

Mr. Darin Neufeld, Senior Planner
Consulting Planner for the City of Walnut Creek
Community Development Department
1666 North Main Street
Walnut Creek, CA 94596
Email: darin.neufeld@weareharris.com
Phone: 619.481.5022

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the 45-day public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the City Council to make a decision on the proposed project, at which the certification of the Final SEIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision-makers for the proposed project.

Executive Summary Matrix

Table ES-1 below summarizes the impacts, mitigation measures, and resulting level of significance after mitigation for the relevant environmental issue areas evaluated for the proposed project. The table is intended to provide an overview; narrative discussions for the issue areas are included in the corresponding section of this Draft SEIR. Table ES-1 is included in the Draft SEIR as required by CEQA Guidelines Section 15123(b)(1).

Table ES-1: Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.1—Aesthetics		
Impact AES-1: The proposed project would not have a substantial adverse effect on a scenic vista.	No mitigation is necessary.	Less than significant impact.
Impact AES-2: The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway.	No mitigation is necessary.	No impact.
Impact AES-3: The proposed project is within an urbanized area. The proposed project would not conflict with applicable zoning or other regulations governing scenic quality.	No mitigation is necessary.	Less than significant impact.
Impact AES-4: The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	No mitigation is necessary.	Less than significant impact.
Section 3.2—Air Quality		
Impact AIR-1: The proposed project may conflict with or obstruct implementation of the applicable Air Quality Plan.	Implement MM AIR-2.	Less than significant impact with mitigation incorporated.
Impact AIR-2: The proposed project may result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.	**MM AIR-2: Implement Basic Construction Measures During Construction** The following Basic Construction Mitigation Measures as recommended by the BAAQMD shall be implemented by all development on the project site, including: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph.	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measures Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. The idling time of diesel powered construction equipment shall be minimized to 2 minutes. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • A publicly visible sign shall be posted with the telephone number and person to contact at the City of Walnut Creek regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations. • The project contractor shall prepare a waste plan prior to the issuance of building permits. The waste plan should show that it complies with State and local law and appropriate agencies should review the waste plan prior to approval.	
Impact AIR-3: The proposed project may expose sensitive receptors to substantial pollutant concentrations.	Implement MM HAZ-2a, MM HAZ-2b, and MM HAZ-2c and the following: **MM AIR-3a: Tier 4 Final Construction Equipment** Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the relevant Applicant and/or construction contractor for a specific individual development proposal shall provide documentation to the City, for City review and approval, that demonstrates the use of construction equipment that meets or exceeds United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards for all off-road equipment with engines greater than 50 horsepower. This requirement shall be included as construction notes on all relevant construction plans and permits (e.g., grading plan, building permit) for the subject specific individual development proposal. The relevant construction contractor shall	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	maintain records concerning its efforts to comply with this requirement during construction, including equipment rental lists. Off-road equipment records maintained for purposes of this requirement shall include the engine certification (Tier rating) and may include, but are not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, horsepower, and engine serial number. The relevant Applicant and/or construction contractor shall submit the initial construction equipment documentation and records of compliance to the City of Walnut Creek. **MM AIR-3b: Timing of Co-Development on Sites** This mitigation measure is intended to address impacts associated with subsequent construction occurring on the same site (i.e., Sites A, B or C) within the project site once there are occupied residences on that same site. In this circumstance, prior to the issuance of a building permit for any subsequent construction on a specific site (i.e., Sites A, B or C) within the project site, the relevant Applicant for a specific individual development proposal that would involve construction on the same site (i.e., Sites A, B, or C) as the existing occupied residential units shall cause to be prepared by a qualified air quality consultant an updated HRA, which shall document that emissions from all construction equipment during construction that occurs on that same site (i.e., Sites A, B or C) would not result in a carcinogenic health risk to those on-site residences (on that same site) of more than 10 in 1 million, an increased non-cancer risk of greater than 1.0 on the hazard index (chronic or acute), or an annual average ambient $PM_{2.5}$ increase greater than 0.3 micrograms per cubic meter ($\mu g/m^3$). In making this showing, the relevant Applicant may utilize, in its discretion, such measures including, without limitation, MERV filters, construction and grading limitations, and/or the use of clean construction equipment.	
Impact AIR-4: The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	No mitigation is necessary.	Less than significant impact.
Section 3.3—Biological Resources		
Impact BIO-1: The proposed project may have a substantial adverse effect, either directly or through	**MM BIO-1a**: **Migratory and Nesting Birds**	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.	• If construction activities for a specific individual development proposal are to occur during the nesting season (February 1 to August 31) (including but not limited to vegetation removal), then the relevant Applicant for such proposal shall cause pre-construction surveys to be conducted by a qualified Biologist (i.e., one experienced at identifying birds and bird nests) 7 days prior to vegetation removal to determine whether or not active nests are present. • If an active nest is located during pre-construction surveys, a qualified Biologist shall determine an appropriately sized no-disturbance buffer based on the species, nest stage, site conditions, and anticipated disturbance level. Based on input from the Biologist, the relevant Applicant shall delineate the avoidance buffer using Environmentally Sensitive Area fencing, pin flags, and or yellow caution tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently. No construction activities associated with the subject proposal shall be allowed within the avoidance buffer(s) until the young have fledged and are foraging independently. • The qualified Biologist shall monitor nests daily during activities related to the subject proposal to determine the sufficiency of the buffer and whether it should be expanded to protect the nest based on disruptions (if any) to an individual bird's natural nesting behaviors. • The relevant Applicant shall ensure that nesting bird surveys is repeated if there is a lapse in activities related to the subject proposal of 7 days or more. • If construction activities for a specific individual development proposal are to occur outside of the nesting season (September 1 through January 31), or if no active nest(s) are located during any required pre-construction survey(s), then no further action is necessary under this MM BIO-1a. **MM BIO-1b: Roosting Bats** • No more than 7 days prior to beginning ground disturbance and/or construction pursuant to a specific individual development proposal, the relevant Applicant for such proposal shall cause a qualified wildlife Biologist (i.e., one experienced with identification of species and signs of	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	bats) to conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the relevant work area. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.). Visual surveys shall include trees within 100 feet of the relevant project construction activities. If no special-status bats are found during this pre-construction survey, then the relevant ground disturbance and/or construction related to the subject proposal may proceed. • Not more than two weeks prior to building demolition pursuant to a specific individual development proposal, the relevant Applicant for such proposal shall ensure that the qualified Biologist (i.e., one experienced with identification of species and signs of bats) survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition related to the subject proposal may proceed. • If the Biologist determines or presumes bats are present (if there are site access issues or structural safety concerns) as a result of any of the foregoing survey(s), the relevant Applicant shall ensure the following activities related to the subject proposal occur: the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. The relevant building demolition, ground disturbance, or other construction activities shall only commence after the Biologist verifies seven to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from September 1 through March 31 (after maternity/pupping season). Exclusion efforts shall be restricted during periods of sensitive activity.	
Impact BIO-2: The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the	No mitigation is necessary.	No impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
California Department of Fish and Wildlife or United States Fish and Wildlife Service.		
Impact BIO-3: The proposed project would not have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	No mitigation is necessary.	No impact.
Impact BIO-4: The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.	No mitigation is necessary.	No impact.
Impact BIO-5: The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	No mitigation is necessary.	Less than significant impact.
Impact BIO-6: The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.	No mitigation is necessary.	No impact.
Section 3.4—Cultural Resources and Tribal Cultural Resources		
Impact CUL-1: The proposed project may cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.	**MM CUL-1: Stop Construction Near Find Upon Encountering Historical or Archaeological Materials** In connection with a specific individual development proposal, the relevant Applicant for such proposal shall engage a qualified Archaeologist who meets the Secretary of the Interior's Professional Qualification standards for archaeology to conduct a pedestrian survey of the relevant portion(s) of the project site following the removal of asphalt and building demolition at the project site, and prior to trenching and grading in connection with the subject proposal. If any buried historical or archaeological resources are discovered during construction, operations shall stop within a 100-foot radius of the find and the qualified Archaeologist shall be consulted to	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	determine whether the resource requires further study. If it is determined that the find is significant, then the qualified Archaeologist shall make recommendations to the Lead Agency (City of Walnut Creek) on the feasible measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant historical or archaeological resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. In addition to any significant historic or archaeological resources found during the foregoing pedestrian survey, any previously undiscovered resources found during construction within the project site shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA Guidelines. If the relevant resources (if any) are determined to be historical resources as defined under Section 15064.5 of the CEQA Guidelines or a unique archaeological resource in Section 21083.2 of the Public Resources Code, feasible mitigation measures and an archaeological treatment plan shall be developed by the qualified Archaeologist and recommended to the relevant Applicant and the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the find(s) as detailed in the archaeological treatment plan. No further grading or ground disturbance shall occur within 100 feet of the discovery of a significant historical or archaeological resource until the relevant mitigation measures are approved by the Lead Agency and implemented by the relevant Applicant in connection with the subject proposal to protect these resources.	
Impact CUL-2: The proposed project may cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	Implement MM CUL-1.	Less than significant impact with mitigation incorporated.
Impact CUL-3: The proposed project may disturb human remains, including those interred outside of formal cemeteries.	**MM CUL-3: Stop Construction Near Find Upon Encountering Human Remains**	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	If, during construction activities related to a specific individual development proposal, there is accidental discovery or recognition of any human remains, the relevant Applicant for such proposal shall cause the following steps be taken: 1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resource Code Section 5097.98, or 2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: • The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission. • The descendant identified fails to make a recommendation. • The landowner or his or her authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.	
Impact CUL-4: The proposed project would not cause a substantial adverse change in the significance of a Tribal Cultural Resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).	No mitigation is necessary.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact CUL-5: The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.	No mitigation is necessary.	Less than significant impact.
Section 3.5—Energy		
Impact ENER-1: The proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.	No mitigation is necessary.	Less than significant impact.
Impact ENER-2: The proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.	No mitigation is necessary.	Less than significant impact.
Section 3.6—Geology, Soils, and Seismicity		
Impact GEO-1: The proposed project would not directly or indirectly cause potential substantial adverse effects including the risk of loss, injury, or death involving seismic hazard.	No mitigation is necessary.	Less than significant impact.
Impact GEO-2: The proposed project would not result in substantial soil erosion or the loss of topsoil.	No mitigation is necessary.	Less than significant impact.
Impact GEO-3: The proposed project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	No mitigation is necessary.	Less than significant impact.
Impact GEO-4: The proposed project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.	No mitigation is necessary.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact GEO-5: The proposed project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.	No mitigation is necessary.	Less than significant impact.
Impact GEO-6: The proposed project may directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	**MM GEO-6: Paleontological Resources Monitoring During Project Construction** As part of the construction activities associated with a specific individual development proposal, the relevant project Applicant shall ensure that a qualified Paleontological Monitor is to be present during all earth-disturbing construction activities on-site that occur as a result of the subject specific individual development proposal. In the event a fossil or unique geologic feature is discovered during construction for the subject specific individual development proposal excavations within 15 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified Paleontologist in accordance with Society of Vertebrate Paleontology standards. In connection with each specific individual development proposal, the relevant Applicant shall include a standard inadvertent discovery clause in every project-related construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the Paleontologist shall design and implement a data recovery plan that is consistent with the standards prescribed by the Society of Vertebrate Paleontology in the guideline document Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010). Any recovered fossil should be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where it will be properly curated and made accessible for future studies.	Less than significant impact with mitigation incorporated.
Section 3.7—Greenhouse Gas Emissions		
Impact GHG-1: The proposed project may generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment.	Implement MM AIR-2 and the following: **MM GHG-1: Construction Equipment-GHG Emissions Reduction Measures** The Applicant and/or construction contractor for a specific individual development proposal shall provide documentation to the City, for City review and approval, that demonstrates the following measures are	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	implemented through all construction contracts and specifications for the specific individual development proposal: • The idling time of diesel powered construction equipment shall be minimized to 2 minutes. • All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of nitrogen oxide (NOX) and particulate matter. • Contracting entities shall obtain and retain a copy of each contracted construction fleets ARB Certificate of Reported Compliance with the In-Use Off-Road Diesel-Fueled Fleets Regulation (CCR Title 13 § 2449) prior to awarding a contract or hiring a fleet. • Diesel-fueled vehicles shall use renewable diesel fuels (R99 or R100), according to the criteria outline in CCR Title 13 § 2449, except when unavailable, as defined under such criteria. Contractors shall document reasonable attempts to obtain renewable diesel in the event that it is unavailable and must make reasonable attempts to obtain renewable diesel, at a minimum, on a quarterly basis or when vehicles move to a new job site. • The project contractor shall prepare a waste plan prior to the issuance of building permits. The waste plan should show that it complies with State and local law and appropriate agencies should review the waste plan prior to approval.	
Impact GHG-2: The proposed project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.	No mitigation is necessary.	Less than significant impact.
Section 3.8—Hazards and Hazardous Materials		
Impact HAZ-1: The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	No mitigation is necessary.	Less than significant impact.
Impact HAZ-2: The proposed project may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident	**MM HAZ-2a: Conduct Asbestos and Lead Surveys Prior to Demolition** In connection with a specific development proposal that would involve demolition of any structure(s) on the project site, the relevant Applicant	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
conditions involving the release of hazardous materials into the environment.	shall submit a comprehensive assessment report to the Community Development Department, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present within any structure(s) proposed for demolition under the relevant specific development proposal, the relevant Applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The relevant Applicant shall implement all recommendations contained in the comprehensive assessment report and submit to the City reasonable documentation of approval for any proposed remedial action plan and the related required clearances by the applicable regulatory agency, if and to the extent necessary under the applicable laws and regulations. **MM HAZ-2b: Geophysical Survey and Subsurface Assessment** Prior to issuance of the grading permit for work on Assessor's Parcel Number 173-131-042 pursuant to a specific development proposal, the relevant Applicant shall cause the preparation of a geophysical survey and subsurface assessment, including sampling of soil gas and groundwater, to be completed to confirm the location of the former underground storage tank (UST) located on this parcel and to confirm any related issues with respect to soil, soil gas, or groundwater. Sampling locations and methods shall be identified and implemented in accordance with applicable regulatory standards and best practices imposed by the applicable regulatory body(ies) (e.g., Contra Costa County Health Services Department [CCCHSD] and/or Regional Water Quality Control Board [RWQCB]), as applicable. Prior to the issuance of a grading permit for this parcel, if hazardous levels of any hazardous compounds are found, the relevant Applicant shall complete any remediation required under the applicable laws and regulations to the satisfaction of the CCCHSD and/or RWQCB, as evidenced by the submittal of a no further action letter from the relevant	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	regulatory agency(ies). In addition, if any hazardous contaminants related to the current use of this parcel (such as, for example, benzene or chloroform) are found, the relevant Applicant shall cause to be prepared and implemented as part of the construction of the relevant specific development proposal a construction worker health and safety plan. If hazardous contaminants are discovered during construction, work would be halted until this construction worker health and safety plan, compliant with all applicable safety requirements, is approved by relevant regulatory agencies. This plan will ensure that the proposed project's construction activities safely handle, transport, and dispose of all hazardous waste in accordance with applicable safety standards, laws, and regulations established by the CCCHSD and/or RWQCB. **MM HAZ-2c: Soil Gas, Groundwater, and Soil Assessment** Prior to demolition or earthmoving activities for any specific development proposal on the project site, the relevant Applicant shall cause to be conducted a soil gas, groundwater, and soil assessment for the relevant portion(s) of the project site at potential contamination sites (as identified in the Phase I ESA). If required under applicable laws and regulations, the relevant Applicant shall coordinate with Contra Costa County Health Services Department (CCCHSD) and/or Regional Water Quality Control Board (RWQCB), as applicable, in the design and implementation of this assessment. The assessment shall identify and implement sampling locations and methods in accordance with applicable regulatory standards and best practices. Recommended sampling locations include active and former automotive service facilities, active and former hazardous materials use/storage areas, and former Underground Storage Tanks. Prior to the issuance of a grading permit for the relevant specific development proposal, if hazardous levels of any hazardous compounds are found in the soil gas, groundwater, or underlying soils, the relevant Applicant shall complete all recommended remediation required under applicable laws and regulations to the satisfaction of the CCCHSD and/or RWQCB, as applicable, as evidenced by the submittal of a no further action letter. In addition, if hazardous contaminants (if any) related to the current use of the site (such as, for example, petroleum hydrocarbons and benzene, toluene, ethylbenzene, or xylene [BTEX]) are found, the relevant Applicant shall	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	cause to be prepared and implemented as part of the construction of the relevant specific development proposal a construction worker health and safety plan. **MM HAZ-2d: Preparation of Hazardous Materials Management Plan** Prior to demolition or earthmoving activities on the project site under a specific development proposal, the relevant Applicant shall cause to be prepared a hazardous materials management plan pursuant to applicable laws and regulations and submit the same to the Contra Costa County Health Services Department (CCCHSD) and/or Regional Water Quality Control Board (RWQCB) for review and approval, or other applicable regulatory body, as applicable. This plan will ensure that the proposed project's construction activities safely handle, transport, and dispose of all hazardous waste in accordance with applicable safety standards, laws, and regulations established by the CCCHSD and/or RWQCB.	
Impact HAZ-3: The proposed project may emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	Implement MM HAZ-2a, MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d.	Less than significant impact with mitigation incorporated.
Impact HAZ-4: The proposed project is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, but would not create a significant hazard to the public or the environment.	Implement MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d.	Less than significant impact with mitigation incorporated.
Impact HAZ-5: The proposed project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and result in a safety hazard or excessive noise for people residing or working in the project area.	No mitigation is necessary.	Less than significant impact.
Impact HAZ-6: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	No mitigation is necessary.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact HAZ-7: The proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.	No mitigation is necessary.	Less than significant impact.
Section 3.9—Hydrology and Water Quality		
Impact HYD-1: The proposed project may violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.	Implement MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d.	Less than significant impact with mitigation incorporated.
Impact HYD-2: The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	No mitigation is necessary.	Less than significant impact.
Impact HYD-3: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) Result in substantial erosion or siltation on- or off-site; ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) Impede or redirect flood flows?	No mitigation is necessary.	Less than significant impact.
Impact HYD-4: The proposed project would not be in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation.	No mitigation is necessary.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact HYD-5: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	No mitigation is necessary.	Less than significant impact.
Section 3.10—Land Use and Planning		
Impact LAND-1: The proposed project would not physically divide an established community.	No mitigation is necessary.	Less than significant impact.
Impact LAND-2: The proposed project would not cause a significant environmental impact due to conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	No mitigation is necessary.	Less than significant impact.
Section 3.11—Noise		
Impact NOI-1: The proposed project may cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	**MM NOI-1: Site-Specific Acoustical Analysis** In order to comply with the City's applicable noise and land use compatibility standards and applicable exterior and interior noise standards, prior to issuance of the first building permit for a specific individual development proposal that would be constructed, the relevant Applicant shall submit to the City a site-specific land use compatibility acoustical analysis that reasonably documents that the subject specific individual development shall be designed to maintain the applicable noise level performance standards as provided in the Walnut Creek General Plan. Noise reduction measures to achieve this noise level could include, but are not limited to, forced air ventilation so that windows can remain closed and/or upgraded wall and window assemblies.	Less than significant impact with mitigation incorporated.
Impact NOI-2: The proposed project may generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	**MM NOI-2a: Implement Noise Reduction Measures During Construction** The following standard measures to minimize construction noise impacts shall be implemented by the relevant Applicant in connection with each specific individual development proposal on the project site: • Equip all internal combustion engine driven equipment with intake and exhaust mufflers which are in good condition and appropriate for the equipment.	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	• Locate stationary noise generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. • Utilize "quiet" air compressors and other stationery noise sources where technology exists and is commercially available to obtain. • When necessary, temporary noise control blanket barriers should shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected. • Foundation pile holes should be pre-drilled to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. • Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler) and will require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and included in the notice sent to neighbors regarding the construction schedule. • Ensure that all general construction-related activities are restricted to 7:00 a.m. and 6:00 p.m. Monday through Friday, unless otherwise exempted pursuant to applicable provisions of the City's Municipal Code. • A note shall be provided on grading and building plans indicating that, during grading and construction, the relevant Applicant in connection with subject specific individual development proposal on the project site shall be responsible for requiring contractors, to be periodically monitored via on-site inspection by the Community Development Department, to ensure compliance with the construction hour limitations imposed on the subject specific individual development proposal. **MM NOI-2b: Implement Noise Reduction Measures to Control New Stationary Noise Sources** Each relevant Applicant for a specific individual development proposal within the project site shall include the following standard measures to minimize stationary source noise impacts:	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	• If the subject specific individual development proposal would be located within 500 feet of on-site or off-site noise-sensitive land uses, such as multi-family residential land uses, then the relevant Applicant shall submit a site-specific operational noise control plan, prepared by a qualified acoustical consultant, which identifies projected operational noise levels of the subject specific individual development proposal's stationary noise sources as measured at the nearest sensitive receptor(s). If a potential exceedance of the City's exterior and/or interior noise standard(s) is identified, then the plan shall identify specific control and/or design measures that would reduce the identified stationary noise source impacts to below the relevant City's noise performance standard(s). The plan shall be submitted to and reasonably approved by the City's Community Development Director prior to issuance of any building permits for the subject specific individual development proposal. Potential noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels, the use of insulated enclosures or roof parapets to shield noise sources, and locating stationary noise sources so that the proposed structure would shield the noise source from nearby sensitive receptors.	
Impact NOI-3: The proposed project may result in generation of excessive groundborne vibration or groundborne noise levels.	**MM NOI-3: Vibration Control Plan** For any individual development proposal on the project site that would require the use of impact pile drivers within 100 feet of any structure or the operation of large vibratory rollers or similar heavy construction equipment within 50-feet of any structure, the relevant Applicant shall develop a vibration control plan that shall be approved by the City prior to initiating construction activities for the subject specific individual development proposal. The plan shall be implemented during all construction activity involving the use of impact pile driving equipment or operation of large vibratory rollers or similar heavy construction equipment, and shall incorporate sufficient measures to prevent exposure of nearby structures to vibration levels in excess of the Federal Transit Administration (FTA) vibration impact criteria; for example, the threshold of 94 VdB (0.2 in/sec peak particle velocity [PPV]) for structures of non-engineered timber and masonry construction. Factors to be considered include the specific nature	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	of the vibration producing activity, local soil conditions, and the fragility/resiliency of the nearby structures.	
Impact NOI-4: The proposed project would not expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.	No mitigation is necessary.	No impact.
Section 3.12—Population and Housing		
Impact POP-1: The proposed project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	No mitigation is necessary.	Less than significant impact.
Impact POP-2: The proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	No mitigation is necessary.	Less than significant impact.
Section 3.13—Public Services and Recreation		
Impact PUB-1: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.	No mitigation is necessary.	Less than significant impact.
Impact PUB-2: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could	No mitigation is necessary.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.		
Impact PUB-3: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.	No mitigation is necessary.	Less than significant impact.
Impact PUB-4: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for park.	No mitigation is necessary.	Less than significant impact.
Impact PUB-5: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities (i.e., library facilities).	No mitigation is necessary.	Less than significant impact.
Impact PUB-6: The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	No mitigation is necessary.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact PUB-7: The proposed project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	No mitigation is necessary.	Less than significant impact.
Section 3.14—Transportation		
Impact TRANS-1: The proposed project would not conflict with a program, plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities.	No mitigation is necessary.	Less than significant impact.
Impact TRANS-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	No mitigation is necessary.	Less than significant impact.
Impact TRANS-3: The proposed project may substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	**MM TRANS-3: Construction of Turn Lanes and Turn Lane Extensions to Accommodate Project Access and Queue Lengths** Prior to issuance of a building permit for any specific individual development application, the City Transportation Engineer shall review the subject project plans and confirm the necessary improvements (e.g., turn lanes and/or extension thereof) referenced in the Supplemental Environmental Impact Report as reasonably determined necessary to meet the applicable site distance and queuing criteria contained in the Intersection Channelization Design Guide. The relevant Applicant shall implement the foregoing lane improvements in connection with the subject specific individual development proposal to facilitate adequate site access prior to the issuance of occupancy permits for the relevant application. Provided, however, to the extent a specific individual development proposal would involve a lower overall amount of development and/or a different allocation of uses as compared to the Scenario 3 evaluated in the Transportation Analysis (Appendix J), then the relevant Applicant shall have the ability to demonstrate, by submitting a sensitivity analysis prepared by a qualified transportation engineer to the City's Transportation Engineer for review and reasonable approval to confirm that the foregoing improvements (e.g., turn lanes and/or extension thereof) are not necessary to meet the applicable site distance and queuing criteria contained in the Intersection Channelization Design Guide. If the sensitivity analysis confirms	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	that no such improvement(s) are warranted, then no further mitigation shall be required.	
Impact TRANS-4: The proposed project would not result in inadequate emergency access.	No mitigation is necessary.	Less than significant impact.
Section 3.15—Utilities and Service Systems		
Impact UTIL-1: The proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.	No mitigation is necessary.	Less than significant impact.
Impact UTIL-2: There would be sufficient water supplies available from EBMUD to serve the proposed project and reasonably foreseeable future development during normal, dry, and multiple dry years.	No mitigation is necessary.	Less than significant impact.
Impact UTIL-3: The proposed project would result in a determination by the wastewater treatment provider which serves or may serve the project site that it has adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	No mitigation is necessary.	Less than significant impact.
Impact UTIL-4: The proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.	No mitigation is necessary.	Less than significant impact.
Impact UTIL-5: The proposed project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.	No mitigation is necessary.	Less than significant impact.

CHAPTER 1: INTRODUCTION

1.1 - Overview

The Walnut Creek-Mixed Use Special District Project (proposed project, State Clearinghouse No. 2021060184) consists of amendments to the North Downtown Specific Plan (NDSP) that would create an Auto Sales–Custom Manufacturing Mixed Use Special District overlay on approximately 6.2 acres owned or controlled by Toyota Walnut Creek, the Applicant. One of the goals is to facilitate redevelopment of the project site with mixed uses including the enhanced auto sales and service uses, which would be maintained as part of any redevelopment, as well as a potential mix of multi-family residential, hotel, and/or other compatible nonresidential uses.

The NDSP, approved by the City on October 15, 2019, was evaluated in the North Downtown Specific Plan Environmental Impact Report (2019 NDSP EIR) (State Clearinghouse No. 2018012020), certified by the City Council on October 15, 2019. The Applicant is requesting that the City approve amendments to the NDSP (along with conforming amendments to the Walnut Creek General Plan and Municipal Code to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for the uses described above. These amendments are a revision to the approved NDSP evaluated within the 2019 NDSP EIR and are referred to herein as "the project as revised" or "the proposed project."

This Draft Supplemental EIR (Draft SEIR) for the proposed project has been prepared in accordance with—and complies with—the applicable criteria, standards, and procedures of the California Environmental Quality Act (CEQA), as amended (California Public Resources Code [PRC], § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et seq*.) (collectively, CEQA). In accordance with Public Resources Code Section 21067 and Sections 15367, 15050, and 15051 of the CEQA Guidelines, the City of Walnut Creek (City) is the lead agency under whose authority this document has been prepared. As an informational document, this Draft SEIR is intended for use by the City and other public agency decision-makers, other interested organizations, and members of the public in evaluating the potential environmental impacts of the proposed project.

1.2 - Project Overview

The Applicant proposes to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to the land within the 6.2-acre Mixed Use Special District, along with proposed related amendments to various policies and figures as well as text throughout the NDSP to ensure consistency therewith.[1] The Applicant is also proposing to make related conforming amendments to the General Plan and Municipal Code to ensure consistency with the proposed NDSP amendments.

[1] While the Mixed Use Special District boundaries would only cover the 6.2 acres of land, and not Sites D or E (as defined further below and in Section 2, Project Description), it is possible that the future redevelopment contemplated under the NDSP (as amended) may trigger changes to these sites (where auto sales, services and ancillary uses are permitted as of right). Accordingly, for purposes of a conservative analysis, where appropriate, this Draft SEIR assumes a certain amount of demolition and re-purposing with updated auto sales, service and/or ancillary uses may occur on Sites D and E.

One of the goals of the proposed amendments is to facilitate the enhancement and long-term viability of the Applicant's auto sales, service and ancillary uses within the City in an economically viable manner by allowing for redevelopment of lands within the Mixed Use Special District with other multiple potential mixed uses including multi-family residential, hotel, and/or other nonresidential uses compatible with automotive sales, service, and ancillary uses.

As explained in the proposed amendments to the NDSP, any redevelopment proposal under the NDSP (as amended), would require the Applicant to enhance its auto sales, service, and ancillary facilities in accordance with the applicable criteria and policies set forth in the NDSP (as amended) and the related development agreement entered into between the Applicant and the City. Under all circumstances, the auto sales, service, and ancillary uses would include the following components: (1) sales (including administrative space), (2) service (including quick service, maintenance, and repair (but not including any body work), ancillary detailing and car wash, and administrative space), (3) parts (service and retail), and (4) inventory display.

Currently, the Applicant is only seeking City approval of the necessary legislative entitlements to facilitate the development of the proposed project, consisting of the proposed amendments to the NDSP (and related conforming amendments to the General Plan and Municipal Code to ensure consistency) and a development agreement. This means that no specific individual development proposal has been submitted by the Applicant at this time. This is because the particular development parameters, including the mix of uses, allocation of those uses across the project site,[2] and the ultimate size and scope of this future redevelopment are not currently known given, among other reasons, the shifting market dynamics and economic considerations in a post-COVID environment.

Assuming that the City adopts these requested legislative entitlements to amend the NDSP (and related conforming amendments to the General Plan and Municipal Code) and approves the development agreement, then the next step would be for the Applicant to prepare and submit for consideration a specific development proposal consistent with the NDSP (as amended), which would detail the specific development parameters, allocation, and mix of uses and other details of the proposal(s) (each, a specific development proposal). Any specific development proposal would be required to adhere to all applicable development standards, regulations, and policies set forth in the NDSP (as amended) as well as all applicable design guidelines and other applicable requirements. As explained herein, under CEQA, this Draft SEIR must document the information necessary to make the 2019 NDSP EIR adequate to address the potential environmental impacts associated with the requested amendments to the NDSP (and related conforming amendments to the General Plan and the Municipal Code) and provide additional environmental analysis where required under CEQA.

Because the ultimate land use and site plan are not currently known and there are various ways in which the subject lands could ultimately be developed under the NDSP (as amended), in order to conduct the required environmental review, this Draft SEIR will evaluate (based on the maximum

[2] The "project site" refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates [Site D], and an approximately 0.82-acre property [Site E], located adjacent to Site A). This analysis includes an evaluation of Sites A, B, C, D, E (referred to herein as project site) unless otherwise explicitly stated.

reasonable development potential in light of reasonably available information, which could occur taking into consideration the size, potential mix of uses, and nature of the subject lands and other relevant factors) three potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively), each of which involves a different mix and allocation of potential uses that could reasonably be assumed along with the net increase in auto sales, service and ancillary uses (which would remain a constant among all three development scenarios).

This approach to the environmental review therefore ensures an appropriately conservative and robust analysis that is based on a stable project description while being sufficiently detailed to properly apprise the decision-makers, other public agencies and interested organizations, and the public of the proposed project's scope and potential impacts based on reasonably available information and thus ensure meaningful opportunities for informed public participation and decision-making. Development assumptions associated with buildout for Scenarios 1, 2, and 3 are provided in Table 1-1, Table 1-2, and Table 1-3, respectively.

Table 1-1: Scenario 1

Scenario	New End Use	Development Potential (approx.)	Maximum Height
1	Auto Sales and Service	142,094 square feet	35 feet
	Office	40,546 square feet	35 feet
	Office	97,221 square feet	35 feet
	Office	375,727 square feet	50 feet

Table 1-2: Scenario 2

Scenario	New End Use	Development Potential (approx.)	Maximum Height
2	Auto Sales and Service	142,094 square feet	35 feet
	Office	40,546 square feet	35 feet
	Multi-family Residential	132 dwelling units	35 feet
	Hotel	723 keys	50 feet

Table 1-3: Scenario 3

Scenario	New End Use	Development Potential (approx.)	Maximum Height
3	Auto Sales and Service	142,094 square feet	35 feet
	Office	40,546 square feet	35 feet
	Multi-family Residential	132 dwelling units	35 feet
	Multi-family Residential	526 dwelling units	50 feet

1.3 - Environmental Review Process

An EIR is an informational document prepared by a lead agency (in this case, the City) when considering approval of a proposed project. The purpose of an EIR is to provide public agencies, other interested organizations, and members of the public with detailed information regarding the environmental effects associated with implementing a project. An EIR should analyze the environmental consequences of a proposed development based on a stable project description, identify ways to feasibly reduce or avoid the proposed project's potential environmental effects, and identify a reasonable range of potentially feasible alternatives to the proposed project that can avoid or reduce impacts while still achieving most of the project objectives. Pursuant to CEQA, State and local government agencies must consider the environmental consequences of projects over which they have discretionary authority. This Draft SEIR provides information to be used in the planning and decision-making process. It is not the purpose of an EIR to recommend approval or denial of a project.

Before approval of the proposed project, the City, as lead agency and the decision-making entity, is required to certify that this SEIR has been completed in compliance with CEQA, that the information in the SEIR has been considered, and that the SEIR reflects the independent judgment of the City. Pursuant to CEQA, decision-makers must balance the benefits of a project against its unavoidable environmental consequences (if any). If environmental impacts are identified as significant and unavoidable, the City may still approve the proposed project if it finds that social, economic, legal, technological or other benefits outweigh the unavoidable impacts. The City would then be required to state in writing the specific reasons for approving the proposed project, based on information in the EIR and other information sources in the administrative record. The written document that sets forth this reasoning is called a "statement of overriding considerations" (PRC § 21081; CEQA Guidelines § 15093).

In addition, the City as lead agency must adopt a Mitigation Monitoring and Reporting Program (MMRP) describing the identified mitigation measures that are to be made enforceable conditions of project approval to feasibly avoid or mitigate significant effects on the environment (PRC § 21081.6; CEQA Guidelines § 15097). The MMRP is adopted at the time of project approval and is designed to ensure compliance with the SEIR mitigation measures during and after project implementation. If the City decides to approve the proposed project, it would be responsible for verifying that the MMRP for this proposed project is implemented. In addition, the SEIR will be used by the City and responsible and trustee agencies, as relevant, during approval of any future discretionary actions and permits that are necessary to implement the proposed project.

This Draft Supplemental Environmental Impact Report (Draft SEIR) is prepared in accordance with applicable provisions of CEQA. This Draft SEIR and attached supporting documents have been prepared to document the information necessary to make the 2019 NDSP EIR adequate to address the potential environmental impacts associated with the implementation of the proposed project and it provides additional environmental analysis as required by CEQA. It discloses the mitigation measures identified in the 2019 NDSP EIR that would be carried forward for the proposed project and includes additional feasible mitigation measures, where necessary, to reduce impacts.

CEQA requires that an EIR contain, at a minimum, certain specific components. These components are contained in this Draft SEIR and include the following:

- Table of Contents
- Introduction
- Executive Summary
- Project Description
- Environmental Setting
- Significant Environmental Impacts
- Mitigation Measures
- Cumulative Impacts
- Significant Unavoidable Adverse Impacts (if any)
- Alternatives to the Proposed Project
- Growth-Inducing Impacts
- Effects Found not to be Significant
- Areas of Known Controversy

1.3.1 - Lead Agency Determination

The City of Walnut Creek is designated as the lead agency for the proposed project. CEQA Guidelines Section 15367 defines the lead agency as ". . . the public agency which has the principal responsibility for carrying out or approving a project." Other public agencies may use this Draft SEIR in their respective decision-making or permit process and consider the information in this Draft SEIR along with other information that may be presented during the CEQA process.

This Draft SEIR was prepared by FirstCarbon Solutions (FCS), an environmental consultant retained by the City. Prior to public review, it was extensively reviewed and evaluated by the City. This Draft SEIR reflects the independent judgment and analysis of the City as required by CEQA. Lists of organizations and persons consulted and the report preparation personnel is provided in Chapter 7 of this Draft SEIR.

1.4 - Notice of Preparation and Public Scoping Process

This Draft SEIR addresses the potential environmental effects of the proposed project. The City issued a Notice of Preparation (NOP) for the proposed project on June 8, 2021, which circulated between June 8, 2021, and July 8, 2021, for the statutory 30-day public review period. The scope of analysis contained in this Draft SEIR includes the potential environmental impacts identified in the NOP and issues raised by other public agencies, interested organizations and the public, as appropriate, in response to the NOP. The NOP is contained in Appendix A of this Draft SEIR.

Four comment letters were received in response to the NOP. They are listed in Table 1-4 and provided in Appendix A of this Draft SEIR.

Table 1-4: Summary of EIR Scoping Comments

Agency/Organization	Author	Date	Comment Summary	Coverage in the Draft Supplemental EIR
Public Agencies				
Native American Heritage Commission	Sarah Fonseca, Cultural Resources Analyst	6.9.2021	Compliance with Assembly Bill (AB) 52 and Senate Bill (SB) 18 regarding the requirements of tribal consultation because of an EIR and NOP. The author provides examples of appropriate mitigation measures if applicable. The author provides recommendations for cultural resource assessments and the necessary steps to follow to fully determine the existence and significance of tribal cultural resources on or near the project site.	Section 3.4: Cultural and Tribal Cultural Resources
Contra Costa Hazardous Materials Programs	Nick Umemoto, Hazardous Materials Specialist	6.14.2021	Requirement that facilities that have reportable quantities of hazardous materials or generate any hazardous waste need to complete and submit a hazardous materials business plan to the Contra Costa Hazardous Materials Programs.	Section 3.9: Hazards and Hazardous Materials
East Bay Municipal Utility District (EBMUD)	David J. Rehnstrom, Manager of Water Distribution Planning	6.24.2021	Request to consult with EBMUD to determine whether a revised Water Supply Assessment is required. Provides requirements pursuant to EBMUD policies that the proposed project will be required to adhere to. Request that the City includes compliance with Assembly Bill 325 as a Condition of Approval.	Section 3.9: Hydrology and Water Quality and Section 3.16: Utilities and Service Systems
California Department of Transportation	Mark Leong, District Branch Chief	7.8.2021	Requests a Vehicle Miles Traveled (VMT) analysis, and, if the proposed project is deemed exempt from such analysis, justification for exempt status. Requests a schematic illustration of walking, biking, and automobile conditions at the project site and study area roadways and an evaluation of primary and secondary effects of the proposed project on pedestrians, bicycles, travelers with disabilities, and transit performance. Includes potential mitigation strategies and a request to include a discussion of transportation impact fees.	Section 3.14: Transportation
Source: FirstCarbon Solutions (FCS) 2021.				

1.4.1 - Scoping Meeting

Pursuant to CEQA Guidelines Section 15082(c), the City sent notice of a public scoping meeting on June 8, 2021, as part of the NOP. The meeting was held virtually on Thursday, June 24, 2021, to receive comments on the scope and content of the Draft SEIR.[3] At the meeting, attendees were given an opportunity to provide comments and express concerns about the potential effects of the proposed project. No individuals provided verbal comments on the content of the Draft SEIR at the scoping meeting.

1.4.2 - Environmental Issues Determined not to be Significant

The NOP identified topical areas that were determined not to be significant. These topical areas are as follows:

- Agriculture and Forestry Resources
- Mineral Resources
- Wildfire

An explanation of why each issue is determined not to be significant is provided in Chapter 4, Effects Found not to be Significant.

1.4.3 - Potentially Significant Environmental Issues

The NOP indicated that the following topical areas may contain potentially significant environmental issues that will require further analysis in the Draft SEIR. These sections are as follows:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Energy
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Utilities and Service Systems

[3] The login information for the virtual meeting was provided in the NOP, published on June 8, 2021.

1.5 - Organization of the Draft Supplemental Environmental Impact Report

This Draft SEIR is organized into the following main sections:

- **Chapter ES: Executive Summary.** This chapter includes a summary of the proposed project and alternatives to be addressed in the Draft SEIR. A brief description of any areas of known controversy and issues to be resolved, and overview of the MMRP, in addition to a table that summarizes the identified impacts, mitigation measures, and level of significance after mitigation, are also included in this section.
- **Chapter 1: Introduction.** This chapter provides an introduction and overview describing the purpose of this Draft SEIR, its scope and components, and its review and certification process.
- **Chapter 2: Project Description.** This chapter includes a detailed description of the proposed project, including its location, site, and project characteristics. Discussion of the proposed project objectives, intended uses of the Draft SEIR, responsible and trustee agencies, and the discretionary approvals that are needed for the proposed project are also provided.
- **Chapter 3: Environmental Impact Analysis.** This chapter analyzes the environmental impacts of the proposed project. Impacts are organized into major topic areas. Each topic area includes a description of the environmental setting, methodology used in the analysis, significance criteria, impacts, mitigation measures, and significance after mitigation. The specific environmental topics that are addressed within Chapter 3 are as follows:
  - **Section 3.1—Aesthetics:** Addresses the potential visual impacts of development intensification and the overall increase in illumination (light and glare) that would be produced by the proposed project.
  - **Section 3.2—Air Quality:** Addresses potential air quality impacts associated with project implementation and emissions of criteria pollutants. In addition, the section also evaluates project emissions of toxic air contaminants, including a health risk assessment.
  - **Section 3.3—Biological Resources:** Addresses potential impacts on special-status habitat, vegetation, and wildlife; the potential degradation or elimination of important habitat for special-status species; and potential impacts on listed, proposed, and candidate threatened and endangered species.
  - **Section 3.4—Cultural Resources and Tribal Cultural Resources:** Addresses potential impacts on historical resources, archaeological resources, paleontological resources, burial sites, and tribal cultural resources.
  - **Section 3.5—Energy:** Addresses potential project impacts related to energy usage.
  - **Section 3.6—Geology, Soils, and Seismicity:** Addresses the potential impacts the proposed project may have on soils and assesses the effects of project development in relation to geologic and seismic conditions.
  - **Section 3.7—Greenhouse Gas Emissions:** Addresses potential project emissions of greenhouse gases and resulting impacts.
  - **Section 3.8—Hazards and Hazardous Materials:** Addresses potential for presence of hazardous materials or conditions on the project site and in the vicinity of the project site that may have the potential to create a significant hazard to the public or the environment.

- **Section 3.9—Hydrology and Water Quality:** Addresses the potential impacts of the proposed project on local hydrological conditions, including drainage areas, and changes in the flow rates, as well as the proposed project's potential impacts to water quality, erosion, and groundwater supplies.
- **Section 3.10—Land Use and Planning:** Addresses the potential land use impacts associated with division of an established community and consistency with relevant land use plans, policies and regulations adopted for the purpose of avoiding or mitigating an environmental impact.
- **Section 3.11—Noise:** Addresses potential noise impacts during construction and at project buildout from mobile and stationary sources on sensitive receptors. Also, addresses potential impacts related to groundborne vibration and groundborne noise.
- **Section 3.12—Population and Housing:** Addresses the potential of the proposed project to induce substantial unplanned direct or indirect population growth as well as the potential to displace substantial numbers of people or housing.
- **Section 3.13—Public Services and Recreation:** Addresses potential impacts of the proposed project upon public services, including fire protection, law enforcement, schools, libraries, parks, and recreational facilities in terms of the need to provide new or physically alter facilities in order to maintain acceptable service ratios, response times, or other performance objectives.
- **Section 3.14—Transportation:** Addresses potential impacts related to the local and regional roadway system with respect to Vehicle Miles Traveled (VMT) and public transportation, bicycle, and pedestrian access.
- **Section 3.15—Utilities and Services Systems:** Addresses potential impacts related to service providers, including water supply, wastewater, storm drainage, solid waste, energy (electric and natural gas) providers, and telecommunications, with respect to the proposed project's potential to require or result in the construction of new or expanded infrastructure.

- **Chapter 4: Effects Found not to be Significant.** This chapter contains analysis of the topical sections not addressed in Chapter 3.
- **Chapter 5: Other CEQA Considerations.** This chapter provides a summary of significant environmental impacts, including any growth-inducing impacts as well as any significant irreversible environmental changes.
- **Chapter 6: Alternatives to the Proposed Project.** This chapter compares the impacts of the proposed project with selected alternatives. An environmentally superior alternative is identified. In addition, alternatives initially considered but rejected from further consideration are discussed.
- **Chapter 7: Persons and Organizations Consulted/List of Preparers.** This chapter contains a list of persons and organizations that were consulted during the preparation of this Draft SEIR. This chapter also contains a list of the authors who assisted in the preparation of the Draft SEIR, by name and affiliation.
- **Appendices.** The Draft SEIR Appendices include all notices and other procedural documents pertinent to the Draft SEIR, as well as technical material, studies, and reports prepared to support the analysis.

1.6 - Documents Prepared for the Proposed Project

The following technical studies and analyses were prepared for the proposed project as part of this environmental review process:

- NOP and Draft SEIR Public Scoping Comment Letters (Appendix A)
- Comparative Summary of Potential Impacts, prepared and compiled by FCS (Appendix B)
- Air Quality, Greenhouse Gas Emissions, and Energy Supporting Information, prepared and compiled by FCS (Appendix C)
- Biological Resources Supporting Information, prepared and compiled by FCS (Appendix D)
- Cultural Resources Assessment, prepared and compiled by FCS (Appendix E)
- Historic Built Environment Assessment, prepared by South Environmental (Appendix E)
- Geologic Hazards Assessment Report, prepared by Engeo (Appendix F)
- Phase I Environmental Site Assessment, prepared by Engeo (Appendix G)
- Conceptual Hydrology Analysis, prepared by Kier and Wright Civil Engineers and Surveyors (Appendix H)
- Noise Supporting Information, prepared and compiled by FCS (Appendix I)
- CEQA Only Transportation Analysis: Walnut Creek North Downtown Specific Plan SEIR (Appendix J)
- Water Supply Assessment, prepared by Balance Hydrologics (Appendix K)

1.7 - Documents Incorporated by Reference

As permitted by CEQA Guidelines Section 15150, this Draft SEIR has referenced, among other things, several technical studies, analyses, and previously certified environmental documentation. Information from relevant documents, which have been incorporated by reference, has been briefly summarized in the appropriate section(s), where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the Draft SEIR has also been described. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of this Draft SEIR. The documents and other sources that have been used in the preparation of this Draft SEIR include but are not limited to:

- City of Walnut Creek General Plan 2025[4]
- City of Walnut Creek General Plan 2025 Environmental Impact Report (State Clearinghouse (SCH) No.: 2004022042)[5]

[4] City of Walnut Creek. 2025. City of Walnut Creek General Plan 2025. Website: https://www.walnut-creek.org/departments/community-development-department/zoning/long-range-plans/general-plan. See “Download the full General Plan 2025 [PDF, 242 pages]." Accessed January 18, 2023.

[5] City of Walnut Creek. 2023. City of Walnut Creek General Plan 2025. Website: https://www.walnut-

- North Downtown Specific Plan[6]
- North Downtown Specific Plan Environmental Impact Report (SCH No.: 2018012020)[7]

In accordance with CEQA Guidelines Section 15150(b), the above-referenced documents used in the preparation of the Draft SEIR are available to the public for inspection at the Walnut Creek City Hall at the address shown in Section 1.8 below.

1.8 - Public Review of the Draft SEIR

Upon completion of the Draft SEIR, the City of Walnut Creek filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (PRC § 21161, CEQA Guidelines §§ 15085(a), 15372). Concurrent with the NOC, the City also provided the related Notice of Availability (NOA) (CEQA Guidelines § 15087(a)), and this Draft SEIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft SEIR in accordance with Public Resources Code 21092(b). During the 45-day public review period, the Draft SEIR, including the technical appendices, is available for review online via the City's website at https://www.walnut-creek.org/departments/community-development-department/development-projects/toyota, and is also available at the following physical locations:

City of Walnut Creek
Community Development Department
1666 North Main Street
Walnut Creek, CA 94596
Hours:
Monday-Friday: 8:00 a.m.–5:00 p.m.
Saturday/Sunday: Closed

Walnut Creek Library
1644 North Broadway
Walnut Creek, CA 94596
Hours:
Tuesday: 1:00 p.m.–8:00 p.m.
Wednesday/Thursday: 10:00 a.m.–6:00 p.m.
Friday/Saturday: 10:00 a.m.–6:00 p.m.
Sunday/Monday: Closed

Agencies, organizations, and interested parties can comment on the Draft SEIR during the 45-day public review period. Written comments on this Draft SEIR should be addressed to:

Mr. Darin Neufeld, Senior Planner
Consulting Planner for City of Walnut Creek
Community Development Department
1666 North Main Street
Walnut Creek, CA 94596
Email: darin.neufeld@weareharris.com
Phone: 619.481.5022

creek.org/departments/community-development-department/zoning/long-range-plans/general-plan. See "Environmental Impact Report." Accessed January 18, 2023.

[6] City of Walnut Creek. 2019. North Downtown Specific Plan. October 15. Website: https://www.walnut-creek.org/departments/community-development-department/zoning/long-range-plans/specific-plans/north-downtown-specific-plan. See "North Downtown Specific Plan" under "Adopted Documents." Accessed January 18, 2023.

[7] City of Walnut Creek. 2018. North Downtown Specific Plan Environmental Impact Report. June. Website: https://www.walnut-creek.org/departments/community-development-department/zoning/long-range-plans/specific-plans/north-downtown-specific-plan. See "Final EIR Documents" under "Adopted Documents." Accessed January 18, 2023.

Submittal of electronic comments via email in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies, organizations and public at least 10 days prior to the public hearing before the Walnut Creek City Council on the proposed project, at which the certification of the Final SEIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision-makers for the proposed project.

CHAPTER 2: PROJECT DESCRIPTION

2.1 - California Environmental Quality Act Background

The Walnut Creek-Mixed Use Special District Project (State Clearinghouse No. 2021060184) consists of amendments to the North Downtown Specific Plan (NDSP) that would create an Auto Sales–Custom Manufacturing Mixed Use Special District overlay on approximately 6.2 acres owned or controlled by Toyota Walnut Creek. The fundamental goal is to facilitate the redevelopment of the project site with mixed uses including the auto sales, service and ancillary uses, which would be enhanced as part of any redevelopment, as well as potential multi-family residential, hotel, and/or other compatible nonresidential uses. The new Mixed Use Special District overlay would set forth permitted uses as well as specific development standards and design guidelines that would govern development of the project site.

In conjunction with the City's adoption of the original NDSP in 2019, the City Council certified the North Downtown Specific Plan Environmental Impact Report (2019 NDSP EIR) (State Clearinghouse No. 2018012020) on October 15, 2019, which analyzed the potential environmental consequences associated with implementation of the NDSP. The Applicant is requesting that the City approve amendments to the NDSP (along with conforming amendments to the Walnut Creek General Plan (General Plan) and the Walnut Creek Municipal Code ("Municipal Code") to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for the uses described above. These amendments are a revision to the NDSP evaluated within the 2019 NDSP EIR and are referred to herein as the "proposed project."

This Draft Supplemental EIR (Draft SEIR) is prepared in accordance and in compliance with the applicable criteria, standards, and procedures of the California Environmental Quality Act (CEQA), as amended (California Public Resources Code [PRC], § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et seq*.) (collectively, CEQA).

This Draft SEIR and supporting documents (including attached appendices) have been prepared to document the information necessary to make the 2019 NDSP EIR adequate to address the potential environmental impacts associated with the implementation of the proposed project in order to provide additional environmental analysis where appropriate to ensure full disclosure as required under CEQA. It discloses the relevant mitigation measures identified in the 2019 NDSP EIR that would be carried forward, where necessary, to avoid or reduce impacts, as well as identifies additional feasible mitigation measures triggered by the proposed project to the extent required under CEQA.

Pursuant to Section 21166 of the Public Resources Code, the Draft SEIR need only contain the information necessary to analyze the proposed project as revised, changed circumstances, or new information of substantial importance that triggered the need for additional environmental review to ensure the 2019 NDSP EIR is adequate for the proposed project as revised.

2.2 - Project Overview

The NDSP area encompasses 191 acres, bounded by California Boulevard and Interstate 680 (I-680) (west), Parkside Drive (north), and Civic Drive and the Iron Horse Trail (east and south). The Walnut

Creek City Council adopted the NDSP on October 15, 2019, to guide the development of a vibrant mixed use district with residential, commercial office, retail, restaurant, civic, hospitality, arts, auto sales and service, and entertainment uses.

The Applicant, Toyota Walnut Creek, has requested that the City amend a portion of the NDSP by, among other things, introducing a new "Mixed Use Special District," as defined below, to cover approximately 6.2 acres of land that the Applicant controls or owns (Exhibits 2-1, 2-2, 2-3, and 2-4). Exhibits 2-4a, 2-4b, 2-4c, and 2-4d provide site photographs. Auto sales, service, and ancillary uses are already permitted as of right within these 6.2 acres. However, to facilitate the enhancement of automotive sales, service, and ancillary uses in an economically viable manner, the Applicant is proposing to amend the NDSP such that other potential mixed uses, including multi-family residential, hotel, and/or other compatible nonresidential uses, could be developed within the 6.2-acre Mixed Use Special District—along with auto sales, service, and ancillary uses—as part of a mixed use redevelopment (Exhibit 2-5).

These amendments would facilitate redevelopment of an approximately 6.2-acre site within the NDSP area (collectively covering Sites A, B, and C, described further below, and referred to herein as the "Mixed Use Special District") as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates (Site D), and an approximately 0.82-acre property (Site E), located adjacent to Site A. It is assumed for purposes of this analysis that the current Toyota Walnut Creek site (Site D) as well as Site E could be developed with uses consistent with the approved NDSP. Under all circumstances, the Applicant would be required to enhance operations of its auto sales, service, and ancillary uses through construction of a new auto sales and service facility. . When referred to throughout the Draft SEIR, "project site" refers to, collectively, all lands that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, C, D, and E). This analysis includes an evaluation of the entirety of the project site unless otherwise explicitly stated.

These proposed amendments to the NDSP would result in (1) a net increase in auto sales, service, and ancillary uses, as well as (2) the introduction of new potential multi-family residential, hotel, and/or other compatible nonresidential uses that were either not contemplated within the Mixed Use Specific District or that would be permitted at a higher floor area ratio (FAR) than are currently allowed by the NDSP. Accordingly, this Draft SEIR will evaluate the potential environmental impacts that could result therefrom as compared to those identified and analyzed in the 2019 NDSP EIR.

As explained more fully below, no specific individual development proposal has been formally submitted by the Applicant at this time. The particular development parameters, including the allocation of the proposed mix of uses across the 6.2-acre Mixed Use Special District (as well as potentially Sites D and E), and the ultimate size and scope of this future redevelopment are not currently known. For these reasons and to ensure sufficient flexibility to adapt the ultimate allocation, configuration and mix of uses, at this time the Applicant is only seeking City approval of the necessary legislative entitlements, consisting of the proposed amendments to the NDSP (and related conforming amendments to the City's General Plan and Municipal Code to ensure consistency), as well as approval of a development agreement. The parameters of the foregoing approvals sought are laid out in this Project Description in sufficient detail based on available information and reasonable assumptions and are analyzed throughout this Draft SEIR.

Assuming the City certifies the SEIR, adopts the requested NDSP amendments (and related conforming amendments to the City's General Plan and Municipal Code), and approves the development agreement, the Applicant would then prepare and submit for consideration individual specific development proposal(s) in accordance with the relevant criteria, standards, requirements, guidelines, and policies of the NDSP (as amended) and the development agreement. Said application(s) would set forth the ultimate specific development parameters, allocation, configuration and mix of uses, and other site planning details ("specific development proposal"). At such time as a specific development proposal is formally submitted to the City for consideration, it would be required to adhere to all applicable development standards, policies and regulations set forth in the NDSP (as amended), as well as all applicable design guidelines and other requirements and the development agreement.

Under CEQA, this Draft SEIR must document the information necessary to make the 2019 NDSP EIR adequate to address the potential environmental impacts associated with the requested amendments to the NDSP (and related conforming amendments to the General Plan and the Municipal Code) as well as the development agreement and provide additional environmental analysis where required under CEQA. The basic characteristics of the proposed project would be consistent regardless of the final specific allocation and mix of uses ultimately developed; i.e., its location; sustainable design features; vehicular access; utility provision; its infill, urban, mixed use nature (involving an enhanced dealership and other compatible uses); the contemplated demolition of all existing structures; and its overall scope (which would involve substantially the same building footprint based on the reasonable maximum development from an intensity/density perspective) and consistent with the Development Agreement. However, because the ultimate allocation, configuration and mix of land uses and other site planning details are not currently known, in order to conduct the required environmental review, this Draft SEIR will evaluate the maximum reasonable development potential that could occur in light of reasonably available information, taking into consideration the size, potential mix of uses, and nature of the subject lands and other relevant factors.

For the purpose of this analysis, this Project Description includes three potential development scenarios, each of which involves the same basic project characteristics, but takes into consideration variations on the different mix, configuration, and allocation of uses that could reasonably be assumed along with the net increase in auto sales, service, and ancillary uses (which would remain a constant). In so doing, this ensures a conservative analysis, facilitates meaningful public participation, and helps to ensure that this SEIR, when considered as a whole, provides a reasonable, good faith disclosure and analysis of environmental impacts, and includes sufficient information to allow decision-makers and the public to understand the environmental consequences of the proposed project. The specific development assumptions and parameters of each scenario are described further below in order to articulate the potential project variations and fully disclose the maximum potential scope of the proposed project.

The City and its CEQA consultant conducted a preliminary assessment of each of these potential development scenarios in order to determine the scenario that would result in the "reasonable worst-case" under each environmental topic area (See Appendix B). The identified reasonable worst-case scenario was fully evaluated herein under the relevant environmental topic area. As detailed further in this Draft SEIR (including Appendix B), for almost all environmental topic areas, Scenario 3 reflects the

reasonable worst-case scenario. For those few environmental topic areas where a different mix and allocation of potential uses (as depicted in either Scenario 1 or Scenario 2, described further below) reflects the reasonable worst-case scenario, this Draft SEIR evaluates that relevant scenario for purposes of identifying and disclosing potentially significant impacts.

2.3 - Project Location and Setting

2.3.1 - Location

The Applicant owns or controls approximately 6.2 acres of land in the City of Walnut Creek, in Contra Costa County, California (Exhibit 2-1). This 6.2-acre Mixed Use Special District consists of a total of 10 parcels[1] (individually referred to as 2100 North Main [Site A], 2150 North Broadway [Site B], and 2100 North Broadway [Site C]), and is located entirely within the boundaries of the existing NDSP. This Mixed Use Special District is generally bounded by North Main Street (west), Pine Street (north), Civic Drive (east), and Ygnacio Valley Road (south) (Exhibit 2-2). The Mixed Use Special District is located within Township 1N, Range 2W, Section 27 of the *Walnut Creek, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map (Latitude 37° 54’ 32” North; Longitude 122° 3’ 43” West).

The Applicant also leases land on North Broadway in the City, where it currently operates an auto dealership (including auto sales, service, administration, inventory, and parts uses); these operations are located on approximately 1.4 acres of land (Site D), which is also located within the boundaries of the NDSP area and is near, but outside of the 6.2-acre Mixed Use Special District[2] (Exhibit 2-3). Similarly, the Applicant also leases land located at 1435 Pine Street, which abuts Site A and which the Applicant uses for automotive service within a 1-story building and an associated surface parking lot (Site E). Site E is also located within the boundaries of the NDSP area but are outside of the 6.2-acre Mixed Use Special District. Refer to Exhibit 2-3. For purposes of a conservative analysis, the potential redevelopment of Sites D and E are also evaluated in this Draft SEIR, on the basis of the existing land use designation of Automobile Sales/Service and Custom Manufacturing, which would remain applicable to both sites.

2.3.2 - Existing Land Use Activities

This section summarizes the existing land use activities on the parcels comprising the proposed Mixed Use Special District, as well as Sites D and E that are located outside of the Mixed Use Special District that are currently leased for Toyota Walnut Creek operations. Table 2-1 and Table 2-2 summarize the existing uses in all of these areas.

[1] The 6.2-acre Mixed Use Special District consists of 10 legal parcels. However, for ease of reference, the Mixed Use Special District has been further delineated into several sub-areas, designated collectively by relevant street addresses as follows: 2100 North Main (Site A), 2150 North Broadway (Site B), and 2100 North Broadway (Site C), See Table 2-1, Exhibit 2-3 for more information.

[2] Because the contemplated redevelopment as reflected in the Applicant’s proposed amendments to the NDSP could occur, in part, on Sites D and E as well as within the 6.2-acre Mixed Use Special District boundaries, this Draft SEIR appropriately discloses this possibility and evaluates, as appropriate, potential environmental impacts arising from development consistent with the NDSP that could occur on Sites D and E as a result.

Summary of Special District Parcels

Table 2-1 summarizes the 10 parcels that constitute the 6.2-acre Mixed Use Special District. As noted in Table 2-1, these 10 parcels currently contain approximately 66,464 square feet of development. Exhibit 2-3 depicts the location of the 10 parcels. Exhibit 2-4 depicts the addresses associated with each Assessor's Parcel Number (APN), and Exhibits 2-4a, 2-4b, 2-4c, and 2-4d provide site photographs.

Table 2-1: Mixed Use Special District Summary

Site	Assessor's Parcel Number	Acreage (approximate)	Existing Development (approximate square feet)	Notes
2100 North Main Street (Site A)[1]	173-131-042	0.41	9,304	2-story building formerly used as restaurant/former carpet cleaner. Surface parking lot.
	173-131-043	0.36	0	Surface parking lot.
	173-131-055	0.75	6,950	1-story building used for automotive service. Surface parking lot.
	173-131-056	0.57	0	Surface parking lot.
	173-131-057	0.40	3,175	1-story building used for automotive service and direct sales. Surface parking lot.
	173-131-060	0.28	4,058	1-story building used for automotive service. Surface parking lot.
	173-131-062	0.64	12,223	1-story building used for automotive. Surface parking lot.
	173-131-063	0.68	1,800	Surface parking lot.
	Site A Subtotal	*4.09*	*37,510*	–
2150 North Broadway (Site B)	173-134-003	1.40	28,954	2-story building formerly used as a gym.
2100 North Broadway (Site C)	173-142-001	0.70	0	Surface parking lot associated with Site D.
Mixed Use Special District Total		**6.20**	**66,464**	**–**

Notes:
[1] Site A also includes the following addresses: 2131 North Broadway, 2090 North Main Street, 2087 North Main Street. Site A and these addresses are all identified as "2100 North Main Street" in this Draft SEIR for ease of readability.
Source: Toyota Walnut Creek 2021.

Summary of Non-Special District Parcels (Sites D and E)

Table 2-2 summarizes two additional areas within the project site that are located outside of the proposed Mixed Use Special District that Toyota Walnut Creek currently leases. Site D supports the existing Toyota Walnut Creek Dealership office, while Site E supports automotive service within a 1-story building and associated surface parking lot. As noted in Table 2-2, these two sites currently contain approximately 24,001 square feet of development. Exhibit 2-3 depicts the location of Sites D and E, respectively.

Table 2-2: Non-Special District Parcel Summary

Site	Assessor's Parcel Number	Acreage (approximate)	Existing Development (approximate square feet)	Notes
2200 North Broadway (Site D)	173-134-001	1.42	14,729	Existing dealership uses.
1435 Pine Street (Site E)	173-131-031	0.82	9,272	1-story building used for automotive service. Surface parking lot.
Non-Special District Total		**2.24**	**24,001**	–
Source: Toyota Walnut Creek 2021.				

Taken together, there is a total of approximately 90,465 square feet of existing uses on Sites A through E.

Vehicular Access

Vehicular access to the Site A (2100 North Main) portion of the Mixed Use Special District is from both North Main Street and North Broadway. Vehicular access to the Site B (2150 North Broadway) and Site C (2100 North Broadway) portions of the Mixed Use Special District is from North Broadway. Vehicular access to Site D is from North Broadway. Vehicular access to Site E is from Pine Street.

Utilities

Storm Drainage

Runoff from the Mixed Use Special District as well as Site D and E currently drains into the municipal storm drainage system.

Water and Sewer

The Mixed Use Special District and Sites D and E are served with potable water service provided by the East Bay Municipal Utility District (EBMUD) and wastewater collection and treatment service is provided by the Central Contra Costa Sanitary District (Central San).

Energy

Electricity service to the Mixed Use Special District as well as to Sites D and E is provided by both Marin Clean Energy (MCE) and Pacific Gas and Electric Company (PG&E), and natural gas service is provided by PG&E.

Telecommunications

The Mixed Use Special District and Sites D and E are served with telecommunications service provided by AT&T and Comcast.

Solid Waste and Recycling

The Mixed Use Special District and Sites D and E are served with solid waste and recycling collection service provided by Republic Services.

Topography

The Mixed Use Special District sits atop a knoll and its topography ranges from approximately 144 to 166 feet above mean sea level (MSL). Site A slopes downward from east to west. Retaining walls and pavement shore up the slope. Sites D and E have similar topography as the Mixed Use Special District.

Vegetation

Ornamental landscaping is present along the North Broadway street frontages of the Mixed Use Special District and Sites D and E. In addition, vegetation is present within the center of Site A.

2.3.3 - Surrounding Land Uses

Table 2-3 summarizes the land uses surrounding the Mixed Use Special District as well as Sites D and E. Generally, the project vicinity is characterized by commercial land uses, consisting primarily of automotive service and sales.

Table 2-3: Surrounding Land Uses

Parcel	Direction	Description
2100 North Main Street (Site A)[1]	West	North Main Street and luxury auto sales (Cole European Jaguar) and the Residence Inn by Marriot
	North	Bar/Restaurant (Retro Junkie); auto repair; multi-tenant commercial building
	East	North Broadway
	South	Multi-tenant commercial buildings
2150 North Broadway (Site B)	West	North Broadway and auto repair
	North	Auto repair
	East	3-story office building (201 North Civic), parking structure, and surface parking lot
	South	Auto repair
	West	North Broadway and multi-tenant commercial building

Parcel	Direction	Description
2100 North Broadway (Site C)	North	Pine Street
	East	3-story office building (201 North Civic Drive), parking structure, and surface parking lot
	South	United States Post Office and associated surface parking lot
2200 North Broadway (Site D)	West	North Broadway
	North	1-story commercial building (Mike's Auto Body) and associated surface parking
	East	3-story office building and associated surface parking
	South	United States Post Office and associated surface parking lot
1435 Pine Street (Site E)	West	Office buildings and associated surface parking
	North	Auto repair, car dealer, bar/restaurant (Rotator Taproom) and associated surface parking
	East	Auto repair and associated surface parking
	South	Auto repair and associated surface parking

Notes:
[1] Site A also includes the following addresses: 2131 North Broadway, 2090 North Main Street, 2087 North Main Street. Site A and these addresses are all identified as 2100 North Main Street in this Draft SEIR for ease of readability (see Exhibit 2-4).
Source: FirstCarbon Solutions (FCS) 2022.

2.3.4 - Land Use Designations

The General Plan designates the Mixed Use Special District, as well as Sites D and E, as "Automobile Sales/Service and Custom Manufacturing." The NDSP and the Zoning Ordinance under the Municipal Code[3] designate the foregoing as "Auto Sales and Custom Manufacturing." Under the current land use and zoning designations, auto sales, service, and ancillary uses are permitted by right.

2.4 - Project History

As noted above, the NDSP area encompasses 191 acres and is bounded by California Boulevard and I-680 (west); Parkside Drive (north), and Civic Drive and the Iron Horse Trail (east and south). The Walnut Creek City Council adopted the NDSP on October 15, 2019, to guide the development of a vibrant mixed use district with residential, commercial office, retail, restaurant, civic, hospitality, arts, auto sales and service, and entertainment uses. In conjunction with adoption of the NDSP, the City Council certified the 2019 NDSP EIR.

The NDSP contemplates public plazas and streets that provide improved connections for all modes of transportation to the traditional Downtown area, the Walnut Creek Bay Area Rapid Transit (BART) station, Civic Park, the Iron Horse Trail, and surrounding neighborhoods. The 2019 NDSP EIR evaluated the full buildout of the NDSP, which assumed a total of an additional 899 dwelling units, 817,988

[3] All references and citations to the Municipal Code are to the version in effect as of February 28, 2023.

square feet of office uses, 60,706 square feet of retail uses, 16,000 square feet of custom manufacturing uses, and 200 hotel rooms. The NDSP contains numerous policies supportive of auto sales and service uses, and also includes policies that encourage the consolidation of existing auto sales and service uses. The 2019 NDSP EIR assumed the elimination of 37,087 square feet of existing auto sales and service uses.

As indicated above, the NDSP designates the 6.2-acre Mixed Use Special District as well as Sites D and E for Automobile Sales/Service and Custom Manufacturing uses. Auto sales, service, and ancillary uses are permitted as of right, but multi-family residential, hotel uses, or other nonresidential uses compatible with automotive sales, service, and ancillary uses, such as office, are not permitted within any portion of the project site under the existing NDSP.

The proposed amendments to the NDSP would result in a net new increase of approximately 142,094 square feet of auto sales, service, and ancillary uses as compared to what was previously contemplated in the NDSP, as well as the introduction of new potential uses such as, for example, multi-family residential, hotel uses, nor other nonresidential uses compatible with automotive sales, service, and ancillary uses, such as office within the 6.2-acre Mixed Use Special District. However, the types of uses permitted outside of the Mixed Use Special District (including, without limitation, Sites D and E) would not change as a result of the proposed amendments to the NDSP (and related conforming amendments to the General Plan and Municipal Code).

2.5 - Project Characteristics

2.5.1 - Project Summary

The Applicant is proposing to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to the 6.2-acre Mixed Use Special District, along with proposed related amendments to various policies throughout the NDSP to ensure consistency therewith.[4] The Applicant is also proposing to make related conforming amendments to the General Plan and Municipal Code to ensure consistency with the proposed NDSP amendments.

The fundamental goal of the proposed amendments is to facilitate the enhancement and long-term viability of the Applicant's auto sales, service, and ancillary uses within the City in an economically viable manner by allowing for redevelopment of lands within the Mixed Use Special District with other multiple potential mixed uses including multi-family residential, hotel, and/or other nonresidential uses compatible with automotive sales, service, and ancillary uses. Exhibit 2-5 depicts the boundaries of the proposed 6.2-acre Mixed Use Special District.

In connection with the proposed redevelopment of the project site under the NDSP (as amended), the Applicant would demolish all existing structures within the project site, would develop the project site with a mix of uses that would maximize the efficient use of this infill site, and would be

[4] As noted above, while the Mixed Use Special District boundaries would only cover the 6.2 acres of land, and not Sites D or E, it is possible that the future redevelopment contemplated under the NDSP (as amended) may trigger changes to these sites (where auto sales, services, and ancillary uses are permitted as of right). Accordingly, for purposes of a conservative analysis, where appropriate, this Draft SEIR assumes a certain amount of demolition and re-purposing with updated auto sales, service, and/or ancillary uses may occur.

required to enhance its auto sales, service, and ancillary uses through construction of a new auto sales and service facility in accordance with the criteria and policies set forth in the NDSP (as amended) and the related development agreement. Under all circumstances, the auto sales, service, and ancillary uses would include the following components: (1) motor vehicle sales (including administrative space), (2) service (including quick service, maintenance, repair, and limited body work (such as minor ding repair and/or paint touch up services but excluding major body work),, ancillary detailing and car wash, and administrative space), (3) parts (both retail and those ancillary to auto service), and (4) inventory display.

As noted above, the Applicant is only seeking City approval of the necessary legislative entitlements consisting of the proposed amendments to the NDSP (and related conforming amendments to the General Plan and Municipal Code to ensure consistency) and the related development agreement.

Assuming that the City adopts these requested legislative approvals and approves the development agreement, then the next step would be for the Applicant to prepare and submit for consideration an application for a specific development proposal in accordance with the NDSP (as amended) and the development agreement, which would detail the ultimate allocation, configuration, and mix of uses and other particular site planning aspects of the proposal. Any specific development proposal would be required to adhere to all applicable development standards, regulations, and policies set forth in the NDSP (as amended) as well as all applicable design guidelines and other applicable requirements and the development agreement. As explained above, under CEQA, this Draft SEIR must document the information necessary to make the 2019 NDSP EIR adequate to address the potential environmental impacts associated with the requested amendments to the NDSP (and related conforming amendments to the General Plan and the Municipal Code) as well as the development agreement and provide additional environmental analysis where appropriate.

The basic characteristics of the proposed project would be consistent regardless of the final specific allocation and mix of uses ultimately developed; i.e., its location; sustainable design features; vehicular access; utility provision; its infill, urban, mixed use nature (involving an enhanced dealership and other compatible uses); the contemplated demolition of all existing structures; and its overall scope (which would involve substantially the same building footprint based on the reasonable maximum development from an intensity/density perspective). However, because the ultimate allocation, configuration, and mix of land uses and other site planning details are not currently known given, among other reasons, the shifting market dynamics and economic considerations in a post-COVID environment, in order to conduct the required environmental review, this Draft SEIR will evaluate the maximum reasonable development potential that could occur in light of reasonably available information, taking into consideration the size, potential mix of uses, and nature of the subject lands and other relevant factors.

Specifically, and as explained in further detail in Appendix B, in order to conduct the required environmental review, this Draft SEIR will evaluate (based on the maximum reasonable development potential in light of reasonably available information, which could occur taking into consideration the size, potential mix of uses, and nature of the subject lands and other relevant factors) three potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively), each of which

involves a different mix and allocation of potential uses that could reasonably be assumed along with the net increase in auto sales, service, and ancillary uses (which would remain a constant).

This approach to the environmental review therefore ensures an appropriately conservative and robust analysis that is sufficiently detailed to properly apprise the decision-makers, other public agencies and interested organizations, and the public of the proposed project's scope and potential impacts based on reasonably available information, and ensure meaningful opportunities for informed public participation and decision-making. In so doing, this SEIR, when considered as a whole, provides a reasonable, good faith disclosure and analysis of environmental impacts, and includes sufficient information to allow decision-makers and the public to understand the environmental consequences of the proposed project. The specific development assumptions and parameters of each Scenario are described further below to articulate the potential project variations and fully disclose the maximum potential scope of the proposed project.

The proposed amendments to the NDSP would result in the demolition of all existing on-site structures; a net new increase of approximately 142,094 square feet of auto sales, service, and ancillary uses as compared to what was previously contemplated in the NDSP; as well as the introduction of new potential uses such as, for example, multi-family residential, hotel uses, and/or other nonresidential uses compatible with automotive sales, service, and ancillary uses, such as office within the 6.2-acre Mixed Use Special District. Sites D and E currently contain approximately 24,001 square feet of development; for purposes of a conservative analysis, it is assumed that some redevelopment of auto sales, service, and ancillary uses will occur as part of the project but that no net new square footage would result. Development assumptions associated with buildout for Scenarios 1, 2, and 3 are provided in Tables 2-4, 2-5, and 2-6, respectively.

Table 2-4: Scenario 1

Scenario	New End Use	Development Potential	Maximum Height
1	Auto Sales and Service	142,094 square feet	35 feet
	Office	40,546 square feet	35 feet
	Office	97,221 square feet	35 feet
	Office	375,727 square feet	50 feet

Table 2-5: Scenario 2

Scenario	New End Use	Development Potential	Maximum Height
2	Auto Sales and Service	142,094 square feet	35 feet
	Office	40,546 square feet	35 feet
	Multi-family Residential	132 dwelling units	35 feet
	Hotel	723 keys	50 feet

Table 2-6: Scenario 3

Scenario	New End Use	Development Potential	Maximum Height
3	Auto Sales and Service	142,094 square feet	35 feet
	Office	40,546 square feet	35 feet
	Multi-family Residential	132 dwelling units	35 feet
	Multi-family Residential	526 dwelling units	50 feet

As noted above, the ultimate specific mix, configuration, and allocation of uses pursued by the Applicant pursuant to the proposed amendments to the NDSP (and related conforming amendments to the General Plan and the Municipal Code) would be determined subsequent to the certification of the SEIR at such time when an application for a detailed specific development proposal is formally submitted to the City for consideration.[5] However, as specified above, the basic project characteristics would remain consistent under all Scenarios regardless of the final specific allocation and mix of uses ultimately developed; i.e., its location; sustainable design features; vehicular access; utility provision; its infill, urban, mixed use nature (involving an enhanced dealership and other compatible uses); the contemplated demolition of all existing structures; and its overall scope (which would involve substantially the same building footprint based on the reasonable maximum development from an intensity/density perspective).

Therefore, to ensure a conservative analysis and robust disclosure of potential impacts, this Draft SEIR sets forth a detailed analysis based on assumed specific development parameters of several reasonable scenarios. Under any Scenario, the Applicant would be required to enhance operations of its auto sales, service, and ancillary uses within the Mixed Use Special District (as well as those that could potentially be located, in part, on Sites D and/or E) in a manner compatible with the other proposed uses in accordance with the criteria and policies set forth in the NDSP (as amended) and the development agreement in either a horizontal or vertical mixed use development. As explained herein, this Draft SEIR will evaluate the potential environmental impacts that could occur as a result of the proposed project based on reasonable worst-case assumptions that appropriately incorporate all reasonably available and relevant site-specific information.

Vehicular Access

Vehicular access to the Site B (2150 North Broadway) and Site C (2150 North Broadway) portions of the Mixed Use Special District would be from North Broadway. Vehicular access to the Site A (2100 North Main) portion of the Mixed Use Special District would be from both North Main Street and North Broadway. Vehicular access to Site D would be from North Broadway. Vehicular access to Site E would be from Pine Street.

[5] To ensure that all potential impacts are evaluated as mandated under CEQA, to the extent the specific development proposal involves discretionary approvals, then the City would be required to evaluate (in the context of the subject application(s) for discretionary approval) whether any such subsequent application would result in any new or more severe environmental effects that are evaluated and disclosed in the Draft SEIR or otherwise trigger additional environmental review under CEQA.

Public Trail

The proposed project would incorporate a public trail on a portion of Site A as a project design feature in a manner consistent with the applicable NDSP policies (as amended).

Utilities

Storm Drainage

On-site storm drainage facilities, which would consist of bioswales, inlets, underground piping, and basins, would be installed as part of the proposed project, and would be required to adhere to all applicable standards and requirements for purposes of stormwater improvements. Stormwater would be detained and released at a rate no greater than the pre-development condition of the project site pursuant to applicable laws and regulations. Given the location of existing stormwater infrastructure, it is anticipated that connections thereto would occur either on-site or within adjacent existing public right(s)-of-way.

Water and Sewer

The proposed project would continue to be served with potable water service provided by the EBMUD and sewer service provided by Central San.

Energy

The proposed project would continue to be served with electricity service provided by both MCE and PG&E. As described in more detail below, the proposed project would include an all-electric building design.

A backup diesel generator and fire pump are assumed to be included in the proposed project in case any emergency power or fire systems are required during the entitlement process.

Telecommunications

The proposed project would continue to be served with telecommunications service provided by AT&T and Comcast.

Solid Waste and Recycling

The proposed project would continue to be served with solid waste and recycling service provided by Republic Services.

Potential Changes to Sites D and E

As noted above, while the basic project characteristics would remain consistent, the ultimate specific mix, configuration, and allocation of uses and other site planning details would be determined subsequent to the certification of the SEIR, at such time when a detailed specific development proposal is formally submitted to the City for consideration.[6] Under any scenario, the Applicant would be required to enhance operations of its auto sales, service, and ancillary uses. Pursuant to the proposed amendments to the NDSP (and related conforming amendments to the General Plan and the Municipal Code), the contemplated redevelopment of these auto sales, service, and

[6] The City would be required to comply with CEQA in connection with its consideration of any subsequent application(s) for discretionary entitlements for the specific development proposal(s).

ancillary uses along with the other potential mixed uses would occur within the Mixed Use Special District in either a horizontal or vertical mixed use development.

While the contemplated redevelopment would occur within the 6.2-acre Mixed Use Special District, some component of the auto sales, service, and/or ancillary uses could also occur on Sites D and E, where such uses are currently and would continue to be permitted as of right under the NDSP (as amended). Therefore, to ensure a conservative analysis, the Draft SEIR will assume demolition of the buildings located at Sites D and E, which could allow for a portion of the contemplated auto sales, service and/or ancillary use redevelopment to be located thereon (although no net increase in square footage on Sites D and E is assumed to occur).

Sustainable Design Features

The proposed project would include the following sustainable design features:

- **Nonresidential Tier 2 Energy Efficiency Design:** all nonresidential buildings would be designed to meet the Tier 2 advanced energy efficiency requirements of the Nonresidential Voluntary Measures of the California Green Building Standards Code (CALGreen), Division A5.2, Energy Efficiency, as outlined under Section A5.203.1.2.2.
- **Residential Tier 2 Energy Efficiency Design:** all residential buildings would be designed to meet the Tier 2 advanced energy efficiency requirements of the Residential Voluntary Measures of CALGreen, Division A4.2, Energy Efficiency, as outlined under Section A4.203.1.3.2.
- **Nonresidential Tier 2 Electric Vehicle Charing Station Design:** the parking areas for passenger automobiles associated with nonresidential land uses would be designed and built to accommodate electric vehicle (EV) charging stations. The parking shall be designed to accommodate a number of EV charging stations equal to or greater than the Tier 2 Nonresidential Voluntary Measures of CALGreen, Section A5.106.5.3.2.
- **Hotel and Residential Tier 2 Electrical Vehicle Charing Station Design:** the parking areas for passenger automobiles associated with hotel and residential land uses would be designed and built to accommodate EV charging stations. Residential parking would be designed to accommodate a number of EV charging station equal to or greater than the Tier 2 Residential Voluntary Measures of CALGreen, Section A4.106.8.2, and hotel parking would be designed to accommodate a number of EV charging station equal to or greater than the Tier 2 Residential Voluntary Measures of CALGreen, Section A4.106.8.3.
- **Tier 2 Preferential Parking Design:** the parking areas for both nonresidential and residential uses would be designed and built to provide preferential parking for low-emitting, fuel-efficient, and carpool/van vehicles. The number of preferential parking spaces for passenger automobiles would be equal to the requirements of the Tier 2 Nonresidential Voluntary Measures of CALGreen, Section A5.106.5.1.2.
- **Carbon-Free Energy:** the proposed project would be constructed as all-electric, eliminating the use any natural gas-fueled appliance, equipment, or building feature. The proposed project would also include any combination of on-site renewable generation system, such as

solar panels, as required under applicable laws and regulations. Any such future renewable energy system that is included would generate carbon-free electricity sources to help supply the proposed project's energy demands.

Also, the proposed project would voluntarily commit to being enrolled in either PG&E's 100 Percent Solar Choice or MCE's Deep Green 100 percent renewable electricity service options. Therefore, any additional electricity demand beyond that satisfied by any on-site generation system would be augmented with 100 percent carbon-free electricity sources.

2.6 - Project Objectives

The objectives of the proposed project are to:

1. Promote positive economic growth and new capital investment by supporting and enhancing the short- and long-term economic viability of automotive sales, service and ancillary uses within the NDSP by encouraging financially feasible mixed use redevelopment including the potential for new residential units to enhance the City's housing stock, the creation of new job-generating uses including potential hotel uses, and the expansion of the tax base through new sales tax generating uses.
2. Facilitate the realization of the vision of the NDSP by transitioning existing auto-oriented, underutilized commercial parcels into thoughtfully designed, higher-density, higher-intensity mixed use developments near public transit, thereby encouraging transit-oriented development near transit nodes.
3. Maximize the use of existing infrastructure by efficiently redeveloping existing infill properties within the Walnut Creek city limits currently served by urban services and utilities to higher and better uses.
4. Preserve the tax base by facilitating the continuation of Applicant's auto sales activities and new potential hotel, office, and/or multi-family residential uses.
5. Respond to changing economic trends by maximizing opportunities to update and expand automotive business while also retaining sufficient flexibility from a land use planning standpoint including the potential for compatible hotel, office, and/or multi-family residential uses.
6. Reduce the heat island effect by replacing existing asphalt surface parking lots with minimal existing landscaping with modern structures constructed from high albedo building materials and ample landscaping.
7. Develop well-designed, visually appealing contemporary commercial and potential multi-family residential uses within the North Downtown area.

2.7 - Intended Uses of this Draft Supplemental EIR

This Draft SEIR is being prepared by the City of Walnut Creek to assess the potential environmental impacts that may arise in connection with actions related to implementation of the proposed

project. In accordance with Public Resources Code Section 21067 and Sections 15367, 15050, and 15051 of the CEQA Guidelines, the City of Walnut Creek is the Lead Agency for the proposed project and has discretionary authority over the proposed project and project approvals. The Draft SEIR is intended to address all public and private infrastructure improvements and all development components that are within the parameters of the proposed project.

2.7.1 - Discretionary and Ministerial Actions

The proposed project requires the certification of the SEIR and the following initial discretionary approvals from the City of Walnut Creek:

- General Plan Amendment
- Specific Plan Amendment
- Amendments to the Municipal Code
- Development Agreement

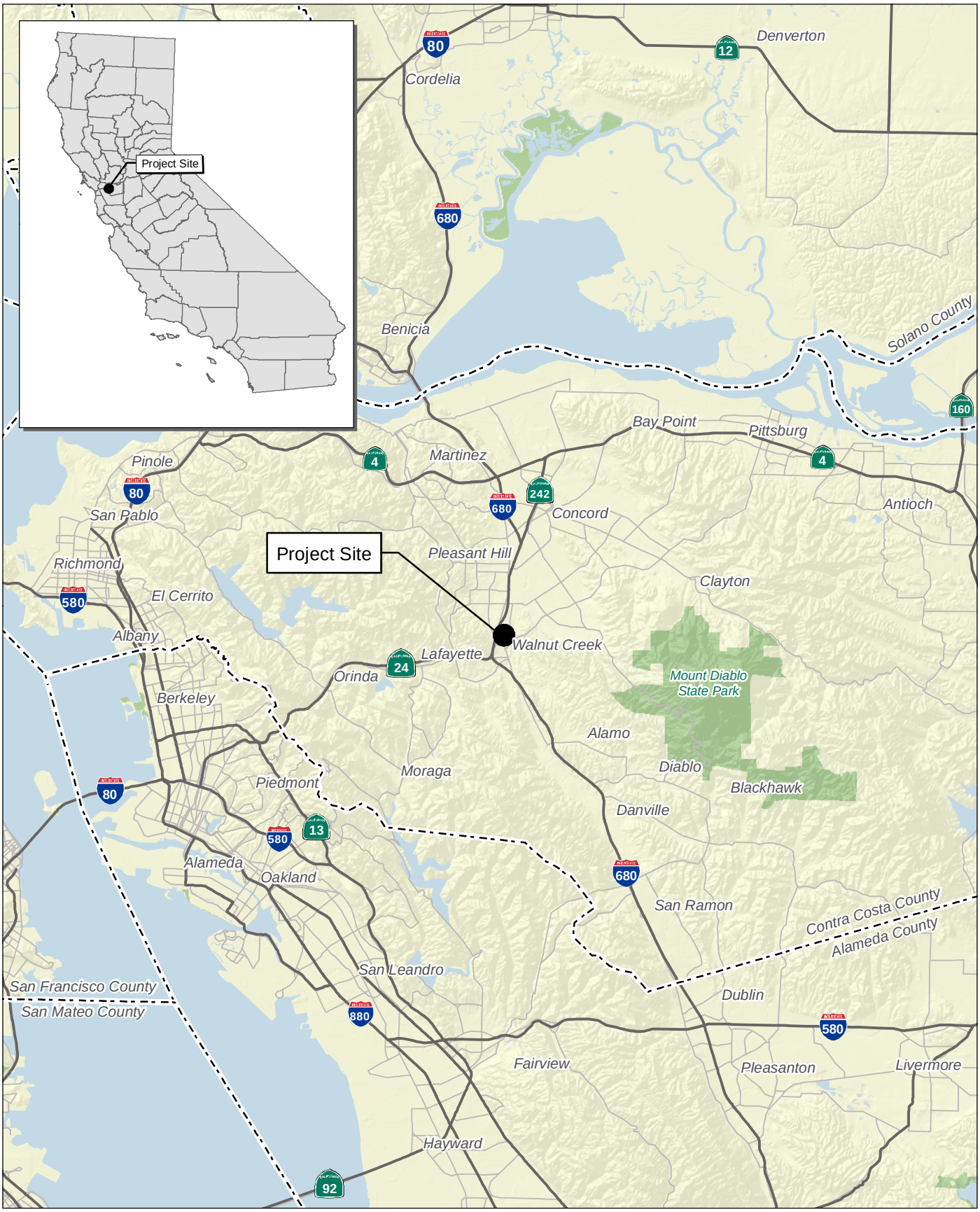
In addition, an application for a specific development proposal may require the following subsequent discretionary approvals from the City of Walnut Creek:

- Tentative Major Subdivision Map or Parcel Map and/or Lot Line Adjustment (including Lot Merger)
- Design Review
- Tree Removal Permit
- Sign Permit

2.7.2 - Responsible and Trustee Agencies

A number of other agencies in addition to the City of Walnut Creek will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. This Draft SEIR will provide environmental information to these agencies and other public agencies, which may be required to grant discretionary approvals or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- United States Fish and Wildlife Service
- California Department of Fish and Wildlife
- San Francisco Bay Regional Water Quality Control Board
- Bay Area Air Quality Management District
- California Department of Transportation
- East Bay Municipal Utility District
- Central Contra Costa Sanitary District



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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Exhibit 2-1
Regional Location Map

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CITY OF WALNUT CREEK
WALNUT CREEK MIXED USE SPECIAL DISTRICT PROJECT
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

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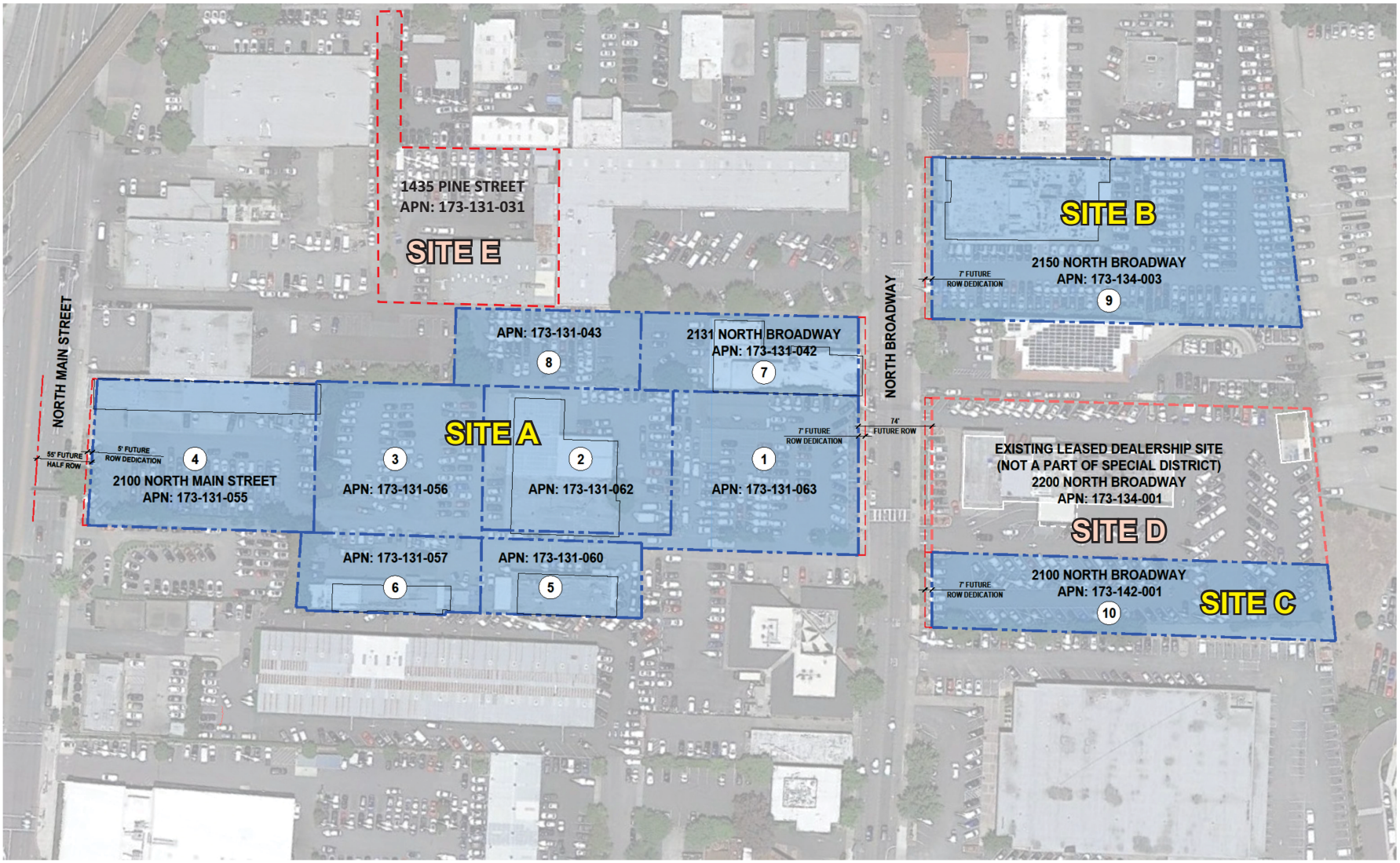
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Exhibit 2-2
Local Vicinity Map

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Exhibit 2-3
Existing Site Information

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Source: South Environmental.

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Exhibit 2-4
Project Site Addresses

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Photograph 1: View of Site A (APN 173-131-057); facing southwest.



Photograph 2: View of Site A (APN 173-131-057); facing south.



Photograph 3: View of Site A (APN 173-131-042); facing northeast.



Photograph 4: View of Site A (APN 173-131-042); from North Broadway, facing south.

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Exhibit 2-4a
Site Photographs

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Photograph 5: View of Site A (APN 173-131-055) from North Main Street; facing northeast.



Photograph 6: View of Site A (APN 173-131-055); facing northwest.



Photograph 7: View of Site A (APN 173-131-062); facing southwest.



Photograph 8: View of Site A (APN 173-131-062); facing west.

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Photograph 9: View of Site A (APN 173-131-060); facing southwest.



Photograph 10: View of Site A (APN 173-131-060); facing west.



Photograph 11: View of Site A (APN 173-131-060); facing southeast.



Photograph 12: View of Site B (APN 173-134-003); facing north.

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Exhibit 2-4c
Site Photographs

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Photograph 13: View of Site B (APN 173-134-003); from North Broadway facing northeast.



Photograph 14: View of Site C (APN 173-142-001); from North Broadway, facing northeast.



Photograph 15: View of Site D (APN 173-134-001); from North Broadway, facing northeast.

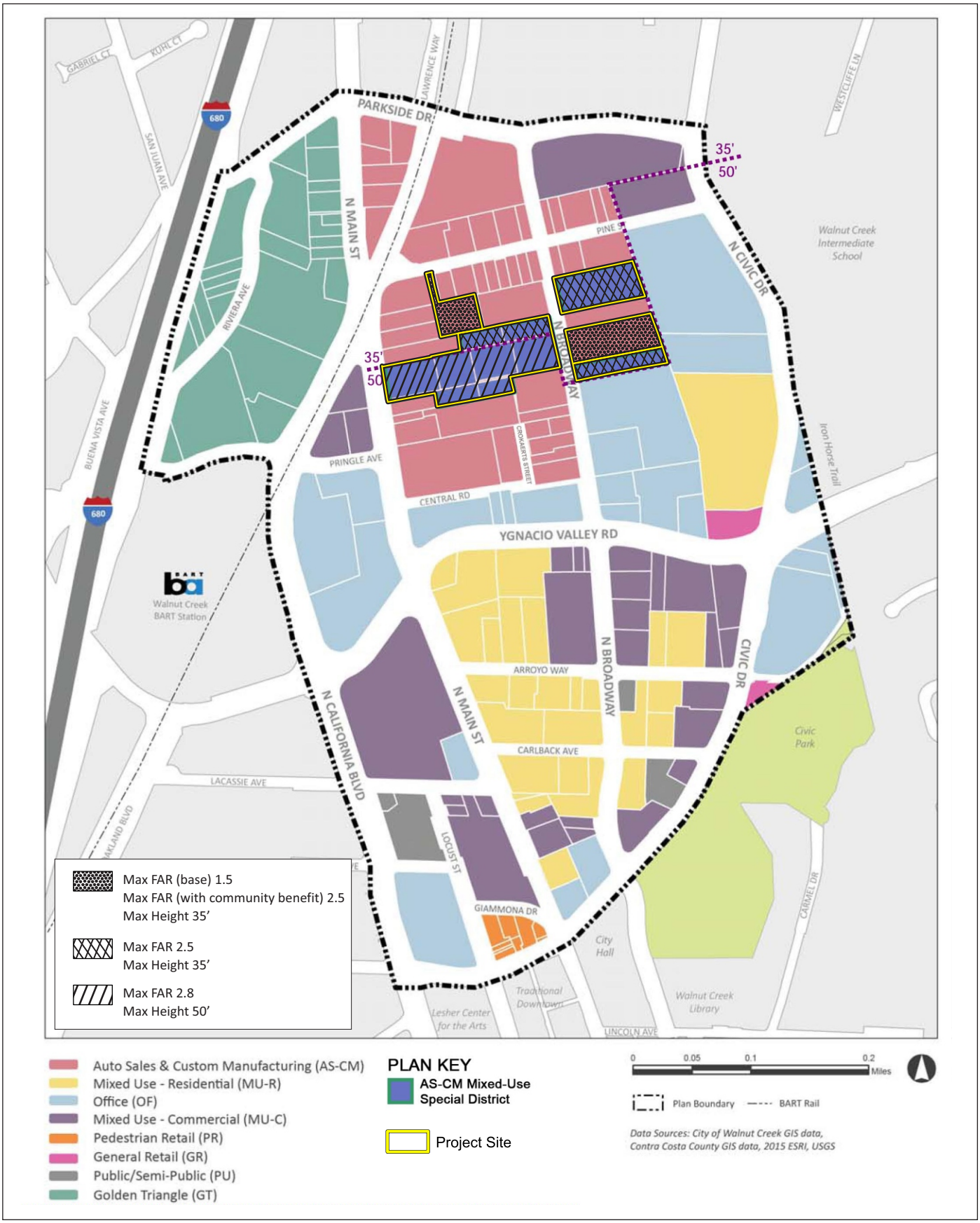


Photograph 16: View of Site E (APN 173-131-031); from North Broadway, facing east.

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Exhibit 2-4d
Site Photographs

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Exhibit 2-5
Proposed Mixed Use Special District

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CHAPTER 3: ENVIRONMENTAL IMPACT ANALYSIS

Organization of Issue Areas

This Draft Supplemental Environmental Impact Report (Draft SEIR) provides analysis of impacts as required under California Environmental Quality Act (CEQA) Guidelines for those environmental topics where it was determined in the Notice of Preparation (NOP), or through subsequent analysis, that the proposed project would result in "potentially significant impacts." Sections 3.1 through 3.15 discuss the environmental impacts that may result in approval and implementation of the proposed project.

Issues Addressed in this Draft Supplemental Environmental Impact Report

This Draft SEIR and attached supporting materials, studies, and reports have been prepared to document the information necessary to make the North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse [SCH] No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project; and to provide additional environmental analysis where appropriate to ensure full disclosure as required under CEQA Guidelines. It discloses the relevant mitigation measures identified in the 2019 NDSP EIR that would be carried forward for the proposed project and includes additional feasible mitigation measures, where necessary, to avoid or reduce impacts.

The following environmental issues are addressed in Chapter 3:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Utilities and Service Systems

Format of the Environmental Analysis

Each resource area analyzed in this chapter includes the subsections summarized below.

Introduction

This subsection summarizes what will be discussed in the respective environmental topic section, states generally what informational documents are used as the basis for the section, and indicates what related comments, if any, were received during the NOP public scoping period.

Scenario Evaluation

As noted in Chapter 2, Project Description, the Applicant is requesting that the City approve amendments to the NDSP (along with conforming amendments to the Walnut Creek General Plan (General Plan) and Municipal Code to ensure consistency) along with a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service, and ancillary uses as well as a range of additional potential, compatible uses such as commercial office, hotel, and/or multi-family residential. No specific individual development application for the project site has been formally submitted to the City at this time; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed project, this Draft SEIR considers three potential development scenarios (referred to herein as Scenarios 1, 2, and 3, respectively) that reflect a reasonable mix and allocation of uses that could occur as a result of the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. Within each topical section, this section discloses which scenario represents the "reasonable worst case."

Environmental Setting

This subsection describes the existing, baseline physical conditions of the project site and surroundings (e.g., existing land uses, transportation conditions, noise environment, etc.) with respect to each resource topic at the time the NOP was issued. Conditions are described in sufficient detail and breadth to allow a general understanding of the environmental setting such that the environmental impacts of the proposed project are disclosed.

Regulatory Framework

This subsection describes the relevant federal, State, regional, and local regulatory requirements that are directly applicable to the environmental topic being analyzed.

Thresholds of Significance

The significance thresholds for each environmental impact are defined, and the discussion of the methodological approach to the analysis, where applicable, in order to explain how the significance thresholds have been applied to evaluate the impacts of the proposed project.

Project Impacts and Mitigation Measures

Summary of the 2019 NDSP EIR

This subsection discloses the conclusions provided in the 2019 NDSP EIR for each environmental topical area.

Proposed Project Analysis and Conclusion

This subsection evaluates the proposed project under Sections 15162 and 15163 of the State CEQA Guidelines with respect to the analysis and conclusions of the 2019 NDSP EIR and provides the information necessary to make the analysis of the 2019 NDSP EIR adequate for the project as revised.

Impacts are analyzed and the respective assessment and findings are included in this Draft SEIR, applying the following levels of significance:

- **No impact.** A conclusion of 'no impact' is reached if no potential exists for impacts or if the environmental resource does not occur in the project site or the area of potential impacts.
- **Less than significant impact.** This determination applies if the impact does not exceed the defined significance criteria or would be eliminated or reduced to a less than significant level through compliance with existing local, State, and federal laws and regulations. No mitigation is required for impacts determined to be less than significant.
- **Less than significant impact with mitigation.** This determination applies if the proposed project would result in a significant impact, exceeding the established significance criteria, but feasible mitigation is available that would reduce the impact to a less than significant level.
- **Significant and unavoidable impact.** This determination applies if the proposed project would result in an adverse impact that exceeds the established significance criteria, and no feasible mitigation is available to reduce the impact to a less than significant level. Therefore, the residual impact would be significant and unavoidable.
- **Significant and unavoidable impact with mitigation.** This determination applies if the proposed project would result in an adverse impact that exceeds the established significance criteria, and although feasible mitigation might lessen the impact, the residual impact would remain significant, and, therefore, the impact would be unavoidable.

Impacts are defined in terms of their context and intensity. Context is related to the uniqueness of a resource; intensity refers to the severity of the impact. Where applicable, Best Management Practices (BMPs) or project improvement measures, or both, are incorporated into the proposed project as project design features to limit the potential for a significant impact. Where necessary, feasible mitigation measures are identified for significant impacts to limit the degree or lower the magnitude of the impact; rectify the impact by repairing, rehabilitating, or restoring the affected environment; or compensate for the impact by replacing or providing substitute resources or environments. These impacts conclude with a finding of 'less than significant impact with mitigation.' Where no mitigation measures are necessary, relevant impacts are concluded to be 'less than significant' or to have 'no impact.'

As part of the impact analysis, mitigation measures are identified, where feasible, for impacts considered significant or potentially significant consistent with CEQA Guidelines Section 15126.4, which states that an EIR "shall describe feasible measures which could minimize significant adverse impacts." CEQA and other applicable laws require that mitigation measures have an essential nexus and be roughly proportional to the significant impact identified in the EIR. The Applicant is required to implement all identified mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP), as further discussed in the Findings and conditions of approval adopted for the approval of the proposed project, and the lead agency (in this case, City of Walnut Creek) is responsible for overseeing the Applicant's implementation of such mitigation measures. Pursuant to CEQA Guidelines Section 15126.4, mitigation measures are not required for environmental impacts that are found not to be significant.

Impact Analysis and Mitigation Measure Format

The format adopted in this Draft SEIR to present the evaluation of impacts is described and illustrated below.

Summary Heading of Impact

Impact AES-1: **An impact summary heading appears immediately preceding the impact description (Summary Heading of Impact in this example). The impact number identifies the section of the report (AES for Aesthetics in this example) and the sequential order of the impact (1 in this example) within that section. To the right of the impact number is the impact statement, which identifies the potential impact.**

A narrative analysis follows the impact statement.

Level of Significance Before Mitigation

This section identifies the level of significance of the impact before any mitigation is proposed.

Mitigation Measures

Mitigation Measure from the 2019 NDSP EIR

This section discloses the relevant mitigation measures identified in the 2019 NDSP EIR, and the verbatim text of the 2019 NDSP EIR mitigation measures are provided.

Mitigation Measures for the Proposed Project

Project-specific mitigation measures, beyond those contained in the 2019 NDSP, are set off with a summary heading and described using the format presented below:

MM AES-1 Project-specific mitigation is identified that would reduce the impact to the lowest degree feasible. The mitigation number links the particular mitigation to the impact it is associated with (AES-1 in this example); mitigation measures are numbered sequentially.

Level of Significance After Mitigation

This section identifies the resulting level of significance of the impact following mitigation.

Abbreviations used in the mitigation measure numbering are:

Code	Environmental Issue
AES	Aesthetics
AIR	Air Quality
BIO	Biological Resources
CUL	Cultural Resources and Tribal Cultural Resources
ENER	Energy
GEO	Geology, Soils, and Seismicity

Code	Environmental Issue
GHG	Greenhouse Gas Emissions
HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LAND	Land Use and Planning
NOI	Noise
POP	Population and Housing
PUB	Public Services and Recreation
TRANS	Transportation
UTIL	Utilities and Service Systems

Cumulative Impacts

An EIR must discuss cumulative impacts when (1) they are significant and (2) the project's incremental contribution to any identified significant cumulative impact is "cumulatively considerable." The discussion of cumulative impacts in this subsection analyzes the cumulative impacts of the proposed project, taken together with other past, present, and reasonably foreseeable probable future projects producing related impacts, within an identified geographic scope of review. As explained further herein, the goal of this analysis is to determine whether the overall long-term impacts of all such projects would be cumulatively significant, and if so, then to determine whether the project itself would cause a "cumulatively considerable" incremental contribution to any such cumulatively significant impacts. To determine whether the overall long-term impacts of all such projects would be cumulatively significant, the analysis generally considers the following:

- The geographic area in which impacts of the project would be experienced.
- The nature of the impacts of the project that are expected in the area.
- Other past, proposed, and reasonably foreseeable probable future projects that have had or are expected to have related impacts in the identified geographic scope.
- The impacts or expected impacts of these other projects.
- The overall impact that can be expected if the individual impacts from each project are allowed to accumulate.

"Cumulative impacts" refers to two or more individual impacts that, when considered together, are considerable, or that compound or increase other environmental impacts (CEQA Guidelines § 15355). Cumulative impacts can result from individually minor but collectively significant impacts taking place over time (CEQA Guidelines § 15355(b)). The purpose of the cumulative impact analysis is to avoid considering projects in a vacuum; without this analysis, piecemeal approval of several projects with related impacts could lead to severe environmental harm.

As noted above, an EIR must discuss cumulative impacts when they are significant and the project's incremental impact is "cumulatively considerable." A project's incremental contribution is cumulatively considerable if the incremental effects of the project are significant "when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." However, an EIR need not discuss cumulative impacts that do not result in part from the project (CEQA Guidelines § 15130(a)(1)).

The approach to analysis for assessing cumulative impacts typically varies depending on the topic being analyzed. It should consider all sources of related impacts, not just similar sources or projects, and should define the relevant area affected in its analysis of cumulative impacts. As described in the 2019 NDSP EIR, "CEQA requires that cumulative impacts be discussed using either a list of past, present, and probable future projects producing related or cumulative impacts, or a summary of projections contained in an adopted local, regional, or Statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect."[1] Consistent with the 2019 NDSP EIR, this Draft SEIR uses both approaches (i.e., a "blended" approach), and the particular approach used depends on the topical area under consideration.

For purposes of this Draft SEIR, if the analysis[2] for a particular environmental topic area determines that the potential exists for the proposed project, taken together with other past, present, and reasonably foreseeable probable future projects to result in a significant cumulative impact, the analysis then determines whether the proposed project's incremental contribution to any identified significant cumulative impact is itself significant (i.e., "cumulatively considerable"). The cumulative impact analysis for each individual resource topic is presented in each resource section of this chapter immediately after the description of the individual project impacts and identified mitigation measures.

[1] LSA. 2018. North Downtown Specific Plan Environmental Impact Report, page 4-2.

[2] For purposes of full disclosure, a cumulative analysis will often take the initial step of considering a "cumulative without-project" scenario prior to layering on the project-specific impacts ("cumulative with-project scenario"). Once these steps in the analysis occur and a determination is made that the combined impact is significant, then the next step is to determine whether the project's incremental effect on that cumulative significant impact is cumulatively considerable.

3.1 - Aesthetics

3.1.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports and other materials have been prepared to document the information necessary to make the North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes the existing aesthetics, light and glare setting and potential effects from implementation of the proposed project on visual resources on the project site and its surroundings as compared to the evaluation set forth in the 2019 NDSP EIR. Descriptions and analysis in this section are based on, among other things, Section 4.12, Aesthetics (pages 4.12-1 through 4.12-8) of the 2019 NDSP EIR, site reconnaissance by FirstCarbon Solutions (FCS), and review of the City of Walnut Creek General Plan (General Plan) and North Downtown Specific Plan (NDSP).

No public comments were received during the Notice of Preparation (NOP) scoping period for this Draft Supplemental EIR (Draft SEIR) related to aesthetics.

3.1.2 - Scenario Evaluation

As noted in Chapter 2, Project Description, the Applicant is requesting that the City of Walnut Creek ("City") approve amendments to the NDSP (along with conforming amendments to the General Plan and Municipal Code to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service, and ancillary uses as well as a range of additional potential, compatible uses such as commercial office, hotel, and/or multi-family residential. No application for a specific individual development proposal for the project site has been formally submitted to the City at this time; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed project, this Draft SEIR considers three potential development scenarios (as described further below) that reflect a reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all lands that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates "Site D," and an approximately 0.82-acre property "Site E," located adjacent to Site A). This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

The City and its California Environmental Quality Act (CEQA) consultant conducted a preliminary assessment of each of these potential development scenarios (referred to herein as Scenarios 1, 2, and 3, respectively) in order to determine the scenario that would result in the "reasonable worst-case scenario" under each environmental topic area. Given the nature of aesthetics, light and glare impacts and as explained more fully in Appendix B, Comparative Summary of Potential Impacts, each Scenario would result in similar effects. Therefore, as explained in Appendix B, because Scenario 3

(auto sales and service, office, and multi-family residential) is assumed to result in the greatest impact for most of the environmental topics (see further discussion under Category 3 in Appendix B), to provide consistency in the analysis within the Draft SEIR, when a Scenario would result in substantially the same effects, this Draft SEIR evaluates impacts assuming development of Scenario 3, the scenario that is most often the "reasonable worst-case scenario." Therefore, the following impact areas are evaluated assuming development of Scenario 3.

3.1.3 - Environmental Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. For additional information regarding the environmental setting related to aesthetics, light and glare in the NDSP area, including the project site and vicinity, in place at the time the 2019 NDSP EIR was prepared, this can be found in Section 4.12, Aesthetics (pages 4.12-1 through 4.12-8) of the 2019 NDSP EIR.

Visual Character

Regional Context

Walnut Creek is in central Contra Costa County at the intersection of the Diablo, Lamorinda, and Ygnacio Valleys and at the base of Mount Diablo. The City's terrain is a combination of hillsides and valleys, with elevations ranging from approximately 80 to 800 feet above mean sea level (MSL) within the City limits.

Interstate 680 (I-680) bisects Walnut Creek in a north–south direction. Major commercial corridors include Main Street, Broadway, Ygnacio Valley Road, Treat Boulevard/Geary Road, Civic Drive/Oak Road, California Drive, Mount Diablo Boulevard, and Olympic Boulevard. The Bay Area Rapid Transit (BART) tracks enter Walnut Creek at the I-680/State Route (SR) 24 junction via an aerial structure and continue northward into the City of Concord on a raised embankment.

Downtown Walnut Creek, a vibrant commercial, residential and entertainment district, occupies the area along Main Street east of I-680. The Downtown area is characterized by both low-rise and midrise contemporary and older buildings, some of which are vintage and dated in appearance. In general, the tallest multi-story buildings are located near the Walnut Creek BART station.

Two waterways (Las Trampas Creek and San Ramon Creek) confluence with Walnut Creek in the Downtown area, and these drainages are mostly located in underground concrete channels, although daylighted segments exist in certain places. Notable Downtown landmarks include Broadway Plaza, Civic Park, and the Lesher Center for the Arts.

Project Site

Toyota Walnut Creek ("TWC" or "Applicant") owns and operates an existing auto dealership in a portion of the project site. This dealership is spread among multiple parcels along North Broadway and North Main Street. Exhibits 2-4a, 2-4b, 2-4c, and 2-4d in Chapter 2, Project Description provides site photographs. Tables 2-1 and 2-2 in Chapter 2, Project Description, provide a description of existing land use activities and buildings on the project site for the sites within the proposed Mixed

Use Special District (Sites A, B, and C) and for the non-special district parcels (Sites D and E), respectively.

Topography

Both the 2100 North Broadway (Site D) and 2150 North Broadway (Site B) properties sit atop a knoll. Neighboring properties to the east are located more than 20 feet below.

The 2100 North Main (Site A) property slopes from east to west. There is at least an approximately 20-foot elevation difference between the eastern and western portions of Site A. Retaining walls and pavement shore up the slope.

Vegetation

Ornamental landscaping is present along the North Broadway Street frontages of Sites D and E. In addition, ornamental vegetation is present within the center of Site A.

Surrounding Land Uses

Table 3.1-1 summarizes the surrounding uses. Generally, the areas surrounding the project site are a mix of modern and older commercial buildings primarily used for automotive service.

Table 3.1-1: Surrounding Land Uses

Site	Direction	Description
2100 North Main Street (Site A)[1]	West	North Main Street and luxury auto sales (Cole European Jaguar) and the Residence Inn by Marriot
	North	Bar/Restaurant (Retro Junkie); auto repair, multi-tenant commercial building
	East	North Broadway
	South	Multi-tenant commercial buildings
2150 North Broadway (Site B)	West	North Broadway and auto repair
	North	Auto repair
	East	3-story office building (201 North Civic), parking structure, and surface parking lot
	South	Auto repair
2100 North Broadway (Site C)	West	North Broadway and multi-tenant commercial building
	North	Pine Street
	East	3-story office building (201 North Civic), parking structure, and surface parking lot
	South	United States Post Office and associated surface parking lot
2200 North Broadway (Site D)	West	North Broadway
	North	1-story commercial building (Mike's Auto Body) and associated surface parking

Site	Direction	Description
	East	3-story office building and associated surface parking
	South	United States Post Office and associated surface parking
1435 Pine Street (Site E)	West	Office buildings and associated surface parking
	North	Auto repair, car dealer, bar/restaurant (Rotator Taproom) and associated surface parking
	East	Auto repair and associated surface parking
	South	Auto repair and associated surface parking

Notes:
[1] Site A also includes the following addresses: 2131 North Broadway, 2090 North Main Street, 2087 North Main Street. Site A and these addresses are all identified as 2100 North Main Street in this Draft SEIR for ease of readability (see Exhibit 2-4).
Source: FirstCarbon Solutions (FCS) 2022.

Scenic Vistas

There are several public viewpoints near the project site including views from I-680, the Walnut Creek BART station, and the Iron Horse Trail Overcrossing at Ygnacio Valley Road. I-680 is approximately 0.25 mile west of the project site, the Walnut Creek BART station is approximately 0.25 mile southwest of the project site, and the Iron Horse Trail Overcrossing is approximately 0.17 mile southeast of the project site.

State Scenic Highways

There are two officially designated State Scenic Highways in the vicinity of the project site: a 14-mile segment of I-680 from the southern Alameda County line north to SR-24, and a 9-mile segment of SR-24 from I-680 to the Caldecott Tunnel.[1] Neither of the officially designated segments is located within the NDSP area and both are located approximately 0.75 mile south of the project site. Given the distance between the project site and these segments and the presence of intervening vegetation and development, neither segment can be seen from the project site and the project site cannot be seen from either segment.

Light and Glare

The project site and vicinity is urban and built-up in nature and, thus, has a number of sources of illumination. Examples include, among others, building-mounted and freestanding light fixtures, streetlights, and illuminated signage.

[1] California Department of Transportation (Caltrans). 2018. California State Scenic Highway System Map. Website: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed October 20, 2021.

3.1.4 - Regulatory Framework

State

California Scenic Highway Program

The State Legislature created the California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), in 1963. The purpose of the State Scenic Highway Program is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. The California Scenic Highway Program is intended to preserve and protect scenic highway corridors from change that would diminish aesthetic value of highway lands. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, scenic quality of the landscape, and the extent to which development intrudes upon travelers' enjoyment of the view. The State laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been officially designated. The status of a proposed State Scenic Highway changes from eligible to officially designated when the local governing body applies to Caltrans for Scenic Highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a Scenic Highway.

Title 24 of the California Code of Regulations Building Energy Efficiency Standards

California Building Code (California Code of Regulations [CCR], Title 24)—including Title 24, Part 6—includes Section 132 of the Building Energy Efficiency Standards, which regulates lighting characteristics, such as maximum power and brightness, shielding, and sensor controls to turn lighting on and off. Different lighting standards are set by classifying areas by lighting zone. The classification is based on population figures of the 2010 Census. Areas can be designated as LZ1 (dark), LZ2 (rural), or LZ3 (urban). Lighting requirements for dark and rural areas are stricter, to protect the areas from the introduction of new sources of light pollution and light trespass.

Local

City of Walnut Creek

City of Walnut Creek General Plan

The policies and actions of the General Plan that involve aesthetics resources (as well as light and glare) that are relevant this analysis are listed below:

Chapter 2: Quality of Life

Goal 1 Protect and enhance the quality of life in the city's residential neighborhoods

Policy 1.1 Protect and enhance the distinct characteristics of each neighborhood.

Action 1.1.1 Through the City's review processes, and consistent with existing neighborhood character, encourage high-quality residential design.

Policy 1.4 Require the development is compatible with surrounding uses.

Policy 1.5 Support neighborhood efforts that strengthen identity and protect or enhance neighborhood character.

Chapter 4: Built Environment

Goal 5 Require that infill development is compatible with its surroundings

Policy 5.1 Require infill development to be compatible with adjacent nearby uses.

Action 5.1.1 Where new development occurs, study surrounding properties and uses for potential conflicts, and address those conflicts within the City's review processes.

Goal 13 Maintain and enhance high-quality building design and urban design

Policy 13.1 Maintain urban design and architectural standards for evaluating the scale, appearance, and compatibility of new development proposals.

Action 13.1.1 During the City's design review processes, confirm that the project design will be compatible with adjacent uses.

Policy 13.2 Regulate building placement and upper-floor stepbacks along important streets in the Core Area.

Policy 13.3 Coordinate the building heights allowed under the General Plan, Zoning Ordinance, and Measure A .

Action 13.3.2 Allow increases in height, up to Measure A heigh limits, for developments that provide exceptional public amenities such as accessible roof gardens, ground-level public plazas, creek orientations, public courtyards, and passageways, landscaping, public art, and other desired public amenities during the normal City review process.

Goal 16 Maintain and enhance Walnut Creek's identity and sense of place

Policy 16.2 Use public art to enliven and beautify the public realm.

Goal 17 Enhance the entrances to the city

Policy 17.1 At all major entry points to the City, develop welcoming gateways that emphasize the unique qualities of Walnut Creek.

Goal 18 Preserve and enhance the visual amenity provided by the open space hills, and creeks

Policy 18.1 Preserve and enhance the urban connections to scenic views that are important to residents and visitors.

Action 18.1.3 Preserve and enhance the off-site visual appearance of open space lands, particularly the views from other vantage points in the City.

Action 18.1.4 Keep and, where possible, expand the public visual buffers between developed areas.

Policy 18.2 Improve the appearance and prominence of designated scenic corridors.

Goal 19 Enhance the urban design quality of the Core Area and it subareas

Policy 19.1 Use specific plans and precise plans for subareas within the Core Area.

Policy 19.2 Improve directional signage for pedestrians and vehicles in the Core Area.

North Downtown Specific Plan

DSG 3.1 **Front setback requirements:** All projects shall comply with the front building setback requirements illustrated in Figure 4.4 and defined below, in addition to any other setback requirements in the Zoning Ordinance:

- "Minor Front Setback," is a minimum of 0 feet, and a maximum of 10 feet.
- "Moderate Front Setback," is a minimum of 5 feet and a maximum of 15 feet.

DSG 3.2 **Public outdoor space and architectural features in the front setback area:** Architectural and public outdoor space features such as massing breaks, alcoves, outdoor dining areas, public plazas, building entry areas, landscaping, or other outdoor areas are encouraged within the range of the front setback area as defined in Figure 4.4, but outdoor areas may extend into the parcel beyond the front setback area with approval from the Design Review Commission. At least 70 percent of the building frontage should be within the front setback area range to encourage street presence and activation of the public realm by the building, with flexibility allowed with approval from the Design Review Commission.

DSG 4.1 **New connections:** In order to create smaller blocks with more pedestrian and bicycle route choices, new publicly accessible bicycle and pedestrian connections are desirable across parcels or along parcel lines.

DSG 4.2 **Smaller block size:** New public connections and smaller blocks are encouraged to improve the pedestrian experience for residents, workers, and those walking between BART and downtown.

DSG 4.5 **Loading and service access:** Loading docks should be screened from the public right-of-way and adjacent properties to address visual and noise impacts. Service access and loading docks should be located as far as possible from pedestrian activities. Loading docks should be internal to the building envelope and equipped with closable doors, where feasible.

DSG 4.16 **Lighting:** Public outdoor spaces should include adequate lighting for appropriate nighttime uses and security.

DSG 4.17 **Paving design:** Public outdoor space designs that incorporate special paving materials such as pavers, scored concrete, stone, tile, or other accent materials are encouraged.

DSG 4.20 **Building frontages adjacent to outdoor space:** Building frontages abutting publicly accessible outdoor spaces should include active ground-floor uses that are designed and oriented to activate the space with entrances directly onto the open area, outdoor seating associated with the adjacent use, and architectural features that provide a transition from outdoor to indoor space, such as porches, awnings, arcades, terraces, stoops, or patios.

DSG 4.23 **Common outdoor areas:** Common outdoor areas are intended for the common use of building residents. They can be access-controlled and provided in a variety of formats such as:

- Courtyards
- Gardens
- Recreation amenities
- Play areas
- Rooftop amenities
- Common outdoor dining areas
- Outdoor kitchens, barbeque spaces, and picnic amenities

DSG 4.24 **Personal outdoor areas:** Personal outdoor areas are intended for the private use of each individual dwelling unit. They are not intended to be storage enclosures, unusable buffer space, unusable landscape area, or other unusable outdoor area. They should be designed to be routinely usable, and can be provided in a variety of formats such as:

- Balconies
- Private gardens
- Private yards
- Terraces/decks
- Porches

DSG 4.29 **Orientation of personal outdoor areas:** Ground floor personal outdoor areas should be internally focused within the building site, along pedestrian pathways between buildings, within alcoves and courtyards, and/or near building entrances. If ground floor personal outdoor areas are located at the perimeter of the property and adjacent to public streets or other public-facing areas, they should still provide inviting, visually permeable street frontages and should avoid uninviting privacy

fences, blank walls, or other screening techniques that have a negative impact on the public pedestrian environment.

DSG 4.32 **Transition spaces:** Residential developments should have a clear distinction between public and private outdoor space areas to preserve security and privacy. Private spaces may be defined using planting beds, trellises, arcades, and low landscape walls, and where appropriate attractively designed security fencing and gates.

DSG 4.34 **Commercial private outdoor space design:** Private outdoor spaces for commercial uses should be designed for usability by employees and/or customer, with shaded and unshaded areas, amenities such as seating and landscaping, and visibility and easy access from the interior of the commercial space.

DSG 4.35 **Landscaping highly encouraged:** Landscaping should be used along building frontages, along pathways, and in public and private outdoor areas to beautify the area, define the space, soften hard edges, shade walkways and gathering areas, and screen unsightly uses.

DSG 4.36 **Landscaping character:** The following guidance applies to landscaping in new development projects, particularly along building frontages and other areas visible from the public sidewalk

- Landscape treatment should reflect an urban character with the strategic use of planting areas, street trees, planter boxes and pots, hanging baskets, and appropriate foundation plantings where practical.
- On-site plantings and furnishings should complement the building architecture and landscape character of the immediate area.
- Plant materials should always be incorporated into new sites to provide "softening" of hard paving and building surfaces.
- Mature, healthy existing trees should be preserved where possible. Trees should be planted to maximize climate benefits and energy savings. Deciduous trees should be located on the west and southwest sides of buildings to allow sunlight to reach the building during winter months, and to provide shade during summer months.
- Trees should be planted to maximize the climate benefits and energy savings. Deciduous trees should be located on the west and southwest of buildings to allow sunlight to reach the building during winter months, and to provide shade during summer months.
- Tree sizes should be suitable to lot size, the scale of adjacent structures, and the proximity to utility lines.

DSG 4.37 **Landscape screening for residential uses:** Substantial landscape screening should be planted in areas where commercial, auto, and office buildings are adjacent to residential buildings.

DSG 4.38 **Landscaping along street frontages:** Landscaping, in conjunction with special paving treatments, setbacks, and building orientation, should be used to provide an attractive appearance from the front property line.

DSG 4.39 **Landscape screening to reduce visual impacts:** Landscaping should be used to provide effective screening of parking areas, retaining walls, fences, utility enclosures, utility cabinets, service areas, service corridors, and similar areas, to reduce negative visual impacts.

DSG 4.40 **Street trees:** New development should include street trees along the public right-of-way at an average of every 30 to 40 feet on center. Street tree species should be selected in consultation with the City and/or from the preferred tree species used in Walnut Creek's Traditional Downtown.

DSG 4.43 **Parking location:** Wherever possible, parking and vehicle areas should be located within, behind, or under buildings, particularly in the priority areas identified in Figure 3.2 (Priority Areas for Street-activating Retail, Restaurants, and Services). On shallower lots (less than 150 feet deep), surface parking may be located adjacent to the building, but should not occupy more of the primary frontage than the building. On deeper lots, the vehicle areas along the primary frontage should be limited to driveways and a few associated parking stalls. Parking lots should not be located on street corners.

DSG 4.44 **Visibility:** Parking structures and lots should be designed in locations that reduce visibility from street frontages

DSG 4.47 **Parking structure design:** Structured parking with storage solutions such as mechanized of lift systems, is strongly preferred over surface parking. Parking structures should be underground, and when above ground should be lined with ground-level active uses, and/or designed with attractive building facades to screen structural elements of the garage. Above-ground parking garages should be designed to complement the overall building design on project sites, and should be designed with flat floors and adequate ceiling height to accommodate conversion to other uses should the demand for parking lessen in the future. Parking structures should incorporate unique design features, such as lighting or building materials, to heighten visual interest.

DSG 4.48 **Integrated garage entries:** New development should integrate garage entries into building facades using architectural techniques such as matching façade or material treatments, and/or by partially recessing the entries into the building. Door treatments and details should be designed in accordance with the building's predominant architectural character.

DSG 4.50 **Surface parking screening:** Surface parking lots should be avoided. Where provided, they should be screened from adjacent streets. Screening should provide visual

interest, but should not be so large and dense that the screening elements (such as walls or landscaping) limit pedestrian access and sight lines for safety and security.

DSG 4.54 **Commercial fences:** Fences are discouraged unless needed to protect property or ensure safety between commercial uses and any major streets in the Plan Area. In addition, exceptions may be made for fences that delineate outdoor dining or display areas with a maximum height allowance of up to 36 inches.

DSG 4.55 **Residential fences:** All fences in residential areas should be consistent with the City's existing residential fence requirements. Low fencing and gates up to 36 inches in height are allowed along residential building frontages in the front setback area, with a maximum height of 6 feet for elsewhere on the property. Fences should be well-designed and detailed, using high-quality materials to add character and visual interest.

DSG 4.56 **Fencing articulation:** Fencing should be designed to have variations in height, contain vertical posts, or include enhancements at gate entries to provide aesthetically pleasing fencing and walls in North Downtown.

DSG 4.57 **Transparency:** Outdoor fencing, walls, and other visual barriers should be partially transparent so as to create clear lines of sight along public and private walkways. Screening of utility areas or other features that negatively impact the aesthetic quality of a project may be obscured with fully opaque screening.

DSG 4.58 **Fencing type:** Perimeter fencing, security fencing, or gates shall be constructed of attractive materials, which are compatible with the design and materials used throughout the project. Razor wire or electric fencing shall be prohibited, and chain link fencing is strongly discouraged.

DSG 4.59 **Auto sales and service lighting:** Night lighting and security lighting shall be sensitively designed to ensure that no off-site glare is directed to neighboring parcels and that the overall intensity of the site lighting is not excessive. Nighttime security lighting that is highly visible from the street or adjacent residential uses is discouraged.

DG 4.64 **Residential Lighting:** Excessive nighttime lighting is discouraged in predominantly residential areas south of Ygnacio Valley Road and outside the Arts District.

DSG 4.65 **Lighting types:** Decorative and architecturally contributing lighting design is encouraged throughout North Downtown.

DSG 4.66 **Dark sky compliant:** All light fixtures should be directed downward and shielded to reduce light pollution. "Unshielded" fixtures should not be used.

DSG 4.67 **Architecturally compatible lighting:** Lighting should be compatible with building architecture and styles.

DSG 5.1 **Massing:** Design large buildings to appear as an aggregation of smaller buildings rather than a single large block or box.

DSG 5.2 **Vertical articulation:** Building stepbacks, articulation in wall planes, architectural details and variations in materials and color should be used to break up the vertical height of buildings and distinguish between upper and ground floors. Variations in height, massing, roofline, and vertical articulation overall are encouraged.

DSG 5.3 **Horizontal articulation:** Massing breaks, projections, architectural details, and variations in materials and color should be incorporated to break up the horizontal length of facades.

DSG 5.4 **Major and minor horizontal massing breaks:** Buildings should have both major massing breaks (at least five feet deep and at least 10 feet wide) and minor massing breaks (at least 18 inches deep and four feet wide) along the street frontage. Major massing breaks should occur approximately every 100 feet, and minor massing breaks should occur roughly every 50 feet along the street frontage. This could occur through incorporating a variation of setbacks, building recesses, or structural bays.

DSG 5.5 **Rooflines:** Long horizontal rooflines on buildings with flat or low-pitched roofs should be articulated at least every 50 feet along the street frontage. This can be accomplished through the use of architectural elements such as parapets, varying cornices, reveals, and varying roof height and/or form.

DSG 5.6 **Upper floor treatment:** Materials should vary moving upward in a way to lighten building tops and reduce the appearance of height.

DSG 5.7 **Corner elements and architecture:** Buildings at corners of blocks should include distinctive architectural elements, building frontage, and public entrances toward the block corner, with an active street presence, minimal setbacks, and avoidance of driveways and garage entries within 50 feet of the street corner. Distinctive architectural elements may include height projections, articulation, variation in materials, façade transparency, and unique roof silhouettes. As an alternative corner treatment, development projects are also encouraged to provide active, publicly accessible plazas or outdoor spaces at block corners instead of building space.

DSG 5.8 **Variety of architectural styles:** Allow a wide range of architectural styles throughout North Downtown that add richness and variety to the built environment.

DSG 5.9 **Makers' Row architectural flexibility:** Makers' Row should be an area of particular architectural creativity, flexibility, and allowances for diverse building forms and orientation. Buildings in Makers' Row should include design features that reflect the desired character of the district. This includes:

- A mix of industrial and modern building styles and treatments
- Varied roof and building forms
- Non-traditional materials and forms

DSG 5.12 **High-quality, durable materials:** New developments shall utilize high-quality, durable finishing materials such as concrete, steel, stone, hardwood, and glass. Low quality materials such as T1-11 siding and spray stucco are discouraged.

DSG 5.13 **Architectural corner treatments:** Building corners should be treated with distinct massing and materials and architectural features to heighten visual interest.

DSG 5.14 **Architectural details:** Encourage architectural details such as reveals, course lines, decorative cornices, columns, canopies, arbors, and trellises.

DSG 5.15 **Auto sales and services:** The architecture of auto dealership buildings should be designed with an urban showroom format with large display windows and architectural detailing to visually enhance the Plan Area.

DSG 5.16 **Frontage orientation:** Buildings should be designed to face and frame adjoining streets, plazas, outdoor spaces, and pathways.

DSG 5.17 **Minimum setback:** Buildings are encouraged to be built to the minimum setback to establish an attractive "streetwall" and reduce the prominence of expansive surface parking and car sales lots.

DSG 5.18 **Pedestrian-oriented façade design:** Buildings should have well-proportioned, human-scaled façade elements and amenity areas to create an environment that invites pedestrian activity.

DSG 5.19 **Visual interest:** Building walls facing public streets and walkways should provide visual interest for pedestrians. Variations such as display windows, changes in building form, and changes in color, material, and/or texture are encouraged.

DSG 5.20 **Materials and colors:** Vary materials and colors to break up large wall planes and enhance key components of a building's façade (e.g., window trim, projecting elements).

DSG 5.21 **Blank walls:** Blank walls (facades without doors, windows, landscaping treatments or other elements of pedestrian interest) should be less than 30 feet in length along sidewalks, pedestrian walks, or outdoor space.

DSG 5.22 **Vegetated walls:** Vegetated or landscaped "green" walls or screen elements are encouraged to help integrate building walls with adjacent landscape areas.

DSG 5.23 **Frequency of entrances.** Building entrances should be located at least every 50 feet, to a maximum separation of 100 feet, depending on ground floor use. Corner commercial uses should have a corner entrance or an entrance along each street frontage.

DSG 5.24 **Building transparency:** Transparent glass is strongly encouraged along all building facades. Window films, mirrored glass, and spandrel glass are strongly discouraged along the ground floor street frontage. The majority of all nonresidential facades along streets, pedestrian pathways, or plazas should be transparent, providing visibility into and out of the space through clear windows.

DSG 5.25 **Underground utilities:** All new utilities and utility connections shall be placed underground, unless otherwise prohibited by the utility provider (e.g., water backflow prevention device that must be placed above ground).

DSG 5.26 **Integrated design of utilities:** Any above-ground utilities, trash receptacles and enclosures, transformers, or other ground-based equipment should be screened or integrated within the building architecture. When this is not possible, these ancillary features may be located in freestanding enclosures compatible with the development's architecture style. They should not be located within the front setback area, along mid-block pedestrian connections, within 50 feet of a street corner, within the public right-of-way, or in other locations that will diminish the pedestrian environment.

DSG 5.27 **Outdoor dining:** Outdoor dining is strongly encouraged in North Downtown, especially in the Arts District and along North Broadway. Umbrellas and other shade devices should not obstruct building entrances or signage. Planters or railings should be used to separate seating areas from the sidewalk.

DSG 5.28 **Ground floor residential frontage:** Ground-floor residential frontage and setback areas are encouraged to include stoops, stairs, patios, terraces, gardens, and active lobby spaces that will foster greater social interaction and activate the street.

DSG 5.29 **Upper-floor residential frontage:** Upper-floor residential frontages are encouraged to include balconies, windows, and other architectural elements that provide visibility onto the street.

DSG 5.30 **Transitions from public to private:** Residential frontages are encouraged to provide landscaped areas, stoops, terraces, and/or porches along the sidewalk to clearly delineate the transition from public to private space.

DSG 5.31 **Street entrances.** Ground-floor residential units should have direct pedestrian access to the adjacent street, sidewalk, or outdoor space.

DSG 5.32 **Heightened visibility:** Residential building frontages should provide "eyes on the street" through frequent windows and doors to increase pedestrian safety and provide a sense of community.

DSG 5.33 **Minimum interior residential height:** Residential ground floors should have a minimum 12-foot floor-to-floor height.

DSG 5.34 **Active frontage:** Retail and restaurant frontage and setback areas are encouraged to incorporate shopfronts, outdoor seating and dining areas, retail stands and kiosks, and regular doors and windows that will help activate the sidewalk and street.

DSG 5.35 **Transparency:** Windows should be provided along all street-facing frontages to add visual interest. Storefront windows should maximize transparency at ground floor so views into the spaces are not obstructed.

DSG 5.36 **Minimum interior retail height:** All ground-floor retail uses and other ground-floor nonresidential uses identified in Figure 3.2 should have a minimum 16-foor indoor floor-to-floor ceiling-structure height.

DSG 5.37 **Entrances:** Orient principal building entrances to directly face public streets, public pedestrian pathways, and/or public outdoor spaces (such as a landscaped square, plaza or similar space), with doors or windows facing the street, pathway, or outdoor space. Design entries to be clearly visible from the street, accentuated from the overall building façade, through the use of a differentiated roof, awning or portico, recessed entries, doors and doorway with design details, trim details, decorative lighting, signage, or other techniques.

DSG 5.38 **Ground-floor office setback area:** Front setback areas for ground-floor office uses are encouraged to include landscaping or seating for guests and employees, public amenity areas, and other spaces that promote gathering, social activity, and pedestrian activity.

DSG 5.39 **Office building facades:** Office building façades should be composed of elements that provide high transparency, regular articulation, street-level doors and windows, and other façade elements that activate and interact with the sidewalk and street.

DSG 5.41 **Showrooms required:** Automobile sales uses are strongly encouraged to utilize indoor, retail-format showrooms instead of outdoor automobile display. Outdoor automobile displays must be limited to no more than 50 percent of the length of the parcel along the sidewalk or right-of-way.

DSG 5.42 **Showroom orientation:** Automobile sales showrooms should be oriented to face the public sidewalk within the front setback area, with the appearance, visual permeability, and façade design of a traditional ground-floor retail space.

DSG 5.43 **Minimum interior showroom height:** Ground-floor auto sales uses should have a minimum 16-foot indoor floor-to-ceiling-structure height.

DSG 5.44 **Outdoor automobile sales display orientation:** Outdoor automobile sales display areas are strongly discouraged. If there is outdoor automobile display, it may occur within the front setback area and should be covered with an integrated building element, such as an outdoor arcade, gallery, extended roof or similar structure. Outdoor display areas should be designed in conjunction with an indoor showroom.

Uncovered outdoor automobile display areas and outdoor automobile display areas located outside of the front setback area must be approved by the Design Review Commission.

DSG 5.45 **Outdoor automobile sales display design:** Any outdoor automobile display areas should be specially designed as an inviting, pedestrian-oriented display area with features such as special paving, seating, landscaping, bollards, and lighting.

DSG 5.46 **Public seating:** Public seating areas with amenities such as shade trees, landscaping, and benches are encouraged for visitors and employees to provide areas for people to wait while their cars are being serviced.

DSG 5.47 **Screened service bays:** The service area and/or service bays shall be screened or sited so they are not visible from the street.

DSG 5.48 **Repair center:** Vehicles under repair shall be kept either inside a structure or in an area that is screened from view from the street.

DSG 7.1 **Sign materials:** Signs should be made of durable and high-quality materials, such as metal or wood.

DSG 7.2 **Compatibility:** All signage should be compatible with the scale and architecture of the building. As stated in the City's sign regulations, the total aggregate sign area shall be calculated based upon the building frontage and floor area of the particular use.

DSG 7.3 **Sign types:** small-scale, projecting signs such as shingle signs, bracket signs, wall signs, and under-canopy signs are encouraged, particularly in mixed-use areas, the Arts District, and other pedestrian-oriented areas. Freestanding signs (including monument and post signs) are discouraged.

DSG 7.4 **Sign design:** Sign shapes, materials, colors, and type styles should complement building styles and reflect the business that they represent in creative, fun, and functional ways.

DSG 7.5 **Sign location:** All signage should be pedestrian-oriented, attractive, and well-integrated into building facades.

DSG 7.7 **Makers' Row district signage:** Sign designs in the Makers' Row District should be consistent with the desired character (edgy, industrial, and unique) of the district. Signage materials and designs are encouraged to reflect the nature of the makers' business. Neon signs (or LED signs that look like neon) are allowed and encouraged in Makers' Row.

DSG 7.8 **Building sign placement:** Signage should not obscure architectural details, such as recesses, structural bays or fenestration.

MB 1.26 **Parking aesthetics and orientation:** Minimize the negative aesthetic impacts of parking by locating parking within structures or below buildings in subterranean structures, where feasible. In the limited situations where surface lots are appropriate, locate the parking behind buildings.

Design Review Guidelines

The 1996 Citywide Design Review Guidelines contains policies to evaluate and review projects proposed for the Design Review Commission's approval.[2] The Design Review Guidelines address site relationships, landscape design, off-street parking design, fencing, screening, architecture, signage, and special environmental constraints.

In 2018, the City adopted Objective Design Standards (ODS), which serve as an addendum to the existing Citywide Design Review Guidelines. The purpose of the ODS is to fill in identified gaps in the existing document as they relate to current development best practices for market rate and/or affordable multi-family residential projects. Many of the standards relate to the design of multi-family developments that employ urban and mixed-use formats that were not common in Walnut Creek in 1996 when the Citywide Design Review Guidelines were adopted. A project that goes through Design Review may request exceptions to the design standards from the Design Review Commission. The City's current discretionary Design Review process will continue to apply to all multi-family residential development projects that do not satisfy the requirements under state law to qualify for streamlined permitting and/or to the extent otherwise required under applicable laws and regulations.[3]

Municipal Code

Zoning Ordinance

The City's Zoning Ordinance (Title 20, Chapter 2) identifies specific zoning districts within the City and describes the development standards that apply to each district.[4] For example, the Zoning Ordinance includes standards in each district for items relating to density, intensity, lot area, building height, and building orientation. In 1985, Measure A, also known as the Building Height Freeze Initiative, was passed during a special election. Measure A caps building heights within Walnut Creek at their limitations in 1985 and requires the approval of the electorate to raise building heights or allow any building over six stories in height. Additionally, the Zoning Ordinance includes regulations for exterior lighting, ensuring that light sources are shielded.

Tree Preservation Ordinance

The City's Tree Preservation Ordinance recognizes that the preservation of trees enhances the natural scenic beauty, sustains the long-term potential increase in property values that encourages quality development, maintains the original ecology, creates the identity and quality of the City that is necessary for successful businesses to be established and continue, and improves the attractiveness of the City to visitors.

[2] City of Walnut Creek. 1996. Design Review Guidelines. July.
[3] See Multi-Family Residential Objective Design Standards, adopted by the City Council on October 2, 2018.
[4] City of Walnut Creek. Revised March 2022. Walnut Creek Municipal Code, Chapter 2. Zoning. Website: https://www.codepublishing.com/CA/WalnutCreek/#!/WalnutCreek10/WalnutCreek1002A.html. Accessed July 1, 2022.

Design Review

The City's Design Review Commission was established to enforce design standards, policies, and practices that promote aesthetics, encourage economic vitality, and enhance the design of the City's built environment. Nearly all development within the City is subject to design review, whether by the Design Review Commission, or by an authorized designee, as detailed more fully in the applicable laws and regulations including those set forth in the Municipal Code.

Design review is intended to improve the general standards of orderly development of the City; improve and augment the controls related to planning and building to promote development that is in the best interests of the public health, safety, and welfare of the City; and to establish standards and policies that will promote and enhance good design, site relationships, and other aesthetic considerations in the City.

3.1.5 - Thresholds of Significance

Utilizing the guidance in the CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to aesthetics, light and glare would be significant, the following questions are analyzed and evaluated. Would the proposed project:

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?[5]

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

3.1.6 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

The 2019 NDSP EIR relied upon, among other things, field observations within the NDSP area, background reports prepared for the NDSP, and publicly available planning documents. As detailed therein[6] and more fully below, the 2019 NDSP EIR identified less than significant impacts with respect to scenic vistas, visual character, light and glare and cumulative aesthetics impacts, and therefore did not include any mitigation measures. In certifying the 2019 NDSP EIR, the City reasonably found that development within the NDSP area would be required to adhere to all applicable federal, state, and

[5] Given the urban nature of the project site and vicinity, this analysis evaluates the proposed project's impacts in an urbanized context.

[6] Refer to Section 4.12, Aesthetics of the 2019 NDSP EIR; pages 4.12-5 to 4.12-18.

local laws and regulations, including, among others, applicable provisions of the General Plan, Walnut Creek Municipal Code (Municipal Code), and the City's 1996 Design Review Guidelines (Design Review Guidelines). These local laws and regulations include height, setback limitations, massing, and site planning, among other regulations. The 2019 NDSP EIR also determined that there would be no impacts related to State Scenic Highways. No mitigation measures were required to reduce potential impacts to less than significant for aesthetics for the reasons set forth in the 2019 NDSP EIR. As described below, the conclusions of the 2019 NDSP EIR would not substantially change because of the proposed project would also have less than significant impacts.

Proposed Project Analysis and Conclusion

Scenic Vistas

Impact AES-1:	**The proposed project would not have a substantial adverse effect on a scenic vista.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR found that development associated with implementation of the NDSP, including development of buildings up to 89 feet in height, could potentially block or otherwise adversely affect existing views including those of open space, hills, and Mount Diablo (visible from scenic corridors, including Ygnacio Valley Road, the BART tracks, Civic Drive, and North Broadway). However, the 2019 NDSP EIR concluded that development within the NDSP area would be subject to Goal 18, Policy 18.1 and 18.2, and Actions 18.1.3 and 18.1.4 of Chapter 4, Built Environment, of the General Plan, which aim to protect existing views and vistas within the City by, among other things, preserving and enhancing the off-site visual appearance of open space lands, particularly the view from other vantage points in the City and keeping public visual buffers between developed areas. Future development associated with implementation of the NDSP would also be required to adhere to applicable development standards in the General Plan and Zoning Ordinance and applicable design guidelines, which would ensure new structures are appropriately limited in scale, massing, and height and adequately set back to minimize obstruction of such views and vistas.

The NDSP amended building height regulations for some land uses within the NDSP area, but the NDSP recognized the building height limitations under Measure A[7] (pursuant to NDSP Policy 1.1). In addition, future development proposals within the NDSP area would be required to undergo the City's applicable design review process and would be required to adhere to applicable design guidelines. In certifying the 2019 NDSP EIR, the City concluded that compliance with relevant General Plan goals, policies, and actions, the Zoning Ordinance, the City's Design Review process and other applicable laws and regulations would ensure that future development associated with the NDSP would maintain and protect views of scenic vistas and impacts would be less than significant.

Supplemental Analysis of the Proposed Project

The General Plan identifies views of surrounding open space, hills, and Mount Diablo as "integral to the City's identity, sense of place, and character."[8] Additionally, the General Plan identifies North

[7] Measure A requires approval of the electorate to raise buildings heights or allow any building over six stories in height.
[8] City of Walnut Creek. 2006. Walnut Creek General Plan 2025, Chapter 4: Built Environment, page 4-29. April 4.

Broadway, North California Boulevard/Lawrence Way, Civic Drive, and Ygnacio Valley Road as scenic corridors[9] and Action 18.1.1 of Chapter 4, Built Environment, of the General Plan identifies public vistas and views (Exhibit 3.1-1). As shown on Exhibit 3.1-1, the General Plan identifies a Panoramic View at the intersection of Mount Diablo Boulevard and Alpine Road, which is approximately 0.75 mile south of the project site. The designated Panoramic View is facing east, which is not in the direction of the project site.

While not a scenic vista or an otherwise expressly protected view, the General Plan designates Urban Views, defined as closer views of urban areas, such as the Downtown area. [10] An Urban View is designated just north of the intersection of Ygnacio Valley Road and North Civic Drive, approximately 0.01 mile east of the project site and at the intersection of Trinity Avenue and Oakland Boulevard, which is approximately 0.62 mile south of the project site. Both designated Urban Views are facing east, which is not in the direction of the project site.

None of the other protected views are within 0.5 mile of the project site. Therefore, consistent with Action 18.1.3 of the General Plan, the proposed project would not block or otherwise substantially impair any of these protected views.

Given intervening structures, vegetation, and topography, only minimal views of surrounding open space, hills, and Mount Diablo are available from the project site. Development of the proposed project could further obstruct existing minimal views of the open space, hills, and Mount Diablo from scenic corridors, including North Broadway, North California Boulevard/Lawrence Way, Civic Drive, Ygnacio Valley Road, and the BART tracks.

Under the proposed project (including the proposed NDSP amendments), the proposed Mixed Use Special District (and related proposed conforming amendments to the NDSP to ensure consistency) would guide the redevelopment of the project site to support the intensification of a mix of uses. All end uses would be multi-story, with an assumed height maximum between 35 and 50 feet above finished grade as well as an assumed buildout at the maximum FAR and would be constructed in accordance with all applicable development standards and design guidelines Consistent with the 2019 NDSP EIR, the proposed project would be required to comply with the applicable laws and regulations as well as be consistent with relevant General Plan and NDSP (as amended) goals, policies, and actions (including, but not limited to, Goal 18, Policy 18.1 and 18.2, and Actions 18.1.3 and 18.1.4 of Chapter 4, Built Environment).

These goals, policies, and actions aim to protect existing views and vistas within the City by, among other things, preserving and enhancing off-site visual appearance of open space lands, particularly the view from other vantage points in the City and keeping public visual buffers between developed areas. In compliance with these policies and actions, the buildings would be cited in a way to preserve existing minimal views of the open space, hills, and Mount Diablo from scenic corridors, including North Broadway, North California Boulevard/Lawrence Way, Civic Drive, Ygnacio Valley Road, and the BART tracks, which would be confirmed during design review. In addition, height,

[9] City of Walnut Creek. 2006. Walnut Creek General Plan 2025, Figure: Urban and Non-Urban Areas with Scenic Corridor Views, page 4-29. April 4.

[10] City of Walnut Creek. 2005. Walnut Creek General Plan 2025 Draft Environmental Impact Report. August.

setback and massing limitations included in the NDSP would preserve these views as well by keeping public visual buffers between developed areas. Given the project site's location, the proposed project would not have a substantial adverse impact on any scenic vistas and/or other identified protected views. Moreover, the proposed project's adherence to the foregoing would help further ensure no significant impact in this regard. Consistent with the 2019 NDSP EIR, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Scenic Resources

Impact AES-2:	**The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway.**

Conclusions in the 2019 NDSP EIR

There are two officially designated State Scenic Highways in the vicinity of the NDSP area: a 14-mile segment of I-680 from the southern Alameda County line north to SR-24 and a 9-mile segment of SR-24 from I-680 to the Caldecott Tunnel.[12] The segments of I-680 and SR-24 that are officially designated State Scenic Highways are located approximately 0.5 mile from the closest NDSP area boundary. The 2019 NDSP EIR concluded that there would be no impact on scenic resources with respect to State Scenic Highways because no State Scenic Highways are located within the NDSP area.

Supplemental Analysis of the Proposed Project

Consistent with the 2019 NDSP EIR, given the absence of scenic resources such as scenic highways proximate to the project site (the nearest is 0.75 mile south of the project site), and the presence of intervening vegetation and development between the project site and the nearest scenic highway, the proposed project would not substantially damage any scenic resources and would not adversely affect views from a State Scenic Highway. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and the no impact conclusion would remain the same.

Level of Significance

No impact.

[12] California Department of Transportation (Caltrans). 2018. California State Scenic Highway System Map. Website: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed October 20, 2021.

Scenic Quality

Impact AES-3: The proposed project is within an urbanized area. The proposed project would not conflict with applicable zoning or other regulations governing scenic quality.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR found that future development associated with the implementation of the NDSP could change the existing visual character on individual project sites. The types of projects included in the NDSP include office, auto sales and custom manufacturing, general retail, mixed use-commercial emphasis, mixed use-residential emphasis, mixed use-golden triangle, and pedestrian retail. The NDSP and the project types envisioned in the NDSP promote infill and transit-oriented development and the NDSP provides standards and guidelines for new development, including site planning standards, such as DSG 4.1, DSG 4.2, DSG 4.5, DSG 4.17, DSG 4.20, DSG 4.23, DSG 4.24, DSG 4.29, DSG 4.32, DSG 4.34 through DSG 4.40, DSG 4.43, DSG 4.44, DSG 4.47, DSG 4.48, DSG 4.50, and DSG 4.54 through DSG 4.58 and those related to building height, massing, setbacks, landscaping, intensity, and site planning, such as DSG 5.1 through DSG 5.9 and DSG 5.12 through DSG 5.48. The 2019 NDSP EIR concluded that the development contemplated in the NDSP would be required to adhere to the applicable standards and guidelines for development, including, but not limited to, the policies included in the NDSP, as described above, and Goals 5, 13, 14, 16, and 19, Policies 5.1, 13.1, 13.2, and 13.3, and Actions 13.1.1 and 13.1.2 of Chapter 4, Built Environment, of the General Plan and the applicable design review guidelines pursuant to the applicable City design review process. These standards would help ensure individual development within the NDSP area would be generally consistent with the intensity and use of the existing conditions within the NDSP area. Therefore, future development within the NDSP was determined not to degrade the existing visual character of the NDSP area. Therefore, the 2019 NDSP EIR concluded that the NDSP would have a less than significant impact related to scenic quality.

Supplemental Analysis of the Proposed Project

As a result of changes to the CEQA Guidelines after the 2019 NDSP was certified, there is a different threshold that applies in this supplemental analysis. Because the proposed project is in an urbanized area, its impacts to scenic quality are now analyzed in terms of compatibility with applicable zoning and other applicable regulations governing scenic quality. The NDSP currently designates the project site as Automobile Sales/Service and Custom Manufacturing (AS-CM). Auto sales, service, and ancillary uses are permitted as of right, but other potential uses that are contemplated by the proposed project (e.g., multi-family residential) are not currently permitted. The current maximum allowed floor area ratio (FAR) is 1.5/1.8 (Exhibit 3.1-2), although the NDSP currently contemplates the ability of developments to be constructed up to a maximum of 2.5/2.8 if additional community benefits were provided by the development subject to a separate Community Benefit Agreement process under the Municipal Code.[13,14]

The proposed amendments to the NDSP (and related conforming amendments to the General Plan and Municipal Code) could result in a net new increase of auto sales, service, and ancillary uses as compared

[13] Under the existing NDSP, the FAR for the project site can be increased to 2.5/2.8 with the provision of additional community benefits pursuant to Chapter 4, Section 2, Community Benefits of the NDSP. This "bonus FAR" is achieved through a specified process set forth in the NDSP.

[14] City of Walnut Creek. 2019. City of Walnut Creek North Downtown Specific Plan, Figure 4.1: Base Intensity and Building Height, page 60. October 15.

to what was previously contemplated in the NDSP, as well as the introduction of new potential uses such as multi-family residential, hotel uses, and/or other compatible nonresidential uses within the Mixed Use Special District (i.e., Sites A, B, and C). In addition, the proposed project involves amendments to the NDSP to ensure overall conformity, including with respect to the proposed intensification of mix of uses. However, the types of uses permitted outside of the Mixed Use Special District (including, without limitation, the Existing Dealership Site on Site D and existing uses on Site E) would not change as a result of the proposed amendments to the NDSP (and related conforming amendments to the General Plan and Municipal Code).

Pursuant to the NDSP (as amended) and the related applicable zoning, the proposed project would be required to adhere to all applicable development standards including those relating to site planning and design standards, such as DSG 4.1, DSG 4.2, DSG 4.5, DSG 4.17, DSG 4.20, DSG 4.23, DSG 4.24, DSG 4.29, DSG 4.32, DSG 4.34 through DSG 4.40, DSG 4.43, DSG 4.44, DSG 4.47, DSG 4.48, DSG 4.50, and DSG 4.54 through DSG 4.58 and those related to building height, massing, setbacks, landscaping, intensity, and site planning, such as DSG 5.1 through DSG 5.9 and DSG 5.12 through DSG 5.48. With respect to development intensity under the NDSP (as amended), development within the Mixed Use Special District would be required to adhere to a maximum FAR of 2.5/2.8 by right except as otherwise provided for under applicable laws and regulations.[15]

Accordingly, consistent with the 2019 NDSP EIR, development of the proposed project would be required to develop a mix of uses that adhere to all applicable development standards and design guidelines for development identified in Chapter 4 and Chapter 5 of the NDSP (as amended) as well as, but not limited to, Goals 5, 13, 14, 16, and 19, Policies 5.1, 13.1, 13.2, and 13.3, and Actions 13.1.1 and 13.1.2 of Chapter 4, Built Environment, of the General Plan (as amended), and the relevant design guidelines and related design review process. Pursuant to CEQA, the need to obtain approval of legislative amendments to ensure consistency (in the case the proposed amendments to the NDSP, General Plan, and Municipal Code) does not serve as a basis for finding an inconsistency or otherwise identifying a significant impact under this threshold for CEQA purposes.

For the foregoing reasons, the proposed project would not conflict with applicable zoning or other regulations governing scenic quality, and therefore impacts would be less than significant.

Moreover, for informational purposes, it is noted that adherence of the proposed project to the applicable laws and regulations, including relevant goals, policies, and actions, would help to further ensure overall consistency and general visual compatibility with surrounding existing and planned uses in this urbanized context, taking into account the proposed intensification of the project site.

Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

[15] Pursuant to the proposed NDSP amendments, the allowed FAR within the Mixed Use Special District would be 2.5 FAR (for those lands subject to a 35-foot height limit) and 2.8 FAR (for those lands subject to a 50-foot height limit).

Level of Significance

Less than significant impact.

Light and Glare

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

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR concluded that future development associated with the implementation of the NDSP would introduce new sources of light to the NDSP area, but also determined that such new sources would be consistent with the type and intensity of existing light within the NDSP area. The 2019 NDSP EIR concluded that the contemplated development would be required to adhere to the Zoning Ordinance (Title 10, Section 2.3.407[L]), which requires exterior lighting to be shielded so that it is not visible off-site (aside from safety reasons) and DSG 4.66 of the NDSP, which requires dark sky compliant lighting to reduce light pollution. The applicable design guidelines also require light fixtures to be mounted at the appropriate height for the type of development they are associated with to prevent light from being directed off-site. With adherence to the applicable policies and regulations, the 2019 NDSP EIR concluded that the NDSP would have a less than significant impact related to lighting.

The 2019 NDSP EIR found that future development associated with the implementation of the NDSP would introduce new sources of glare within the NDSP area generated by building surfaces, building windows, and vehicle windshields. However, any new development within the NDSP area would be required to adhere to applicable design guidelines and the related design review process, which would ensure potential sources of glare would be reduced through site planning and design and the required use of high-quality exterior buildings materials and avoidance of highly reflective materials. With adherence to the applicable policies and regulations, the 2019 NDSP EIR concluded that the NDSP would have a less than significant impact related to glare.

Supplemental Analysis of the Proposed Project

Similarly, although the project site is currently developed with urban uses, the proposed project would introduce new sources of light and glare on the project site and in the vicinity as a result of the proposed intensification. Sources of daytime glare would include direct beam sunlight and reflections from windows, architectural coatings, glass, and other reflective surfaces. Nighttime illumination and associated glare are generally divided into two sources: stationary and mobile. Stationary sources would include structure lighting and decorative landscaping, lighted signs, solar panels, and streetlights. Mobile sources would primarily consist of headlights from motor vehicles. Consistent with the 2019 NDSP EIR, the proposed project would be required to adhere to all applicable development standards and design guidelines for development of the project site including, without limitation, those addressing light and glare identified in the Zoning Ordinance (Title 10, Section 2.3.407[L]) and DSG 4.59, DSG 4.64, DSG 4.65, DSG 4.66, and DSG 4.67 of the NDSP (as amended), among other applicable regulations. For example, consistent with the analysis in the 2019 NDSP EIR, the proposed project would be required to ensure that light fixtures were mounted at the appropriate height for the type of development they are associated with (to prevent light from being

directed off-site) and high-quality exterior buildings materials were used and highly reflective materials were avoided. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under any Scenario (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

3.1.7 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

In certifying the 2019 NDSP EIR, the City concluded that the combination of development under the NDSP, combined with other past, present, and reasonably probable future projects adjacent to and in close proximity to the NDSP area, would not be expected to result in a significant cumulative impact to visual resources because future projects would subject to the General Plan goals, policies, and actions as well as design review processes described above that would help ensure individual development within the NDSP area and in close proximity to the NDSP area would be generally consistent with the intensity and use of the existing conditions within the NDSP area. The 2019 NDSP EIR concluded implementation of the NDSP would not have a cumulatively considerable contribution to this already less than significant cumulative impact.

Supplemental Analysis of the Proposed Project

For purposes of the proposed project, the geographic area considered for the cumulative visual impact analysis consists of the NDSP area given the nature of aesthetic resource impacts.

Scenic Vistas

The project site and the remaining portions of the NDSP area included in this cumulative analysis are already urbanized and almost entirely built out. Future development in the cumulative context would include predominantly infill residential, office, and commercial consistent with the General Plan and NDSP. Future development would be subject to adherence to applicable development standards and design guidelines and the applicable policies and implementing programs (as described above) to help ensure no significant impacts to scenic vistas in the City. For these reasons, cumulative impacts related to scenic vistas would be less than significant.

As discussed above, the urbanized nature and location of the NDSP area do not generally involve views of scenic vistas that would be significantly impacted. Moreover, the proposed project, combined with other cumulative development, would be subject to specific laws and regulations, including development standards and design guidelines and permitted land uses. Implementation of the foregoing would further ensure no significant impacts to scenic vistas, and thus the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

Scenic Resources

The NDSP area included in this cumulative analysis is primarily urbanized and built out. As described above, there would be no impact on scenic resources within the NDSP area with respect to State Scenic Highways because no State Scenic Highways are located within the NDSP area. There are two officially designated State Scenic Highways in the vicinity of the NDSP area: a 14-mile segment of I-680 from the southern Alameda County line north to SR-24 and a 9-mile segment of SR-24 from I-680 to the Caldecott Tunnel.[16] The segments of I-680 and SR-24 that are officially designated State Scenic Highways are located approximately 0.5 mile from the closest NDSP area boundary. Given the distance between the NDSP area and these segments and the presence of intervening vegetation and development, neither segment can be seen from the NDSP area and the NDSP area cannot be seen from either segment. For these reasons, there would be no cumulative impacts related to scenic resources (within a State Scenic Highway).

As described above, given the absence of scenic resources such as scenic highways proximate to the project site (the nearest is 0.75 mile south of the project site), and the presence of intervening vegetation and development between the project site and the nearest scenic highway, the proposed project would not substantially damage any scenic resources and would not adversely affect views from a State Scenic Highway. Therefore, the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

Scenic Quality

In terms of potential cumulative impacts associated with the overall scenic quality, consistent with the cumulative analysis set forth in the 2019 NDSP EIR, the proposed project, combined with other cumulative projects within the NDSP area, would be required to adhere to applicable General Plan goals, policies, actions, and guidelines as well as those set forth in the NDSP (as amended) and the Municipal Code (as amended). Accordingly, given the urbanized nature of the project site and remaining portions of the NDSP area, consistency with the foregoing would ensure that the cumulative impacts would be less than significant.

Moreover, as described above, for these same reasons, the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

[16] California Department of Transportation (Caltrans). 2018. California State Scenic Highway System Map. Website: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed October 20, 2021.

Light and Glare

All cumulative development would consist primarily of infill development, which could increase light and glare in the NDSP area. Cumulative development could include streetlights, exterior lighting, safety lighting, lighting from vehicles, and sources of glare from the buildings and vehicles. Local regulations related to light and glare would be applicable to all cumulative development; therefore, cumulative impacts would be less than significant.

The project site is already developed with urban uses. However, given the assumed intensification that is contemplated under the proposed project, combined with other cumulative development, it would increase light and glare compared to existing conditions. Lighting and exterior building materials associated with the proposed project and other cumulative development within the NDSP area would be subject to applicable standards and requirements to ensure no significant cumulative impacts. For example, the proposed project, as well as other cumulative development, would be subject to applicable design review processes and required to use appropriate building materials including anti-reflective material and to design exterior lighting so that it is directed downward and away from adjacent properties. Adherence to the foregoing would help to minimize, to the extent feasible, the light and glare impacts for the proposed project combined with other cumulative development to ensure there would be no significant cumulative impact. Moreover, for the reasons set forth above, the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. The proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

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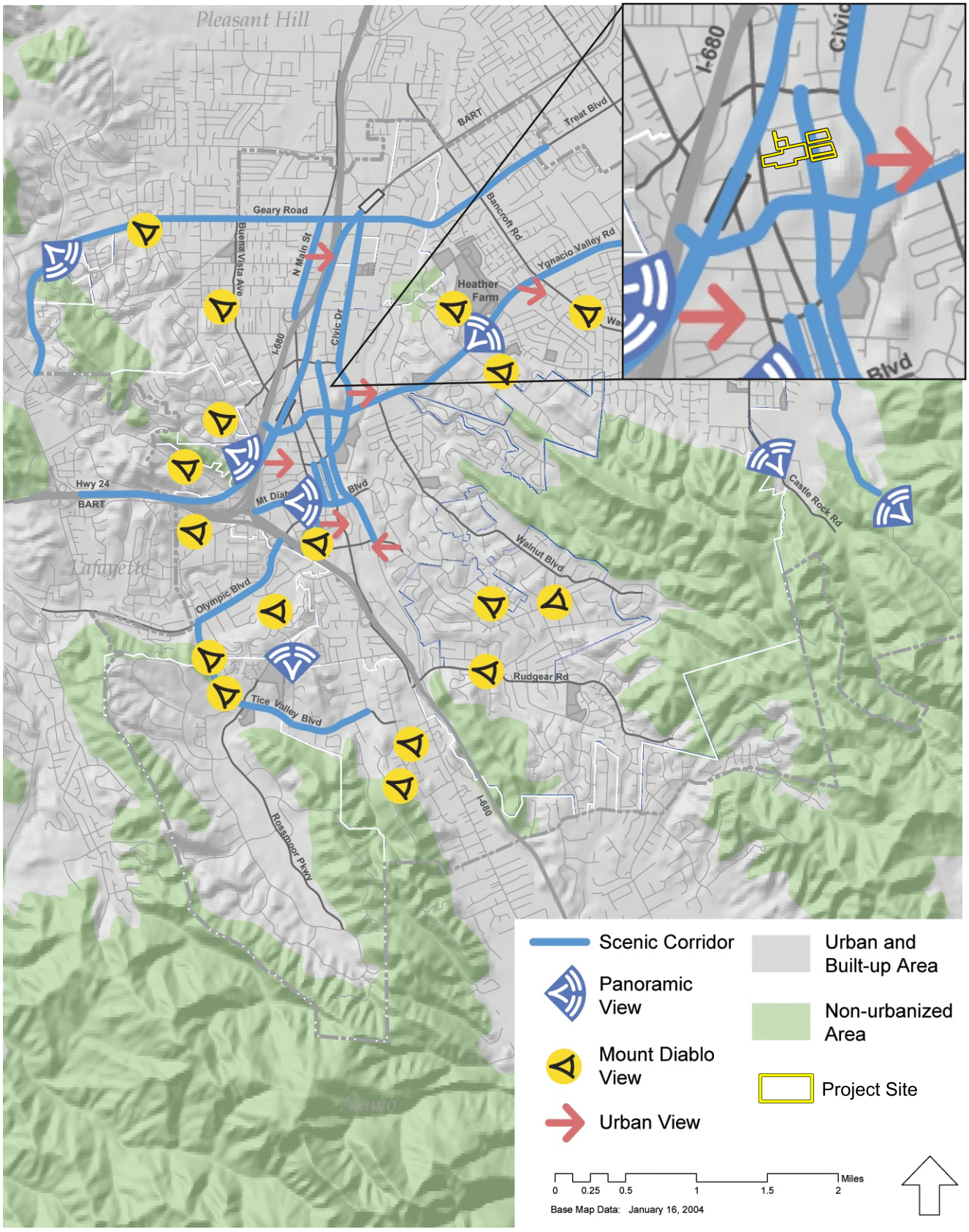
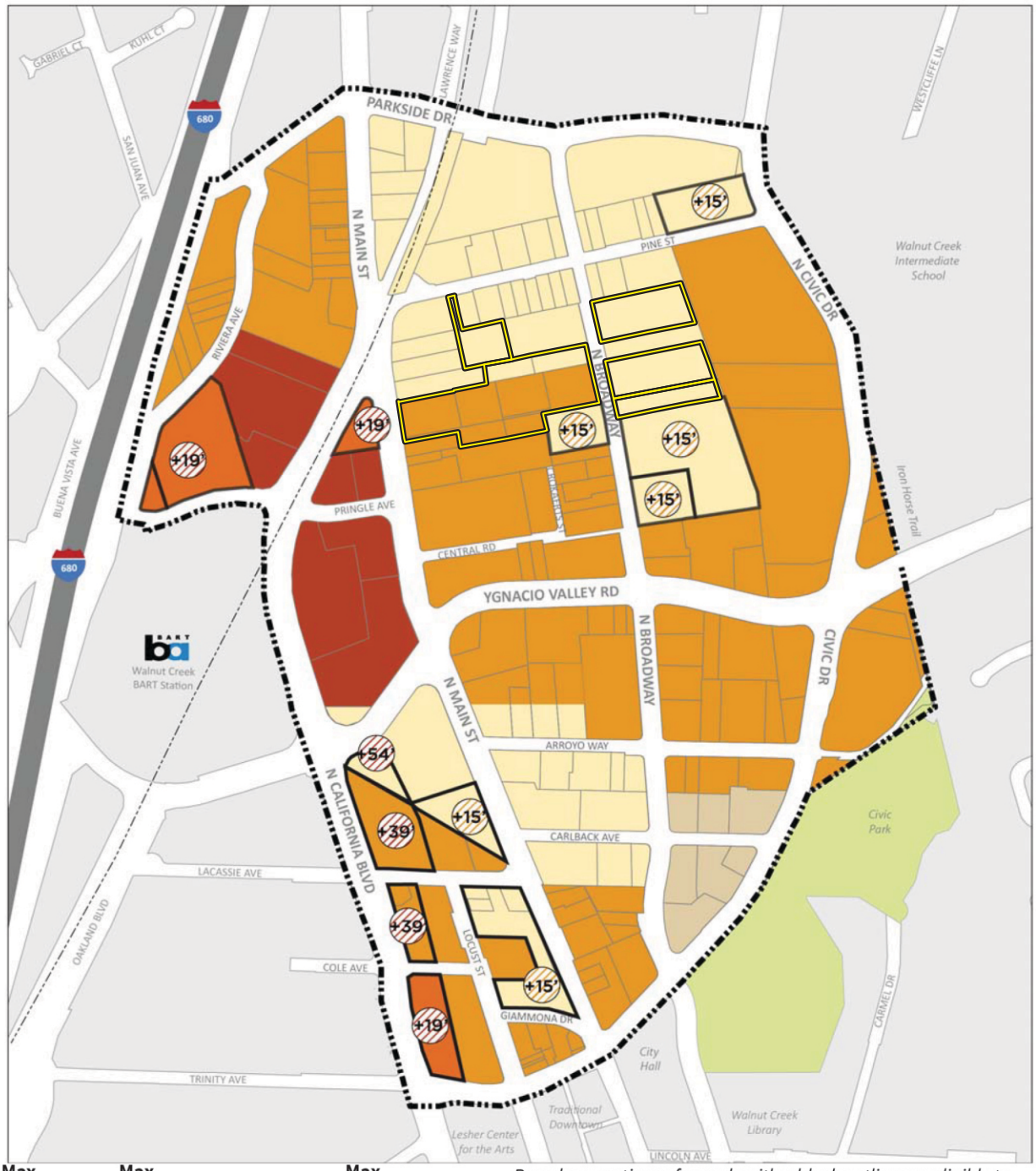


Exhibit 3.1-1
Urban and Non-Urban Areas with Scenic Corridors and Views

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Max FAR (base)	Max FAR (with community benefit)	Max Height (base)
1.5	2.5	35'
1.8	2.8	45'
1.8	2.8	50'
2.5	3.5	70'
3.5	4.5	89'

Available height increase (and associated FAR) over base with community benefit

Project Site

Parcels or portions of parcels with a black outline are eligible to increase their maximum height to the Measure A Maximum, with the provision of community benefit. The amount of the potential height increase over the base is shown on each eligible parcel. For projects that receive a height increase through provision of community benefit, the Max FAR may correlate with that increased height. For instance, if the maximum height of a project increases from 35 feet to 50 feet through the provision of community benefit, the associated Max FAR will be 2.8.

Exhibit 3.1-2
Intensity and Building Height Potential
North Downtown Specific Plan

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3.2 - Air Quality

3.2.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports, studies, and other materials have been prepared to document the information necessary to make the certified North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes existing air quality conditions regionally and locally as well as the relevant regulatory framework, and the potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth in the North Downtown Specific Plan Environmental Impact Report (2019 NDSP EIR). The analysis in this section is based, in part, on project-specific air quality modeling results utilizing California Emissions Estimator Model (CalEEMod) Version 2020.4.0 and the American Meteorological Society/United States Environmental Protection Agency (EPA) Regulatory Model (AERMOD), Version 21112. Complete modeling output is provided in Appendix C. No public comments were received during the Notice of Preparation (NOP) scoping period for this Draft Supplemental EIR (Draft SEIR) related to air quality.

3.2.2 - Scenario Evaluation

As noted in Chapter 2, Project Description, the Applicant is requesting that the City of Walnut Creek ("City") approve amendments to the NDSP (along with conforming amendments to the Walnut Creek General Plan [General Plan] and Municipal Code to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service and ancillary uses as well as a range of additional potential, compatible uses such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific individual development proposal for the project site has been formally submitted to the City; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed amendments, this Draft SEIR considers three potential development scenarios (as described further below) that reflect a reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates [Site D], and an approximately 0.82-acre property [Site E], located adjacent to Site A). This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

For purposes of the analysis set forth in this Section 3.2, Air Quality, the City and its CEQA consultant conducted a preliminary assessment of each of these potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) to determine the Scenario that would result in the "reasonable worst-case" under each environmental topic area. As explained more fully in Appendix B,

Comparative Summary of Potential Impacts, the nature of the different uses that could be developed under each Scenario could result in potentially differing emissions during construction and operation as a result of differing trip generation/distribution, location of sensitive receptors, etc.; in addition, there are multiple thresholds to be applied in CEQA for purposes of determining air quality impacts. Table 3.2-1 provides the reasonable worst-case scenario for each impact criteria, which are explained in greater detail in Appendix B.

Table 3.2-1: Reasonable Worst Case Scenario Per Environmental Topic Area for Air Quality

Environmental Topic Area	Reasonable Worst Case Scenario
Consistency with Air Quality Plan	Scenario 2 (auto sales and service, office, multi-family residential, and hotel)
Cumulative Criteria Pollutant Emissions (during construction)	Scenario 2 (auto sales and service, office, multi-family residential, and hotel)
Cumulative Criteria Pollutant Emissions (during operation)	Scenario 2 (auto sales and service, office, multi-family residential, and hotel)
Sensitive Receptors Exposure to Pollutant Concentrations	Scenario 2 (auto sales and service, office, multi-family residential, and hotel)
Objectionable Odors Exposure (during construction)	Scenario 3 (auto sales and service, office, and multi-family residential)
Objectionable Odors Exposure (during operation)	Scenario 3 (auto sales and service, office, and multi-family residential)

3.2.3 - Environmental Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. For additional information regarding the existing conditions related to air quality in the North Downtown Specific Plan (NDSP) area and project site and vicinity as well as the relevant regulatory framework were also referenced for this analysis and can be found in Section 4.3 (pages 4.3-1 through 4.3-33) of the 2019 NDSP Environmental Impact Report (2019 NDSP EIR).

Regional Geography and Climate

San Francisco Bay Area Air Basin

The project site is in the City of Walnut Creek, which is within the San Francisco Bay Area Air Basin (SFBAAB), and under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The SFBAAB consists of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, the western portion of Solano County, and the southern portion of Sonoma County.

Air quality in the SFBAAB is regulated by the EPA, the California Air Resources Board (ARB), and the BAAQMD. The regulatory responsibilities of these agencies are discussed below in Section 3.2.4. Regional and local air quality within the SFBAAB is impacted by dominant airflows, topography, atmospheric inversions, location, season, and time of day.

Local Climate

A semi-permanent, high-pressure area centered over the northeastern Pacific Ocean dominates the summer climate of the West Coast of the United States. This high-pressure cell called the Pacific High is relatively persistent in influencing the regional weather particularly during the summer months. Consequently, storms rarely affect the California coast during the summer. Thus, the conditions that persist along the coast of California during summer are winds from the northwest direction and negligible precipitation. A thermal low-pressure area located over the Central Valley of California and the southeastern desert areas also causes air to flow onshore over the San Francisco Bay Area much of the summer. This summer-time pattern can be interrupted by local rainfall events caused by the movement of warm moist air from the Gulf of Mexico into California.

The steady northwesterly flow around the eastern edge of the Pacific High exerts wind-caused stress on the ocean surface along the West Coast. This stress induces upwelling of cold water from below. Upwelling produces a band of cold water off San Francisco that is approximately 80 miles wide. During July, the surface waters off San Francisco are 3 degrees Fahrenheit (°F) cooler than those off Vancouver, British Columbia, more than 900 miles to the north. Air approaching the California coast, already cool and moisture-laden from its long trajectory over the Pacific, is further cooled as it flows across this cold bank of water near the coast, thus accentuating the temperature contrast across the coastline. This cooling is often sufficient to produce condensation—a high incidence of fog and stratus clouds along the Northern California coast in summer.

In summer, the northwest winds to the west of the Pacific coastline are drawn into the interior through the gap in the western Coast Ranges, known as the Golden Gate, and over the lower portions of the San Francisco Peninsula. Immediately to the south of Mount Tamalpais, the northwesterly winds accelerate considerably and come more nearly from the west as they stream through the Golden Gate. This channeling of the flow through the Golden Gate produces a jet that sweeps eastward but widens downstream, producing southwest winds at Berkeley and northwest winds at San Jose; a branch curves eastward through the Carquinez Straits and into the Central Valley. Wind speeds may be locally strong in regions where air is channeled through a narrow opening such as the Golden Gate, the Carquinez Strait, or San Bruno Gap. For example, the average wind speed at San Francisco International Airport from 3:00 a.m. to 4:00 p.m. in July is about 20 miles per hour (mph), compared with only about 8 mph at San José and less than 7 mph at the Farallon Islands, 30 miles to the west of San Francisco.

The sea breeze between the coast and the Central Valley commences near the surface along the coast in late morning or early afternoon; it may first be observed only through the Golden Gate. Later in the day, the layer deepens and intensifies while spreading inland. As the breeze intensifies and deepens, it flows over the lower hills farther south along the peninsula. This process frequently can be observed as a bank of stratus clouds “rolling over” the coastal hills on the western side of the bay. The depth of the sea breeze depends in large part upon the height and strength of the inversion. The generally low elevation of this stable layer of air prevents marine air from flowing over the coastal hills. It is unusual for the summer sea breeze to flow over terrain exceeding 2,000 feet in elevation.

In winter, the SFBAAB experiences periods of storminess, moderate-to-strong winds, and periods of stagnation with very light winds. Winter stagnation episodes are characterized by outflow from the Central Valley, nighttime drainage flows in coastal valleys, weak onshore flows in the afternoon, and otherwise light and variable winds.

A primary factor in air quality is the mixing depth (the vertical air column available for dilution of contaminant sources). Generally, the temperature of air decreases with height, creating a gradient from warmer air near the ground to cooler air at elevation. This is caused by most of the sun's energy being converted to heat at the ground, which in turn warms the air at the surface. The warm air rises in the atmosphere, where it expands and cools. Sometimes, however, the temperature of air increases with height. This condition is known as temperature inversion because the temperature profile of the atmosphere is "inverted" from its usual state. Over the SFBAAB, the frequent occurrence of temperature inversions limits mixing depth and, consequently, limits the availability of air for dilution resulting in elevated pollutant levels.

Air Pollutant Types, Sources, and Effects

Criteria Air Pollutants

Air pollutants are termed criteria air pollutants if they are regulated through the implementation of specific public health- and welfare-based criteria as the basis for setting permissible levels. Table 3.2-2 provides a summary of the types, sources, and effects of criteria air pollutants.

Table 3.2-2: Description of Criteria Pollutants of National and California Concern

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
Ozone	Ozone is a photochemical pollutant as it is not emitted directly into the atmosphere but is formed by a complex series of chemical reactions between volatile organic compounds (VOC), nitrous oxides (NO_X), and sunlight. Ozone is a regional pollutant that is generated over a large area and is transported and spread by the wind.	Ozone is a secondary pollutant; thus, it is not emitted directly into the lower level of the atmosphere. The primary sources of ozone precursors (VOC and NO_X) are mobile sources (on-road and off-road vehicle exhaust).	Irritate respiratory system; reduce lung function; breathing pattern changes; reduction of breathing capacity; inflame and damage cells that line the lungs; make lungs more susceptible to infection; aggravate asthma; aggravate other chronic lung diseases; cause permanent lung damage; some immunological changes; increased mortality risk; vegetation and property damage.
Particulate matter (PM_{10}) Particulate matter ($PM_{2.5}$)	Suspended particulate matter (PM) is a mixture of small particles that consist of dry solid fragments, droplets of water, or solid cores with liquid coatings. The particles vary in shape, size, and composition. PM_{10} refers to particulate matter that is	Stationary sources include fuel or wood combustion for electrical utilities, residential space heating, and industrial processes; construction and demolition; metals, minerals, and petrochemicals; wood	• **Short-term exposure (hours/days)**: irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravate existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
	between 2.5 and 10 microns in diameter, (one micron is one-millionth of a meter). $PM_{2.5}$ refers to particulate matter that is 2.5 microns or less in diameter, about one-thirtieth the size of the average human hair.	products processing; mills and elevators used in agriculture; erosion from tilled lands; waste disposal, and recycling. Mobile or transportation related sources are from vehicle exhaust and road dust. Secondary particles form from reactions in the atmosphere.	suffer heart attacks and arrhythmias. • **Long-term exposure**: reduced lung function; chronic bronchitis; changes in lung morphology; death.
Nitrogen dioxide (NO_2)	During combustion of fossil fuels, oxygen reacts with nitrogen to produce nitrogen oxides—NO_X (NO, NO_2, NO_3, N_2O, N_2O_3, N_2O_4, and N_2O_5). NO_X is a precursor to ozone, PM_{10}, and $PM_{2.5}$ formation. NO_X can react with compounds to form nitric acid and related small particles and result in particulate matter (PM) related health effects.	NO_X is produced in motor vehicle internal combustion engines and fossil fuel fired electric utility and industrial boilers. Nitrogen dioxide forms quickly from NO_X emissions. NO_2 concentrations near major roads can be 30 to 100 percent higher than those at monitoring stations.	Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; contributions to atmospheric discoloration; increased visits to hospital for respiratory illnesses.
Carbon monoxide (CO)	CO is a colorless, odorless, toxic gas. CO is somewhat soluble in water; therefore, rainfall and fog can suppress CO conditions. CO enters the body through the lungs, dissolves in the blood, replaces oxygen as an attachment to hemoglobin, and reduces available oxygen in the blood.	CO is produced by incomplete combustion of carbon-containing fuels (e.g., gasoline, diesel fuel, and biomass). Sources include motor vehicle exhaust, industrial processes (metals processing and chemical manufacturing), residential wood burning, and natural sources.	Ranges depending on exposure: slight headaches; nausea; aggravation of angina pectoris (chest pain) and other aspects of coronary heart disease; decreased exercise tolerance in persons with peripheral vascular disease and lung disease; impairment of central nervous system functions; possible increased risk to fetuses; death.
Sulfur dioxide (SO_2)	Sulfur dioxide is a colorless, pungent gas. At levels greater than 0.5 parts per million (ppm), the gas has a strong odor, similar to rotten eggs. Sulfur oxides (SO_X) include sulfur dioxide and sulfur trioxide. Sulfuric acid is formed from sulfur dioxide, which can lead to acid deposition and can harm natural resources and materials. Although sulfur	Human caused sources include fossil fuel combustion, mineral ore processing, and chemical manufacturing. Volcanic emissions are a natural source of sulfur dioxide. The gas can also be produced in the air by dimethyl sulfide and hydrogen sulfide. Sulfur	Bronchoconstriction accompanied by symptoms which may include wheezing, shortness of breath and chest tightness, during exercise or physical activity in persons with asthma. Some population-based studies indicate that the mortality and morbidity effects associated with fine particles show a similar association with ambient sulfur dioxide levels. It

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
	dioxide concentrations have been reduced to levels well below State and federal standards, further reductions are desirable because sulfur dioxide is a precursor to sulfate and PM_{10}.	dioxide is removed from the air by dissolution in water, chemical reactions, and transfer to soils and ice caps. The sulfur dioxide levels in the State are well below the maximum standards.	is not clear whether the two pollutants act synergistically or one pollutant alone is the predominant factor.
Lead (Pb)	Lead is a solid heavy metal that can exist in air pollution as an aerosol particle component. Leaded gasoline was used in motor vehicles until around 1970. Lead concentrations have not exceeded State or federal standards at any monitoring station since 1982.	Lead ore crushing, lead ore smelting, and battery manufacturing are currently the largest sources of lead in the atmosphere in the United States. Other sources include dust from soils contaminated with lead-based paint, solid waste disposal, and crustal physical weathering.	Lead accumulates in bones, soft tissue, and blood and can affect the kidneys, liver, and nervous system. It can cause impairment of blood formation and nerve conduction, behavior disorders, mental retardation, neurological impairment, learning deficiencies, and low intelligence quotients (IQ).

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United States Environmental Protection Agency (EPA). 2021. Indoor Air Quality (IAQ). Volatile Organic Compounds' Impact on Indoor Air Quality. Website: https://www.epa.gov/indoor-air-quality-iaq/volatile-organic-compounds-impact-indoor-air-quality. Accessed December 6, 2021.

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
United States Environmental Protection Agency (EPA). 2021. Nitrogen Dioxide (NO_2) Pollution. Basic Information about NO_2. Website: https://www.epa.gov/no2-pollution/basic-information-about-no2#What%20is%20NO2. Accessed December 6, 2021. United States Environmental Protection Agency (EPA). 2021. Particulate Matter (PM) Pollution. Health and Environmental Effects of Particulate Matter (PM). Website: https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm. December 6, 2021.			

Toxic Air Contaminants

Concentrations of toxic air contaminants (TACs) are also used as indicators of air quality conditions. Air pollutant human exposure standards are identified for many TACs, including the following common TACs relevant to development projects: PM, fugitive dust, lead, and asbestos. These air pollutants are called TACs because they are air pollutants that may cause or contribute to an increase in mortality or in serious illness or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health impact may pose a threat to public health even at low concentrations. TACs can cause long-term health effects (such as cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage) or short-term acute affects (such as eye watering, respiratory irritation, runny nose, throat pain, or headaches).

TACs are separated into carcinogens and noncarcinogens based on the nature of the physiological effects associated with exposure to a particular TAC. Carcinogens are assumed to have no safe threshold below which health impacts would not occur. Cancer risk is typically expressed as excess cancer cases per million exposed individuals, typically over a lifetime exposure or other prolonged duration. For noncarcinogenic substances, there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. These levels may vary depending on the specific pollutant. Acute and chronic exposure to noncarcinogens is expressed as a hazard index (HI), which is the ratio of expected exposure levels to an acceptable Reference Exposure Level (REL). Table 3.2-3 provides a summary of the types, sources, and effects of TACs.

Table 3.2-3: Description of Toxic Air Contaminants of National and California Concern

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
Diesel Particulate Matter (DPM)	DPM is a source of $PM_{2.5}$—diesel particles are typically 2.5 microns and smaller. Diesel exhaust is a complex mixture of thousands of particles and gases that is produced when an engine burns diesel fuel. Organic compounds account for 80 percent of the total PM mass, which consists of compounds such as	Diesel exhaust is a major source of ambient PM pollution in urban environments. Typically, the main source of DPM is from combustion of diesel fuel in diesel-powered engines. Such engines are in on-road vehicles such as diesel trucks, off-road construction vehicles,	Some short-term (acute) effects of DPM exposure include eye, nose, throat, and lung irritation, coughs, headaches, light-headedness, and nausea. Studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
	hydrocarbons and their derivatives, and polycyclic aromatic hydrocarbons and their derivatives. Fifteen polycyclic aromatic hydrocarbons are confirmed carcinogens, a number of which are found in diesel exhaust.	diesel electrical generators, and various pieces of stationary construction equipment.	respiratory problems. Human studies on the carcinogenicity of DPM demonstrate an increased risk of lung cancer, although the increased risk cannot be clearly attributed to diesel exhaust exposure.
VOCs	Reactive organic gases (ROGs), or VOCs, are defined as any compound of carbon—excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate—that participates in atmospheric photochemical reactions. Although there are slight differences in the definition of ROGs and VOCs, the two terms are often used interchangeably.	Indoor sources of VOCs include paints, solvents, aerosol sprays, cleansers, tobacco smoke, etc. Outdoor sources of VOCs are from combustion and fuel evaporation. A reduction in VOC emissions reduces certain chemical reactions that contribute to the formulation of ozone. VOCs are transformed into organic aerosols in the atmosphere, which contribute to higher PM_{10} and lower visibility.	Although health-based standards have not been established for VOCs, health effects can occur from exposures to high concentrations because of interference with oxygen uptake. In general, concentrations of VOCs are suspected to cause eye, nose, and throat irritation; headaches; loss of coordination; nausea; and damage to the liver, the kidneys, and the central nervous system. Many VOCs have been classified as TACs.
Benzene	Benzene is a VOC. It is a clear or colorless light-yellow, volatile, highly flammable liquid with a gasoline-like odor. The EPA has classified benzene as a "Group A" carcinogen.	Benzene is emitted into the air from fuel evaporation, motor vehicle exhaust, tobacco smoke, and from burning oil and coal. Benzene is used as a solvent for paints, inks, oils, waxes, plastic, and rubber. Benzene occurs naturally in gasoline at 1 to 2 percent by volume. The primary route of human exposure is through inhalation.	Short-term (acute) exposure of high doses from inhalation of benzene may cause dizziness, drowsiness, headaches, eye irritation, skin irritation, and respiratory tract irritation, and at higher levels, loss of consciousness can occur. Long-term (chronic) occupational exposure of high doses has caused blood disorders, leukemia, and lymphatic cancer.
Asbestos	Asbestos is the name given to a number of naturally occurring fibrous silicate minerals that have been mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength. The three most common types of asbestos are chrysotile, amosite, and crocidolite.	Chrysotile, also known as white asbestos, is the most common type of asbestos found in buildings. Chrysotile makes up approximately 90 to 95 percent of all asbestos contained in buildings in the United States.	Exposure to asbestos is a health threat; exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a non-cancerous lung disease that causes scarring of the lungs).

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
			Exposure to asbestos can occur during demolition or remodeling of buildings that were constructed prior to the 1977 ban on asbestos for use in buildings. Exposure to naturally occurring asbestos can occur during soil-disturbing activities in areas with deposits present.
Hydrogen Sulfide	Hydrogen sulfide (H_2S) is a flammable, colorless, poisonous gas that smells like rotten eggs.	Manure, storage tanks, ponds, anaerobic lagoons, and land application sites are the primary sources of hydrogen sulfide. Anthropogenic sources include the combustion of sulfur containing fuels (oil and coal).	High levels of hydrogen sulfide can cause immediate respiratory arrest. It can irritate the eyes and respiratory tract and cause headache, nausea, vomiting, and cough. Long exposure can cause pulmonary edema.
Sulfates	Sulfates occur in combination with metal and/or hydrogen ions. Many sulfates are soluble in water.	Sulfates are particulates formed through the photochemical oxidation of sulfur dioxide. In California, the main source of sulfur compounds is combustion of gasoline and diesel fuel.	(a) Decrease in ventilatory function; (b) aggravation of asthmatic symptoms; (c) aggravation of cardio-pulmonary disease; (d) vegetation damage; (e) degradation of visibility; (f) property damage.
Visibility Reducing Particles	Suspended PM is a mixture of small particles that consist of dry solid fragments, droplets of water, or solid cores with liquid coatings. The particles vary in shape, size, and composition. PM_{10} refers to particulate matter that is between 2.5 and 10 microns in diameter (1 micron is one-millionth of a meter). $PM_{2.5}$ refers to particulate matter that is 2.5 microns or less in diameter, about one-thirtieth the size of the average human hair.	Stationary sources include fuel or wood combustion for electrical utilities, residential space heating, and industrial processes; construction and demolition; metals, minerals, and petrochemicals; wood products processing; mills and elevators used in agriculture; erosion from tilled lands; waste disposal; and recycling. Mobile or transportation related sources are from vehicle exhaust and road dust. Secondary particles form from reactions in the atmosphere.	• **Short-term exposure (hours/days)**: irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravates existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias. • **Long-term exposure**: reduced lung function; chronic bronchitis; changes in lung morphology; death.

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
Vinyl Chloride	Vinyl chloride, or chloroethene, is a chlorinated hydrocarbon and a colorless gas with a mild, sweet odor. In 1990, the California Air Resources Board (ARB) identified vinyl chloride as a toxic air contaminant and estimated a cancer unit risk factor.	Most vinyl chloride is used to make polyvinyl chloride plastic and vinyl products, including pipes, wire and cable coatings, and packaging materials. It can be formed when plastics containing these substances are left to decompose in solid waste landfills. Vinyl chloride has been detected near landfills, sewage plants, and hazardous waste sites.	Short-term exposure to high levels of vinyl chloride in the air causes central nervous system effects, such as dizziness, drowsiness, and headaches. Epidemiological studies of occupationally exposed workers have linked vinyl chloride exposure to development of a rare cancer, liver angiosarcoma, and have suggested a relationship between exposure and lung and brain cancers.
Lead (Pb)	Refer to description in Table 3.2-2.	Refer to description in Table 3.2-2.	Refer to description in Table 3.2-2.

Sources:

California Air Resources Board (ARB). 2021. Vinyl Chloride & Health. Website: https://ww2.arb.ca.gov/resources/vinyl-chloride-and-health. Accessed April 1, 2021.

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National Archives and Records Administration. 2009. Part II, Environmental Protection Agency. 40 Code of Federal Regulations Parts 50 and 58, Primary National Ambient Air Quality Standard for Nitrogen Dioxide; Proposed Rule. July 15. Website: https://www.gpo.gov/fdsys/pkg/FR-2009-07-15/pdf/E9-15944.pdf. Accessed April 1, 2021.

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United States Environmental Protection Agency (EPA). 2021. Health Effects of Ozone Pollution. Website: https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution. Accessed April 1, 2021.

United States Environmental Protection Agency (EPA). 2021. Indoor Air Quality (IAQ). Volatile Organic Compounds' Impact on Indoor Air Quality. Website: https://www.epa.gov/indoor-air-quality-iaq/volatile-organic-compounds-impact-indoor-air-quality. Accessed April 1, 2021.

Air Quality

Air quality is a function of both the rate and location of pollutant emissions under the influence of meteorological conditions and topographic features. Atmospheric conditions such as wind speed, wind direction, and air temperature inversions interact with the physical features of the landscape to determine the movement and dispersal of air pollutant emissions and, consequently, their effect on air quality.

Regional Air Quality

The BAAQMD is the regional agency charged with regulating air quality within the nine-county SFBAAB.

Air Pollutant Standards and Attainment Designations

Air pollutant standards have been adopted by the United States Environmental Protection Agency (EPA) and the ARB for the following six criteria air pollutants that affect ambient air quality: ozone, NO_2, CO, SO_2, lead, and particulate matter (PM), which is subdivided into two classes based on particle size: PM with aerodynamic diameters equal to or less than 10 microns (PM_{10}), and PM with aerodynamic diameters equal to or less than 2.5 microns ($PM_{2.5}$). These air pollutants are called "criteria air pollutants" because they are regulated via the implementation of specific public health- and welfare-based criteria as the basis for setting permissible levels. California has also established standards for TACs such as visibility-reducing particles, sulfates, hydrogen sulfide, and vinyl chloride. Table 3.2-4 presents the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality standards (CAAQS) for these air pollutants. Note that there are no State or federal ambient air quality standards for reactive organic gases (ROGs), benzene, or DPM.

Table 3.2-4: Federal and State Air Quality Standards in the SFBAAB

Air Pollutant	Averaging Time	California Standard	Federal Standard[a]
Ozone	1 Hour	0.09 ppm	—
	8 Hour	0.070 ppm	0.070 ppm[f]
Nitrogen dioxide[b] (NO_2)	1 Hour	0.18 ppm	0.100 ppm
	Annual	0.030 ppm	0.053 ppm
Carbon monoxide (CO)	1 Hour	20 ppm	35 ppm
	8 Hour	9.0 ppm	9 ppm
Sulfur dioxide[c] (SO_2)	1 Hour	0.25 ppm	0.075 ppm
	3 Hour	—	0.5 ppm
	24 Hour	0.04 ppm	0.14 (for certain areas)
	Annual	—	0.030 ppm (for certain areas)
Lead[e]	30-day	1.5 µg/m^3	—
	Quarter	—	1.5 µg/m^3

Air Pollutant	Averaging Time	California Standard	Federal Standard[a]
	Rolling 3-month average	—	0.15 µg/m^3
Particulate matter (PM_{10})	24 hour	50 µg/m^3	150 µg/m^3
	Mean	20 µg/m^3	—
Particulate matter ($PM_{2.5}$)	24 Hour	—	35 µg/m^3
	Annual	12 µg/m^3	12.0 µg/m^3
Visibility-reducing particles	8 Hour	See note below[d]	
Sulfates	24 Hour	25 µg/m^3	—
Hydrogen sulfide	1 Hour	0.03 ppm	—
Vinyl chloride[e]	24 Hour	0.01 ppm	—

Notes:
µg/m^3 = micrograms per cubic meter
30-day = 30-day average
Annual = Annual Arithmetic Mean
ppm = parts per million (concentration)
Quarter = Calendar quarter

[a] Federal standard refers to the primary national ambient air quality standard, or the levels of air quality necessary, with an adequate margin of safety to protect public health. All standards listed are primary standards except for 3-Hour SO_2, which is a secondary standard. A secondary standard is the level of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

[b] To attain the 1-hour nitrogen dioxide national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 parts per billion (0.100 ppm).

[c] On June 2, 2010, a new 1-hour SO_2 standard was established, and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 parts per billion (ppb). The 1971 SO_2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.

[d] Visibility-reducing particles: In 1989, the ARB converted both the general Statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are “extinction of 0.23 per kilometer” and “extinction of 0.07 per kilometer” for the Statewide and Lake Tahoe Air Basin standards, respectively.

[e] The ARB has identified lead and vinyl chloride as “toxic air contaminants” with no threshold level of exposure for adverse health effects determined. These actions allow for implementing control measures at levels below the ambient concentrations specified for these pollutants.

[f] The EPA Administrator approved a revised 8-hour ozone standard of 0.07 ppb on October 1, 2015. The new standard went into effect 60 days after publication the Final Rule in the Federal Register. The Final Rule was published in the Federal Register on October 26, 2015, and became effective on December 28, 2015.

Source: California Air Resources Board (ARB). 2016. Ambient Air Quality Standards. May 4. Website: https://ww2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf. Accessed December 18, 2021.

Air quality monitoring stations operated by the ARB and BAAQMD measure ambient air pollutant concentrations in the SFBAAB. In general, the SFBAAB experiences low concentrations of most pollutants compared to federal or State standards.

Both the EPA and ARB use ambient air quality monitoring data to designate areas according to their attainment status for criteria air pollutants. These designations identify the areas with air quality problems and initiate planning efforts for improvement. The three basic designation categories are nonattainment, attainment, and unclassified. “Attainment” status refers to those regions that are

meeting federal and/or State standards for a specified criteria pollutant. "Nonattainment" refers to regions that do not meet federal and/or State standards for a specified criteria pollutant. "Unclassified" refers to regions with insufficient data to determine the region's attainment status for a specified criteria air pollutant. Each standard has a different definition, or "form" of what constitutes attainment, based on specific air quality statistics. For example, the federal 8-hour CO standard is not to be exceeded more than once per year; therefore, an area is in attainment of the CO standard if no more than one 8-hour ambient air monitoring values exceeds the threshold per year. In contrast, the federal annual $PM_{2.5}$ standard is met if the 3-year average of the annual average $PM_{2.5}$ concentration is less than or equal to the standard.

Table 3.2-5 shows the current attainment designations for the SFBAAB. The SFBAAB is designated as nonattainment for the State ozone, PM_{10}, and $PM_{2.5}$ standards and the national ozone and $PM_{2.5}$ standards.

Table 3.2-5: San Francisco Bay Area Air Basin Attainment Status

Pollutant	State Status	National Status
Ozone	Nonattainment	Nonattainment
CO	Attainment	Attainment
NO_2	Attainment	Attainment
SO_2	Attainment	N/A
PM_{10}	Nonattainment	Unclassified
$PM_{2.5}$	Nonattainment	Nonattainment
Sulfates	Attainment	N/A
Hydrogen Sulfates	Unclassified	N/A
Visibility-reducing Particles	Unclassified	N/A
Lead	N/A	Attainment

Notes:
N/A = information not available
CO = carbon monoxide
NO_2 = nitrogen dioxide
SO_2 = sulfur dioxide
PM_{10} = particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$ = particulate matter including dust, 2.5 micrometers or less in diameter
Source: Bay Area Air Quality Management District (BAAQMD). 2017. Air Quality Standards and Attainment Status. January 5. Website: http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status. Accessed October 6, 2021.

Air Quality Index

The health impacts of the various air pollutants of concern can be presented in a number of ways. The clearest comparison is to the State and federal ozone standards. If concentrations are below the standard, it is reasonable to conclude that no significant health impact would occur to anyone as a result of the various air pollutants of concern. When concentrations exceed the applicable standard,

impacts will vary based on the amount by which the standard is exceeded. The EPA developed the Air Quality Index (AQI), as an easy-to-understand measure of health impacts compared with concentrations in the air. Table 3.2-6 provides a general description of the health impacts of ozone at different concentrations.

Table 3.2-6: Air Quality Index and Health Effects from Ozone

Air Quality Index/ 8-hour Ozone Concentration	Health Effects Description
AQI—0–50—Good	**Sensitive Groups**: Children and people with asthma are the groups most at risk.
Concentration 0–54 ppb	**Health Effects Statements**: None.
	Cautionary Statements: None.
AQI—51–100—Moderate	**Sensitive Groups**: Children and people with asthma are the groups most at risk.
Concentration 55–70 ppb	**Health Effects Statements**: Unusually sensitive individuals may experience respiratory symptoms.
	Cautionary Statements: Unusually sensitive people should consider limiting prolonged outdoor exertion.
AQI—101–150—Unhealthy for Sensitive Groups	**Sensitive Groups**: Children and people with asthma are the groups most at risk.
Concentration 71–85 ppb	**Health Effects Statements**: Increasing likelihood of respiratory symptoms and breathing discomfort in active children and adults, and people with respiratory disease, such as asthma.
	Cautionary Statements: Active children and adults, and people with respiratory disease, such as asthma, should limit prolonged outdoor exertion.
AQI—151–200—Unhealthy	**Sensitive Groups**: Children and people with asthma are the groups most at risk.
Concentration 86–105 ppb	**Health Effects Statements**: Greater likelihood of respiratory symptoms and breathing difficulty in active children and adults and people with respiratory disease, such as asthma; possible respiratory effects in general population.
	Cautionary Statements: Active children and adults, and people with respiratory disease, such as asthma, should avoid prolonged outdoor exertion; everyone else, especially children, should limit prolonged outdoor exertion.
AQI—201–300—Very Unhealthy	**Sensitive Groups**: Children and people with asthma are the groups most at risk.
Concentration 106–200 ppb	**Health Effects Statements**: Increasingly severe symptoms and impaired breathing likely in active children and adults and people with respiratory disease, such as asthma; increasing likelihood of respiratory effects in general population.

Air Quality Index/ 8-hour Ozone Concentration	Health Effects Description
	Cautionary Statements: Active children and adults, and people with respiratory disease, such as asthma, should avoid all outdoor exertion; everyone else, especially children, should limit outdoor exertion.
Notes: AQI = Air Quality Index ppb = parts per billion Source: Air Now. No date. AQI Calculator: AQI to Concentration Calculator. Website: https://www.airnow.gov/aqi/aqi-calculator. Accessed October 6, 2021.	

Local Air Quality

The local air quality can be evaluated by reviewing relevant air pollution concentrations near the project site and vicinity. The air quality monitoring station closest to the project site is the Treat Blvd Air Monitoring Station in the City of Concord, located approximately 2.8 miles northeast of the project site. Table 3.2-7 summarizes the recorded ambient air data at the representative monitoring stations for the years 2018 through 2020, which is the most current data available at the time of this analysis. As Table 3.2-7 shows, the recorded data show exceedances of the California Ambient Air Quality Standards (CAAQS) for ozone (1-hour and 8-hour) and PM_{10}, and National Ambient Air Quality Standard (NAAQS) for 8-hour ozone, $PM_{2.5}$, and PM_{10} on multiple occasions from 2018 to 2020. No recent monitoring data for Contra Costa County or the SFBAAB was available for CO or SO_2. Generally, no monitoring is conducted for pollutants that are no longer likely to exceed ambient air quality standards.

Table 3.2-7: Air Quality Monitoring Summary

Air Pollutant	Averaging Time	Item	2018	2019	2020
Ozone	1 Hour	Max 1 Hour (ppm)	0.077	0.092	0.108
		Days > State Standard (0.09 ppm)	0	0	**2**
	8 Hour	Max 8 Hour (ppm)	0.061	0.074	0.083
		Days > State Standard (0.07 ppm)	0	**2**	**3**
		Days > National Standard (0.070 ppm)	0	**2**	**3**
CO	8 Hour	Max 8 Hour (ppm)	ND	ND	ND
		Days > State Standard (9.0 ppm)	ND	ND	ND
		Days > National Standard (9 ppm)	ND	ND	ND
NO_2	Annual	Annual Average (ppm)	0.006	0.005	0.005
	1 Hour	Max 1 Hour (ppm)	0.038	0.041	0.034
		Days > State Standard (0.18 ppm)	0	0	0
SO_2	Annual	Annual Average (ppm)	ND	ND	ND
	24 Hour	Max 24 Hour (ppm)	ND	ND	ND

Air Pollutant	Averaging Time	Item	2018	2019	2020
		Days > State Standard (0.04 ppm)	ND	ND	ND
Inhalable coarse particles (PM_{10})	Annual	Annual Average (µg/m^3)	16.2	ID	ID
	24 Hour	Max 24 Hour (µg/m^3)	105	36	167
		Days > State Standard (50 µg/m^3)	**1**	0	**1**
		Days > National Standard (150 µg/m^3)	0	0	**1**
Fine particulate matter ($PM_{2.5}$)	Annual	Annual Average (µg/m^3)	13.4	6.8	11.0
	24 Hour	Max 24 Hour (µg/m^3)	180.0	28.2	119.8
		Days > National Standard (35 µg/m^3)	**14**	0	**16**

Notes:
> = exceed
µg/m^3 = micrograms per cubic meter
Bold = exceedance
CO = carbon monoxide
ID = insufficient data
max = maximum
National Standard = National Ambient Air Quality Standard
ND = no data
NO_2 = nitrogen dioxide
PM_{10} = particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$ = particulate matter including dust, 2.5 micrometers or less in diameter
ppm = parts per million
SO_2 = sulfur dioxide
State Standard = California Ambient Air Quality Standard
Source: California Air Resources Board (ARB). 2022. iADAM: Top 4 Summary. Website: https://www.arb.ca.gov/adam/select8/sc8start.php. Accessed January 25, 2022.

Sensitive Receptors

Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Land uses such as residences, schools, day care centers, hospitals, nursing and convalescent homes, and parks are considered the most sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress or, as in the case of residential receptors, their exposure time is greater than that for other land uses. Therefore, these groups are referred to as sensitive receptors. Exposure assessment guidance conservatively assumes that residences would receive exposure to air pollution 24 hours per day, 350 days per year, for 70 years. BAAQMD defines sensitive receptors as children, adults, and seniors occupying or residing in residential dwellings, schools, day care centers, hospitals, and senior-care facilities.

Project Site Vicinity

The closest existing off-site air pollution sensitive receptors near the project site in each direction are provided in Table 3.2-8.

Table 3.2-8: Location of Sensitive Receptors

Sensitive Receptor	Location
Multi-family apartments	Approximately 130 feet southeast of Site C
Multi-family apartments	Approximately 700 feet south of Site A
Multi-family apartments	Approximately 1,550 feet southwest of Site A
Futures Academy (a school which teaches grades 6 through 12)	Approximately 1,790 feet southwest of Site A
Multi-family apartments	Approximately 850 feet west of Site A
Multi-family apartments	Approximately 525 feet west of Site E
Multi-family apartments/condos	Approximately 800 feet north of Site E
Multi-family apartments/condos	Approximately 680 feet north of Site B
Multi-family apartments/condos	Approximately 500 feet east of Site B
Walnut Creek Intermediate School (a school which teaches grades 6 through 8)	Approximately 760 feet east of Site B

Project Site

No sensitive receptors currently exist on the project site.

Existing Emission Sources

Project Site Vicinity

The primary existing sources of air pollutants (both criteria air pollutants and TACs) in the project site vicinity include sources at various surrounding properties, such as building-related energy use (e.g., on-site natural gas combustion) and vehicle trips associated with local businesses and facilities. Nearby residential neighborhoods, the Jiffy Lube, the Big O Tires, the adjacent America's Tire, and the United States Postal Service all present existing emission sources in the project vicinity. In addition, the project site is approximately 920 feet east of Interstate 680. Other activities which result in emissions include space and water heating, landscape maintenance, and any surrounding industrial uses which have the potential to store, produce, decommission, or otherwise handle hazardous materials.

Project Site

Both criteria air pollutants and TAC emissions from the project site are currently sourced from existing activity such as building-related energy use and vehicle trips associated with local businesses and facilities that are taking place on the project site. The on-site vehicle storage lots, used car sales lot, and existing Toyota dealership all present existing emission sources.

3.2.4 - Regulatory Framework

Federal

Clean Air Act

Congress established much of the basic structure of the Clean Air Act (CAA) in 1970 and made major revisions in 1977 and 1990. Six common air pollutants (also known as criteria pollutants) are addressed in the CAA. The EPA calls these pollutants "criteria air pollutants" because it regulates them by developing human health-based and environmentally based criteria (science-based guidelines) for setting permissible levels. The criteria pollutants are:

- Ozone
- Nitrogen dioxide (NO_2)
- Lead
- Particulate matter (PM_{10} and $PM_{2.5}$)
- Carbon monoxide (CO)
- Sulfur dioxide (SO_2)

Primary federal standards are the levels of air quality necessary, with an adequate margin of safety, to protect public health. Another set of limits intended to prevent environmental and property damage are called secondary standards.[1] The federal standards are NAAQS. The air quality standards provide benchmarks for determining whether air quality is healthy at specific locations and whether development activities will cause or contribute to a violation of the standards. The federal standards were set to protect public health, including that of sensitive individuals; thus, the EPA is tasked with updating the standards as more medical research is available regarding the health effects of the criteria pollutants.

Per the CAA, the EPA is tasked with requiring states that do not meet the federal ambient air quality standards with plans for attaining those standards. These plans are referred to as State Implementation Plans, or SIPs. The purpose of the federal SIPs is to (1) demonstrate a state has the basic air quality management program components in place to implement a new or revised NAAQS; (2) identify the emissions control requirements that a state will rely on to attain and/or maintain the primary and secondary NAAQS; and (3) prevent air quality deterioration for areas that are in attainment with the NAAS, and to reduce common or criteria pollutants emitted in nonattainment.[2]

EPA Emission Standards for New Off-Road Equipment

Before 1994, there were no standards to limit the number of emissions from off-road equipment. In 1994, the EPA established emission standards for hydrocarbons, NO_X, CO, and PM to regulate new pieces of off-road equipment. These emission standards came to be known as Tier 1. Since that time, increasingly more stringent Tier 2, Tier 3, and Tier 4 (interim and final) standards were adopted by the EPA and by the ARB. Each adopted emission standard was phased in over time. New engines built in and after 2015 across all horsepower sizes must meet Tier 4 final emission standards. In other words, new manufactured engines cannot exceed the emissions established for Tier 4 final emissions standards.

[1] United States Environmental Protection Agency (EPA). 2021. NAAQS Table. Website: https://www.epa.gov/criteria-air-pollutants/naaqs-table. Accessed November 16, 2022.

[2] United States Environmental Protection Agency (EPA). 2022. Ground-level Ozone Pollution: Basics of SIP Requirements. October 28. Website: https://www.epa.gov/ground-level-ozone-pollution/basics-sip-requirements. Accessed November 16, 2022.

State

California Clean Air Act

The California Legislature enacted the California Clean Air Act (CCAA) in 1988 to address air quality issues of concern not adequately addressed by the federal CAA at the time. California's air quality problems were and continue to be some of the most severe in the nation and required additional actions beyond the federal mandates. The ARB administers the California Ambient Air Quality Standards (CAAQS) for the 10 air pollutants designated in the CCAA. The 10 State air pollutants are the six federal standards listed above as well as visibility-reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride. The EPA authorized California to adopt its own regulations for motor vehicles and other sources that are more stringent than similar federal regulations implementing the CAA. Generally, the planning requirements of the CCAA are more stringent than the federal CAA; therefore, consistency with the CCAA will also demonstrate consistency with the CAA.

Other ARB responsibilities include but are not limited to overseeing local air district compliance with California and federal laws; approving local air quality plans; submitting State Implementation Plans (SIPs) to the EPA; monitoring air quality; determining and updating area designations and maps; conducting basic research aimed at providing a better understanding between emissions and public well-being; and setting emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

Verified Diesel Emission Control Strategies

The EPA and the ARB tiered off-road emission standards only apply to new engines, and off-road equipment can be used over a period of years. Therefore, the ARB has developed Verified Diesel Emission Control Strategies (VDECS), which are devices, systems, or strategies used to achieve the highest level of pollution control from existing off-road vehicles, to help reduce emissions from existing engines. VDECS are designed primarily for the reduction of DPM emissions and have been verified by the ARB. There are three levels of VDECS, the most effective of which is the Level 3 VDECS. Tier 4 engines are not required to install VDECS because they already meet the emissions standards for lower tiered equipment with installed controls.

Tanner Air Toxics Act and Air Toxics Hot Spots Information and Assessment Act

TACs in California are primarily regulated through the Tanner Air Toxics Act (Assembly Bill [AB] 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588), also known as the Hot Spots Act. To date, the ARB has identified more than 21 TACs and has adopted the EPA's list of Hazardous Air Pollutants (HAPs) as TACs.

Carl Moyer Memorial Air Quality Standards Attainment Program

The Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), a partnership between the ARB and local air districts, issues grants to replace or retrofit older engines and equipment with engines and equipment that exceed current regulatory requirements to reduce air pollution. Money collected through the Carl Moyer Program complements California's regulatory program by providing incentives to effect early or extra emission reductions, especially from emission sources in environmental justice communities and areas disproportionately affected by air pollution. The program has established guidelines and criteria for the funding of emissions reduction

projects. Within the SFBAAB, the BAAQMD administers the Carl Moyer Program. The program has established guidelines and criteria for the funding of emissions reduction projects. The program establishes cost-effectiveness criteria for funding emission reductions projects, which under the final 2017 Carl Moyer Program Guidelines are $30,000 per weighted ton of NO_X, ROG, and PM.[3]

Regional

BAAQMD CEQA Air Quality Guidelines

The BAAQMD is the primary agency responsible for ensuring that air quality standards (NAAQS and CAAQS) are attained and maintained in the SFBAAB through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The BAAQMD prepares plans to attain ambient air quality standards in the SFBAAB. Specifically, the BAAQMD prepares ozone attainment plans for the national ozone standard, Clean Air Plans for the California standard, and PM plans to fulfill federal air quality planning requirements. The BAAQMD also inspects stationary sources of air pollution, responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements programs and regulations required by the Clean Air Act, the Clean Air Act Amendments of 1990, and the California Clean Air Act.

The BAAQMD developed quantitative thresholds of significance for its CEQA Guidelines in 2010, which were also included in its updated subsequent guidelines. The BAAQMD's adoption of the 2010 thresholds of significance was later challenged in court. In an opinion issued on December 17, 2015, related to the BAAQMD CEQA Guidelines, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards (i.e., "CEQA in reverse" issues). Nevertheless, the California Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The California Supreme Court also held that public agencies remain free to voluntarily conduct this analysis not required by CEQA for their own public projects (*CBIA v. BAAQMD* [2016] 2 Cal. App. 5th 1067, 1083); this is often provided for informational purposes in the subject CEQA document.

In view of the California Supreme Court's opinion, the BAAQMD published a new version of its CEQA Guidelines in May 2017. The BAAQMD CEQA Guidelines state that local agencies may rely on thresholds designed to reflect the impact of locating development near areas of toxic air contamination where CEQA requires such an analysis or where the agency has determined that such an analysis would assist in deciding about the proposed project. However, the thresholds are not mandatory, and agencies should exercise their discretion in determining whether to apply these standards based on an assessment as to whether they reflect an appropriate measure of a project's impacts supported by substantial evidence in the record.

[3] California Air Resources Board (ARB). 2017. The Carl Moyer Program Guidelines. Website: https://ww2.arb.ca.gov/sites/default/files/classic/msprog/moyer/guidelines/2017/2017_cmpgl.pdf. Accessed October 6, 2021.

BAAQMD 2017 Clean Air Plan

On May 2017, the BAAQMD adopted the final 2017 Bay Area Clean Air Plan (2017 Clean Air Plan) to outline the region's strategy for attaining federal ambient air quality standards, in compliance with EPA requirements. The BAAQMD prepared the 2017 Clean Air Plan in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). The goals of the 2017 Clean Air Plan are to reduce regional air pollutants and climate pollutants to improve the health of Bay Area residents. The 2017 Clean Air Plan aims to lead the region into a post-carbon economy, continue progress toward attaining all State and federal air quality standards, and eliminate health risk disparities from air pollution exposure in Bay Area communities. The 2017 Clean Air Plan includes 85 distinct control measures to help the region reduce air pollutants and has a long-term strategic vision that forecasts what a clean air Bay Area will look like in year 2050. The 2017 Clean Air Plan envisions a future whereby the year 2050:

- Buildings will be energy efficient—heated, cooled and powered by renewable energy.
- Transportation will be a combination of electric vehicles, both shared and privately owned, and autonomous public transit fleets, with a large share of trips by bicycling, walking, and transit.
- The Bay Area will be powered by clean, renewable electricity and will be a leading incubator and producer of clean energy technologies leading the world in the carbon-efficiency of our products.
- Bay Area residents will have developed a low carbon lifestyle by driving electric vehicles, living in zero net energy homes, eating low carbon foods, and purchasing goods and services with low carbon content.
- Waste will be greatly reduced, waste products will be re-used or recycled, and all organic waste will be composted and put to productive use.

The focus of control measures includes aggressively targeting the largest source of greenhouse gas (GHG) emissions, ozone pollutants and PM emissions: transportation. This includes more incentives for electric vehicle infrastructure, off-road electrification projects such as Caltrain and shore power at ports, and reducing emissions from trucks, school buses, marine vessels, locomotives, and off-road equipment. Additionally, the BAAQMD will continue to work with regional and local governments to reduce Vehicle Miles Traveled (VMT) through the further funding of rideshare, bike, and shuttle programs.

BAAQMD Regulations

Regulation 2, Rule 1 (Permits–General Requirements)

The BAAQMD regulates new sources of air pollution and the modification and operation of existing sources through the issuances of authorities to construct and permits to operate. Regulation 2, Rule 1 provides an orderly procedure which the proposed project would be required to comply with to receive authority to construct or permits to operate from the BAAQMD for new sources of air pollutants, as applicable.

Regulation 2, Rule 5 (New Source Review Permitting)

The BAAQMD regulates backup emergency generators, fire pumps, and other sources of TACs through its New Source Review (Regulation 2, Rule 5) permitting process.[4] With respect to emergency generators, these are intended for use only during periods of power outages; however, monthly testing of each generator is required although the BAAQMD limits testing to no more than 50 hours per year. The BAAQMD's regulations require that emergency generators that are installed meet a minimum of Tier 2 emission standards (before control measures). As part of the permitting process for new sources that fall under this rule, the BAAQMD limits the excess cancer risk from any facility to no more than 10 per 1-million-population for any permits that are applied for within a 2-year period and would require any source that was subject to permitting under this rule and which would result in an excess cancer risk greater than 1 per 1 million to install Best Available Control Technology (BACT) for Toxics.

Regulation 6, Rule 1 (Particulate Matter–General Requirements)

The BAAQMD regulates PM emissions through Regulation 6 by means of establishing limitations on emission rates, emissions concentrations, and emission visibility and opacity. Regulation 6, Rule 1 imposes standards for PM emissions that could result during project construction or operation, which the proposed project would be required to comply with, as applicable, such as the prohibition of emissions from any source for a period or aggregate periods of more than three minutes in any hour which are equal to or greater than 20 percent opacity.

Regulation 6, Rule 6, (Particulate Matter–Prohibition of Trackout)

One rule by which the BAAQMD regulates PM includes Regulation 6, Rule 6, which prohibits PM trackout during project construction and operation. Regulation 6, Rule 6 requires the prevention or timely cleanup of trackout of solid materials onto paved public roads outside the boundaries of large bulk material sites, large construction sites, and large disturbed surface sides such as landfills.

Regulation 8, Rule 3 (Architectural Coatings)

This rule governs the manufacture, distribution, and sale of architectural coatings and limits the ROGs content in paints and paint solvents. Although this rule does not directly apply to the proposed project because it focuses on the manufacture, distribution and sale of architectural coatings rather than application on a project-by-project basis, it does dictate the ROG content of paint available for use during the construction and operation, which would apply to the proposed project.

Regulation 8, Rule 15 (Emulsified and Liquid Asphalts)

This rule dictates the ROG content of asphalt available for use during the construction through regulating the sale and use of asphalt and limits the ROG content in asphalt.

Regulation 8, Rule 40 (Organic Compounds–Aeration of Contaminated Soil and Removal of Underground Storage Tanks)

This rule limits the emissions of organic compounds from soil that has been contaminated by organic chemical or petroleum chemical leaks or spills and provides an acceptable procedure for controlling emissions from underground storage tanks during removal and replacement.

[4] Bay Area Air Quality Management District (BAAQMD). 2016. Complex Permitting Handbook for BAAQMD New Source Review Permitting. Website: https://www.baaqmd.gov/~/media/files/permits/permitting-manuals/nsr-guidance/complex-nsr-permitting-handbook_sept-2016-pdf.pdf?la=en. Accessed October 6, 2021.

Regulation 9, Rule 8 (Inorganic Gaseous Pollutants–Nitrogen Oxides and Carbon Monoxide from Stationary Internal Combustion Engines)

Under Regulation 9, Rule 8, the BAAQMD regulates the emissions of nitrogen oxides and carbon monoxide from stationary internal combustion engines with an output rated by the manufacturer at more than 50 brake horsepower. As such, any proposed stationary source equipment (e.g., backup generators, fire pumps) which would be greater than 50 horsepower would require a BAAQMD permit to operate under this Regulation.

Regulation 11, Rule 2 (Hazardous Pollutants–Asbestos Demolition, Renovation, and Manufacturing)

Under Regulation 11, Rule 2, the BAAQMD regulates emissions of asbestos to the atmosphere during demolition, renovation, milling, and manufacturing and establishes appropriate waste disposal procedures. Any of these activities which pose the potential to generate emissions of airborne asbestos are required to comply with the appropriate provisions of this regulation.

Regulation 1, Rule 301; Regulation 7; PERP ATCM (Odorous Emissions)

The BAAQMD is responsible for investigating and controlling odor complaints in the Bay Area. Several BAAQMD regulations and rules apply to odorous emissions. For example, the agency enforces odor control by helping the public to document a public nuisance. Regulation 1, Rule 301 is the nuisance provision that states that sources cannot emit air contaminants that cause nuisance to substantial numbers of people. Upon receipt of a complaint, the BAAQMD sends an investigator to interview the complaint and to locate the odor source if possible. The BAAQMD typically brings a public nuisance court action when there are a substantial number of confirmed odor events within a 24-hour period. An odor source with five or more confirmed complaints per year, averaged over 3 years, is considered to have a substantial effect on receptors.

Regulation 7 specifies limits for the discharge of odorous substances where the BAAQMD receives complaints from 10 or more complainants within a 90-day period. Among other things, Regulation 7 precludes discharge of an odorous substance that causes the ambient air at or beyond the property line to be odorous after dilution with four parts of odor-free air and specifies maximum limits on the emission of certain odorous compounds.

Lastly, the BAAQMD enforces the Portable Equipment Registration Program (PERP) Airborne Toxic Control Measures (ATCM) on behalf of the ARB. Under the PERP, owners or operators of portable engines and other types of equipment which meet the qualifications of the ATCM can register their equipment to operate throughout California. However, owners and operators of portable engines which meet the qualifications of this ATCM who do not register their equipment under the PERP must obtain individual permits from local air districts. Permits issued under the PERP must be honored by all air districts throughout California.

Plan Bay Area

The Plan Bay Area 2050 was adopted in 2021 and is the latest update to the Plan Bay Area. Plan Bay Area 2050, published by the MTC and ABAG, is the latest long-range integrated transportation and land use/housing strategy through 2050 for the Bay Area.[5] Plan Bay Area 2050 functions as the

[5] Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). 2021. Plan Bay Area 2050. Website: https://www.planbayarea.org/finalplan2050. Accessed October 6, 2021.

sustainable communities' strategy mandated by Senate Bill (SB) 375. As a regional land use plan, Plan Bay Area 2050 aims to reduce per capita GHG emissions by promoting more compact, mixed-use residential and commercial neighborhoods located near transit. Plan Bay Area 2050 is a limited and focused update that builds upon a growth pattern and strategies developed in the original Plan Bay Area and its first update, Plan Bay Area 2040, but with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last 4 years.

Local

City of Walnut Creek General Plan 2025

The City adopted its current General Plan on April 4, 2006, which contains goals, policies and actions designed to help address air quality and reduce the community's vulnerability to air pollution. The following goals, policies and actions from the General Plan are relevant to this air quality analysis:

Goal 31 Strive to meet State and federal air-quality standards for the region

Policy 31.2 Consider additional land use and development criteria, standards, and decisions that have positive impacts on air quality and quality of life in general.

Action 31.2.2 Investigate policies that promote cleaner air, such as commercial reflective roofing ordinances.

Action 31.2.3 Promote residential development and redevelopment opportunities near transit and commercial centers, and encourage walking.

Policy 31.3 Proactively manage local air-quality issues.

Action 31.3.1 Control emission of dust from construction sites.

Action 31.3.2 Adopt a wood smoke ordinance.

Action 31.3.3 Provide buffers between identified stationary sources of odors and sensitive land uses.

Action 31.3.4 Projects that locate new sensitive receptors (facilities or land uses such as hospitals, day care centers, schools and residences that are occupied for substantial amounts of time by members of the population particularly sensitive to the effects of air pollutants, such as children, the elderly and people with illnesses) proposed within 500 feet from the edge of the closest travel lane of Interstate 680 or Highway 24 should include an analysis of mobile source toxic air contaminant health risks, based on appropriate air dispersion modeling. Project review should include an evaluation of the adequacy of the setback from the highway, and, if necessary, identify design mitigation measures to reduce health risks to acceptable levels.

3.2.5 - Thresholds of Significance

Utilizing the guidance in the CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, determine whether the proposed project's impacts to air quality would be significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

a) Conflict with or obstruct implementation of the applicable Air Quality Plan;

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard;

c) Expose sensitive receptors to substantial pollutant concentrations); or

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Additional guidance on the significance of air quality impacts is found in CEQA Guidelines Section 15065, subdivision (a)(4), which provides that a lead agency shall find that a project may have a significant effect on the environment if "the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." According to the California Supreme Court, this "mandatory finding of significance" applies to potential effects on public health from environmental impacts such as those associated with air pollutant emissions from projects (*California Business Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 386-392.).

Significance Criteria

The preceding thresholds of significance are stated in general terms. It is therefore desirable to formulate additional, more precise quantitative thresholds, where feasible, based on guidance from the BAAQMD, as an expert in this field and consistent with Appendix G to the CEQA Guidelines. As explained earlier, the BAAQMD's May 2017 CEQA Air Quality Guidelines were prepared to assist in evaluating air quality impacts of projects and plans proposed within the Bay Area. [6] The guidelines provide recommended procedures for evaluating potential air quality impacts during the environmental review process, consistent with CEQA requirements, and include recommended thresholds of significance, mitigation measures, and background air quality information, which are based on available scientific evidence. They also include recommended assessment methodologies for air toxics, odors, and GHGs. Accordingly, the City has determined, in its discretion, to apply the BAAQMD's thresholds as delineated below.

Regional Significance Criteria

Table 3.2-9 shows the BAAQMD's criteria for regional significance for project construction and operations.

[6] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed March 17, 2021.

Table 3.2-9: BAAQMD Regional (Mass Emissions) Air Pollutant Significance Thresholds

Pollutant	Construction Phase	Operational Phase	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (Tons/year)
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (Exhaust)	82	15
$PM_{2.5}$	54 (Exhaust)	54	10
PM_{10} and $PM_{2.5}$ Fugitive Dust	Best Management Practices	None	None

Notes:
NO_X = oxides of nitrogen
PM_{10} = particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter
ROG = reactive organic gas
Source: Bay Area Air Quality Management District (BAAQMD) 2017. May. California Environmental Quality Act Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed January 24, 2022.

If a project were to exceed the emissions thresholds in Table 3.2-9, emissions would cumulatively contribute to the nonattainment status and would contribute to elevating health effects associated with these criteria air pollutants. In setting these thresholds, the BAAQMD specifically framed them as dealing with cumulative effects.[7] Known health effects related to ozone include worsening of bronchitis, asthma, and emphysema and a decrease in lung function. Health effects associated with PM include premature death of people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, decreased lung function, and increased respiratory symptoms. Reducing emissions, generally, would further contribute to reducing possible health effects related to criteria air pollutants. However, for projects that exceed the emissions thresholds shown in Table 3.2-9, it is speculative to determine how exceeding regional thresholds would affect the number of days the region is in nonattainment—as mass emissions are not linearly correlated with concentrations of emissions—or how many additional individuals in the SFBAAB would be affected by the health effects cited above.

In *Sierra Club v. County of Fresno (Friant Ranch, L.P.)* (2018) Cal.5th 502, 510, 517-522, the California Supreme Court held generally that an EIR should "make[s] a reasonable effort to substantively connect a project's air quality impacts to likely health consequences." A possible example of such a connection would be to calculate a project's "impact on the days of nonattainment per year" (*id*. at pp. 521). But the court recognized that there might be scientific limitations on an agency's ability to make the connection between air pollutant emissions and public health consequences in a credible fashion, given limitations in technical methodologies (*id*. at pp. 520-521). Thus, the Court

[7] Bay Area Air Quality Management District (BAAQMD) 2017. May. California Environmental Quality Act Air Quality Guidelines, pages 2-1, 2-3, and 2-4.

acknowledged that another option for an agency preparing an EIR might be "to explain why it was not feasible to provide an analysis that connected the air quality effects to human health consequences" (*id*. at p. 522).

Here, the BAAQMD is the primary agency responsible for ensuring the health and welfare of sensitive individuals to elevated concentrations of emissions in the SFBAAB. At present, the BAAQMD has not provided any methodology to assist local governments in reasonably and accurately assessing the specific connection between mass emissions of ozone precursors (e.g., ROG and NO_X) and other pollutants of concern on a regional basis and any specific effects on public health or regional air quality concentrations that might result from such mass emissions. For this reason and as explained more fully below, the City, in its discretion, has therefore concluded that it is not feasible to predict how mass emissions of pollutants of regional concern from the proposed project could lead to specific public health consequences, changes in pollutant concentrations, or changes in the number of days for which the SFBAAB will be in nonattainment for regional pollutants.

Ozone concentrations, for instance, depend upon various complex factors, including the presence of sunlight and precursor pollutants, natural topography, nearby structures that cause building downwash, atmospheric stability, and wind patterns. Because of the complexities of predicting ground-level ozone concentrations related to the NAAQS and CAAQS, it is not feasible, and thus would be speculative to attempt, to link health risks to the magnitude of emissions exceeding the significance thresholds. To achieve the health-based standards established by the EPA, the air districts prepare Air Quality Management Plans that detail regional programs to attain NAAQS and CAAQS. However, if a project within the BAAQMD exceeds the regional significance thresholds, the proposed project could contribute to an increase in health effects in the basin until the attainment standards are met in the SFBAAB.

On the other hand, it is technically feasible to predict with reasonable accuracy the potential localized health consequences of localized pollutants such as TACs and $PM_{2.5}$. As discussed below, a Health Risk Assessment (HRA) that addresses the potential for additional incidences of cancer as well as a non-cancer hazard index resulting from both the construction-related emissions and the operational emissions of the proposed project has been prepared.

Consistency with Air Quality Plan

The applicable AQP is 2017 Clean Air Plan, which identifies measures to:

- Reduce emissions and reduce ambient concentrations of air pollutants;
- Safeguard public health by reducing exposure to the air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily affected by air pollution; and
- Reduce GHG emissions to protect the climate.

A project would conflict with or obstruct implementation of an applicable AQP (i.e., 2017 Clean Air Plan) if it would result in substantial new regional emissions not foreseen in the air quality planning process.

Local CO Hotspots

Congested intersections have the potential to create elevated concentrations of CO, referred to as CO hotspots. The significance criteria for CO hotspots are based on the CAAQS for CO, which is 9.0 ppm (8-hour average) and 20.0 ppm (1-hour average). However, with the turnover of older vehicles, the introduction of cleaner fuels, and implementation of control technology, the SFBAAB is in attainment of the CAAQS and NAAQS, and CO concentrations in the SFBAAB have steadily declined. Because CO concentrations have improved, the BAAQMD does not require a CO hotspot analysis if all the following criteria are met:

- The project would be consistent with an applicable congestion management program established by the local Congestion Management Agency for designated roads or highways, the regional transportation plan, and local congestion management agency plans;
- The project would not increase traffic volumes at impacted intersections to more than 44,000 vehicles per hour; and
- The project traffic would not increase traffic volumes at impacted intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).[8]

Community Risk and Hazards

The BAAQMD's significance thresholds for local community risk and hazard impacts apply to both the siting of a new source and to the siting of a new receptor. Local community risk and hazard impacts are associated with TACs and $PM_{2.5}$ because emissions of these pollutants can have significant health impacts at the local level. The BAAQMD has adopted screening tables for air toxics evaluation during construction.[9] Construction-related TAC and $PM_{2.5}$ impacts should be addressed on a case-by-case basis, considering each project's specific construction-related characteristics and proximity to on- and off-site receptors, as applicable.[10]

Since the City does not have a qualified risk reduction plan, a site-specific analysis of TACs and $PM_{2.5}$ impacts on sensitive receptors was conducted. The thresholds identified below are applied to the proposed project's construction and operational emission generation.

Community Risk and Hazards: Individual Project Level

Project-level emissions of TACs or $PM_{2.5}$ from individual sources that exceed any of the thresholds listed below are considered a potentially significant community health risk:

[8] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed March 10, 2022.

[9] Bay Area Air Quality Management District (BAAQMD). 2010. Air Toxics NSR Program, Health Risk Screening Analysis Guidelines. Website: https://www.baaqmd.gov/~/media/Files/Engineering/Air%20Toxics%20Programs/hrsa_guidelines.ashx. Accessed March 10, 2022.

[10] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed March 10, 2022.

- An excess cancer risk level of more than 10 in one million, or a non-cancer (i.e., chronic or acute) hazard index greater than 1.0 would be considered to have a significant individual project-level impact that would constitute a cumulatively considerable contribution.
- An incremental increase of greater than 0.3 micrograms per cubic meter ($\mu g/m^3$) annual average $PM_{2.5}$ from a single source would be considered to have a significant individual project-level impact that would constitute a cumulatively considerable contribution.

Community Risk and Hazards: Cumulative

Cumulative sources represent the combined total risk values of each of the individual sources within the 1,000-foot evaluation zone. A project would have a cumulatively considerable impact if the aggregate total of all past, present, and reasonably foreseeable future sources within a 1,000-foot radius from the fence line of a source or location of a receptor, plus the contribution from the proposed project, meets any of these conditions:

- Has excess cancer risk levels of more than 100 in one million or a chronic non-cancer hazard index (from all local sources) greater than 10.0.
- Exceeds 0.8 $\mu g/m^3$ annual average $PM_{2.5}$.

In February 2015, the Office of Environmental Health Hazard Assessment (OEHHA) adopted new HRA guidance that includes several efforts to be more protective of children's health. These updated procedures include age sensitivity factors to account for the higher sensitivity of infants and young children to cancer-causing chemicals and age-specific breathing rates.[11]

Odors

The BAAQMD thresholds for odors are qualitative based on BAAQMD Regulation 7, Odorous Substances. This rule places general limitations on odorous substances and specific emission limitations on certain odorous compounds. Odors are also regulated under BAAQMD Regulation 1, Rule 1-301, Public Nuisance, which states that no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health, or safety of any such persons or the public, or which causes, or has a natural tendency to cause, injury, or damage to business or property. Under BAAQMD Rule 1-301, the BAAQMD has established odor screening thresholds for land uses that have the potential to generate substantial odor complaints, including wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants. Table 3.2-10 shows the screening distances for various land uses that are considered to have objectionable odors.[12]

[11] Office of Environmental Health Hazard Assessment (OEHHA). 2015. Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments. February. Website: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf. Accessed March 10, 2022.

[12] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed May 18, 2021.

Table 3.2-10: BAAQMD Odor Screening-level Distances Thresholds

Land Use/Type of Operation	Project Screening Distance
Wastewater Treatment Plant	2 miles
Wastewater Pumping Facilities	1 mile
Sanitary Landfill	2 miles
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	2 miles
Chemical Manufacturing	2 miles
Fiberglass Manufacturing	1 mile
Painting/Coating Operations	1 mile
Rendering Plant	2 miles
Coffee Roaster	1 mile
Food Processing Facility	1 mile
Confined Animal Facility/Feed Lot/Dairy	1 mile
Green Waste and Recycling Operations	1 mile
Metal Smelting Plants	2 miles
Source: Bay Area Air Quality Management District (BAAQMD) 2017. California Environmental Quality Act Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed January 24, 2022.	

3.2.6 - Approach to Analysis

Emission factors represent the emission rate of a pollutant over a given time or activity; for example, grams of NO_X per VMT or grams of NO_X per horsepower-hour of equipment operation. The ARB has published emission factors for on-road mobile vehicles/trucks in the Emission Factors (EMFAC) mobile source emissions model and emission factors for off-road equipment and vehicles in the OFFROAD emissions model. Activity levels measure how active a piece of equipment is and can be represented as the amount of material processed, elapsed time that a piece of equipment is in operation, horsepower of a piece of equipment used, or VMT per day. An air emissions model (or calculator) combines the emission factors and the various levels of activity and calculates the emissions for various pieces of equipment.

CalEEMod Version 2020.4.0 was developed in collaboration with the South Coast Air Quality Management District (SCAQMD) and other air districts throughout the State. CalEEMod is designed as a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant emissions associated with construction and operation from

various land uses. The modeling follows BAAQMD guidance where applicable from its CEQA Air Quality Guidelines.

The following criteria air pollutants and ozone precursors are assessed in this analysis:

- Reactive organic gases (ROG)
- Nitrogen oxides (NO_X)
- Carbon monoxide (CO)
- Particulate matter less than 10 microns in diameter (PM_{10})
- Particulate matter less than 2.5 microns in diameter ($PM_{2.5}$)

Note that the proposed project would emit ozone precursors ROG and NO_X. The proposed project would not directly emit ozone since it is formed in the atmosphere via photochemical reactions between and among ozone precursor pollutants.

As explained more fully in Appendix B, while all Scenarios are similar in construction square footage, Scenario 2 has the potential for the greatest operational VMT (associated with the hotel use) and also provides the potential for introducing new sensitive receptors (e.g., residences) on-site while other construction activities occur. Therefore, Scenario 2 was selected as the worst-case scenario with respect to construction and operational emissions and is evaluated herein.

Construction-Related Criteria Pollutants

Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and prevailing weather conditions. Construction emissions result from both on-site and off-site activities. On-site emissions consist of exhaust emissions from the activity levels of heavy-duty construction equipment, motor vehicle operation, and fugitive dust (mainly PM_{10}) from disturbed soil and demolition. Additionally, paving operations and the application of architectural coatings would release ROG emissions. Off-site emissions result from motor vehicle exhaust from delivery vehicles, worker traffic and road dust (PM_{10} and $PM_{2.5}$).

Schedule

Operation of the proposed project is anticipated to first occur in 2025. Due to the lack of detailed construction information available for the proposed project at this time (since there is no specific individual development proposal), the default construction schedule generated by CalEEMod was utilized to characterize construction impacts of the proposed project with an assumed start date of January 1, 2024. A conceptual construction schedule, based on available information and reasonable assumptions, is provided in Table 3.2-11 that presents the estimated duration for each construction activity. It was conservatively assumed that all build out construction could occur within this 15-month schedule, as a reasonable worst-case analysis of the impacts to air quality.

Table 3.2-11: Conceptual Construction Schedule

Construction Activity	Conceptual Construction Schedule[1]		Working Days
	Start Date	End Date	
Demolition	1/1/2024	1/26/2024	20
Site Preparation	1/27/2024	2/9/2024	10
Grading	2/10/2024	3/8/2024	20
Building Construction	3/9/2024	1/24/2025	230
Paving	1/25/2025	2/21/2025	20
Architectural Coating	2/22/2025	3/21/25	20

Notes:
[1] Based on a 5-day work week.
Source: CalEEMod Output (Appendix C).

The development of this conceptual schedule assumes that all land use elements could be constructed in this time frame, with overlapping and concurrent development of all portions of the project site and multi-family residential and non-residential (auto sales, service and auxiliary, hotel, and office) build out occurring within this time period for the purposes of calculating annual emission rates. The assignment of a specific construction schedule with related dates is for the purpose of determining the length of each construction activity in workdays and the emission characteristics for construction and on-road sources (ages and technology of vehicles) within CalEEMod. If construction were to occur at later dates or be phased out over a longer time frame, it is reasonable to assume that overall annual and average daily emissions would be reduced because of continuing implementation of cleaner vehicle technology and more stringent regulations. Therefore, this compressed schedule provides a conservative analysis.

Equipment Tiers and Emission Factors

As noted above, equipment tiers refer to a generation of emission standards established by the EPA and ARB that apply to diesel engines in off-road equipment. The "tier" of an engine depends on the model year and horsepower rating; generally, the newer a piece of equipment is, the greater the tier it is likely to have. Excluding engines greater than 750 horsepower, Tier 1 engines were manufactured generally between 1996 and 2003. Tier 2 engines were manufactured between 2001 and 2007. Tier 3 engines were manufactured between 2006 and 2011. Tier 4 engines are the newest and some incorporate hybrid electric technology; they were manufactured after 2007.

Construction emissions are generally calculated as the product of an activity factor and an emission factor. The activity factor for construction equipment is a measure of how active a piece of equipment is and can be represented as the amount of material processed, elapsed time that a piece of equipment is in operation, horsepower of a piece of equipment used, or the rate of fuel consumption. The emission factor relates the process activity to the amount of pollutant emitted. Examples of emission factors include grams of emissions per miles traveled and grams of emissions per horsepower-hour. The operation of a piece of equipment is tempered by its load factor which is

the average power of a given piece of equipment while in operation compared with its maximum rated horsepower. A load factor of 1.0 indicates that a piece of equipment continually operates at its maximum operating capacity. This analysis presented in this Draft SEIR uses the CalEEMod default load factors for off-road equipment.

On-site Off-road Equipment

CalEEMod contains built-in inventories of construction equipment for a variety of land use construction projects that incorporate estimates of the number of equipment, their age, their horsepower, and emission control equipment tier mix from which rates of emissions are developed. These inventories were developed based on construction surveys for several land use projects. Table 3.2-12 presents the construction equipment as derived from CalEEMod. For the reasons set forth above, the CalEEMod default emission control equipment tier mix was used in this analysis to estimate unmitigated emissions from on-site diesel construction equipment. Construction activities occurring on the project site would consist of demolition, site preparation, grading, building construction, paving, and architectural coating of the inside and outside of the proposed buildings. For each construction activity, the construction equipment quantity and daily operating hours represent the average daily equipment operation over the duration of that construction activity.

Because the ultimate placement and timing of development activities are currently unknown, as well as which portion(s) of the project site would be developed for which land uses, for purposes of a conservative analysis, construction of residential and nonresidential land uses were modeled in CalEEMod separately.

Table 3.2-12: Project Construction Equipment Assumptions

Construction Activity	Duration of Activity	Equipment	Equipment Amount	Average Hours per Day	Horsepower	Load Factor
Nonresidential Construction						
Demolition	20 Days	Concrete/Industrial Saws	1	8.0	81	0.73
		Excavators	3	8.0	158	0.38
		Rubber Tired Bulldozers	2	8.0	247	0.40
Site Preparation	10 Days	Rubber Tired Bulldozers	3	8.0	247	0.40
		Tractors/Loaders/Backhoes	4	8.0	97	0.37
Grading	20 Days	Excavators	1	8.0	158	0.38
		Graders	1	8.0	187	0.41
		Rubber Tired Bulldozers	1	8.0	247	0.40
		Tractors/Loaders/Backhoes	3	8.0	97	0.37
Building Construction	230 Days	Cranes	1	7.0	231	0.29
		Forklifts	3	8.0	89	0.20
		Generator Sets	1	8.0	84	0.74
		Tractors/Loaders/Backhoes	3	7.0	97	0.37

Construction Activity	Duration of Activity	Equipment	Equipment Amount	Average Hours per Day	Horsepower	Load Factor
		Welders	1	8.0	46	0.45
Paving	20 Days	Pavers	2	8.0	130	0.42
		Paving Equipment	2	8.0	132	0.36
		Rollers	2	8.0	80	0.38
Architectural Coating	20 Days	Air Compressors	1	6.0	78	0.48
Residential Construction						
Site Preparation	2 Days	Rubber Tired Bulldozers	1	7.0	247	0.40
		Tractors/Loaders/Backhoes	1	8.0	97	0.37
		Graders	1	8.0	187	0.41
Grading	4 Days	Graders	1	8.0	187	0.41
		Rubber Tired Bulldozers	1	8.0	247	0.40
		Tractors/Loaders/Backhoes	2	7.0	97	0.37
Building Construction	200 Days	Cranes	1	6.0	231	0.29
		Forklifts	1	6.0	89	0.20
		Generator Sets	1	8.0	84	0.74
		Tractors/Loaders/Backhoes	1	6.0	97	0.37
		Welders	3	8.0	46	0.45
Paving	10 Days	Cement and Mortar Mixers	1	6.0	9	0.56
		Pavers	1	6.0	130	0.42
		Paving Equipment	1	8.0	132	0.36
		Rollers	1	7.0	80	0.38
		Tractors/Loaders/Backhoes	1	8.0	97	0.37
Architectural Coating	10 Days	Air Compressors	1	6.0	78	0.48

Source: CalEEMod Output (Appendix C).

Demolition, Site Preparation, Grading, and Hauling Activities

Utilizing available information and reasonable assumptions provided by the Applicant for purposes of conducting a conservative analysis, an estimated 90,465 square feet of building space and approximately 277,617 square feet of pavement re assumed to be demolished and removed from the project site during project construction. As such, a total of approximately 14,595 tons of demolition debris is anticipated to be hauled off the project site. Refer to the Demolition Debris Calculations sheet contained in Appendix C for more information. CalEEMod default values for trip lengths and vehicle fleets associated with demolition debris hauling trips were used for this analysis.

According to available information and reasonable assumptions provided by the Applicant for purposes of a conservative analysis, approximately 255,773 cubic yards of soil would be exported during grading activities to make room for the parking garages being considered (see Appendix C for additional information regarding assumptions). As the ultimate location of potential future residential land uses is currently unknown and considering the existing auto dealership uses and former carpet/rug cleaner uses across portions of the project site, a small portion of these soils are assumed to be contaminated with petroleum products, requiring off-site treatment at an accepting landfill or transfer station. Specifically, based on available documentation and reasonable assumptions (see Appendix C for additional information), it is assumed that approximately 1,210 cubic yards of impacted (non-hazardous waste) soils would need to be removed. Keller Canyon Landfill, located approximately 14 miles from the project site, accepts Class II non-hazardous waste, which would be appropriate for this type of soil. It is assumed that all 255,773 cubic yards of soil would be transported to Keller Canyon Landfill for disposal. CalEEMod default values for vehicle fleets associated with soil hauling trips were used for this analysis.

CalEEMod default values were utilized to represent the lengths of construction off-site trips, with the exception of the hauling trip length, which was adjusted to 14 miles to represent the conservatively estimated route to the Keller Canyon Landfill. A summary of the construction-related trips is shown in Table 3.2-13.

Table 3.2-13: Construction Off-site Trips

Construction Activity	Worker (Trips per day)	Vendor (Trips per day)	Haul (Total Trips)
Nonresidential Construction			
Demolition	15	0	1,443
Site Preparation	18	0	0
Grading	15	0	31,972
Building Construction	777	310	0
Paving	15	0	0
Architectural Coating	155	0	0
Residential Construction			
Site Preparation	8	0	0
Grading	10	0	0
Building Construction	95	14	0
Paving	13	0	0
Architectural Coating	19	0	0
Source: CalEEMod Output (Appendix C).			

As demonstrated in Table 3.2-13, all soil and demolition debris hauling activities were included in the nonresidential construction models to keep the emission results associated with the development of residential land uses separate from all other emission results. For the sake of appropriately

distributing off-site emissions among Sites A, B, C, D, and E in the air dispersion modeling, emissions generated from soil and demolition debris hauling were separated from the emission results associated with the development of nonresidential land uses and recalculated to match the activity which would occur on a specific site (i.e., Site A, B, C, D, or E). As shown in Table 3.2-14, emissions generated from soil hauling activities were assigned to the development of the specific site (i.e., Site A, B, C, D, or E) which would experience that proportion of soil off-haul, and emissions generated from demolition debris hauling activities were assigned to the development of the specific site (i.e., Site A, B, C, D, or E) which would experience that proportion of demolition debris off-haul.

Table 3.2-14: Construction Soil Export and Estimated Demolition Debris Assignments

Project Site	Export (approx. Cubic Yards)	Soil Export Emissions (Tons of $PM_{2.5}$ Exhaust)	Demolition Debris (approx. Tons of Debris)	Off-Site Demolition Emissions (Tons of $PM_{2.5}$ Exhaust)
Site A	199,248	0.0093	7,026	0.00037
Site B	39,835	0.0019	2,540	0.00013
Site C	16,690	0.00078	1,160	0.00006
Site D	–	–	2,448	0.00013
Site E	–	–	1,421	0.00007
Totals	255,773	0.0119	14,595	0.00076

Notes:
$PM_{2.5}$ = particulate matter including dust, 2.5 micrometers or less in diameter
Source: Appendix C.

To account for the possibility of future residents of Sites A, B, and/or C being exposed to subsequent construction activities (as a result of project phasing), the construction HRA prepared for the proposed project conservatively assumed residences would be constructed first (Appendix C). Because residences could be developed on Sites A, B, and/or C, and those future residents could be exposed to construction activities following development and occupancy of those residences, the construction HRA assumed that residences would be constructed first (on different sites; for example, residences are occupied on Site A and then construction occurs on Site C). Therefore, all modeling runs employed in the construction HRA conservatively assume future residents to be sensitive receptors during the subsequent construction of remaining land uses. To appropriately account for receptor TAC exposure under each modeling run considered, hauling emissions from Table 3.2-14 were combined depending on the modeling run analyzed and are shown in Table 3.2-15. For example, the soil hauling emissions associated with “Residences on Site A” in Table 3.2-15 are the combined soil hauling emissions associated with Sites B-E in Table 3.2-14.

Table 3.2-15: Soil and Demolition Debris Hauling Distribution by Modeling Run

Modeling Run	Off-Site Soil Haul (approx. Tons of $PM_{2.5}$ Exhaust)	Off-Site Demolition Debris Haul (approx. Tons of $PM_{2.5}$ Exhaust)	Total Off-Site Haul (approx. Tons of $PM_{2.5}$ Exhaust)
Residences on Site A	0.00263	0.00039	0.00302
Residences on Site B	0.01005	0.00063	0.01068
Residences on Site C	0.01112	0.00070	0.01182

Notes:
$PM_{2.5}$ = particulate matter including dust, 2.5 micrometers or less in diameter
Source: Appendix C.

Off-Gassing Materials

Asphalt paving and architectural coating materials used during construction would generate off-gas emissions of ROGs. The data collection process determined the acres of asphalt paving required, which CalEEMod uses to determine associated ROG emissions. CalEEMod contains assumptions for application of architectural coatings that are based on the land use type and square footage of the buildings constructed. These default assumptions were utilized in this analysis to quantify emissions.

Operation-related Criteria Pollutants

For purposes of a conservative analysis, the operational emissions are based on the development of the proposed land uses envisioned under Scenario 2 (see Appendix B for additional information regarding selection of development scenario). The modeling accounts for the average daily vehicle trips and VMT, energy usage, water demand, and wastewater, and solid waste generated by the proposed project. For purposes of this analysis, hours of operation for the proposed project are conservatively assumed to be 24 hours per day, 7 days per week.

On-road Motor Vehicles

On-road transportation sources are based on vehicle trip generation rates contained in the CalEEMod Output, which can be found in Appendix C. According to the trip generation information provided therein, Scenario 2 was utilized in this impact analysis, and would result in an average 7,975 vehicle trips per day. This trip generation is greater than the projected trip generation contained in the Transportation Analysis (TA) prepared by W-Trans,[13] and thus provides a conservative analysis. As the proposed project would involve the operation of an auto dealership, which would receive regular vehicle deliveries, heavy-heavy-duty (HHD) truck trips were estimated for this land use using project-specific information. Therefore, the operational CalEEMod modeling results include a "User Defined Industrial" land use to accompany the auto dealership land use and represent HHD truck trips. The auto dealership would generate an estimated 3,956 vehicle trips per weekday. Vehicle trips assigned to the "User Defined Industrial" land use are characterized by the HHD vehicle class only and represent a proportion of total weekday vehicle trips for the auto dealership equal to the countywide EMFAC2017 fleet mix for HHD vehicles for the first operational

[13] W-Trans. 2022. CEQA Only Transportation Analysis Walnut Creek North Downtown Specific Plan SEIR. November 29.

year of 2025. In addition, based on available information provided by the Applicant, the most probable port of origin for vehicle deliveries would be the Port of Richmond, approximately 25 miles from the project site. Therefore, the HHD truck travel distances utilized under the "User Defined Industrial" CalEEMod land use were assumed to be 25 miles per trip.

Architectural Coatings

Paints release VOC/ROG emissions during application and drying. The buildings would be repainted on occasion. Based on CalEEMod defaults, it is assumed that the buildings would be recoated once every 10 years. The proposed project would be required to comply with the BAAQMD Regulation 8, Rule 3—Architectural Coatings. This rule governs the manufacture, distribution, and sale of architectural coatings and limits the ROG content in paints and paint solvents.

Consumer Products

Consumer products are various solvents used in non-industrial applications, which emit VOCs during their product use. "Consumer Product" means a chemically formulated product used by household and institutional consumers, including but not limited to detergents, cleaning compounds, polishes, floor finishes, cosmetics, personal care products, home, lawn, and garden products, disinfectants, sanitizers, aerosol paints, and automotive specialty products. It does not include other paint products, furniture coatings, or architectural coatings.[14] The default emission factor developed for CalEEMod was used.

Landscape Equipment

CalEEMod was used to estimate the emissions from landscaping equipment using the default assumptions in the model.

Electricity

Electricity used by the proposed project (e.g., lighting) would result in emissions from power plants that would generate electricity distributed on the electrical power grid; however, those emissions are not considered in the criteria pollutant and ozone precursor emission estimates contained herein as they are considered indirect emissions. While indirect emissions are not under the purview of the analysis of criteria pollutants and ozone precursors, indirect emissions are still pertinent to the analysis of GHG emissions. See Section 3.7, Greenhouse Gas Emissions.

Natural Gas

To date, the City has not adopted a "Reach Code." However, the Applicant has voluntarily agreed to prohibit the use of natural gas during the operation of the proposed project. Therefore, the proposed project would not generate emissions from the combustion of natural gas for any purposes. CalEEMod has two categories for natural gas consumption: Title 24 and non-Title 24. The Title 24 uses are defined as the major building envelope systems covered by California's Building Standards Code (CBC) Title 24, Part 6, such as space heating, space cooling, water heating, and ventilation. Because no natural gas would be utilized for project operations, no emissions associated therewith are assumed in this analysis.

[14] California Air Resources Board (ARB). 2011. Regulation for Reducing Emissions from Consumer Products. Website: www.arb.ca.gov /consprod/regs/fro%20consumer%20products%20regulation.pdf. Accessed March 10, 2022.

Stationary Sources

Stationary sources are based on stationary source equipment. As noted above, a backup diesel generator and fire pump were assumed to be included in the proposed project to provide a conservative analysis. As the proposed project would generate an estimated electricity demand of 13.5 megawatt-hours (MWh) per year with a normalized annual energy demand of approximately 1,543 kilowatts (kW), the proposed backup diesel generator(s) were assumed to total 3,085 horsepower. The fire pump was additionally assumed to be 500 horsepower. Both the fire pump and backup generator(s) were assumed to operate at the maximum 50 hours per year, as this is the maximum number of hours that would be allowed under a stationary source permit issued by the BAAQMD. Should any stationary source equipment or operation be used during project operations, the relevant Applicant would be required to apply for and obtain a permit with the BAAQMD, under Rule 2, Regulation 2 New Source Review, which would further ensure that any emissions generated by the new equipment or operation would not exceed BAAQMD's significance thresholds for criteria pollutants, ozone precursors, GHG emissions, or human health impacts.[15]

Construction- and Operation-related Toxic Air Contaminants

TACs are described in detail above. This analysis assesses the potential health impacts to any on-site as well as surrounding sensitive receptors resulting from TAC emissions during project construction.

Fine particle pollution can be emitted directly or formed secondarily in the atmosphere. $PM_{2.5}$ health impacts are important because their size can be deposited deep in the lungs, causing respiratory effects. For the purposes of this analysis, exhaust emissions of DPM are represented as exhaust emissions of $PM_{2.5}$. Studies indicate that DPM poses the greatest health risk among airborne TACs. A 10-year ARB research program demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic long-term health risk. DPM differs from other TACs in that it is not a single substance but a complex mixture of hundreds of substances. Although diesel-fueled internal combustion engines emit DPM, the composition of the emissions varies, depending on engine type and age, operating conditions, fuel composition, lubricating oil, and whether an emission control system is present. The CalEEMod emissions model was used to estimate DPM emissions during construction of the proposed project.

Odors

As explained further above, the BAAQMD thresholds for odors are qualitative based on BAAQMD Regulation 7, Odorous Substances. Table 3.2-10 provides the screening distances for various land uses that are considered to have objectionable odors.[16]

[15] Bay Area Air Quality Management District (BAAQMD). 2017. Regulation 2 Permits Rule 2 New Source Review. December 6. Website: https://www.baaqmd.gov/~/media/dotgov/files/rules/regulation-2-rule-2/documents/20171206_fr_0202-pdf.pdf?la=en. Accessed February 2, 2022.

[16] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed March 10, 2022.

3.2.7 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

The 2019 NDSP EIR evaluated the potential air quality impacts that could result from implementation of development under the NDSP and concluded that this development would not conflict with or obstruct implementation of the BAAQMD's 2017 Clean Air Plan, and thus impacts in this regard would be less than significant with implementation of mitigation. Specifically, the 2019 NDSP EIR identified potential impacts related to violating air quality standards during construction and resulting in a cumulatively considerable net increase of identified criteria pollutant(s) during construction and operation. However, the 2019 NDSP EIR concluded that these potential impacts would be reduced to less than significant with the incorporation Best Management Practices (BMPs) and identified mitigation. With respect to other potential air quality impacts, the 2019 NDSP EIR also evaluated the other air quality impact thresholds, and concluded there would be less than significant impacts with respect to objectionable odors. Refer to Section 4.3, Air Quality, in the 2019 NSDP EIR; pages 4.3-20 through 4.3-32. As described below, the conclusions of the 2019 NDSP EIR would not substantially change because of the proposed project.

Proposed Project Analysis and Conclusion

Consistency with Air Quality Plan

Impact AIR-1:	**The proposed project may conflict with or obstruct implementation of the applicable Air Quality Plan.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated BAAQMD's 2017 Clean Air Plan with respect to potential conflicts with or obstruction of implementation of the applicable AQP. Based on this analysis, the 2019 NDSP EIR concluded that there would be potentially significant impacts related to construction air pollutant emissions that would violate air quality standards. However, with implementation of 2019 NDSP EIR MM AIR-1, implementation of the NDSP would not present a conflict with or obstruction to the BAAQMD's 2017 Clean Air Plan. This impact was determined to be less than significant with mitigation.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to any conflicts with or obstruction of the implementation of the applicable AQP.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to any conflicts with or obstruction of the implementation of the applicable AQP, as explained more fully below.

As described in more detail in Appendix B, the City has determined, in its discretion, that Scenario 2 would be the reasonable worst-case scenario for purposes of evaluating potential impacts related conflicts with the applicable air quality plan.

The BAAQMD is responsible for reducing emissions from area, stationary, and mobile sources in the SFBAAB to achieve NAAQS and CAAQS. The 2017 Clean Air Plan is a regional and multiagency effort to reduce air pollution in the SFBAAB. A consistency determination with the AQP plays an important role in local agency project review by linking local planning and individual projects to the 2017 Clean Air Plan. It fulfills the CEQA goal of informing decision-makers, other interested agencies and organizations, and the public of a project's environmental effects under consideration early enough to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to the clean air goals in the 2017 Clean Air Plan.

The BAAQMD does not provide a numerical threshold of significance for the project-level consistency analysis with AQPs. Therefore, the following criteria are used for determining a project's consistency with the 2017 Clean Air Plan:

- **Criterion 1:** Does the project support the primary goals of the AQP?
- **Criterion 2:** Will the project conform to the assumptions in the AQP?
- **Criterion 3:** Does the project disrupt or hinder implementation of any AQP control measures?

Criteria 1: Support Primary Goals of AQP

The primary goals of the 2017 Clean Air Plan, the current AQP to date, are to:

- Attain air quality standards.
- Reduce population exposure to unhealthy air and protect public health in the Bay Area.
- Reduce GHG emissions and protect the climate.

With respect to the proposed project, measures for determining whether it supports the primary goals of the AQP include whether the proposed project would or would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the air quality plans. These measures are determined by comparison to the regional and localized thresholds identified by the BAAQMD for construction- and operational-related pollutants, which are used in the evaluation of Impact AIR-2, below. As discussed in Impact AIR-2, the proposed project would not generate emissions that would exceed the BAAQMD's significance thresholds after the implementation of applicable mitigation (MM AIR-2). The BAAQMD's significance thresholds are established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the proposed project would not exceed the applicable BAAQMD thresholds for criteria pollutants after mitigation, the proposed project would not be considered by the BAAQMD to be a substantial emitter of criteria air pollutants.

Criteria 2: Assumptions in AQP

A measure for determining whether a project is consistent with the AQP is to determine whether the project is consistent or inconsistent with the growth assumptions incorporated into the AQP and

thus, whether it would interfere with the region's ability to comply with NAAQS and CAAQS The BAAQMD estimates the regional emissions inventory for the SFBAAB, in part, from the regional population, housing, and employment projections developed by the ABAG and MTC. These demographic trends are incorporated into Plan Bay Area 2040,[17] compiled by ABAG and the MTC, to determine priority transportation projects and estimate VMT in the Bay Area and are based on cities and counties' general plan land use designations. Therefore, these regional demographic projections derived from local jurisdictions' land use patterns form the foundation of the emissions inventory for the 2017 Clean Air Plan. As such, projects consistent with the local general plan's population and job growth assumptions are considered consistent with the applicable AQP under this criterion.

While the proposed project would introduce new land uses and related activities in a portion of the NDSP area that were not previously contemplated (e.g., potential multi-family residential and hotel), as well as increase the intensity/density of uses located therein, this type of intensification of mixed uses is generally contemplated by the General Plan, which contemplates a land use vision that supports a mix of uses, including housing, in the Core Downtown area, near public transit, major transportation corridors, and pedestrian and bicycle facilities. In addition, the project site is within a Priority Development Area, in which transit-oriented and infill development is encouraged. Therefore, the proposed project would not result in unplanned growth. As such, the growth assumptions for the project site and vicinity would not substantially differ from those generally envisioned in the General Plan or NDSP to such an extent that the proposed project would be considered inconsistent with assumptions used to inform the 2017 Clean Air Plan. For example, as discussed in Section 3.12, Population and Housing, additional residents that could result from the proposed project would be within the overall population projections included in the General Plan. In addition, the General Plan assumed 55,280 jobs within the City[18,19] and estimated a total of 33,095 new jobs associated with implementation of the General Plan.[20] The proposed project represents less than 6 percent of the anticipated job growth included in the General Plan. Therefore, the population and employment increase associated with the proposed project was anticipated in the General Plan. Because the General Plan informs the 2017 Clean Air Plan, population growth and job growth associated with the proposed project would sufficiently be accounted for in the assumptions used in the 2017 Clean Air Plan. Because the proposed project would not result in unplanned growth envisioned by the General Plan or NDSP and would not exceed the population growth forming the basis for the 2017 Clean Air Plan, the proposed project would be considered by the BAAQMD to be consistent with growth assumptions in the 2017 Clean Air Plan.

Criteria 3: AQP Control Measures

The 2017 Clean Air Plan contains 85 control measures aimed at reducing air pollutant emissions and GHG emissions at the local, regional, and global levels. Along with the traditional stationary, area, mobile source, and transportation control measures, the 2017 Clean Air Plan contains several control measures designed to protect the climate, promote mixed use, and to encourage compact development to reduce vehicle emissions and exposure to pollutants from stationary and mobile

[17] Though Plan Bay Area 2050 is the currently adopted document, Plan Bay Are 2040 was the underlying document utilized for the 2017 Clean Air Plan.
[18] City of Walnut Creek. 2005. Walnut Creek General Plan 2025 EIR, page 61. August 5.
[19] Based on ABAG Projections 2005 figure of 55,280 jobs within the City Limits.
[20] City of Walnut Creek. 2005. Walnut Creek General Plan 2025 EIR, page 61. August 5.

sources. The 2017 Clean Air Plan also includes an account of the implementation status of control measures identified in the 2010 Clean Air Plan. The proposed project would comply with all applicable laws and regulations, including all applicable BAAQMD rules and regulations. By complying with mandatory building code standards, the proposed project would be consistent with all applicable building and energy control measures listed in the 2017 Clean Air Plan. The proposed project would involve the construction of a mix of uses on an under-utilized infill site in the City's Core Downtown area near public transit; it would have a less than significant VMT impact; it contemplates the incorporation of a public trail on a portion of Site A as a project design feature in a manner consistent with the applicable NDSP policies (as amended), which would facilitate enhanced pedestrian and bicycle connectivity; it does not propose excessive parking beyond applicable parking requirements; and it would not otherwise create an impediment or disruption to implementation of any AQP control measures. As a mixed-use project, the proposed project would incorporate several AQP control measures (such as those related to reducing VMT and providing bicycle and pedestrian access) as project design features. Considering this information, the proposed project would not disrupt or hinder implementation of any AQP control measures. Furthermore, the proposed project is within an identified PDA[21] in which transit-oriented and infill development is encouraged, and the proposed project would facilitate mixed use and high-density transit-oriented infill development adjacent to the Walnut Creek Bay Area Rapid Transit (BART) station. The proposed project is therefore consistent with Criterion 3.

Summary

In summary, the proposed project would be consistent with all three criteria with inclusion of the proposed project design features and/or after implementation of mitigation. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 2 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

The verbatim text of the relevant 2019 NDSP EIR mitigation measure is provided below.

Mitigation Measures from the 2019 NDSP EIR

2019 NDSP EIR MM AIR-1 **Implement BAAQMD Best Management Practices (BMP) During Construction**

- Project contractors shall follow Basic Construction Mitigation Measures as recommended by the BAAQMD, including:

[21] Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission. 2021. Plan Bay Area 2050 Executive Summary, Map 1-1: Plan Bay Area 2050 Growth Geographies. Website: https://www.planbayarea.org/digital-library/plan-bay-area-2050-executive-summary. October. Accessed November 9, 2021.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City of Walnut Creek regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measures for the Proposed Project

Implement MM AIR-2.

For purposes of the proposed project, the relevant Applicant's compliance with MM AIR-2 shall constitute compliance with 2019 NDSP EIR MM AIR-1.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Cumulative Criteria Pollutant Emissions Impacts

Impact AIR-2:	**The proposed project may result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.**

Conclusions in the 2019 NDSP EIR

Because air pollution is a regional issue affected by climate, land uses, and topography, the 2019 NDSP EIR evaluated conformance with the BAAQMD's 2017 Clean Air Plan with respect to any cumulatively considerable net increase of any criteria pollutants. Based on this analysis, the 2019 NDSP EIR concluded that development under the NDSP would not result in a cumulatively considerable net increase in criteria pollutants. This impact was determined to be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to any cumulatively considerable net increase of any criteria pollutants.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to any cumulatively considerable net increase of any criteria pollutants, as explained more fully below. This impact is related to the cumulative effect of a project's regional criteria pollutant emissions. By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that a project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the project would result in mass emissions that exceed the BAAQMD regional thresholds of significance for construction and operations on a project level. The significance thresholds represent the allowable amount of emissions each project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the BAAQMD thresholds of significance on the individual project level would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. Construction and operational emissions are discussed separately below.

Construction

As described in more detail in Appendix B, Scenario 2 would represent the reasonable worst-case scenario with respect to cumulative criteria pollutant emissions during construction.

During construction, fugitive dust would be generated principally from demolition, site grading, grading, and other earthmoving activities. Exhaust emissions would also be generated from the operation of the off-road construction equipment and on-road construction vehicles.

Construction Fugitive Dust

The BAAQMD does not recommend a numerical threshold for fugitive dust PM emissions. Instead, the BAAQMD bases the determination of significance for fugitive dust on a consideration of the control measures to be implemented, referred to as BMPs. If all appropriate emissions control measures are implemented for a project as recommended by the BAAQMD, then fugitive dust emissions during construction are not considered significant. As previously identified, the proposed project would be required to implement MM AIR-2, which would require the incorporation of various BAAQMD-recommended dust control measures during project construction. Therefore, with the incorporation of MM AIR-2, short-term construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation would be less than significant for fugitive dust.

Construction Air Pollutant Emissions: ROG, NO_X, PM_{10}, and $PM_{2.5}$

Construction emissions were estimated using CalEEMod Version 2020.4.0. Construction emissions were then analyzed against the applicable thresholds of significance established by the BAAQMD for ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$ to determine significance for this impact. The predominant activity which would generate ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$ during project construction would be the operation of construction equipment and vehicles.

Operation of the proposed project is anticipated to first occur in 2025. Therefore, due to the lack of detailed construction information available at this time for the proposed project, the default construction schedule generated by CalEEMod was utilized to characterize construction of the proposed project with an assumed start date of January 1, 2024. This assumption is conservative because if the construction schedule moves to later years, construction emissions would likely decrease because of improvements in technology and more stringent regulatory requirements.

In addition, as displayed in Table 3.2-14, while there is no specific individual development proposal, for purposes of a conservative analysis, this Draft SEIR assumes a significant amount of off-haul would occur, primarily related to the excavation and construction of underground parking. Therefore, this analysis assumes that construction of the proposed project would involve the off-haul of an estimated 255,773 cubic yards of soil and approximately 14,595 tons of demolition debris. As previously discussed, based on available information and reasonable assumptions, it is assumed that a small amount of the off-haul soil, approximately 1,210 cubic yards of the 255,773 cubic yards of soil, is contaminated. However, given the nature of this contamination, it would be considered Class II non-hazardous waste. The nearest facility which accepts Class II non-hazardous waste is the Keller Canyon Landfill, which is located approximately 14 miles away, at 901 Bailey Rd., Pittsburg. It is assumed the rest of the off-haul soil would also be hauled to Keller Canyon Landfill.

As the project site is located within the BAAQMD's jurisdiction, emissions generated in the BAAQMD area are analyzed against BAAQMD significance thresholds. Table 3.2-16 provides the construction emissions against the appropriate BAAQMD significance thresholds.

Table 3.2-16: Construction Emissions

Construction Activity	Criteria Pollutant Emissions (Tons)			
	ROG	NO_X	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)
Demolition (2024)	0.02	0.31	0.01	0.01
Site Preparation (2024)	0.01	0.15	0.01	0.01
Grading (2024)	0.05	1.79	0.02	0.02
Building Construction (2024-2025)	0.59	4.45	0.13	0.12
Paving (2025)	0.01	0.11	0.01	0.01
Architectural Coating (2025)	7.5	0.02	<0.01	<0.01
Total Construction Emissions (Tons)	**8.19**	**6.83**	**0.18**	**0.17**
Average Daily Emissions				
Total Construction Emissions (Pounds)	16,380	13,660	360	340
Average Daily Construction Emissions (Pounds/Day)	44.9	37.4	1.0	0.9
BAAQMD Significance Thresholds (Pounds/Day)	54	54	82	54
Significant Impact?	**No**	**No**	**No**	**No**

Notes:
BAAQMD = Bay Area Air Quality Management District
NO_X = nitrogen oxides
PM_{10} = particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter
ROG = reactive organic gases
This analysis relies on a 320-day construction schedule, consistent with the construction schedule and modeling results contained in Appendix C. Totals may not add up due to rounding.
Source: Appendix C.

As shown in Table 3.2-16, no criteria pollutant or ozone precursor emissions would exceed the applicable BAAQMD significance threshold during project construction.

Operation

As described in more detail in Appendix B, with respect to cumulative criteria pollutant emissions for operation, Scenario 2 would represent the reasonable worst-case scenario with respect to cumulative criteria pollutant emissions during operation and therefore Scenario 2 is utilized in this operational analysis.

Operational Air Pollutant Emissions: ROG, NO_X, PM_{10}, and $PM_{2.5}$

Operational emissions would include area, energy, mobile, and stationary sources. Area sources would include emissions from architectural coatings, consumer products, and landscaping equipment. There are no direct combustion emissions of criteria pollutants from energy sources such as lighting, space and water heating, and other electrical appliances since the proposed project would be all electrical. Mobile sources include exhaust and road dust emissions from the

automobiles that would travel to and from the project site. Stationary sources include emissions from stationary source equipment, such as diesel backup generators and fire pumps, which would require a permit issued by the BAAQMD, which a backup generator and fire pump are assumed for purposes of a conservative analysis. Pollutants of concern for project operations include ROG, $NO_{X,}$ PM_{10}, and $PM_{2.5}$.

As previously discussed, project operations were analyzed at full buildout in 2025 (Appendix C). Scenario 2 (which has been determined to be the reasonable worst-case scenario for this impact analysis) would generate an estimated 7,975 vehicle trips per day prior to any reductions from transit trips or bicycle/pedestrian trips. As the proposed project would involve the operation of an auto dealership (among other uses), which would receive regular vehicle deliveries, emissions associated with HHD truck trips were estimated for this land use using project-specific information. HHD truck trips associated with vehicle deliveries were calculated to represent a proportion of total weekday vehicle trips for the auto dealership equal to the countywide EMFAC2017 fleet mix for HHD vehicles for the first operational year of 2025, or approximately 0.72 percent. As the auto dealership would generate an estimated 3,956 daily vehicle trips, 0.72 percent would constitute an estimated 28 HHD truck trips per weekday. In addition, based on information received from the project Applicant, the most probable port of origin for vehicle deliveries would be the Port of Richmond, approximately 25 miles from the project site.

Operational emission estimates are presented in Table 3.2-17 and analyzed against the applicable BAAQMD significance thresholds. Existing emissions were also estimated utilizing the same assumptions for the proposed project (e.g., project-specific trip generation rates for auto dealership uses) and subtracted from the proposed project's emissions to identify the proposed project's net new emission estimates, consistent with the BAAQMD's CEQA Air Quality Guidelines. For detailed assumptions and calculations used to estimate emissions, see Appendix C.

Table 3.2-17: Unmitigated Operational Emissions

Emission Source	Criteria Pollutant Emissions (Tons/Year)[1]			
	ROG	NO_X	PM_{10} (Total)	$PM_{2.5}$ (Total)
Area	6.15	0.01	0.01	0.01
Energy	0.0	0.0	0.0	0.0
Mobile	3.79	4.95	9.06	2.46
Stationary	0.15	0.62	0.02	0.02
Total Project Emissions (Tons/Year)	**10.09**	**5.58**	**9.09**	**2.49**
Existing Emissions (Tons/Year)	*0.72*	*0.45*	*0.58*	*0.16*
Annual Emissions Analysis[1]				
Net Project Emissions (Tons/Year)	**9.37**	**5.13**	**8.51**	**2.33**
BAAQMD Significance Thresholds (Pounds/Day)	10	10	15	10
Significant Impact?	**No**	**No**	**No**	**No**

Emission Source	Criteria Pollutant Emissions (Tons/Year)[1]			
	ROG	NO_X	PM_{10} (Total)	$PM_{2.5}$ (Total)
Average Daily Emissions[1]				
Total Annual Emissions (Pounds)	18,740	10,260	17,020	4,660
Average Daily Emissions (Pounds/Day)	**51.34**	**28.11**	**46.63**	**12.77**
BAAQMD Significance Thresholds (Pounds/Day)	54	54	82	54
Significant Impact?	**No**	**No**	**No**	**No**

Notes:
BAAQMD = Bay Area Air Quality Management District
lbs. = pounds
NO_X = oxides of nitrogen
PM_{10} = particulate matter 10 microns in diameter
$PM_{2.5}$ = particulate matter 2.5 microns in diameter
ROG = reactive organic gases
[1] Totals may not add up due to rounding. Calculations use unrounded results. 365 working days per year is assumed to estimate average daily emission rates.
Source: CalEEMod Output (see Appendix C).

As shown in Table 3.2-17, the proposed project would not result in operational emissions that exceed the BAAQMD's significance threshold. Therefore, the proposed project would not exceed applicable BAAQMD significance thresholds under the scenario presented in Table 3.2-17 and would not result in a potentially significant impact to air quality during project operation.

Operational Carbon Monoxide Hotspot

The CO emissions from traffic generated by the proposed project are a concern at the local level. Congested intersections can result in high, localized concentrations of CO.

The BAAQMD recommends a screening analysis to determine whether a project has the potential to contribute to a CO hotspot. The screening criteria identify when site-specific CO dispersion modeling is necessary. The proposed project would result in a less than significant impact to air quality for local CO if all the following screening criteria are met:

1. The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.
2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

No intersections impacted by the proposed project would experience traffic volumes of more than 44,000 vehicles per hour. The study intersection which would experience the most traffic volume during the "Cumulative plus Scenario 2 Traffic Volumes" scenario during AM and PM peak-hours would be the intersection of North Main Street and Parkside Drive.[22,23] That intersection would experience an estimated 4,579 AM peak-hours vehicle trips and 6,048 PM peak-hour vehicle trips with the implementation of the proposed project. Therefore, the proposed project would not result in any nearby intersection having peak-hour traffic volumes exceeding 44,000 vehicles per hour.[24]

Nonetheless, CO hotspots can occur when a transportation facility's design or orientation prevents the adequate dispersion of CO emissions from vehicles, resulting in the accumulation of local CO concentrations. The design or orientation of a transportation facility that may prevent the dispersion of CO emissions include tunnels, parking garages, bridge underpasses, natural or urban canyons, below-grade roadways, or other features where vertical or horizontal atmospheric mixing is substantially limited. Adjacent roadways that would receive new vehicle trips generated by the proposed project do not include roadway segments where vertical or horizontal atmospheric mixing is substantially limited.

Finally, the proposed project would not conflict with the 2021 Contra Costa County's Congestion Management Plan (CMP).[25] All studied roadway segments and intersections within the CMP would operate at acceptable levels with traffic generated by the proposed project in combination with existing traffic levels.[26, 27] Therefore, based on the above criteria, the proposed project would not exceed the CO screening criteria and would have a less than significant impact related to CO.

Overall

With the implementation of MM AIR-2, short-term construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation would be less than significant for fugitive dust. Construction emissions would not exceed any of the applicable BAAQMD significance thresholds. The proposed project would not result in any operational emissions beyond the BAAQMD's significance thresholds. The proposed project would not exceed the CO screening criteria and thus would have a less than significant impact related to CO. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 2 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

[22] While not required by CEQA, a separate report including a LOS operational analysis has been prepared, which provides information regarding traffic volumes.

[23] W-Trans. 2022. Transportation Analysis Walnut Creek North Downtown Specific Plan SEIR. November 29.

[24] The proposed parking garage would not trigger this concern because traffic levels associated with the proposed project are well below the vehicles per hours threshold.

[25] As discussed more fully in the Transportation Analysis Walnut Creek North Downtown Specific Plan SEIR, W-Trans utilized the 2021 Draft Congestion Management Plan (CMP) because each updated CMP includes more recent traffic data which forms the basis for their thresholds.

[26] While not required by CEQA, a separate report including a LOS operational analysis has been prepared, which provides information regarding the CMP with respect to roadway segments and intersections within the CMP.

[27] W-Trans. 2022. Transportation Analysis Walnut Creek North Downtown Specific Plan SEIR. November 29.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

The verbatim text of the relevant 2019 NDSP EIR mitigation measure is provided below.

Mitigation Measures from the 2019 NDSP EIR

2019 NDSP EIR MM AIR-1 **Implement BAAQMD Best Management Practices (BMP) During Construction**

- Project contractors shall follow Basic Construction Mitigation Measures as recommended by the BAAQMD, including:
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City of Walnut Creek regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measures for the Proposed Project

For the proposed project, MM AIR-2 is required to implement the requirements of 2019 NDSP EIR MM AIR-1. Therefore, compliance with MM AIR-2 shall constitute compliance with the requirements of 2019 NDSP MM AIR-1.

MM AIR-2 Implement Basic Construction Measures During Construction

The following Basic Construction Mitigation Measures as recommended by the BAAQMD shall be implemented by all development on the project site, including:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measures Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. The idling time of diesel-powered construction equipment shall be minimized to 2 minutes.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City of Walnut Creek regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.
- The project contractor shall prepare a waste plan prior to the issuance of building permits. The waste plan should show that it complies with State and local law and appropriate agencies should review the waste plan prior to approval.

Level of Significance After Mitigation

Less than significant with mitigation incorporated.

Sensitive Receptors Exposure to Pollutant Concentrations

Impact AIR-3: The proposed project may expose sensitive receptors to substantial pollutant concentrations.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated applicable BAAQMD thresholds with respect to the potential for implementation of the development contemplated under the NDSP to expose sensitive receptors to

substantial pollutant concentrations. Based on this analysis, the 2019 NDSP EIR concluded that there would be potentially significant impacts in this regard because implementation of development under the NDSP could result in dust and diesel exhaust emissions over the applicable BAAQMD thresholds. However, with implementation of 2019 NDSP EIR MM AIR-2 and 2019 NDSP EIR MM AIR-3, implementation of development under the NDSP would not result in a potentially significant impact to existing or planned sensitive receptors as a result of exposure to substantial pollutant concentrations. This impact was determined to be less than significant with mitigation.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to the potential for implementation of the proposed project to expose sensitive receptors to substantial pollutant concentrations.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to the potential for implementation of the proposed project to expose sensitive receptors to substantial pollutant concentrations, as explained more fully below.

Given the nature of the NDSP as a planning as well as regulatory document, and further due to the site-specific nature of health impact analysis, the 2019 NDSP EIR ultimately concluded that further analysis of health impacts would be necessary in the event that construction would occur within 1,000 feet of existing residences (2019 NDSP EIR MM AIR-2). Consistent with the 2019 NDSP EIR, because the proposed project would involve construction activities as close as 130 feet from the nearest residential land uses (see Table 3.2-8), the proposed project's potential health impacts were analyzed against the appropriate significance thresholds below. To support this effort, a construction HRA was prepared for the proposed project (Appendix C), which is summarized below.

The proposed project could expose sensitive receptors to elevated pollutant concentrations if it causes or contributes significantly to elevated pollutant concentration levels. Unlike regional emissions, localized emissions are typically evaluated in terms of air concentration rather than mass so they can be more readily correlated to potential health effects.

As described in more detail in Appendix B, with respect to exposure of sensitive receptors to elevated pollutant concentrations during construction, Scenario 2 would represent the worst-case scenario in this regard.

Construction-Related Diesel Particulate Matter

Table 3.2-18 presents a summary of the results of the HRA prepared for the proposed project during project construction. As previously discussed, operation of the proposed project is anticipated to first occur in 2025. Therefore, due to the lack of detailed construction information available at this time for the proposed project, the default construction schedule generated by CalEEMod was

utilized to characterize construction of the proposed project with an assumed start date of January 1, 2024.

Because residences could be developed on Sites A, B, and/or C and those future residents could be exposed to construction activities following development and occupancy of those residences, the construction HRA conservatively assumed that residences would be constructed first. Therefore, all modeling runs employed in the HRA assume future residents to be sensitive receptors during the subsequent construction of remaining land uses on sites other than the ones hosting those residential uses.

This HRA further assumed, for all modeling runs considered, that no subsequent construction would occur on the same site as future residences once they were built (e.g., either Site A would be entirely residential or all development on Site A (both residential and any non-residential) would occur at the same time).

As discussed in the construction HRA, a series of maximally impacted receptors (MIR) were identified among the different modeling runs to identify the proposed project's reasonable worst-case health impacts. The following lists the MIR identified during unmitigated project construction for each receptor type.

- On-Site Residential MIR: Future residences on Site C, immediately adjacent to Site D's southern boundary.
- Off-Site Residential MIR: Multi-family residential development, approximately 130 feet southeast of Site C of the project site.
- Pre-School MIR: Located at Walnut Creek Presbyterian Church, approximately 2,240 feet southwest of Site A of the project site.
- Elementary School MIR: Walnut Creek Intermediate School, approximately 670 feet east of Site C of the project site.
- Middle School MIR: Futures Academy, approximately 1,810 feet southwest of Site A of the project site.

Table 3.2-18 summarizes the unmitigated construction cancer risk and hazard index results for the MIRs considering all modeling runs, as identified above. It should be noted that cancer risk and chronic non-cancer hazards shown in Table 3.2-18 do not account for the implementation of any identified mitigation other than the application of the BAAQMD's fugitive dust BBMPs, which only affects emissions of fugitive dust and not vehicle exhaust or DPM emissions. In addition, the cancer risk, non-chronic hazard, and TAC concentration displayed herein assumes a reasonable worst-case health impact run by assuming that the proposed residences are constructed first and then become on-site residential receptors during construction of all other land uses. The maximum on-site cancer risk was predicted for the run where residences on Site C were exposed to subsequent additional construction emissions from the balance of the proposed project. Since Site C was demonstrated to have the reasonable worst-case potential for health impacts, the mitigated results were calculated only for this run. For any run where residences were built on Sites A or B, the impacts to residential on and off-site receptors would be less than those calculated for Site C Residential run.

Table 3.2-18: Unmitigated Cancer Risks and Chronic Non-Cancer Hazards

Impact Run	Cancer Risk[1] (risk per million)	Chronic Non-Cancer Hazard Index[2]	TAC Concentration[3] (µg/m^3)
On-Site Residential MIR Impact			
Residences on Site C Run	34.2	0.038	0.192
Thresholds of Significance	**10**	**1**	**0.3**
Exceeds Individual Source Threshold?	**Yes**	**No**	**No**
Off-Site Residential MIR Impact			
Residences on Site C Run	22.5	0.013	0.066
Thresholds of Significance	**10**	**1**	**0.3**
Exceeds Individual Source Threshold?	**Yes**	**No**	**No**
Off-Site Sensitive Receptor MIR Impact			
Walnut Creek Presbyterian Church (Preschool)-	0.025	0.0001	0.0004
Walnut Creek Intermediate School (Elementary School)	1.01	0.0025	0.0123
Futures Academy (Middle School)	0.05	0.0002	0.0010
Thresholds of Significance	**10**	**1**	**0.3**
Exceeds Individual Source Threshold?	**No**	**No**	**No**

Notes:
MIR = Maximally Impacted Sensitive Receptor
REL = Reference Exposure Level
µg/m^3 = micrograms per cubic meter
[1] Cancer risk is identified by multiplying the risk sum from HARP2 by 1,000,000. Totals may not add up due to rounding.
[2] Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration ($PM_{2.5}$ exhaust) by the DPM REL of 5 µg/m^3. Totals may not add up due to rounding.
[3] DPM concentrations are drawn directly from AERMOD modeling results. Totals may not add up due to rounding.
[4] Residential construction emissions are zero under the on-site residential MIR as those residences would already be constructed by the time those receptors are exposed to construction emissions.
Emission Concentration Source: Appendix C.
Thresholds Source: Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed January 24, 2022.

As shown in Table 3.2-18, construction of the proposed project would emit DPM emissions that would result in cancer risk above the BAAQMD's recommended threshold for both existing off-site and future on-site residential MIRs during the Residences on Site C modeling run. As such, MM AIR-3a would be required to reduce potential cancer risk impacts at the off-site and future on-site residential MIRs to less than significant. MM AIR-3a would require the use of construction equipment which meets the ARB's and United States Environmental Protection Agency's (EPA) Tier 4 Final emission standards for engines greater than 50 horsepower during project construction.

Mitigated construction health impacts are shown in Table 3.2-19 to demonstrate the efficacy of MM AIR-3a on reducing cancer risk impacts at the identified MIRs exceeding BAAQMD significance thresholds. Only those MIRs which would experience potentially significant health impacts were analyzed with mitigated modeling results. As shown in Table 3.2-19, implementation of MM AIR-3a would reduce potential cancer risk impacts at the off-site and future on-site residential MIRs during the Residences on Site C modeling run to less than significant levels.

Table 3.2-19: Mitigated Cancer Risks and Chronic Non-Cancer Hazards

Impact Run	Cancer Risk[1] (risk per million)	Chronic Non-Cancer Hazard Index[2]	TAC Concentration[3] ($\mu g/m^3$)
On-Site Residential MIR Impact			
Residences on Site C Run	5.06	0.006	0.03
Thresholds of Significance	**10**	**1**	**0.3**
Exceeds Individual Source Threshold?	**No**	**No**	**No**
Off-Site Residential MIR Impact			
Residences on Site C Run	6.93	0.004	0.02
Thresholds of Significance	**10**	**1**	**0.3**
Exceeds Individual Source Threshold?	**No**	**No**	**No**

Notes:
MIR = Maximally Impacted Sensitive Receptor
REL = Reference Exposure Level
$\mu g/m^3$ = micrograms per cubic meter
[1] Cancer risk is identified by multiplying the risk sum from HARP2 by 1,000,000. Totals may not add up due to rounding.
[2] Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration ($PM_{2.5}$ exhaust) by the DPM REL of 5 $\mu g/m^3$. Totals may not add up due to rounding.
[3] DPM concentrations are drawn directly from AERMOD modeling results. Totals may not add up due to rounding.
[4] Residential construction emissions are zero under the on-site residential MIR as those residences would already be constructed by the time those receptors are exposed to construction emissions.
Emission Concentration Source: Appendix C.
Thresholds Source: Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed April 15, 2021.

As shown in Table 3.2-19, the health impacts experienced at existing off-site and future on-site residential MIR would be reduced to less than significant levels after incorporation of MM AIR-3a. Nonetheless, it must be disclosed that the results of this analysis are specific to the assumptions which were utilized in identifying potential human health impacts, which notably omits the possibility of additional land uses being constructed within the same site as future operational residences (e.g., a residence is built on Site C and then a nonresidential land use is built on Site C).

To maintain the effectiveness of MM AIR-3a to reduce potential human health impacts to sensitive receptors to less than significant levels, MM AIR-3b would require the relevant Applicant to document that other measures (e.g., installation of MERV filters, etc.) will ensure the satisfaction of the specified performance standards. Specifically, MM AIR-3b provides that the relevant Applicant of

a specific individual development proposal to reasonably document that it can meet specified performance standards through the incorporation of specific features (such as MERV filters, construction and grading limitations, and/or the use of clean construction equipment) to ensure that all construction-related human health impacts to sensitive receptors are less than significant.

Furthermore, as previously stated, for purposes of a conservative analysis, it is assumed that the proposed project may export approximately 255,773 cubic yards of soil; it is assumed that a small portion of these soils, approximately 1,210 cubic yards, could be contaminated (non-hazardous). As discussed in Section 3.8, Hazards and Hazardous Materials, excavation of contaminated soils could expose workers and the public to hazardous materials in dust or vapors that could be released from contaminated soil or groundwater. As discussed in Section 3.8, Hazardous Materials, the proposed project would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to applicable goals and policies of the General Plan (including, but not limited to, Goal 3, Policies 3.5, 3.6, and Actions 3.5.1 and 3.6.1 in Chapter 6, Safety and Noise, of the General Plan).

With the incorporation of MM AIR-3a, MM AIR-3b, MM HAZ-2a, MM HAZ-2b, and MM HAZ-2c,[28] the proposed project would result in less than significant impacts to nearby existing and future sensitive receptors in accordance with the BAAQMD's project-level significance threshold.

Community Health Risk Assessment

A community HRA was conducted in accordance with BAAQMD recommendations. The cumulative health risk values were determined by adding the health risk values from refined modeling of the proposed project to the screening-level health risk values from each individual stationary and mobile source within a 1,000-foot radius of the project site. The cumulative health risk results, including health risks from the existing stationary sources and mitigated project construction, are summarized in Table 3.2-20. Cumulative health risk results shown therein are representative of the health risks to the on-site residential MIR, which would experience the greatest health impact of all identified MIRs.

Table 3.2-20: Summary of the Mitigated Cumulative Health Impacts at the MIR during Construction

Source/Impact Run	Source Type	Distance from MIR[1] (feet)	Cancer Risk (per million)	Chronic HI	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Maximum Project MIR					
Project Construction (Mitigation Applied)	Diesel Construction Equipment and Vehicles	0	5.06	0.006	0.03
Existing Stationary Sources (BAAQMD Facility Number)[2]					
Mike Rose's Auto Body of Walnut Creek (Facility ID 11281)	Auto Body Coating Operation	1,245	0.00	<0.001	0.000

[28] For the proposed project, MM HAZ-2a is required to implement the requirements of 2019 NDSP EIR MM HAZ-1a. MM HAZ-2b, MM HAZ-2c are required to implement the requirements of 2019 NDSP EIR MM HAZ-1b.

Source/Impact Run	Source Type	Distance from MIR[1] (feet)	Cancer Risk (per million)	Chronic HI	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Mike Rose's Auto Body Inc. (Facility ID 12341)	Auto Body Coating Operation	155	0.00	0.000	0.000
E-Tech Collision (Facility ID 13578)	Auto Body Coating Operation	585	0.00	<0.001	0.000
Mt Diablo Plaza (Facility ID 17659)	Generators	1,400	0.15	<0.001	0.000
555 YVR LLC (Facility ID 19323)	Generators	960	0.42	0.000	<0.001
I&G Ygnacio III (Facility ID 19859)	Generators	1,520	0.11	0.000	<0.001
SPUS8 California, LP c/o CBRE Inc . (Facility ID 23785)	Generator, Boiler	1,385	0.83	0.001	0.001
Caliber Collision Center (Facility ID 24395)	Auto Body Coating Operation, Distillation Process	810	<0.01	<0.001	0.001
Xtra Oil Company (Facility ID 101716)	Gas Dispensing Facility	1,205	1.07	0.005	0.000
K Ygnacio Valley Service (Facility ID 109298)	Gas Dispensing Facility	830	0.46	0.002	0.000
Walnut Creek Valero (Facility ID 110512)	Gas Dispensing Facility	885	0.86	0.004	0.000
Main Street Chevron (Facility ID 112050)	Gas Dispensing Facility	1,575	0.44	0.002	0.000
Roadways					
Existing Local Roadway Network		230	14.22	N/A	0.256
Rail					
Existing Rail Lines		1,200	0.27	N/A	<0.001
Freeways					
Existing Freeways		2,000	21.56	N/A	0.422
Cumulative Health Risks					
Cumulative Maximum at MIR			45.45	0.021	0.71
BAAQMD's Cumulative Thresholds of Significance			**100**	**10**	**0.8**
Threshold Exceedance?			**No**	**No**	**No**

Notes:
MIR = Maximally Impacted Sensitive Receptor
ND = no data available
[1] The MIR represents the MIR which experienced the greatest cancer risk impact among all project MIRs, the future residence on Site C, immediately adjacent to the southern boundary to Site D.
[2] Assumes emissions remain constant with time.
Source: Appendix C.

As noted in Table 3.2-20, the cumulative impacts from implementation of the proposed project and existing sources of TACs would be less than the BAAQMD's cumulative thresholds of significance, with the incorporation of MM AIR-3a and MM AIR-3b. It should be noted that the community health risk impacts would be potentially significant without mitigation required under MM AIR-3a and MM AIR-3b. As shown in the table above, with mitigation applied, the community health risk impacts from project construction would be less than significant after mitigation.

Carbon Monoxide Hotspot

As discussed in Impact AIR-2, the proposed project would not generate sufficient vehicle traffic during project operation to substantiate creating a CO hotspot. Therefore, this impact would be less than significant for exposing sensitive receptors to substantial concentrations of CO emissions. As such, the proposed project would result in less than significant impacts related to exposing sensitive receptors to substantial pollutant concentrations.

Overall

With the incorporation of MM AIR-3a, MM AIR-3b, MM HAZ-2a, MM HAZ-2b, and MM HAZ-2c, the proposed project would result in less than significant impacts to nearby existing and future sensitive receptors in accordance with the BAAQMD's project-level significance threshold. The cumulative impacts from implementation of the proposed project and existing sources of TACs would be less than the BAAQMD's cumulative thresholds of significance, with the incorporation of MM AIR-3a and MM AIR-3b. Thus, the community health risk impacts from project construction would be less than significant after mitigation. Therefore, this impact would be less than significant for exposing sensitive receptors to substantial concentrations of CO emissions. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 2 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusions.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

The verbatim text of the relevant 2019 NDSP EIR mitigation measure is provided below.

Mitigation Measures from the 2019 NDSP EIR

2019 NDSP EIR MM AIR-2 **Conduct a Project-Specific Construction Health Risk Assessment**

All proposed development projects associated with implementation of the Specific Plan which would include construction activities within 1,000 feet of a residential dwelling unit, shall conduct a construction Health Risk Assessment to assess emissions from all construction equipment during each phase of construction prior to issuance of building permits. Equipment usage shall be modified as necessary to ensure that equipment use would not result in a carcinogenic health risk of more than 10 in 1 million, an increased non-cancer risk of greater than 1.0 on the hazard index (chronic or

acute), or an annual average ambient $PM_{2.5}$ increase greater than 0.3 micrograms per cubic meter ($\mu g/m^3$).

2019 NDSP EIR MM AIR-3 **Conduct a Project-Specific Operation Health Risk Assessment**

For residential or other sensitive use projects proposed within 500 feet of I-680, and/or any of the stationary sources identified in Table 4.3.F, the City of Walnut Creek shall require an evaluation of potential health risk exposure. The Applicant, for a sensitive use project within the Plan Area, shall prepare a report using the latest BAAQMD permit data and roadway risk estimates to determine impacts to future residents. The report shall outline any measures that would be incorporated into the project necessary to reduce carcinogenic health risk of to less than 10 in 1 million, reduce the non-cancer risk of to less than 1.0 on the hazard index (chronic or acute), and ensure the annual average ambient $PM_{2.5}$ increase is less than 0.3 $\mu g/m^3$. Measures to reduce impacts could include upgrading air filtration systems of fresh air supply, tiered plantings of trees, and site design to increase distance from source to the receptor.

Mitigation Measures for the Proposed Project

For the proposed project, MM AIR-3a and MM AIR-3b are required to implement the requirements of 2019 NDSP EIR MM AIR-2. Accordingly, implementation of MMs AIR-3a and AIR-3b shall constitute compliance with 2019 NDSP EIR MM AIR-2.

2019 NDSP EIR MM AIR-3 would require the preparation of an operational HRA if residential or other sensitive land uses are proposed for locations within 500 feet of I-680 or any of the stationary sources listed in Table 4.3.F of the 2019 NDSP EIR. At its closest point, the proposed project is approximately 920 feet from I-680 and is within 500 feet from stationary sources listed on Table 4.3.F in the 2019 NDSP EIR, including Cooks Collision and Marshall Steel Cleaners. Therefore, as part of this Draft SEIR, FCS prepared an operational HRA. The community health risk analysis included in this section, as summarized in Table 3.2-20, fulfills this requirement and shall constitute compliance with 2019 NDSP EIR MM AIR-3. As noted, as part of that analysis, the carcinogenic health risk, non-cancer risk, and the annual average ambient $PM_{2.5}$ increase are expected to be less than significant when compared to relevant BAAQMD significance thresholds, and no further mitigation measures are necessary.

Implement MM HAZ-2a, MM HAZ-2b, and MM HAZ-2c and the following:

MM AIR-3a **Tier 4 Final Construction Equipment**

Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the relevant Applicant and/or construction contractor for a specific individual development proposal shall provide documentation to the City, for City

review and approval, that demonstrates the use of construction equipment that meets or exceeds United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards for all off-road equipment with engines greater than 50 horsepower. This requirement shall be included as construction notes on all relevant construction plans and permits (e.g., grading plan, building permit) for the subject specific individual development proposal. The relevant construction contractor shall maintain records concerning its efforts to comply with this requirement during construction, including equipment rental lists. Off-road equipment records maintained for purposes of this requirement shall include the engine certification (Tier rating) and may include, but are not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, horsepower, and engine serial number. The relevant Applicant and/or construction contractor shall submit the initial construction equipment documentation and records of compliance to the City of Walnut Creek.

MM AIR-3b Timing of Co-Development on Sites

This mitigation measure is intended to address impacts associated with subsequent construction occurring on the same site (i.e., Sites A, B or C) within the project site once there are occupied residences on that same site. In this circumstance, prior to the issuance of a building permit for any subsequent construction on a specific site (i.e., Sites A, B or C) within the project site, the relevant Applicant for a specific individual development proposal that would involve construction on the same site (i.e., Sites A, B, or C) as the existing occupied residential units shall cause to be prepared by a qualified air quality consultant an updated HRA, which shall document that emissions from all construction equipment during construction that occurs on that same site (i.e., Sites A, B or C) would not result in a carcinogenic health risk to those on-site residences (on that same site) of more than 10 in 1 million, an increased non-cancer risk of greater than 1.0 on the hazard index (chronic or acute), or an annual average ambient $PM_{2.5}$ increase greater than 0.3 micrograms per cubic meter ($\mu g/m^3$). In making this showing, the relevant Applicant may utilize, in its discretion, such measures including, without limitation, MERV filters, construction and grading limitations, and/or the use of clean construction equipment.

Level of Significance After Mitigation

Less than significant with mitigation incorporated.

Objectionable Odors Exposure

Impact AIR-4:	**The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated the BAAQMD's definition of a significant odor impact with respect to the potential for implementation of the development contemplated under the NDSP to result in

other emissions (such as those leading to odors) that would adversely affect a substantial number of people, including odor generating uses including wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. Based on this analysis, the 2019 NDSP EIR concluded that implementation of the NDSP would not result in a potentially significant impact related to objectionable odors affecting a substantial number of people because the proposed uses that would be developed under the NDSP are not anticipated to produce any offensive odors that would result in frequent odor complaints. In addition, a public records request to the BAAQMD for complaints from nearby off-site residents did not result in any confirmed odor complaints recorded within the NDSP area. Therefore, this impact was determined to be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to the potential for implementation of the proposed project to result in other emissions (such as those leading to odors) that would adversely affect a substantial number of people.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to the potential for implementation of the proposed project to result in other emissions (such as those leading to odors) that would adversely affect a substantial number of people, as explained more fully in the Air Quality Impact Analysis and below.

Construction

Impacts related to objectionable odors exposure would be similar across all Scenarios during construction because the odors resulting from construction activities, (i.e., from construction equipment exhaust and application of asphalt and architectural coating) would be similar in nature regardless of the Scenario. Therefore, because Scenario 3 is assumed to result in the greatest impact for most of the environmental topics, to provide consistency in the analysis within the Draft SEIR, when a Scenario would result in substantially the same effects, this Draft SEIR evaluates impacts assuming development of Scenario 3, the Scenario that is most often the “reasonable worst-case scenario.”

During construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. However, by their nature, any construction-related odor emissions would be temporary and intermittent. Additionally, any noxious odors would be confined to the immediate vicinity of the construction equipment. Given the size of the project site, it is anticipated that by the time such emissions reach any receptor sites, odor emissions would be diluted to well below any air quality or odor concern level. Therefore, construction odor impacts would be less than significant. Therefore, the proposed project would not introduce new significant

environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Operation

Impacts related to objectionable odors exposure for off-site sensitive receptors would be similar across all Scenarios during operation because the odors resulting from mixed use activities would be similar in nature regardless of the Scenario. Therefore, because Scenario 3 is assumed to result in the greatest impact for most of the environmental topics, to provide consistency in the analysis within the Draft SEIR, when a Scenario would result in substantially the same effects, this Draft SEIR evaluates impacts assuming development of Scenario 3, the Scenario that is most often the "reasonable worst-case scenario."

Operation of the proposed project, which would involve a mix of uses similar to others in the NDSP, could lead to typical odors from associated laundry cleaning, vehicle exhaust, outdoor cooking, and solid waste disposal. However, such odors generated by project operation would be typical of mixed use developments, small in quantity and duration and would not pose an objectionable odor impact to future and existing receptors. In contrast to the proposed project, the types of uses that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations, dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. The proposed project would not involve the operation of any of these types of land uses, other than minor painting/coating operations associated with car sale uses where vehicles may be touched up, which is similar to those types of operations on nearby properties. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts would remain less than significant.

Level of Significance

Less than significant impact.

Consistent with the requirements of CEQA as discussed in relevant case law such as, for example, *Ballona Wetlands Land Trust v. City of Los Angeles*, 201 Cal.App.4th 455 and *California Building Industry Association vs. Bay Area Air Quality Management District* (CBIA v. BAAQMD), to the extent this question involves the effects of pre-existing environmental hazards on users of the project and structures in the project rather than the question of whether the proposed project would exacerbate environmental hazards (i.e., "CEQA in reverse"), no significance determination is required.

However, the following analysis provides additional information with respect to potential for existing nearby odor generators to create objectionable odors impacting future project residents. This analysis is provided for informational purposes only, and thus, no significance conclusion is provided. An odor source with five or more confirmed complaints per year, averaged over 3 years, is considered to have a substantial effect on receptors. There are currently five existing facilities listed in Table 3.2-10 that are within their respective screening distances to the project site, all of which are autobody shops which could potentially host coating and painting operations. An odor complaint

record request was submitted to the BAAQMD to identify odor complaint histories for those facilities. As none of those facilities have any odor complaints on file with the BAAQMD over the last 3 years, the proposed project, as a receptor, would not result in a significant impact related to odors.[29] In addition, these facilities can be expected to produce similar odors to those that could be generated from minor painting/coating operations that could occur as part of the proposed project. The existing facilities have existing residences within one mile and have not received odor complaints in the last three years. Therefore, it is not expected that on-site painting/coating operations would generate odors that would adversely affect a substantial number of people. As such, the proposed project would not introduce new sources of odors that would be considered potentially significant based on BAAQMD's guidance.

3.2.8 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated the potential for implementation of the development contemplated under the NDSP to result in cumulative air quality impacts and determined impacts would be less than significant with the incorporation of mitigation.

Supplemental Analysis of the Proposed Project

Consistent with the analysis in the 2019 NDSP EIR, the geographic scope of the cumulative air quality emissions analysis is the SFBAAB, which encompasses most of the nine-county San Francisco Bay Area region including Contra Costa County. Air quality is impacted by topography, dominant air flows, atmospheric inversions, location, and season; therefore, the SFBAAB represents the area most likely to be impacted by air emissions. This analysis evaluates whether impacts of the proposed project, together with impacts of cumulative development, would result in a cumulatively significant impact with respect to air quality. This analysis then considers whether the incremental contribution of the impacts associated with implementation of the proposed project would be significant. Both conditions must apply for cumulative effects to rise to the level of significance.

The SFBAAB is currently in nonattainment of the federal and State standards for ozone and the State standards for PM_{10} and $PM_{2.5}$. Therefore, there is an existing cumulatively significant air quality impact with respect to these pollutants. Moreover, the SFBAAB is anticipated to continue to be nonattainment for these pollutants and, thus, this cumulatively significant impact would likely continue to exist in the future. The proposed project would result in new air emissions during construction and operations and therefore would contribute to this impact. However, the proposed project would not result in unplanned population growth or subsequent emissions generation exceeding what was considered in the BAAQMD's 2017 Clean Air Plan, which is the region's strategy for achieving attainment status for these standards. As such, the proposed project's incremental contribution would not have a significant cumulatively considerable contribution to this existing significant cumulative air quality impact.

The proposed project would emit construction and operational criteria pollutant emissions at levels that would exceed the applicable BAAQMD significance thresholds. Mitigation is proposed requiring

[29] Bay Area Air Quality Management District (BAAQMD). 2022. Public Records Tracker.

the implementation of measures to reduce criteria pollutant emissions (i.e., ozone precursors) to below BAAQMD thresholds. Note that the proposed project would not have significant particulate matter emissions and, thus, would not contribute to the existing nonattainment status for PM_{10} and $PM_{2.5}$. Thus, the proposed project's incremental contribution would not have a significant cumulatively considerable contribution to the existing significant cumulative impact in the air basin with respect to criteria pollutant emissions and ozone precursors.

As provided in the construction HRA, cumulative cancer, non-cancer chronic hazard, and $PM_{2.5}$ concentrations were evaluated at the most impacted sensitive receptor from all sources of TAC emissions located within 1,000 feet of the project site, including DPM emissions resulting from project construction. The proposed project's individual incremental contribution to cancer risk would be below the BAAQMD's community significance threshold for determining cumulative TAC risk after implementation of mitigation; therefore, the proposed project would not result in a cumulatively considerable contribution to TAC cancer risk with mitigation.

Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under any Scenario that could not be fully mitigated to reach a less than significant conclusion.

Level of Cumulative Significance

Less than significant impact with mitigation.

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3.3 - Biological Resources

3.3.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports and other materials have been prepared to document the information necessary to make the North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes the existing biological setting and potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth in the 2019 NDSP EIR. Information in this section is based, in part, on an updated literature review, special-status species assessment, and field survey completed by FirstCarbon Solutions (FCS) on October 7, 2021. The updated literature review and special-status species assessment can be found in Appendix D.

No public comments were received during the Notice of Preparation (NOP) scoping period for this Draft SEIR related to biological resources.

3.3.2 - Scenario Evaluation

As noted in Chapter 2, Project Description, the Applicant is requesting that the City of Walnut Creek ("City") approve amendments to the North Downtown Specific Plan (NDSP) (along with conforming amendments to the Walnut Creek General Plan [General Plan] and Municipal Code to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service and ancillary uses as well as a range of additional potential, compatible uses such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific individual development proposal for the project site has been formally submitted to the City; therefore the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed project, this Draft SEIR considers three potential development scenarios (as described further below) that reflect a reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates [Site D], and an approximately 0.82 acre property [Site E], located adjacent to Site A. This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

For purposes of the analysis set forth in this Section 3.3, Biological Resources, the City and its CEQA consultant conducted a preliminary assessment of each of the potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) in order to determine the Scenario that would result in the "reasonable worst-case scenario" under each environmental topic area (see Appendix B). For the reasons set forth in Appendix B, it was determined the relative impact of each of the

Scenario in regard to biological resources would have a similar effect across all Scenarios. Because Scenario 3 (auto sales and service, office, and multi-family residential) is assumed to result in the greatest impact for most of the environmental topics (see further discussion under Category 3 in Appendix B), to provide consistency in the analysis within the Draft SEIR, when a Scenario would result in substantially the same effects, this Draft SEIR evaluates impacts assuming development of Scenario 3, the scenario that is most often the "reasonable worst-case scenario,". Therefore, impacts to biological resources are evaluated assuming development of Scenario 3.

3.3.3 - Environmental Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. Additional information with respect to the existing conditions related to biological resources in the NDSP area (including the project site and vicinity) at the time of preparation of the 2019 NDSP EIR, see Section 5.4, Effects Found not to be Significant, (pages 5-3 through 5-5) of the 2019 NDSP EIR.

Records Searches and Pedestrian Survey to Identify Existing Biological Resources

Literature Review

FCS Biologists examined existing environmental documentation for the project site and immediate vicinity. This documentation included the 2019 NDSP EIR, as well as updated literature pertaining to habitat requirements of special-status species potentially occurring near the project site, and updated information from federal and State register listings, protocols, and species data provided by the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW).

Special-status Wildlife and Plant Species

FCS Biologists compiled a list of threatened, endangered, and otherwise special-status species previously recorded within a 5-miles radius of the project site. The list was based on a search of the CDFW California Natural Diversity Database (CNDDB),[1] a special-status species and plant community account database, and the California Native Plant Society (CNPS) Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California database[2] for the *Walnut Creek*, California USGS 7.5-minute Topographic Quadrangle Map and eight surrounding quadrangles (Benicia, Vine Hill, Honker Bay, Briones Valley, Clayton, Oakland East, Las Trampas Ridge, and Diablo). The database search results can be found in Appendix D. The CNDDB Biogeographic Information and Observation System (BIOS) database[3] was used to determine the distance between known recorded occurrences of special-status species and the project site.

[1] California Department of Fish and Wildlife (CDFW). 2021. California Natural Diversity Database (CNDDB). Website: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed October 13, 2021.

[2] California Native Plant Society (CNPS). 2021. Rare and Endangered Plant Inventory. Website: http://rareplants.cnps.org/. Accessed October 13, 2021.

[3] California Department of Fish and Wildlife (CDFW). 2021. Biogeographic Information and Observation System (BIOS 5). Website: https://map.dfg.ca.gov/bios/. Accessed October 13, 2021.

Field Survey

An FCS Biologist conducted a reconnaissance-level field survey of the project site on October 7, 2021. The object of the survey was to ascertain general site conditions and identify potential suitable habitat for various special-status plant and wildlife species, and the potential or actual presence of other sensitive biological resources. These areas included on-site trees and structures that have the potential to support nesting birds and roosting bats. Special-status species with potential to occur on the project site identified during the literature review were focused upon during the reconnaissance-level survey.

Project Site–Urban/Developed

The general vicinity of the project site is dominated by a cover of urban landscapes, which mostly support irrigated ornamental landscaping. The project site is developed and is generally located east of North Main Street, south of Pine Street, west of North Civic Drive, north of Central Road, within the City of Walnut Creek. The project site is within a developed urban area and surrounded by residential and commercial development. The project site contains vacant and occupied structures, parking lots, and planters; no wetlands, riparian corridors, or other sensitive natural communities are located on-site or in the vicinity. Other than landscaped areas with planted trees on-site and in the adjacent vicinity, the entire project site is composed of hardscaped areas.

Special-status Species

Special-status species, whether plants, wildlife, or fish, are considered sufficiently rare that they require special consideration and/or protection and have been or should be listed as rare, threatened, or endangered by the federal and/or State governments. Special-status species are defined as meeting one or more of the following criteria:

- Listed or proposed for listing under the California Endangered Species Act (CESA) and/or the federal Endangered Species Act;
- Protected by the Migratory Bird Treaty Act (MBTA);
- CDFW Fully Protected Species and Species of Special Concern; or
- Plant species on the CNPS List ranked as 1, 2, or 3.

The following discussion focuses on the potential for occurrence of special-status species on the project site.

Special-status Plant Species Evaluated

The Special-status Plant Species Table (Appendix D.1, Table 1) lists 21 special-status plant species and CNPS sensitive species that have been recorded within a 5-mile radius of the project site.[4,5,6] The

[4] California Department of Fish and Wildlife (CDFW). 2021. California Natural Diversity Database (CNDDB). Website: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. October 13, 2021.

[5] California Native Plant Society (CNPS). 2021. Rare and Endangered Plant Inventory. Website: http://rareplants.cnps.org/. Accessed October 13, 2021.

[6] California Department of Fish and Wildlife (CDFW). 2021. Biogeographic Information and Observation System (BIOS 5). Website: https://map.dfg.ca.gov/bios/. Accessed October 13, 2021.

table also includes the species' status, required habitat, and potential to occur within the project site. Special-status plant species that were determined to have no potential to occur on-site are also included in the table, along with the justification for their exclusion from further discussion. A plant's potential to occur on the project site was based on presence of suitable habitats, soil types, and occurrences recorded by the CNPSEI and CNDDB within the *Walnut Creek*, California Topographic Quadrangle Map and eight surrounding quadrangles.

None of the species evaluated shown in Table 1 has the potential to occur within the project site because no native natural habitat that could support native special-status plant species occurs within the project site. Based upon the literature review and field survey conducted by FCS and based upon professional experience, no special-status plant species are expected to occur within the project site because of the absence of suitable habitat, previous land use, and the urban/developed land cover.

Special-status Wildlife Evaluated

The Special-status Wildlife Species Table (Appendix D.1, Table 2) identifies 11 federally and State-listed threatened and/or endangered wildlife species and California Species of Special Concern that have been recorded within a 5-mile radius of the project site.[7,8] Table 2 includes the species' status, required habitat types and features, and potential to occur within the project site. Additionally, Table 2 includes all special-status wildlife species that have been determined unlikely to occur on-site, primarily based on the absence of suitable habitat and the lack of recorded occurrence in the project vicinity, along with the justification for their exclusion from further discussion. The potential for wildlife to occur on the project site was based on presence (if any) of suitable habitats and occurrences recorded by the CNDDB within the *Walnut Creek*, California Topographic Quadrangle Map and eight surrounding quadrangles.

Nine of the 11 special-status wildlife species recorded were determined to have no potential to occur and are therefore excluded from further analysis. Two special-status wildlife species have at least some potential to occur on the project site and are therefore discussed in further detail below.

Mammals

Pallid Bat

The pallid bat is a California Species of Special Concern. This species roosts in rock crevices, mature trees and buildings, and forages in habitats with open vegetation. The project site provides low potential for this species to occur on-site, due to the presence of marginal roosting habitat in the form of buildings and trees. No focused surveys were conducted for this species and it was not observed during the field survey. The object of the field survey was to ascertain general site conditions and identify potential suitable habitat for various special-status wildlife species. Because of the high level of disturbance on-site and surrounding the project site, there is low potential for this species to occur on the project site, and, therefore, no focused surveys were completed.

[7] California Department of Fish and Wildlife (CDFW). 2021. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://map.dfg.ca.gov/rarefind/view/RareFind.aspx. Accessed October 13, 2021.

[8] California Department of Fish and Wildlife (CDFW). 2021. California Natural Diversity Database (CNDDB). Website: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed October 13, 2021.

Townsend's Big-eared Bat

Townsend's big-eared bat is a California Species of Special Concern. This species roosts in a variety of cavernous habitats, including hanging from walls or ceilings in undisturbed or abandoned buildings or tree hollows. The buildings and trees on-site offer marginal roosting habitat for this species, and it was not observed during the field survey. Because of the high level of disturbance surrounding the project site, there is low potential for this species to occur on the project site, and, therefore, no focused surveys were completed.

Migratory and Nesting Birds

Trees within the project site provide suitable nesting habitat for various avian species, as well as birds protected under the MBTA and the California Fish and Game Code. Appendix D provides additional information.

3.3.4 - Regulatory Framework

Federal

Endangered Species Act of 1973

The United States Congress passed the federal Endangered Species Act in 1973 to protect those species that are endangered or threatened with extinction. The Endangered Species Act is intended to operate in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend.

The Endangered Species Act prohibits the "take" of endangered or threatened wildlife species. "Take" is defined to include harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting wildlife species or any attempt to engage in such conduct (16 United States Code [USC] § 1531 *et seq*.). "Harm" is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns (50 Code of Federal Regulations [CFR] § 17.3). "Harass" is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns (50 CFR § 17.3). Actions that result in take can result in civil or criminal penalties.

The Endangered Species Act and the Clean Water Act (CWA) Section 404 provisions prohibit issuance of wetland permits for projects that jeopardize continued existence of any endangered or threatened species, or result in destruction or adverse modification of habitat of such species. The United States Army Corps of Engineers (USACE) must consult with the USFWS and/or the National Marine Fisheries Service (NOAA Fisheries) when threatened or endangered species under their jurisdiction may be affected by a proposed project. In the context of the proposed project, Endangered Species Act consultation would be initiated if a specific individual development proposal within the project site would result in take of a threatened or endangered species or if issuance of a Section 404 permit or other federal agency action could result in take of an endangered species or adversely modify critical habitat of such a species.

Migratory Bird Treaty Act

The MBTA implements international treaties between the United States and other nations devised to protect migratory birds, their parts, eggs, and nests from activities such as hunting, pursuing,

capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. All migratory birds and their nests are protected from take and other impacts under the MBTA (16 USC § 703, *et seq*.).

Bald and Golden Eagle Protection Act

The golden eagle (*Aquila chrysaetos*) and bald eagle (*Haliaeetus leucocephalus*) are afforded additional protection under the Eagle Protection Act, amended in 1973 (16 USC § 669, *et seq*.) and the Bald and Golden Eagle Protection Act (16 USC §§ 668–668d).

Clean Water Act

Section 404

The USACE administers Section 404 of the federal CWA, which regulates the discharge of dredge and fill material into waters of the United States.

As of the date of this report, the United States Environmental Protection Agency (EPA) and USACE (hereafter the agencies) are in receipt of the U.S. District Court for the District of Arizona's August 30, 2021, order vacating and remanding the Navigable Waters Protection Rule in the case of *Pascua Yaqui Tribe v. U.S. Environmental Protection Agency*. Considering this order, these agencies have halted implementation of the Navigable Waters Protection Rule and are interpreting "waters of the United States" consistent with the pre-2015 regulatory regime until further notice.[9]

Therefore, since the agencies are interpreting "waters of the United States" consistent with the pre-2015 regulatory regime until further notice, the analysis included in this Draft SEIR follows 40 Code of Federal Regulations 230.3(s), which defines "waters of the United States" as follows:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
2. All interstate waters including interstate wetlands.
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
   a) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
   b) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
   c) Which are used or could be used for industrial purposes by industries in interstate commerce.
4. All impoundments of waters otherwise defined as waters of the United States under this definition.

[9] United States Environmental Protection Agency (EPA). 2022. Current Implementation of Waters of the United States. Website: https://www.epa.gov/wotus/current-implementation-waters-united-states. Accessed October 26, 2022.

5. Tributaries of waters identified in paragraphs (s)(1) through (4) of this section.
6. The territorial sea.
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (s)(1) through (6) of this section; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 Code of Federal Regulations 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the EPA and/or USACE.

"Wetland" refers to areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and seasonal wetlands. Wetlands are considered jurisdictional if they fall under one of the categories of waters of the United States defined above. The USACE jurisdiction typically extends up to the ordinary high water mark (OHWM).

In general, a USACE permit must be obtained before placing fill in wetlands or other waters of the United States. The type of permit depends on the impacted acreage, the purpose of the proposed fill, and other factors.

Section 401

As stated in Section 401 of the CWA, "any applicant for a federal permit for activities that involve a discharge to waters of the State, shall provide the federal permitting agency a certification from the State in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the Federal Clean Water Act." Therefore, before the USACE will issue a valid Section 404 permit, applicants must obtain a Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB).

State

California Endangered Species Act

The State of California enacted CESA in 1984. CESA pertains to State listed endangered and threatened species. CESA requires State agencies to consult with the CDFW when preparing CEQA documents to ensure that the State lead agency actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available (Fish and Game Code [FGC] § 2080). CESA directs agencies to consult with the CDFW on projects or actions that could affect listed species, directs the CDFW to determine whether jeopardy would occur, and allows the CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. CESA allows the CDFW to authorize exceptions to the State's

prohibition against take of a listed species if the "take" of a listed species is incidental to carrying out an otherwise lawful project that has been approved under CEQA (FGC § 2081).

California Fish and Game Code

Under CESA, the CDFW has the responsibility for maintaining a list of endangered and threatened species (FGC § 2070). Fish and Game Code Sections 2050 through 2098 outline the protection provided to California's rare, endangered, and threatened species. Fish and Game Code Section 2080 prohibits the taking of plants and animals listed under the CESA. Fish and Game Code Section 2081 established an incidental take permit program for State listed species. The CDFW maintains a list of "candidate species," which it formally notices as being under review for addition to the list of endangered or threatened species.

In addition, the Native Plant Protection Act of 1977 (NPPA) (FGC § 1900, *et seq*.) prohibits the taking, possessing, or sale within the State of any plants with a State designation of rare, threatened, or endangered (as defined by the CDFW). An exception to this prohibition in the NPPA allows landowners to take listed plant species under specified circumstances, provided that the owners first notify the CDFW and give the agency at least 10 days to come and retrieve (and presumably replant) the plants before they are plowed under or otherwise destroyed. Fish and Game Code Section 1913 exempts from "take" prohibition "the removal of endangered or rare native plants from a canal, lateral ditch, building site, or road, or other right-of-way." Project impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of a proposed project.

In addition to formal listing under the Endangered Species Act and CESA, some species receive additional consideration by the CDFW and local lead agencies during the CEQA process. Species that may be considered for review are those listed as a "Species of Special Concern." The CDFW maintains lists of "Species of Special Concern" that serve as species "watch lists." Species with this status may have limited distributions or limited populations, and/or the extent of their habitats has been reduced substantially, such that their populations may be threatened. Thus, their populations are monitored, and they may receive special attention during environmental review. While they do not have statutory protection, they may be considered rare under CEQA and specific protection measures may be warranted. In addition to Species of Special Concern, the CDFW Special Animals List identifies animals that are tracked by the CNDDB and may be potentially vulnerable but warrant no federal interest and no legal protection.

Sensitive species that would qualify for listing but are not currently listed are afforded protection under CEQA. State CEQA Guidelines Section 15065 (Mandatory Findings of Significance) requires that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. State CEQA Guidelines Section 15380 (Rare or Endangered Species) provides for the assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Unlisted plant species on the CNPS List ranked 1A, 1B, and 2 would typically require evaluation under CEQA.

Fish and Game Code Sections 3500 to 5500 outline protection for fully protected species of mammals, birds, reptiles, amphibians, and fish. Species that are fully protected by these sections

may not be taken or possessed at any time. The CDFW cannot issue permits or licenses that authorize the take of any fully protected species, except under certain circumstances such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock.

Under Fish and Game Code Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders of *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto. To comply with the requirements of CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any State listed endangered or threatened species may be present in the project study area and determine whether a proposed project will have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any proposed project that may impact a candidate species.

Project-related impacts to species on the CESA endangered or threatened list would be considered significant. State listed species are fully protected under the mandates of CESA. "Take" of protected species incidental to otherwise lawful management activities may be authorized under Fish and Game Code Section 206.591. Authorization from the CDFW would be in the form of an Incidental Take Permit.

Fish and Game Code Section 1602 requires any entity to notify the CDFW before beginning any activity that "may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake" or "deposit debris, waste, or other materials that could pass into any river, stream, or lake." "River, stream, or lake" includes waters that are episodic and perennial and ephemeral streams, desert washes, and watercourses with a subsurface flow.

California Department of Fish and Wildlife Species of Concern

In addition to formal listing under the Endangered Species Act and CESA, species receive additional consideration by the CDFW and local lead agencies during the CEQA process. Species that may be considered for review are included on a list of "Species of Special Concern" developed by the CDFW, which tracks species in California whose numbers, reproductive success, or habitat may be threatened. In addition to Species of Special Concern, the CDFW identifies animals that are tracked by the CNDDB but warrant no federal interest and no legal protection. These species are identified as California Special Animals.

Porter-Cologne Water Quality Control Act

The CDFW is a trustee agency that has jurisdiction under Fish and Game Code Section 1600, *et seq*. Under Fish and Game Codes Sections 1602 and 1603, a private party must notify the CDFW if a proposed project would "substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds . . . except when the department has been notified pursuant to Section 1601." Additionally, the CDFW may assert jurisdiction over native riparian habitat adjacent to aquatic features, including native trees over 4 inches in diameter at breast height (DBH). If an existing fish or wildlife resource may be substantially adversely affected by the activity, the CDFW may propose

reasonable measures that will allow protection of those resources. If these measures are agreeable to the parties involved, they may enter into an agreement with the CDFW identifying the approved activities and associated mitigation measures.

Section 13260(a) of the Porter-Cologne Water Quality Control Act (contained in the California Water Code) requires any person discharging waste or proposing to discharge waste, other than to a community sewer system, within any region that could affect the quality of the waters of the State (all surface and subsurface waters) to file a report of waste discharge. The discharge of dredged or fill material may constitute a discharge of waste that could affect the quality of waters of the State.

Historically, California relied on its authority under Section 401 of the CWA to regulate discharges of dredged or fill material to California waters, which requires an applicant to obtain "water quality certification" from the California State Water Resources Control Board (State Water Board) through its nine RWQCBs to ensure compliance with State water quality standards before certain federal licenses or permits may be issued. The permits subject to Section 401 include permits for the discharge of dredged or fill material (CWA Section 404 permits) issued by the USACE. Waste discharge requirements under the Porter-Cologne Water Quality Control Act were typically waived for projects that required certification. With recent changes that limited jurisdiction of wetlands under the CWA, the State Water Board has needed to rely on the report of the waste discharge process.

California Native Plant Society

The CNPS maintains a rank of plant species that are native to California and that have low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Following are the definitions of the CNPS ranks:

- **Rank 1A:** Plants presumed extirpated in California and either rare or extinct elsewhere
- **Rank 1B:** Plants rare, threatened, or endangered in California and elsewhere
- **Rank 2A:** Plants presumed extirpated in California but common elsewhere
- **Rank 2B:** Plants rare, threatened, or endangered in California but more common elsewhere
- **Rank 3:** Plants about which more information is needed, a review list
- **Rank 4:** Watch List: Plants of limited distribution

All plants appearing on CNPS List ranked 1 or 2 are considered to meet State CEQA Guidelines Section 15380 criteria. While only some of the plants ranked 3 and 4 meet the definitions of threatened or endangered species, the CNPS recommends that all Rank 3 and Rank 4 plants be evaluated for consideration under CEQA.

Local

City of Walnut Creek

City of Walnut Creek General Plan

The policies and actions of the General Plan that involve biological resources and are relevant to this analysis are listed below:

Goal 1 **Protect, manage and improve open space lands**

Policy 1.2 Protect and enhance the natural environment.

Action 1.2.1 Identify, protect, restore, and enhance sensitive biological and wetland resources and areas critical for habitat and habitat connectivity.

Goal 3 **Maintain and enhance the area's creek systems, their riparian environment, and their recreational amenities.**

Policy 3.1 Restore riparian corridors and waterways throughout the city.

Policy 3.2 Make downtown creeks a central feature in new development.

Action 3.2.2 Incorporate the downtown creeks in project designs for new development in the Core Area.

Goal 26 **Develop a comprehensive, integrated plan to preserve the natural environment in the built environment.**

Policy 26.2 Incorporate natural features such as trees, hillsides, and rock outcroppings into new development.

Policy 26.3 Preserve and add to the city's tree canopy.

Policy 26.4 Protect tree resources on public and private property.

Policy 26.5 Protect tree groves (especially oaks) and their understories.

Action 26.5.2 Plan for the replacement of trees that have been removed.

Action 26.5.3 Set standards for—and require new development to have—adequate tree canopy.

North Downtown Specific Plan

The policies and actions of the NDSP that involve biological resources and are relevant to this analysis are listed below:

DSG 4.36 **Landscaping character.** The following guidance applies to landscaping in new development projects, particularly along building frontages and other areas visible from the public sidewalk.

- Landscape treatment should reflect an urban character with the strategic use of planting areas, street trees, planter boxes and pots, hanging baskets, and appropriate foundation plantings where practical.
- On-site plantings and furnishings should complement the building architecture and landscape character of the immediate area.

- Plant materials should always be incorporated into new sites to provide "softening" of hard paving and building surfaces.
- Mature, healthy existing trees should be preserved where possible.

Municipal Code

Chapter 8. Preservation of Trees on Private Property

Chapter 3.8 of the Municipal Code regulates the removal and preservation of trees on private property. Pursuant to Section 3-8.02(j), a tree is any tree of any species or origin which meets the specific criteria specified below:

> . . . any live woody plant having a single perennial stem of twenty-eight (28) inches or more in circumference or multistemmed perennial plant having an aggregate circumference of forty (40) inches or more measured four and one-half (4 1/2) feet above the natural grade. A multistemmed plant having one (1) stem of twenty-eight (28) inches or more in circumference shall also be considered to meet this definition. Tree shall also include a tree of any size which is part of a grove.

Pursuant to Section 3-8.02(h), a highly protected tree must meet the following criteria:

> . . . any tree (as defined in subsection (j) of this section) which is any of the following type of tree: Valley oak (Quercus lobata), blue oak (Q. douglasii), coast live oak (Q. agrifolia), California black oak (Q. kelloggii), canyon live oak (Q. chrysoleis)(chrysolepis), interior live oak (Q wilizeni var. wilizeni)(wislizenii var. wislizenii), madrone (Arbutus menziesii), California buckeye (Aesculus californica), California black walnut (Juglans hindsii), gray pine (Pinus sabiniana).

3.3.5 - Thresholds of Significance

According to CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to biological resources are significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?

c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?

3.3.6 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

The 2019 NDSP EIR relied, in part, upon a California Natural Diversity Database (CNDDB) search and literature review, among other sources to evaluate the potential impacts of implementing the contemplated development under the NDSP. As described more fully therein, the 2019 NDSP EIR identified no impacts with respect to biological resources and did not identify the need for any mitigation measures. The analysis in the 2019 NDSP EIR evaluated the potential for impacts to special-status species, sensitive natural communities or riparian habitat, wetlands and jurisdictional features, fish and wildlife movement corridors, conflicts with local policies or ordinances, and conflicts with local, regional, or State habitat conservation plans. In certifying the 2019 NDSP EIR, the City reasonably concluded that given the already urbanized nature of the lands within the NDSP area, coupled with the fact that all development within the NDSP area would be required to adhere to all applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the NDSP, General Plan, and the Municipal Code that protect biological resources, there would be no impacts in this regard. The analysis of biological resources is contained in Section 5.4, Effects Found not to be Significant, (pages 5-3 through 5-5) of the 2019 NDSP EIR. As described below, the conclusions of the 2019 NDSP EIR would not substantially change because of the proposed project.

Proposed Project Analysis and Conclusion

Special-status Species

Impact BIO-1:	**The proposed project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR found that the NDSP area is almost entirely developed with buildings, roads, and landscaping. In addition, the CNDDB search completed as part of the 2019 NDSP EIR did not show any extant occurrences of special-status species within the NDSP area. No special-status plants or wildlife were identified, and, because of a lack of suitable habitat, were not expected to occur, and the 2019 NDSP EIR concluded there would be no impact to special-status species.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the biological resources boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect on special-status species, consistent with the findings of the 2019 NDSP EIR.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts on special-status species. Given the presence of buildings (both vacant and occupied) and trees within and surrounding the project site, it provides suitable habitat for protected nesting birds and roosting bat species. Therefore, potential impacts to nesting birds and roosting bats are discussed in further detail below.

Nesting Birds

The trees present on-site may provide suitable nesting habitat for bird species protected under the MBTA and other nesting special-status birds covered by Fish and Game Code Section 3503. Construction activities could disturb nesting and breeding birds in the trees within and around the construction site. Potential impacts on special-status and migratory birds that could result from construction and operation of the proposed project include destruction of eggs or occupied nests, mortality of young, and abandonment of nests with eggs or young birds prior to fledging. Therefore, the proposed project shall implement Mitigation Measure (MM) BIO-1a, which requires that, as part of an application for a specific individual development proposal, the relevant Applicant is to conduct a pre-construction survey and implement further identified avoidance and minimization measures, if construction activities occur during the nesting season (February 1 to August 31). No action is necessary if no active nests are found during pre-construction surveys or if construction occurs during the nonbreeding season (September 1 through January 31).

Roosting Bats

Although no sign of bat activity was observed during the field survey, the existing buildings (both vacant and occupied) as well as the trees present on-site may provide suitable roosting habitat for special-status bat species including pallid bat (*Antrozous pallidus*) and Townsend's big-eared bat (*Corynorhinus townsendii*). Several of the existing buildings and trees are expected to be demolished as part of implementation of the proposed project. Potential direct and indirect impacts could occur to any roosting bats inhabiting the project site due to removal of potential roosting habitat during demolition of buildings and structures. These activities could potentially subject bats to risk of death or injury, and bats are likely to avoid using the area until such construction activities have dissipated or ceased. Relocation could cause hunger or stress among individual bats by displacing them into adjacent territories belonging to other individuals. Therefore, as part of an application for a specific individual development proposal, the relevant Applicant shall conduct a pre-construction survey and implement further identified avoidance and minimization measures (if necessary) as described in MM BIO-1b.

With implementation of MM BIO-1a and MM BIO-1b, impacts to special-status species would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Mitigation Measures from the 2019 NDSP EIR

None.

Mitigation Measures for the Proposed Project

MM BIO-1a Migratory and Nesting Birds

- If construction activities for a specific individual development proposal are to occur during the nesting season (February 1 to August 31) (including but not limited to vegetation removal), then the relevant Applicant for such proposal shall cause pre-construction surveys to be conducted by a qualified Biologist (i.e., one experienced at identifying birds and bird nests) 7 days prior to vegetation removal to determine whether or not active nests are present.
- If an active nest is located during pre-construction surveys, a qualified Biologist shall determine an appropriately sized no-disturbance buffer based on the species, nest stage, site conditions, and anticipated disturbance level. Based on input from the Biologist, the relevant Applicant shall delineate the avoidance buffer using Environmentally Sensitive Area fencing, pin flags, and or yellow caution tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently. No construction activities associated with the subject proposal shall be allowed within the avoidance buffer(s) until the young have fledged and are foraging independently.
- The qualified Biologist shall monitor nests daily during activities related to the subject proposal to determine the sufficiency of the buffer and whether it should be expanded to protect the nest based on disruptions (if any) to an individual bird's natural nesting behaviors.
- The relevant Applicant shall ensure that nesting bird surveys is repeated if there is a lapse in activities related to the subject proposal of 7 days or more.
- If construction activities for a specific individual development proposal are to occur outside of the nesting season (September 1 through January 31), or if no active nest(s) are located during any required pre-construction survey(s), then no further action is necessary under this MM BIO-1a.

MM BIO-1b Roosting Bats

- No more than 7 days prior to beginning ground disturbance and/or construction pursuant to a specific individual development proposal, the relevant Applicant for such proposal shall cause a qualified wildlife Biologist (i.e., one experienced with identification of species and signs of bats) to conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the relevant work area. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.). Visual surveys shall include trees within 100 feet of the relevant project construction activities. If no special-status bats are found during this pre-construction survey, then the relevant ground disturbance and/or construction related to the subject proposal may proceed.
- Not more than two weeks prior to building demolition pursuant to a specific individual development proposal, the relevant Applicant for such proposal shall ensure that the qualified Biologist (i.e., one experienced with identification of species and signs of bats) survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition related to the subject proposal may proceed.
- If the Biologist determines or presumes bats are present (if there are site access issues or structural safety concerns) as a result of any of the foregoing survey(s), the relevant Applicant shall ensure the following activities related to the subject proposal occur: the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. The relevant building demolition, ground disturbance, or other construction activities shall only commence after the Biologist verifies seven to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from September 1 through March 31 (after maternity/pupping season). Exclusion efforts shall be restricted during periods of sensitive activity.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Sensitive Natural Communities or Riparian Habitat

Impact BIO-2:	**The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR noted the segment of Walnut Creek, located along the southeastern edge of the NDSP area, historically provided habitat for steelhead and Chinook salmon; however, two flood control drops structures north of the NDSP area (one between Willow Pass Road and State Route (SR) 242 and one south of Bancroft Road) limit the migration of anadromous fish.[10] The 2019 NDSP EIR analyzed this potential impact and concluded that no impact would occur given the already urbanized, developed nature of the lands within the NDSP area and because the CNDDB search and literature review did not identify sensitive natural communities or riparian habitat within the NDSP area.

Supplemental Analysis of the Proposed Project

Similar to other lands within the NDSP area, the project site consists of infill properties within the urbanized context of the City of Walnut Creek that contain impervious surfaces, disturbed soils, and ornamental vegetation. The proposed amendments to the NDSP would not change or expand the biological resources boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations or by CDFW or USFWS given that no such biological resources exist on the site, consistent with the findings of the 2019 NDSP EIR.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts on riparian habitat or other sensitive nature communities. FCS conducted a site visit of the project site in October 2021, as further documented in Appendix D. No such riparian habitat or other sensitive natural community resources were observed on-site or in the vicinity. Thus, there would be no impacts related to the development of the proposed project, consistent with the 2019 NDSP EIR. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and the no impact conclusion would remain the same.

Level of Significance

No impact.

[10] Leidy, R.A., G.S. Becker, and B.N. Harvey. 2005. Historical distribution and current status of steelhead/rainbow trout (*Oncorhynchus mykiss*) in stream of the San Francisco Estuary, CA. Center for Ecosystem Management and Restoration, Oakland. CA.

Wetlands and Jurisdictional Features

Impact BIO-3: **The proposed project would not have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR analyzed this potential impact and concluded that given the already urbanized, developed nature of the lands within the NDSP area and because the NDSP area does not contain State or federally protected wetlands, no impact in this regard would occur.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the biological resources boundaries of the previous analysis; development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect on wetlands, consistent with the findings of the 2019 NDSP EIR.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts on wetlands. FCS conducted a site visit of the project site in October 2021, as further documented in Appendix D. No such biological resources were observed on-site or in the vicinity. Similar to other lands within the NDSP area, the project site does not contain State or federally protected wetlands, consistent with the findings of the 2019 NDSP EIR; therefore, the proposed project would not have a substantial adverse effect on any State or federally protected wetlands. As such, there would be no impacts related to the development of the proposed project. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and the no impact conclusion would remain the same.

Level of Significance

No impact.

Fish and Wildlife Movement Corridors

Impact BIO-4: **The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR analyzed this potential impact and concluded that because the NDSP area does not contain fish or wildlife movement corridors, no impact in this regard would occur. In so doing, the 2019 NDSP EIR considered the segment of Walnut Creek, located along the southeastern edge of the NDSP area, and noted that historically this segment provided habitat for steelhead and Chinook

salmon; however, two flood control drops structures north of the NDSP area (one between Willow Pass Road and SR-242 and one south of Bancroft Road) limit the migration of anadromous fish.[11] Given the already urbanized, developed nature of the lands within the NDSP area, no other potential movement corridors were located within the NDSP area. Accordingly, the 2019 NDSP EIR concluded that no impact would occur in this regard.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the biological resources boundaries of the previous analysis; development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect on movement corridors, consistent with the findings of the 2019 NDSP EIR.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts on movement corridors. FCS Biologists evaluated the project site for evidence of wildlife movement corridors or wildlife nursery sites during the biological resources survey on October 7, 2021.[12] The project site is surrounded by a mix of residential, commercial, retail, and light industrial developments and is situated in a dense urban landscape with a high amount of traffic from these surrounding uses. Furthermore, Interstate 680 (I-680) and SR-24 are both located near the project site, and these barriers further constrain non-volant wildlife movement. Therefore, consistent with the findings of the 2019 NDSP EIR, because there are no migratory corridors on-site or in the vicinity, the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of wildlife nursery sites. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and the no impact conclusion would remain the same.

Level of Significance

No impact.

Local Policies or Ordinances

Impact BIO-5:	**The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated this impact; in so doing, it noted that trees meeting certain criteria (e.g., 28-inch circumference; including street trees and "highly protected" native trees)[13] are

[11] Leidy, R.A., G.S. Becker, and B.N. Harvey. 2005. Historical distribution and current status of steelhead/rainbow trout (*Oncorhynchus mykiss*) in stream of the San Francisco Estuary, CA. Center for Ecosystem Management and Restoration, Oakland. CA.

[12] Given the lack of any water features, such as a segment of Walnut Creek, it was not necessary to evaluate evidence of any fish movement corridors.

[13] As defined in Section 3-8.02(h) of the Municipal Code, Highly Protected Tree shall mean any which is any of the following type of

protected by the City Tree Protection Ordinance (Title 3, Chapter 8, of the Municipal Code). The 2019 NDSP EIR concluded that future specific individual development that would occur as contemplated under the NDSP would be required to comply with applicable laws and regulations including Title 3, Chapter 8 of the Municipal Code (with respect to protected trees). Accordingly, this would ensure no conflict with any local policies or ordinances protecting biological resources, and no impact in this regard would occur.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the biological resources boundaries of the previous analysis; development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect in terms of conflicting with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, consistent with the findings of the 2019 NDSP EIR.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts in this regard. FCS conducted a site visit on October 7, 2021 and determined that the project site contains numerous trees (which are likely considered "protected" under the City's Tree Protection Ordinance), which may be removed or damaged as part of project construction. Ordinance-protected trees are those (dead or alive) that are 9 inches in diameter or 28 inches in circumference or larger, when measured at 4.5 feet above natural grade. Consistent with the findings of the 2019 NDSP EIR, in connection with a specific individual development proposal, the relevant Applicant for such proposal would be required to comply with applicable laws and regulations including relevant tree protection policies, such as DSG 4.36 of the NDSP and Title 3, Chapter 8 of the Municipal Code (with respect to protected trees); in connection therewith, any future specific individual development proposal would be required to demonstrate consistency with the City's Tree Protection Ordinance, pay any applicable mitigation fees, if necessary, and obtain tree removal permits. This would ensure that there is no conflict with any local plans any local policies or ordinances protecting biological resources such as protected trees. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 3 (any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

tree: Valley oak (Quercus lobata), blue oak (Q. douglasii), coast live oak (Q. agrifolia), California black oak (Q. kelloggii), canyon live oak (Q. chrysoleis)(chrysolepis), interior live oak (Q wilizeni var. wilizeni)(wislizenii var. wislizenii), madrone (Arbutus menziesii), California buckeye (Aesculus californica), California black walnut (Juglans hindsii), gray pine (Pinus sabiniana).

Local, Regional, or State Habitat Conservation Plan

Impact BIO-6: **The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated this impact and concluded there would be no impact with respect to local, regional, or State habitat conservation plans because the NDSP area does not fall within a Habitat Conservation Plan or Natural Community Conservation Plan.

Supplemental Analysis of the Proposed Project

Similar to other lands within the NDSP area, the project site does not fall within the boundaries of a Habitat Conservation Plan or Natural Community Conservation Plan. The East Contra Costa County Habitat Conservation Plan (ECCCHCP) area, the nearest habitat conservation area to the NDSP area (including the project site), is more than 6.5 miles east of the project site. Therefore, consistent with the findings of the 2019 NDSP EIR, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any Scenario). No additional analysis is required, and the no impact conclusion would remain the same.

Level of Significance

No impact.

3.3.7 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

As noted in the 2019 NDSP EIR, cumulative impacts are related to site-specific biological resource issues and would be mitigated, to the extent necessary, on a project-by-project basis. With respect to potential cumulative biological resource impacts, the 2019 NDSP did not identify a significant cumulative effect and concluded that implementation of the NDSP would not have a cumulatively considerable contribution to this already less than significant cumulative impact.

Supplemental Analysis of the Proposed Project

Similar to the cumulative analysis in the 2019 NDSP EIR, the appropriate geographic context for cumulative impacts for biological resources is the NDSP area because of the similarity in existing conditions and location specific nature of biological resources. Cumulative projects within the NDSP area consist of projects assumed under the 2019 NDSP EIR.

Cumulative impacts are related to site-specific impacts to biological resources and would be mitigated, as necessary, on a project-by-project basis. For example, cumulative projects within the NDSP area would be required to adhere to applicable provisions of the City Tree Protection Ordinance, including the payment of fees, if necessary, and otherwise comply with all applicable laws and regulations governing biological resources (e.g., federal and State laws and regulations applicable to nesting birds and roosting bats). Given the already-developed, urbanized nature of the

NDSP area and lack of habitat for special-status species, riparian habitat and sensitive natural communities, wetlands and jurisdictional features, and fish and wildlife movement corridors as described above and because cumulative development would be required to comply with long-term planning documents, regulatory agency guidance, as well as all other laws, regulations and policies (including, but not limited to the City Tree Protection Ordinance) and would also be required to mitigate any site-specific significant impacts, cumulative impacts would be less than significant.

Similar to other lands within the NDSP area, there are relatively few biological resources given the already-developed, urbanized nature of the project site and lack of habitat for special-status species, riparian habitat and sensitive natural communities, wetlands and jurisdictional features, and fish and wildlife movement corridors as described above. Moreover, specific individual development proposal(s) that are pursued for the project site would be required to implement the mitigation measures set forth herein and adhere to applicable provisions of the City Tree Protection Ordinance, including the payment of any applicable mitigation fees, if necessary, and otherwise comply with all applicable laws and regulations governing biological resources (e.g., federal and State laws applicable to nesting birds and roosting bats). The foregoing would further ensure that the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

3.4 - Cultural Resources and Tribal Cultural Resources

3.4.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports and other materials have been prepared to document the information necessary to make the North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes the existing cultural resources and tribal cultural resources setting and potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth in the 2019 NDSP EIR. The analysis in this section is based, in part, on the Phase I Cultural Resources Assessment (Phase I CRA) completed by FCS on November 12, 2021, and a Historic Resources Evaluation (HRE) entitled Historic Built Environment Assessment for the Walnut Creek Mixed-Use Special District Project, Walnut Creek, California, prepared by South Environmental on November 18, 2021. Both reports are provided in Appendix E.

The following comments were received during the Notice of Preparation (NOP) scoping period for this Draft SEIR related to cultural and tribal cultural resources:

- Request for evaluation of proposed project in terms of effects related to cultural and tribal cultural resources and description of potential mitigation measures.
- Request for evaluation of the proposed project's compliance with Assembly Bill (AB) 52 and Senate Bill (SB) 18 tribal consultation requirements.

3.4.2 - Scenario Evaluation

As noted in Chapter 2, Project Description, the Applicant is requesting that the City of Walnut Creek ("City") approve amendments to the NDSP (along with conforming amendments to the Walnut Creek General Plan ("General Plan") and Municipal Code to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service and ancillary uses as well as a range of additional potential, compatible uses such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific individual development proposal for the project site has been formally submitted to the City; therefore the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed project, this Draft SEIR considers three potential development scenarios (as described further below) that reflect a reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates "Site D," and

an approximately 0.82-acre property "Site E" located adjacent to Site A.) This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

For purposes of the analysis set forth in this Section 3.4, Cultural Resources, the City and its California Environmental Quality Act (CEQA) consultant conducted a preliminary assessment of each of the potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) in order to determine the scenario that would result in the "reasonable worst-case scenario" under each environmental topic area (see Appendix B, Comparative Summary of Potential Impacts). For the reasons set forth in Appendix B, it was determined the relative impact of each of the Scenarios in regards to cultural and tribal cultural resources would have a similar effect across all Scenarios. Therefore, as explained in Appendix B, because Scenario 3 (auto sales and service, office, and multi-family residential) is assumed to result in the greatest impact for most of the environmental topics (see further discussion under Category 3 in Appendix B), to provide consistency in the analysis within the Draft SEIR, when a Scenario would result in substantially the same effects, this Draft SEIR evaluates impacts assuming development of Scenario 3, the scenario that is most often the "reasonable worst-case scenario." Therefore, the following analysis assumes development of Scenario 3.

3.4.3 - Environmental Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. Additional information about the existing conditions related to cultural and tribal cultural resources in the region and within the NDSP area (including the project site and vicinity) at the time the 2019 NDSP EIR was prepared can be found in Section 5.4, Effects Found not to be Significant, (pages 5-5 through 5-6) of the 2019 NDSP EIR.

Records Searches and Pedestrian Survey to Identify Existing Cultural Resources

On July 27, 2021, a records search for the project site and a 0.5-mile radius beyond the project site boundary was conducted at the Northwest Information Center (NWIC) located at Sonoma State University in Rohnert Park, California.[1] The current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Contra Costa County were also reviewed to determine the existence on the project site and within the 0.5-mile radius of any previously documented local historical resources.

The results of the records search indicate that there are no previously recorded cultural resources or survey reports in the project site. There are four historic resources within a 0.5-mile radius of the project site (Table 3.4-1). In addition, 35 survey reports are on file with the NWIC for a 0.5-mile radius of the project site (Table 3.4-2). This suggests that while the project site itself has not been

[1] While not explicitly stated under CEQA Guidelines, a 0.5-mile California Historical Resources Information System (CHRIS) search radius is the accepted industry standard for most projects, including this one, as determined by the City in consultation with its CEQA consultant.

previously surveyed, the surrounding 0.5-mile radius has been assessed for cultural resources. Record search results can be found in Appendix E.

Table 3.4-1: Cultural Resources Within 0.5 Mile of the Project Site

Resource No.	Resource Description	Date Recorded
P-07-002925	2211 North Main Street; Other–Bill's Brick House; Other–Stan's Brick House; Other–La Virage Restaurant	2008
P-07-004480	T-Mobile West LLC BA01218A/PL218 Walnut Creek	2012
P-07-004682	2670-2682 Walnut Boulevard	2014
P-07-004720	1860 Trinity Avenue	2016
Source: Northwest Information Center (NWIC) Records Search. July 27, 2021.		

Table 3.4-2: Previous Investigations Within 0.5 Mile of the Project Site

Report No.	Report Title/Project Focus	Author	Date
S-000623	Archaeological and Historic Architectural Survey of 04-CC-680 15.4/17.4, 0.2 mile north of North Main Street to 0.1 mile north of Oak Park Boulevard, BART Interface and I/C Revision, 04205-377111	Richard B. Hastings	1975
S-000635	An Archaeological Survey of Civic Park, Walnut Creek, Contra Costa County, California	Peter Banks and David A. Fredrickson	1977
S-000727	An Archaeological Reconnaissance of Two New Proposed Waste Water Pipeline Routes, Livermore-Amador Valley Water Management Agency, Alameda County	Miley Holman and David Chavez	1977
S-001228	An Archaeological Survey of the North Main Street Road Widening Project Area in Walnut Creek	David Chavez	1978
S-002231	Cultural Resource Survey, Walnut Creek Project Area, Contra Costa County, California	Edward R. Kandler and Mark O. Rudo	1980
S-002745	Walnut Creek Project, Historical/Technological Evaluation	Carroll W. Pursell, Jr.	1981
S-006251	Archaeological survey of area of potential environmental impact, Civic Park Bridge, Walnut Creek	Katherine Flynn	1983
S-007080	Historic Properties Survey Report For Reconstruction of I-680/24 Interchange and Freeway Improvements, 04-CC-680/24 PM 12.6/19.0, 04224-400310	No Author	1984
S-009859	Oak Road Widening Project, Walnut Creek, California	Miley Paul Holman	1986
S-011234	Historic Property Survey Report for Proposed Commuter Bikepath, From Rudgear Road in the City of Walnut Creek to Monument Boulevard in Contra Costa County, on Abandoned Southern Pacific Right-of-Way, Contra Costa County, California, 04-CC-680, PM 12.6/17.7, 04224-115350	No Author	1989

Report No.	Report Title/Project Focus	Author	Date
S-015478	Preliminary Archaeological Survey of the CCLine and A-Line Sewer Project, Contra Costa County, California	John F. Salter	1990
S-017699	Cultural Resources Field Inventory, 2211 Walnut Boulevard, City of Walnut Creek, Contra Costa County	Colin I. Busby	1995
S-018540	Cultural Resources Field Inventory, 2296 Walnut Boulevard, City of Walnut Creek, Contra Costa County	Colin I. Busby	1996
S-019798	EBMUD San Ramon Valley Water Master Plan EIR, Contra Costa County, California	David Chavez	1997
S-021569	Cultural Resources Assessment-Focus Realty Services, 2640/2640 1/2 Walnut Boulevard (APN 179-030-008 and -009) City of Walnut Creek, Contra Costa County, California	Colin I. Busby	1998
S-023074	Cultural Resources Assessment–2343, 2349 and 2353 San Juan Avenue, City of Walnut Creek, Contra Costa County	Colin I. Busby	1999
S-025137	Archaeological Study, 1716 Main Street, Walnut Creek, California	Benjamin Ananian	2002
S-025642	Draft Inventory and Evaluation of NRHP Eligibility of California Army National Guard Armories	No Author	2000
S-027733	Nextel Communications Wireless Telecommunications Service Facility–Contra Costa County	Lorna Billat	No Date
S-028375	Archaeological Survey and Assessment of Walnut Creek Civic Park	William Self	2001
S-028670	Archaeological Literature Review and Field Inspection of the Trinity Avenue Apartment Project, Walnut Creek, Contra Costa County, California	Miley Paul Holman	2004
S-030907	Caltrans Historic Bridge Inventory Update: Metal Truss, Movable, and Steel Arch Bridges, Contract: 43A0086, Task Order: 01, EA: 43-984433, Volume I: Report and Figures	Christopher McMorris	2004
S-033504	Historic Property Survey Report, Seismic Retrofit of BART Aerial Structures and Stations Along Concord, Richmond, Daly City and Fremont Lines, Alameda, Contra Costa, and San Mateo Counties, STPLZ-6000 (25)	Cameron Bauer and Heather Price	2007
S-034943	Archaeological Survey and Cultural Resources Assessment of the 1665 Carmel Drive Project (APN 178290008), Walnut Creek, Contra Costa County, California	James Allan	2008
S-035358	Cultural Resources Assessment of 2211 N. Main Street (APN 174150044), Walnut Creek, Contra Costa County, California	Erinn Peterson	2008
S-039783	Cultural Resources Records Search and Site Visit Results for T-Mobile West LLC Candidate BA01218A (PL218 Walnut Creek), 1755 Locust Street, Walnut Creek, Contra Costa County, California	Carrie D. Wills and Kathleen A. Crawford	2012
S-040290	Direct APE Historic Architectural Assessment for T-Mobile West, LLC Candidate BA01218A (PL218 Walnut Creek), 1755 Locust Street, Walnut Creek, Contra Costa County, California	Wayne H. Bonner and Kathleen A. Crawford	2012

Report No.	Report Title/Project Focus	Author	Date
S-044222	A Cultural Resources Survey for the Landing at Walnut Creek Walnut Creek, Contra Costa County, California	Eileen Barrow	2013
S-045446	An Architectural Survey for the Riviera Family Apartments II Project, Walnut Creek, Contra Costa County, California	Vicki R. Beard	2014
S-045820	Historic Architectural Assessment Report 2670 and 2680 Walnut Boulevard, Walnut Creek, Contra Costa County, California	No Author	2014
S-047030	Cultural Resources Investigation for AT&T Mobility CCL00046 "DT Walnut Creek" 2033 North Main Street, Walnut Creek, Contra Costa County, California 94596	Carolyn Losee	2015
S-047775	Historic Property Survey Report for the CCTA Interstate 680 Express Lanes Project, Contra Costa County, California; 04-CCO-680 PM R8.0-25.0, EA 04H610 (EFIS ID# 0413000216)	Adrian Whitaker	2016
S-047907	Section 106 Historic Property Survey and Evaluation of the Property at 1860 Trinity Avenue, Walnut Creek, Contra Costa County, California	Stacy De Shazo	2016
S-049775	Request for Concurrence on No Historic Properties Affected for Project at Ygnacio Plaza, 101 Ygnacio Valley Road, Walnut Creek, Contra Costa County, California	Shannon Davis	2017
S-052635	Archaeological Assessment for Prior Disturbance, CRAN_RSFR_CONC0_022/CONC0_022, 1737 Parkside Drive, Walnut Creek, Contra Costa County, California 94597, EBI Project Number: 6118001548, TCNS Number: 172333	Gabriel Ocampo	2018
Source: Northwest Information Center (NWIC) Records Search. July 27, 2021.			

Native American Heritage Commission Record Search

On July 2, 2021, on behalf of the City, FCS sent a request to the Native American Heritage Commission (NAHC) to determine whether any sacred sites are listed on its Sacred Lands File for the project site. A response was received on July 27, 2021, indicating that the Sacred Lands File search produced a negative result for Native American cultural resources on the project site. The NAHC included a list of 13 tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential tribal cultural resources that may be affected by implementation of the proposed project are addressed, FCS sent letters to all 13 tribal representatives on August 9, 2021. In addition, the City of Walnut Creek Community and Economic Development Department sent two formal letters containing project information and an invitation to consult on the proposed project. The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, AB 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351, SB 18. A third notification serving as an update to the proposed project description was sent on December 10, 2021. On November 16, 2021, a response was received from the Cultural Preservation Department for Wilton Rancheria. The letter noted a desire to consult on open space designations,

recommended mitigation measures, significant effects of the proposed project, and architectural design and/or landscape design, signage, historical landmarks, and land acknowledgments and several discretionary topics. The tribe also requested to receive any cultural resources assessments completed as part of the environmental review. A response was also received from Tribal Chair Corrina Gould for the Confederated Villages of Lisjan Tribe on December 15, 2021, requesting a copy of the final California Historical Resources Information System (CHRIS) and EIR for the proposed project along with archaeological reports and to be notified if there are any cultural resources found on-site. On January 4, 2022, FCS provided both Wilton Rancheria and the Confederated Villages of Lisjan Tribe with the Phase I CRA, the HRE, and the Geologic Hazards Assessment Report prepared by Engeo on November 18, 2021. NAHC correspondence can be found in Appendix E.

Cultural Resources Pedestrian Survey

On September 2, 2021, and October 27, 2021, FCS Senior Archaeologist, Dana DePietro, PhD, RPA, and FCS Historian, Ti Ngo, conducted a pedestrian survey for unrecorded cultural resources on the project site. The project site is completely developed and hardscaped, containing, among other improvements, 12 structures relating to auto sales and maintenance, wrap around parking lots, associated infrastructure, and landscaping elements.

The survey began in the southwest corner of the roughly rectangular Site A and moved west, using north–south transects spaced at approximately 15-meter intervals across the site whenever possible. From there, the survey addressed Sites B, C, D, and E using similarly spaced and oriented transects. Given the fully developed nature of the project site, visibility of native soils was almost non-existent; however, soils along the edges of the project site were closely inspected and, while highly disturbed, provided some information on soil profiles. Visible soils were largely composed of medium brown (7.5YR 2.5) loam with moderate clay content, interspersed with small (2-3 cm) stones primarily composed of quartz and schist. Much of the visible areas contained pockets of imported gravel and bedding materials, attesting to the highly disturbed nature of the site.

Survey conditions were documented using digital photographs and field notes. During the survey, Dr. DePietro and Mr. Ngo examined all areas of the exposed ground surface for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, toolmaking debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics).

No historic or prehistoric artifacts, cultural resources, or raw materials commonly used in the manufacture of tools (e.g., obsidian, Franciscan chert) were found within the project site. Close inspection of structures at the project site, however, revealed the presence of unrecorded built environment resources more than 45 years in age. Therefore, an HRE was prepared to evaluate these structures. A summary of that HRE is provided below. Pedestrian survey photographs and the HRE can be found in Appendix E.

Buried Site Potential

In addition to the pedestrian survey, the potential for unidentified cultural and tribal cultural resources on the project site and in the vicinity was reviewed against geologic and topographic geographic information system data for the general area and information from other nearby projects. Consistent with relevant industry standards, the project site was evaluated against a set of criteria that was prepared for the California Department of Transportation (Caltrans).[2] This study mapped the "archaeological sensitivity," or potential to support the presence of buried prehistoric archaeological deposits, based on geology and environmental parameters including distance to water and landform slope. The methodology used in the study is applicable to other parts of California, such as the project site, and concluded that sites consisting of flat, Holocene-era deposits near water resources had a moderate to high probability of containing subsurface archaeological deposits when compared to earlier Pleistocene deposits situated on slopes or further away from drainages, lakes, and rivers.

The project site is situated on relatively level terrain composed of Holocene alluvium and Miocene Monterey Formation sandstone. All Holocene-era deposits have the potential to contain archaeological deposits.[3] The project site, however, is hardscaped and highly developed, obscuring, for the most part, the visibility of native soils. Nevertheless, the highly developed nature of the site clearly indicates that previous ground disturbance has occurred on the project site and suggests a low to moderate potential for unanticipated buried cultural resources to be impacted by project construction.

Architectural and Historic Resources Assessment

Seven built environment resources more than 45 years old were identified within the project site: 2087, 2090, and 2100 North Main Street, 2100, 2131, and 2150 North Broadway, and 1435 Pine Street. None of these structures had previously been evaluated for historic significance. Properties more than 45 years in age are considered potentially eligible for listing in the NRHP, CRHR, or local listing and consequently, could be considered historic resources under CEQA Guidelines. Consistent with relevant industry standards, all buildings were evaluated relative to the following CRHR eligibility criteria, which are based on NRHP Standards A–D.

- **Criterion 1: Event**–It is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- **Criterion 2: Person**–It is associated with the lives of persons important to local, California, or national history.

[2] Meyer, Jack, Philip Kaijankoski, and Jeffrey S. Rosenthal. 2011. A Geoarchaeological Overview and Assessment of Northwest California. Cultural Resources Inventory of Caltrans District 1 Rural Conventional Highways: Del Norte, Humboldt, Mendocino, and Lake Counties. Prepared and edited by Far Western Anthropological Research Group. Inc. Davis, California.

[3] Meyer, Jack, Philip Kaijankoski, and Jeffrey S. Rosenthal. 2011. A Geoarchaeological Overview and Assessment of Northwest California. Cultural Resources Inventory of Caltrans District 1 Rural Conventional Highways: Del Norte, Humboldt, Mendocino, and Lake Counties. Prepared and edited by Far Western Anthropological Research Group. Inc. Davis, California.

- **Criterion 3: Architecture**–It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
- **Criterion 4: Information Potential**–It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Each relevant structure was recorded and evaluated for historical significance on the appropriate set of Department of Parks and Recreation Forms in consideration of CRHR designation criteria and integrity requirements. The seven structures evaluated were found not eligible under all designation criteria due to a lack of significant historical associations and integrity. No historical resources were identified within the project site as a result of the HRE. The HRE provided in Appendix E provides more detail with respect to the CRHR designation criteria and integrity requirements.

Summary of Existing Cultural and Tribal Resources at the Project Site

Historic Architectural Resources

Based on the architectural and historic resources assessment provided immediately above, no known historic architectural resources are located within the project site boundaries.

Archaeological Resources

No known archaeological sites or burial sites are located within the project site boundaries. However, as noted in Table 3.4-1, four known resources are located within 0.5 mile of the project site. Archaeological resources are often obscured from view and can be uncovered during construction activities.

3.4.4 - Regulatory Framework

Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA), as amended, established NRHP, which contains an inventory of the nation's significant prehistoric and historic properties. Under 36 Code of Federal Regulations 60, a property is recommended for possible inclusion on the NRHP if it is at least 50 years old, has integrity, and meets one of the following criteria:

- It is associated with significant events in history, or broad patterns of events.
- It is associated with significant people in the past.
- It embodies the distinctive characteristics of an architectural type, period, or method of construction; or it is the work of a master or possesses high artistic value; or it represents a significant and distinguishable entity whose components may lack individual distinction.
- It has yielded, or may yield, information important in history or prehistory.

Certain types of properties are usually excluded from consideration for listing in the NRHP, but they can be considered if they meet special requirements in addition to meeting the criteria listed above.

Such properties include religious sites, relocated properties, graves and cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) amended the Antiquities Act of 1906 (16 United States Code [USC] 431–433) and set a broad policy that archaeological resources are important to the nation and should be protected, and required special permits before the excavation or removal of archaeological resources from public or Native American lands. The purpose of ARPA was to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Native American lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained before October 31, 1979.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA) established federal policy to protect and preserve the inherent rights of freedom for Native groups to believe, express, and exercise their traditional religions. These rights include but are not limited to access to sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 sets forth provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American tribe claiming affiliation.

State

CEQA Guidelines Section 15064.5(a)—CEQA Definition of Historical Resources

CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, defines a "historical resource" as:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such

resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources.
4. The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

Therefore, under the CEQA Guidelines, even if a resource is not included on any local, State, or federal register, or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource for the purposes of CEQA if there is substantial evidence supporting such a determination. A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the CRHR. Archaeological and historical sites are protected pursuant to a wide variety of State policies and regulations, as enumerated in the Public Resources Code. Cultural resources are recognized as nonrenewable resources and receive additional protection under the Public Resources Code and CEQA.

CEQA Guidelines Section 15064.5(a)(3)—California Register of Historical Resources Criteria

As defined by CEQA Guidelines, Section 15064.5(a)(3)(A-D), a resource shall be considered historically significant if the resource meets the criteria for listing on the CRHR. The CRHR and many local preservation ordinances have employed the criteria for eligibility to the NRHP as a model (see criteria described above under the description of the NHPA), since the NHPA provides the highest standard for evaluating the significance of historic resources. A resource that meets NRHP criteria is clearly significant. In addition, a resource that does not meet NRHP Standards may still be considered historically significant at a local or State level.

California Public Resources Code Section 5024.1—California Register of Historic Resources

Section 5024.1 of the Public Resources Code states that the CRHR is a guide to be used by state and local agencies, private groups, and citizens to identify the State's historical resources and to indicate what properties are to be protected from substantial adverse change. Administration of the CRHR is to be overseen by the NAHC. Section 5024.1 indicates that the register shall include historical resources determined by the NAHC, according to adopted procedures, to be significant and to meet the criteria in subdivision (c).

CEQA Guidelines 15064.5(c)—Effects on Archaeological Resources

The CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. The CEQA Guidelines direct lead agencies to evaluate archaeological sites to determine whether they meet the criteria for listing in the CRHR. If an archaeological site is a historical resource, in that it is listed or eligible for listing in the CRHR, potential adverse impacts to it must be considered. If an archaeological site is considered not to be a historical resource but meets the definition of a "unique archaeological resource" as defined in Public Resources Code Section 21083.2, then it would be treated in accordance with the provisions of that section.

CEQA Guidelines Section 15064.5(d)—Effects on Human Remains

Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. Human remains may also be important to the scientific community, such as prehistorians, epidemiologists, and physical anthropologists. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (CEQA Guidelines § 15064.5(d); Public Resources Code [PRC] § 5097.98). CEQA and other State laws and regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community:

- When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC to develop an agreement for the treatment and disposal of the human remains and any associated burial items (CEQA Guidelines § 15064.5(d); PRC § 5097.98).
- If human remains are accidentally discovered, the County Coroner must be contacted. If the County Coroner determines that the human remains are Native American, the Coroner must contact the NAHC within 24 hours. The NAHC must identify the Most Likely Descendant (MLD) to provide the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items.
- If the MLD fails to make recommendations within 24 hours of notification or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance within the project site (PRC § 5097.98).
- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendant communities, then under CEQA, the appropriate mitigation of effect may require the recovery of the scientific information of the remains/burial through identification, evaluation, data recovery, analysis, and interpretation (CEQA Guidelines § 15064.5(c)(2)).

California Public Resources Code Section 5097.91—Native American Heritage Commission

Section 5097.91 of the Public Resources Code established the NAHC, whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.91 of the Public Resources Code, a State policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites or sacred shrines located on public property. Section 5097.98 of the Public Resources Code specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a County Coroner. Section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands.

California Senate Bill 18—Protection of Tribal Cultural Places

SB 18, (California Government Code § 65352.3) incorporates the protection of California traditional tribal cultural places into land use planning for cities, counties, and other public agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native American tribes as part of the adoption or amendment of any general or specific plan proposed on or after March 1, 2005. SB 18 requires public notice to be sent to tribes listed on the NAHC SB 18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that may be affected by the proposed adoption or amendment to a general or specific plan.

California Assembly Bill 52—Effects on Tribal Cultural Resources

AB 52 was signed into law on September 25, 2014, and provides that any public or private "project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." Tribal Cultural Resources include "[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources." Under prior law, Tribal Cultural Resources were typically addressed under the umbrella of "cultural resources," as discussed above. AB 52 formally added the category of "tribal cultural resources" to CEQA and extends the consultation and confidentiality requirements to all projects, rather than just projects subject to SB 18 as discussed above.

The parties must consult in good faith, and consultation is deemed concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource (if such a significant effect exists); or (2) when a party concludes that mutual agreement cannot be reached. Mitigation measures agreed upon during consultation must be recommended for inclusion in the environmental document. AB 52 also identifies mitigation measures that may be considered to avoid significant impacts if there is no agreement on appropriate mitigation. Recommended measures include:

- Preservation in place
- Protecting the cultural character and integrity of the resource
- Protecting the traditional use of the resource
- Protecting the confidentiality of the resource
- Permanent conservation easements with culturally appropriate management criteria

California Public Resources Code Section 21074—Effects on Tribal Cultural Resources

AB 52 amended the CEQA statute to identify an additional category of resource to be considered under CEQA, called "tribal cultural resources," and added Public Resource Code Section 21074, which defines "tribal cultural resources" as follows:

(a)"Tribal cultural resources" are either of the following:
  (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    A) Included or determined to be eligible for inclusion in the CRHR.
    B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
  (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Health and Safety Code Section 7050.5 (Treatment of Human Remains)

Section 7050.5 of the California Health and Safety Code sets forth provisions related to the treatment of human remains. As the Code states, "every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor" (Health and Safety Code § 7050.5) except under circumstances as provided in Section 5097.99 of the Public Resources Code. The regulations also provide guidelines for the treatment of human remains found in locations other than a dedicated cemetery, including responsibilities of the Coroner.

Public Resources Code Section 5097.98 (Discovery of Human Remains)

Section 5097.98 provides protocol for the discovery of human remains. It states that "when the commission receives notification of a discovery of Native American human remains from a County Coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall

immediately notify persons believed to be most likely descended from the deceased Native American" (PRC § 5097.98). It also sets forth provisions for descendants' preferences for treatment of the human remains and what should be done if the commission is unable to identify a descendant.

Local

City of Walnut Creek

City of Walnut Creek General Plan

Goal 16 **Maintain and enhance Walnut Creek's identity and sense of place.**

Policy 16.1 Foster the preservation, restoration, and compatible reuse of architecturally significant structures and sites.

Action 16.1.1 Develop an inventory of architecturally significant properties and landmarks.

Goal 24 **Protect and conserve archaeological and paleontological resources.**

Policy 24.1 Review the potential for the presence of archaeological and paleontological resources and remains in or near identified archaeological sites.

Action 24.1.1 Require (a) review by the California Archaeological Inventory Northwest Information Center, Sonoma State University, of all major new projects and all projects of any size within 660 feet of a site identified on the City's map of sensitive archaeological sites and (b) add appropriate mitigations as conditions of project approval as may be recommended by the California Archaeological Inventory.

Action 24.1.2 Require developers to halt all work if cultural resources are encountered during a project, and to retain a qualified Archaeologist to evaluate and make recommendations for conservation and mitigation.

Goal 25 **Maintain and enhance Walnut Creek's historic resources.**

Policy 25.1 Foster the preservation, restoration, and compatible reuse of historically significant structures and sites.

Action 25.1.1 Develop and inventory and map of historically significant properties.

Action 25.1.2 Develop a historic preservation plan and supporting ordinances.

3.4.5 - Thresholds of Significance

According to the CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to cultural and tribal cultural resources would be significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

c) Disturb any human remains, including those interred outside of formal cemeteries?

d) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

3.4.6 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

The 2019 NDSP EIR relied upon analysis provided in a record search at the NWIC and the NAHC, among other sources, in evaluating potential impacts to cultural resources and tribal cultural resources. The 2019 NDSP EIR identified no individual or cumulative impacts with respect to cultural and tribal cultural resources (including historic resources, archaeological resources, human remains, listed or eligible tribal cultural resources, or tribal cultural resources as determined by a lead agency); this conclusion was based on the assumption that development within the NDSP area would be required to adhere to all applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the NDSP, General Plan, and Walnut Creek Municipal Code (Municipal Code; refer to Section 5.4, Effects Found not to be Significant, pages 5-5 through 5-6, of the 2019 NDSP EIR). No mitigation measures were required to reduce potential impacts to less than significant for cultural and tribal cultural resources for the reasons set forth in the 2019 NDSP EIR. As described below, for purposes of a conservative analysis, a site-specific evaluation of the project site was conducted and feasible mitigation measures have been identified to ensure the impacts of the proposed project would be less than significant.

Proposed Project Analysis and Conclusion

Historic Resources

Impact CUL-1:	**The proposed project may cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated this impact, and concluded that because no recorded, historically significant, or built environment cultural resources were identified within the NDSP area, there would be no impact in this regard. However, buildings 50 years old and older do exist within the NDSP area, and therefore, the 2019 NDSP EIR noted that these buildings would need to be evaluated on a project-specific basis to determine their historical significance under appropriate State and federal criteria. Action 25.1.1, and Action 25.1.2 of Chapter 4, Built Environment of the General Plan, require the City to develop an inventory of architecturally significant properties and landmarks and a historic preservation plan and supporting ordinances. This historical inventory has not been completed by the City. Therefore, any project that would involve buildings constructed prior to 1976 would require an evaluation for environmental significance by a qualified architectural historian.[4]

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the cultural and tribal cultural resources boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts on historic resources.

Consistent with the conclusions in the 2019 NDSP EIR, and as described above, an HRE was completed for seven built environment resources over 45 years old within the project site: 2087, 2090, and 2100 North Main Street, 2100, 2131, and 2150 North Broadway, and 1435 Pine Street. Each structure was recorded and evaluated for historical significance on the appropriate set of California Department of Parks and Recreation (DPR) forms in consideration of CRHR designation criteria and integrity requirements. The seven structures evaluated were found not eligible under all designation criteria due to a lack of significant historical associations and integrity. No historical resources were identified within the project site as a result of the HRE. The HRE provided in Appendix E provides more detail with respect to the CRHR designation criteria and integrity requirements and evaluation of same in connection with the project site.

However, while unlikely (given the previous substantial disturbance of the project site), subsurface construction activities always have the potential to damage or destroy previously undiscovered historic resources such as wood, stone, foundations, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramic, and other refuse, if encountered. This would represent a potentially significant impact related to historic resources.

Implementation of Mitigation Measure (MM) CUL-1, which requires an inspection by a qualified Archaeologist following the removal of asphalt and other hardscape elements and building demolition but prior to trenching and grading activities would reduce potential impacts to historical

[4] CEQA Guidelines rely on the California Register of Historical Resources eligibility criteria to determine potential historic significance. See California Code of Regulations, Title 14, Chapter 11.5 which provides the California Register's criteria for evaluating historic significance and integrity. Except in rare and exceptional circumstances, a potential resource must be 50 years of age or older to be eligible for inclusion on the California Register. In practice, this threshold is lowered to 45 years in order to account for the time required to complete project evaluation and entitlement processes. Individuals qualified to evaluate California Register eligibility meet the Secretary of Interior's qualification standards for architectural history.

resources (if any) that may be discovered during project construction. If a potential resource is identified during the foregoing survey or otherwise during construction, construction would be required to stop near the find until appropriate identification and treatment measures are implemented. With implementation of MM CUL-1, impacts to historic resources would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Mitigation Measures from the 2019 NDSP EIR

None.

Mitigation Measures for the Proposed Project

MM CUL-1 Stop Construction Near Find Upon Encountering Historical or Archaeological Materials

In connection with a specific individual development proposal, the relevant Applicant for such proposal shall engage a qualified Archaeologist who meets the Secretary of the Interior's Professional Qualification standards for archaeology to conduct a pedestrian survey of the relevant portion(s) of the project site following the removal of asphalt and building demolition at the project site, and prior to trenching and grading in connection with the subject proposal. If any buried historical or archaeological resources are discovered during construction, operations shall stop within a 100-foot radius of the find and the qualified Archaeologist shall be consulted to determine whether the resource requires further study. If it is determined that the find is significant, then the qualified Archaeologist shall make recommendations to the Lead Agency (City of Walnut Creek) on the feasible measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant historical or archaeological resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

In addition to any significant historic or archaeological resources found during the foregoing pedestrian survey, any previously undiscovered resources found during construction within the project site shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA Guidelines.

If the relevant resources (if any) are determined to be historical resources as defined under Section 15064.5 of the CEQA Guidelines or a unique archaeological resource in Section 21083.2 of the Public Resources Code, feasible mitigation measures and an archaeological treatment plan shall be developed by the qualified Archaeologist and recommended to the relevant Applicant and the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the find(s) as detailed in the archaeological treatment plan. No further grading or ground disturbance shall occur within 100 feet of the discovery of a significant historical or archaeological resource until the relevant mitigation measures are approved by the Lead Agency and implemented by the relevant Applicant in connection with the subject proposal to protect these resources.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Archaeological Resources

Impact CUL-2: The proposed project may cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated this impact; based on a records search at the NWIC and NAHC and related literature review. The literature review confirmed there was potential for unrecorded archaeological and paleontological deposits in the NDSP area. However, it concluded that with implementation of General Plan Policy 24.1 and Actions 24.1.1 and 24.1.2 of Chapter 4, Built Environment, there would be no impacts in this regard.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the cultural and tribal cultural resources boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts on archaeological resources.

Consistent with the conclusions in the 2019 NDSP EIR as well as Actions 24.1.1 and 24.1.2, a site-specific literature review and record search was conducted.

As noted above, record search results from the NWIC indicate that there are no previously recorded cultural resources or survey reports within the project site. However, there are four historical resources within a 0.5-mile radius of the project site. In addition, 35 survey reports are on file with the NWIC for a 0.5-mile radius of the project site. This suggests that while the project site has not previously been surveyed, the surrounding 0.5-mile radius has been assessed for cultural resources. In addition, a site-specific pedestrian survey was conducted; no additional archaeological resources were encountered during the pedestrian field survey and evaluation. The project site is completely

developed and hardscaped and visibility of soil was almost non-existent. As explained more fully in the Phase I CRA, the potential for the proposed project to have an adverse effect on significant archaeological resources was low to moderate. Such resources could consist of, but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements.

However, while unlikely (given the previous substantial disturbance of the project site), subsurface construction activities always have the potential to damage or destroy previously undiscovered significant archaeological resources. This would represent a potentially significant impact in this regard.

Accordingly, the proposed project would need to adhere to MM CUL-1, which requires an inspection by a qualified Archaeologist after removal of all buildings, asphalt, and other hardscaped elements, but before any grading or trenching begins would reduce potential impacts to archaeological resources that may be discovered during project construction. If a potential resource is identified during the foregoing inspection or otherwise during construction, construction for the relevant specific individual development proposal would be required to stop near the find until appropriate identification and treatment measures are implemented. Therefore, with implementation of MM CUL-1, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under any Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Mitigation Measures from the 2019 NDSP EIR

None.

Mitigation Measures for the Proposed Project

Implement MM CUL-1.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Human Remains

Impact CUL-3:	**The proposed project may disturb human remains, including those interred outside of formal cemeteries.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated this impact; based on a records search at the NWIC and NAHC and related literature review, it was determined that the presence of human remains within the NDSP area was unlikely. Accordingly, given the already-developed, urbanized nature of the NDSP area and with adherence to all applicable laws and regulations including, without limitation General Plan Policy 24.1 and Actions 24.1.1 and 24.1.2 of Chapter 4, Built Environment, the 2019 NDSP EIR determined that there would be no impacts in this regard.

Supplemental Analysis of the Proposed Project

Consistent with the 2019 NDSP EIR, no human remains, or cemeteries are known to exist within or near the project site. However, while unlikely (given the previous substantial disturbance of the project site), there is always the possibility that subsurface construction activities associated with the proposed project, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. This would represent a potentially significant impact in this regard.

In the unlikely event human remains are discovered, implementation of MM CUL-3 would require that work near the find is halted, and the County Coroner is called to make a determination as to the nature of the remains and to confirm next steps regarding contacting the NAHC and appropriate tribal representatives. In addition, in the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5(d)—Effects on Human Remains, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 must be followed. Therefore, with implementation of MM CUL-3 and adherence to other applicable laws and regulations would ensure that impacts are less than significant. Therefore, with implementation of MM CUL-3, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under any Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Mitigation Measures from the 2019 NDSP EIR

None.

Mitigation Measures for the Proposed Project

MM CUL-3 Stop Construction Near Find Upon Encountering Human Remains

If, during construction activities related to a specific individual development proposal, there is accidental discovery or recognition of any human remains, the relevant Applicant for such proposal shall cause the following steps be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resource Code Section 5097.98, or

2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:
   - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.
   - The descendant identified fails to make a recommendation.
   - The landowner or his or her authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Listed or Eligible Tribal Cultural Resources

Impact CUL-4:	**The proposed project would not cause a substantial adverse change in the significance of a Tribal Cultural Resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).**

Conclusions in the 2019 NDSP EIR

As part of the cultural resources evaluation, a records search at the NWIC and NAHC and related literature review was completed and it was determined that no significant impacts to tribal cultural resources would occur as a result of implementation of the NDSP. Accordingly, given the already-developed, urbanized nature of the NDSP area and with adherence to all applicable laws and regulations including, without limitation, General Plan Policy 24.1 and Actions 24.1.1 and 24.1.2 of Chapter 4, Built Environment, the 2019 NDSP EIR determined that there would be no impacts in this regard.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the tribal cultural resources boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts on tribal cultural resources.

Consistent with the conclusions in the 2019 NDSP EIR as well as Actions 24.1.1 and 24.1.2, a site-specific literature review and record search was conducted. In addition, the required consultation under AB 52 and SB 18 was conducted. A review of the CRHR, the NAHC Sacred Lands File, a records search conducted at the NWIC, and a pedestrian survey of the project site failed to identify any listed tribal cultural resources that could be adversely affected by construction of the proposed project. As such, there are no known eligible or potentially eligible tribal cultural resources that could be adversely affected by the proposed project; thus, a less than significant impact related to previously

listed tribal cultural resources would occur. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under any Scenario 3 (or any other Scenario). No additional analysis is required, and impacts would be less than significant.

Level of Significance

Less than significant impact.

Lead Agency Determined Tribal Cultural Resources

Impact CUL-5: The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated this impact; based on a records search at the NWIC and NAHC and related literature review, it was determined that no significant impacts to tribal cultural resources would occur as a result of implementation of the NDSP. Accordingly, given the already-developed, urbanized nature of the NDSP area and with adherence to all applicable laws and regulations including, without limitation, General Plan Policy 24.1 and Actions 24.1.1 and 24.1.2 of Chapter 4, Built Environment, the 2019 NDSP EIR determined that there would be no impacts in this regard.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the tribal cultural resources boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts on tribal cultural resources.

Consistent with the conclusions in the 2019 NDSP EIR as well as Actions 24.1.1 and 24.1.2, a site-specific literature review and record search was conducted. In addition, the required consultation under AB 52 and SB 18 was conducted. On July 2, 2021, on behalf of the City, FCS sent a request to the NAHC to determine whether any sacred sites are listed on its Sacred Lands File for the project site. A response was received on July 27, 2021, indicating that the Sacred Lands File search produced a negative result for Native American cultural resources on the project site. The NAHC included a list of 13 tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential tribal cultural resources that may be affected by implementation of the proposed project are addressed, FCS sent letters to all 13 tribal representatives on August 9, 2021. In addition, the City of Walnut Creek Community and Economic Development Department sent two formal letters containing project information and an invitation to consult on the proposed project. The first letter was sent on October 8, 2021, pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2, AB 52. Because the proposed project would also include a General Plan Amendment, a follow-up letter was sent on November 4, 2021, that included an invitation to consult on the project pursuant to Government Code Section 65351, SB 18. A third notification serving as an update

to the proposed project description was sent on November 16, 2021. On November 16, 2021, a response was received from the Cultural Preservation Department for Wilton Rancheria. The letter noted a desire to consult on open space designations, recommended mitigation measures, significant effects of the project, and architectural design and/or landscape design, signage, historical landmarks, and land acknowledgments and several discretionary topics. The tribe also requested to receive any cultural resources assessments completed as part of the environmental review. A response was also received from Tribal Chair Corrina Gould for the Confederated Villages of Lisjan Tribe on December 15, 2021, requesting a copy of the final CHRIS and EIR for the proposed project along with archaeological reports and to be notified if there are any cultural resources found on-site. On January 4, 2022, FCS provided both Wilton Rancheria and the Confederated Villages of Lisjan Tribe with the Phase I CRA, the HRE, and the Geologic Hazards Assessment Report prepared by Engeo on November 18, 2021. No additional responses were received. Therefore, tribal consultation efforts conducted by the City of Walnut Creek and FCS pursuant to SB 18 and AB 52 failed to identify significant tribal cultural resources meeting the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. As such, no known significant tribal cultural resources would be adversely affected by the proposed project. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under any Scenario 3 (or any other Scenario). No additional analysis is required, and impacts would be less than significant.

Level of Significance

Less than significant impact.

3.4.7 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

As noted in the 2019 NDSP EIR, cumulative impacts are related to site-specific cultural and tribal cultural resource issues and would be mitigated, to the extent necessary, on a project-by-project basis. With respect to potential cumulative cultural and tribal cultural resources, the 2019 NDSP EIR did not identify a significant cumulative effect and concluded that implementation of the NDSP would not have a cumulatively considerable contribution to this less already than significant cumulative impact.

Supplemental Analysis of the Proposed Project

Similar to the cumulative analysis in the 2019 NDSP EIR, the appropriate geographic context for cumulative impacts for cultural and tribal cultural resources is the NDSP area because of the similarity in existing conditions and location-specific nature of cultural and tribal cultural resources. Cumulative projects within the NDSP area consist of projects assumed under the 2019 NDSP EIR.

Consistent with the conclusions set forth in the 2019 NDSP EIR, any significant cumulative impacts are related to site-specific impacts to cultural resources and tribal cultural resources and would be mitigated, as necessary, on a project-by-project basis. For example, cumulative projects within the NDSP area would be required to comply with applicable policies, provisions and programs in the NDSP, General Plan, and Municipal Code that protect cultural and tribal cultural resources. In

addition, cumulative projects would be required to comply with applicable federal, State, and local laws- and regulations, including, among others, the provisions of SB 18 and AB 52, Section 15064.5 of the CEQA Guidelines, and Sections 5024.1 and 5097 of the Public Resources Code. Accordingly, given the already-developed, urbanized nature of the NDSP area and because cumulative development would be required to comply with long-term planning documents and regulatory agency guidance establishing policies (including, but not limited to, evaluation requirements and inadvertent discovery procedures) and would also be required to mitigate any site-specific impacts, cumulative impacts to cultural and tribal cultural resources would be less than significant.

Similar to other lands within the NDSP area, there are no known cultural or tribal cultural resources given the already-developed, urbanized nature of the project site. Moreover, specific individual development proposal(s) that are pursued for the project site would be required to implement the mitigation measures set forth herein and adhere to all other applicable laws and regulations as well as applicable local plans, programs, and provisions in the General Plan, NDSP and Municipal Code governing cultural and tribal cultural resources. The foregoing would further ensure that the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

3.5 - Energy

3.5.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports and other materials have been prepared to document the information necessary to make the certified North Downtown Specific Plan Environmental Impact Report (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City of Walnut Creek (City), and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project to provide additional environmental analysis, where appropriate, to ensure disclosure as required under the California Environmental Quality Act (CEQA). This section describes existing energy usage as well as the relevant regulatory framework and the potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth in the 2019 NDSP EIR. The analysis in this section is based, in part, on the energy supporting information provided in Appendix C.

No public comments were received during the Notice of Preparation (NOP) scoping period for this Draft SEIR related to energy.

3.5.2 - Scenario Evaluation

As noted in Chapter 2, Project Description, the applicant is requesting that the City approve amendments to the NDSP (along with conforming amendments to the Walnut Creek General Plan [General Plan] and Municipal Code to ensure consistency) along with a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service, and ancillary uses as well as a range of additional potential compatible uses such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific individual development proposal for the project site has been formally submitted to the City; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed project, this Draft SEIR considers three potential development scenarios (as defined further below) that reflect a reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates [Site D], and an approximately 0.82-acre property [Site E], located adjacent to Site A). This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

For purposes of the analysis set forth in this Section 3.5, Energy, the City and its CEQA consultant conducted a preliminary assessment of each of these potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) in order to determine the Scenario that would result in the "reasonable worst-case" under each environmental topic area (see Appendix B, Comparative Summary of Potential Impacts). As explained more fully in Appendix B, Scenario 2 (auto sales and service, office, multi-family residential, and hotel) incorporates a site-specific mix of uses and

estimated size and scope of development that reasonably can be assumed to occur, which, if developed, would reflect a reasonable worst-case scenario in terms of potential environmental impacts related to energy. Therefore, Scenario 2 is evaluated in this Section 3.5, Energy.

3.5.3 - Existing Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. For additional information regarding the existing conditions related to energy in place at the time the 2019 NDSP EIR was certified, this can be found in Section 4.4, Greenhouse Gas Emissions (pages 4.4-1 through 4.4-38) and Section 4.11, Utilities and Service Systems, (pages 4.11-1 through 4.11-11) of the 2019 NDSP EIR.

Energy Basics

Energy use, especially through fossil fuel consumption and combustion, relates directly to environmental quality since it can have the potential to adversely affect air quality and generate greenhouse gas (GHG) emissions that may contribute to climate change. Electrical power is generated through a variety of sources, including fossil fuel combustion, hydropower, wind, solar, biofuels, and others. Natural gas is widely used to heat buildings, prepare food in restaurants and residences, and fuel vehicles, among other uses. Fuel use for transportation is related to the fuel efficiency of cars, trucks, and public transportation, choice of different travel modes such as automobile, carpool, and public transit, and miles traveled by these modes, and generally based on petroleum-based fuels such as diesel and gasoline. Electric vehicles (EVs) may not have any direct emissions but do have indirect emissions via the source of electricity generated to power the vehicle. Construction and routine operation and maintenance of infrastructure also consume energy.

Energy is generally transmitted either in the form of electricity, measured in kilowatts (kW)[1] or megawatts (MW),[2] or natural gas, measured in British Thermal Units (BTU), cubic feet, or US therms.[3] Fuel, such as gasoline or diesel, is measured in gallons or liters.

Electricity

Electricity is used primarily for lighting, appliances, and other uses. Trends over the past several decades have resulted in an increase in the use of electric power, especially for new homes. Electric power for new homes is used to for electric spacing heating, electric water heating, electric cooking, and electric clothes drying.

Natural Gas

Natural gas is used primarily for heating, water heating, and cooking purposes and is typically associated with commercial and residential uses.

[1] 1 kilowatt (kW) = 1,000 watts; A watt is a derived unit of power that measure rate of energy conversion. 1 watt is equivalent to work being done at a rate of 1 joule of energy per second. In electrical terms, 1 watt is the power dissipated by a current of 1 ampere flowing across a resistance of 1 volt.

[2] 1 MW = 1 million watts

[3] One US therm is a unit for quantity of heat that equals one cubic foot of natural gas, or 100,000 British thermal units. A British thermal unit is the quantity of heat required to raise the temperature of 1 pound of liquid water 1 degree Fahrenheit at a constant pressure of 1 atmosphere.

Fuel

Fuel is used primarily for powering off-road equipment, trucks, and passenger vehicles. The typical fuel types used are diesel and gasoline.

Electricity Generation, Distribution, and Use

State of California

According to the California Energy Commission (CEC), in 2020, the State of California generated approximately 190,913 gigawatt-hours (GWh) of electricity.[4] Approximately 48.4 percent of this energy generation was sourced from natural gas, 33.4 percent from renewable sources (i.e., solar, wind, and geothermal), 9.4 percent from large hydroelectric sources, and the remaining 8.8 percent was sourced from coal, nuclear, oil, and other non-renewable sources. Additionally, California imported 81,663 GWh of electricity from other states in 2020.

According to the United States Energy Information Administration (EIA),[5] in 2021, California ranked fourth in electricity production, fourth in the nation in conventional hydroelectric generation, and first as a producer of electricity from solar, geothermal, and biomass resources. California leads the nation in solar thermal electricity capacity and generation.

Electricity and natural gas are distributed through the various electric load-serving entities (LSEs) in California. These entities include investor-owned utilities (IOUs), publicly owned LSEs, rural electric cooperatives, community choice aggregators, and electric service providers.[6]

Contra Costa County

Pacific Gas & Electric Company (PG&E) and Marin Clean Energy (MCE) provide electricity to Contra Costa County and the City. In 2020, approximately 37 percent of electricity consumed in Contra Costa County was consumed by residential users while approximately 63 percent of Countywide consumption was from all other nonresidential users.[7]

City of Walnut Creek

As of the date of this writing, no detailed electricity consumption information is available for the City.

Project Site

Electricity consumption from the project site is currently from existing land uses such as a used car sales lot and a Toyota dealership.

[4] California Energy Commission (CEC). 2021 Total System Electric Generation. Website: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2020-total-system-electric-generation. Accessed July 29, 2022.

[5] United States Energy Information Administration (EIA). 2022. California State Profile and Energy Estimates. Website: https://www.eia.gov/state/?sid=CA. Accessed November 21, 2022.

[6] California Energy Commission (CEC). 2022. Electric Load-Serving Entities (LSEs) in California. Website: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/electric-load-serving-entities-lses. Accessed November 21, 2022.

[7] California Energy Commission (CEC). 2021. Electricity Consumption by County. Website: http://www.ecdms.energy.ca.gov/elecbycounty.aspx. Accessed January 28, 2022.

Natural Gas Generation, Distribution, and Use

State of California

Natural gas as an energy resource has several applications but is most commonly associated with cooking appliance use, electricity generation, and space and water heating. According to the CEC, in 2012 total natural gas demand in California for industrial, residential, commercial, and electric power generation was 2,313 billion cubic feet per year (BCF/year), up from 2,196 BCF/year in 2010.[8] Demand in all sectors except electric power generation remained relatively flat for the last decade due in large part to energy efficiency measures, but demand for power generation rose about 30 percent between 2011 and 2012. In 2019, it was estimated that California consumed 2,218.7 trillion BTU of natural gas.[9]

Natural gas-fired generation has become the dominant source of electricity in California, as it fuels about 43 percent of electricity consumption followed by hydroelectric power. Because natural gas is a resource that provides load when the availability of hydroelectric power generation and/or other sources decrease, use varies greatly from year to year. The availability of hydroelectric resources, the emergence of renewable resources for electricity generation, and overall consumer demand are the variables that shape natural gas use in electric generation.

City of Walnut Creek

The City consumes fossil fuels, natural gas, and gasoline for construction, lighting, heating, and cooling of residences and non-residential uses, and transportation of people within, to, and from the City.

Project Site

Fuel use from the project site is currently from existing land uses such as building-related energy use. Existing uses on the project site include a used car sales lot and a Toyota dealership. Other on-site activities which result in fuel use include space and water heating, landscape maintenance, and any other existing non-residential uses which have the potential to store, produce, decommission, or otherwise handle hazardous materials.

Fuel Use

The main category of fuel use in California is transportation fuel, specifically gasoline and diesel. Gasoline is the most used transportation fuel in California, with 97 percent of all gasoline sold in California being consumed by light-duty cars, pickup trucks, and sport utility vehicles. Diesel is the second largest transportation fuel used in California. Nearly all heavy-duty trucks, delivery vehicles, buses, trains, ships, boats and barges, farm, construction and heavy-duty military vehicles and

[8] California Energy Commission (CEC). 2021. Supply and Demand of Natural Gas in California. Website: https://www.energy.ca.gov/data-reports/energy-almanac/californias-natural-gas-market/supply-and-demand-natural-gas-california. Accessed July 29, 2022.

[9] United States Energy Information Administration (EIA). 2019. California Energy Consumption Estimates. Website: https://www.eia.gov/state/print.php?sid=CA. Accessed July 29, 2022.

equipment have diesel engines. In year 2021, it was estimated that 13.81 billion gallons of gasoline and 3.14 billion gallons of diesel were sold in California.[10]

Alternative Fuels

A variety of alternative fuels are used to reduce petroleum-based fuel demand. The use of these fuels is encouraged through various Statewide regulations and plans, such as the Low Carbon Fuel Standard (LCFS) and Senate Bill (SB) 32. Conventional gasoline and diesel may be replaced, depending on the capability of the vehicle, with transportation fuels including hydrogen, biodiesel, and electricity.

Currently, 53 public hydrogen refueling stations exist in California; however, none are in the City.[11] Currently, 21 public biodiesel refueling stations are in California, with none of them in the City.[12]

Electric Vehicles

Electricity can be used to power electric and plug-in hybrid electric vehicles (EVs) directly from the power grid. Electricity used to power vehicles is generally provided by the electricity grid and stored in the vehicle's batteries. Fuel cells are being explored to use electricity generated onboard the vehicle to power electric motors. Currently, California has 13,640 public EV charging stations, including all charger types, and 36,867 EV supply equipment (EVSE) ports.[13]

Currently, 47 EV charging stations are located within the boundaries of the City, with several located within a mile of the project site.

3.5.4 - Regulatory Framework

Federal Regulations

Energy Independence and Security Act

The Energy Policy Act of 2005 created the Renewable Fuel Standard Program. The Energy Independence and Security Act of 2007 expanded this program by:

- Expanding the Renewable Fuel Standard Program to include diesel in addition to gasoline.
- Increasing the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022.
- Establishing new categories of renewable fuel and setting separate volume requirements for each one.

[10] California Energy Commission (CEC). 2022. A15 Report Responses vs. California Department of Tax and Fee Administration. Website: https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-retail-fuel-outlet-annual-reporting#notes. Accessed November 21, 2022.

[11] United States Department of Energy. 2022. Alternative Fuels Data Center. Hydrogen. Website: https://afdc.energy.gov/stations/#/analyze?country=US&region=US-CA&fuel=HY. Accessed November 21, 2022.

[12] United States Department of Energy. 2022. Alternative Fuels Data Center. Biodiesel (B20 and above). Website: https://afdc.energy.gov/stations/#/analyze?country=US&region=US-CA&fuel=BD. Accessed November 21, 2022.

[13] United States Department of Energy. 2022. Alternative Fuels Data Center. Electric. Website: https://afdc.energy.gov/stations/#/analyze?country=US&region=US-CA&fuel=ELEC&ev_levels=all. Accessed November 21, 2022.

- Requiring the United States Environmental Protection Agency (EPA) to apply lifecycle GHG emission threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.

This expanded Renewable Fuel Standard Program lays the foundation for achieving substantial reductions of GHG emissions from the use of renewable fuels, reducing the use of imported petroleum, and encouraging the development and expansion of the nation's renewable fuels sector.

Signed on December 19, 2007, the Energy Independence and Security Act of 2007 (EISA) aims to:

- Move the United States toward greater energy independence and security.
- Increase the production of clean renewable fuels.
- Protect consumers.
- Increase the efficiency of products, buildings, and vehicles.
- Promote research on and deploy GHG capture and storage options.
- Improve the energy performance of the federal government.
- Increase U.S. energy security, develop renewable fuel production, and improve vehicle fuel economy.

EISA reinforces the energy reduction goals for federal agencies put forth in Executive Order 13423, as well as introduces more aggressive requirements. The three key provisions enacted are the Corporate Average Fuel Economy Standards, the Renewable Fuel Standard Program, and the appliance/lighting efficiency standards.

The EPA is committed to developing, implementing, and revising both regulations and voluntary programs under the following subtitles in EISA, among others:[14]

- Increased Corporate Average Fuel Economy Standards
- Federal Vehicle Fleets
- Renewable Fuel Standard
- Biofuels Infrastructure
- Carbon Capture and Sequestration

EPA and National Highway Traffic Safety Administration Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards Final Rule

Congress first passed the Corporate Average Fuel Economy law in 1975 to increase the fuel economy of cars and light-duty trucks. The law has become more stringent over time. On May 19, 2009, former President Barack Obama put in motion a new national policy to increase fuel economy for all new cars and trucks sold in the United States. On April 1, 2010, the EPA and the United States Department of Transportation's National Highway Traffic Safety Administration (NHTSA) announced a

[14] United States Environment Protection Agency (EPA). 2022. Summary of the Energy Independence and Security Act. Website: https://www.epa.gov/laws-regulations/summary-energy-independence-and-security-act. Accessed November 21, 2022.

joint final rule establishing a national program that would reduce GHG emissions and improve fuel economy for new cars and trucks sold in the United States.

The first phase of the national program applied to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. They required these vehicles to meet an estimated combined average emissions level of 250 grams of carbon dioxide (CO_2) per mile, equivalent to 35.5 miles per gallon if the automobile industry met this CO_2 level solely through fuel economy improvements. Together, these standards would have cut CO_2 emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016).

The EPA and the NHTSA issued final rules on a second phase joint rulemaking, establishing national standards for light-duty vehicles for model years 2017 through 2025 in August 2012.[15] The new standards for model years 2017 through 2025 apply to passenger cars, light-duty trucks, and medium duty passenger vehicles. The final standards are projected to result in an average industry fleet wide level of 163 grams/mile of CO_2 in model year 2025, which is equivalent to 54.5 miles per gallon if achieved exclusively through fuel economy improvements.

The EPA and NHTSA issued final rules for the first national standards to reduce GHG emissions and improve fuel efficiency of heavy-duty trucks and buses on September 15, 2011, which became effective November 14, 2011. For combination tractors, the agencies proposed engine and vehicle standards that began in the 2014 model year and would have achieved up to a 20 percent reduction in CO_2 emissions and fuel consumption by the 2018 model year. For heavy-duty pickup trucks and vans, the agencies proposed separate gasoline and diesel truck standards, which were to be phased in starting in the 2014 model year and would achieve up to a 10 percent reduction for gasoline vehicles, and a 15 percent reduction for diesel vehicles by 2018 model year (12 and 17 percent respectively if accounting for air conditioning leakage). Lastly, for vocational vehicles, the engine and vehicle standards would have achieved up to a 10 percent reduction in fuel consumption and CO_2 emissions from the 2014 to 2018 model years.

The State of California has received a waiver from the EPA to have separate, stricter Corporate Average Fuel Economy Standards. Although global climate change did not become an international concern until the 1980s, efforts to reduce energy consumption began in California in response to the oil crisis in the 1970s, resulting in the incidental reduction of GHG emissions. To manage the State's energy needs and promote energy efficiency, Assembly Bill (AB) 1575 created the CEC in 1975.

State Regulations

California Assembly Bill 1493: Pavley Regulations and Fuel Efficiency Standards

California AB 1493, enacted on July 22, 2002, required the California Air Resources Board (ARB) to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light-duty trucks. Implementation of the regulations was delayed by lawsuits filed by automakers and by the

[15] United States Environmental Protection Agency (EPA). 2012. EPA and NHTSA Set Standards to Reduce Greenhouse Gases and Improve Fuel Economy for Model Years 2017-2025 Cars and Light Trucks. Website: https://www.nhtsa.gov/document/fact-sheet-epa-and-nhtsa-propose-standards-reduce-greenhouse-gas-emissions-and-improve. November 21, 2022.

EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the by the U.S. District Court for the District of Columbia in 2011.[16]

The standards were to be phased in during the 2009 through 2016 model years. When fully phased in, the near-term (2009–2012) standards were to result in an approximately 22 percent reduction compared with the 2002 fleet, and the mid-term (2013–2016) standards were to result in about a 30 percent reduction.

The second phase of the implementation for the Pavley Bill was incorporated into amendments to the Low Emission Vehicle (LEV) Program referred to as LEV III or the Advanced Clean Cars program. The Advanced Clean Car program combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for model years 2017 through 2025. The regulations will reduce GHGs from new cars by 34 percent from 2016 levels by 2025. The new rules will reduce pollutants from gasoline and diesel-powered cars, and deliver increasing numbers of zero-emission technologies, such as full battery electric cars, newly emerging plug-in hybrid EVs and hydrogen fuel cell cars. The regulations will also ensure adequate fueling infrastructure is available for the increasing numbers of hydrogen fuel cell vehicles planned for deployment in California.[17]

California Code of Regulations Title 13: Motor Vehicles

California Code of Regulations, Title 13: Division 3, Chapter 10, Article 1, Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. This measure seeks to reduce public exposure to diesel particulate matter (DPM) and other air contaminants by establishing idling restrictions, emission standards, and other requirements for heavy-duty diesel engines and alternative idle reduction technologies to limit the idling of diesel-fueled commercial motor vehicles. Any person that owns, operates, or causes to operate any diesel-fueled commercial motor vehicle must not allow a vehicle to idle for more than 5 consecutive minutes at any location, or operate a diesel-fueled auxiliary power system for greater than 5 minutes at any location when within 100 feet of a restricted area. A restricted area is any real property zoned for individual or multi-family housing units, schools, hotels, motels, hospitals, senior care facilities or childcare facilities, which has one or more of such units on it.[18]

California Code of Regulations, Title 13: Division 3, Chapter 9, Article 4.8, Section 2449: General Requirements for In-Use Off-Road Diesel-Fueled Fleets.

This measure regulates oxides of nitrogen (NO_X), DPM, and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. This measure also requires each fleet to meet fleet average requirements or demonstrate that it has met "best available control technology" requirements. Additionally, this measure requires medium and large fleets to have a written idling policy that is

[16] California Legislative Information. 2002. Clean Car Standards—Pavley, Assembly Bill 1493. Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200120020AB1493. November 21, 2022.
[17] California Air Resources Board (ARB). 2013. Final 2017 Scoping Plan and Appendices.
[18] Cornell Law School. California Code of Regulations. Title 13, Section 2485 - Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Website: https://www.law.cornell.edu/regulations/california/13-CCR-2485. Accessed November 21, 2022.

made available to operators of the vehicles informing them that idling is limited to 5 consecutive minutes or less.

California Senate Bill 1078: Renewable Electricity Standards

On September 12, 2002, former Governor Gray Davis signed SB 1078, requiring California to generate 20 percent of its electricity from renewable energy by 2017. SB 1078 changed the due date to 2010 instead of 2017. On November 17, 2008, former Governor Arnold Schwarzenegger signed Executive Order S-14-08, which established a Renewable Portfolio Standard target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Former Governor Schwarzenegger also directed the ARB (Executive Order S-21-09) to adopt a regulation by July 31, 2010, requiring the State's LSEs to meet a 33 percent renewable energy target by 2020. The ARB Board approved the Renewable Electricity Standard on September 23, 2010, by Resolution 10-23.

California Senate Bill 350: Clean Energy and Pollution Reduction Act

SB 350 (2015) reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the Renewable Portfolio Standard (RPS), higher energy efficiency requirements for buildings, initial strategies toward a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Specifically, SB 350 requires the following to reduce Statewide GHG emissions:[19]

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.
- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utility Commission, the CEC, and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

California Senate Bill 100: Renewable Portfolio Standard Program

On September 10, 2018, Governor Newsom signed SB 100, requiring California electricity utility providers to supply all in-state end users with electricity sourced from renewable sources. Specifically, SB 100 accelerates the goals expressed under SB 1078 and requires that the program achieve 50 percent of electricity sourced from renewables by December 31, 2026, 60 percent by December 31, 2030, and 100 percent of electricity sourced from carbon-free sources by December 31, 2045. For clarification, renewable sources, as described herein, includes all renewable sources (e.g., solar, small hydro, wind) but notably omits large-scale hydroelectric and nuclear electricity generation; carbon-free sources include all renewable sources as well as large-scale hydroelectric and nuclear electricity generation.

[19] California Legislative Information. 2015. Senate Bill 350 Clean Energy and Pollution Reduction Act of 2015. Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB350. Accessed November 21, 2022.

Executive Order N-79-20

Executive Order N-79-20 directs the State to require that, by 2035, all new cars and passenger trucks sold in California be Zero-Emission Vehicles (ZEVs).[20]

ARB Advanced Clean Cars II rule

Adopted by the ARB in August 2022, the Advanced Clean Cars II regulation supports the implementation of Executive Order N-79-20 and requires that by 2035, all new passenger cars, trucks and SUVs sold in California will be zero emissions.[21]

California Code of Regulations Title 24

Part 6 (Energy Efficiency Standards for Residential and Nonresidential Buildings)

California Code of Regulations, Title 24, Part 6 (California's Energy Efficiency Standards for Residential and Nonresidential Buildings), was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods and are generally considered to be some of the most stringent requirements in the nation. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2019 Building Energy Efficiency Standards went into effect on January 1, 2020.[22] CEC recently approved the latest 2022 Energy Code, which will become effective on January 1, 2023.[23]

Part 11 (California Green Building Standards Code)

California Code of Regulations, Title 24, Part 11, is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect January 1, 2011. The code is updated on a regular basis, with the most recent update consisting of the 2019 California Green Building Standards Code (CALGreen) that became effective January 1, 2020, and are generally considered to be some of the most stringent requirements in the nation. CEC recently approved the latest 2022 CALGreen Code, which will become effective on January 1, 2023.[24] Local jurisdictions are permitted to adopt more stringent requirements, as State law provides methods for local enhancements. CALGreen recognizes that many jurisdictions have developed existing construction and demolition ordinances, and defers to them as the ruling guidance provided they provide a minimum 50 percent diversion requirement. CALGreen also provides exemptions for areas not served by construction and demolition recycling infrastructure. The California Building Standards

[20] Office of Governor Gavin Newson. 2022. Executive Order N-79-20. Governor Newsom Announces California Will Phase Out Gasoline-Powered Cars & Drastically Reduce Demand for Fossil Fuel in California's Fight Against Climate Change. Website: https://www.gov.ca.gov/2020/09/23/governor-newsom-announces-california-will-phase-out-gasoline-powered-cars-drastically-reduce-demand-for-fossil-fuel-in-californias-fight-against-climate-change/. November 21, 2022.

[21] California Air Resources Board (ARB). 2022. Advanced Clean Cars II. Website: https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii. Accessed November 21, 2022.

[22] California Energy Commission (CEC). 2019. Building Energy Efficiency Standards. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency. November 21, 2022.

[23] California Energy Commission (CEC). 2021. 2022 Building Energy Efficiency Standards. Website: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency. Accessed November 21, 2022.

[24] California Energy Commission (CEC). 2021. CEC Approves 2022 CALGreen Building Standards Code. Website: http://calenergycommission.blogspot.com/2021/10/cec-approves-2022-calgreen-building.html. Accessed November 21, 2022.

Code (CBC) provides the minimum standard that buildings need to meet in order to be certified for occupancy, which is generally enforced by the local building official.

California Senate Bill 32

In 2016, the State Legislature passed SB 32, giving the ARB the statutory responsibility to include the 2030 target previously contained in former Governor Brown's Executive Order B-30-15 in the 2017 Scoping Plan Update. SB 32 states, "In adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by this division, the state [air resources] board shall ensure that Statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030." As such, SB 32 lays the foundation for the legislative reduction targets for 2030.

California Public Utilities Code

The California Public Utilities Commission (CPUC) regulates privately owned telecommunication, electric, natural gas, water, railroad, rail transit, and passenger transportation companies. It is the responsibility of the CPUC to (1) assure California utility customers safe, reliable utility service at reasonable rates; (2) protect utility customers from fraud; and (3) promote a healthy California economy. The Public Utilities Code, adopted by the legislature, defines the jurisdiction of the CPUC.

Local

City of Walnut Creek

City of Walnut Creek General Plan

The General Plan presents goals, policies, and actions with the aim of reducing GHG and energy consumption in Chapter 4, Built Environment. The Built Environment chapter aims to reduce GHG emissions as well as energy consumption. The following goals, policies, and actions from the Built Environment chapter are relevant to this analysis and project context.

Chapter 4: Built Environment

Goal 27 Promote "green" development and redevelopment.

Policy 27.1 Encourage resource-efficient building techniques, materials, and technologies in new construction and renovation.

Goal 28 Promote energy conservation.

Policy 28.2 Promote energy conservation throughout the City.

Action 28.2.1 Adopt residential and commercial energy-conservation ordinances.

Action 28.2.2 Adopt a solar-access ordinance.

Action 28.2.3 Develop incentives to help small businesses become more energy efficient.

Action 28.2.4 Develop incentives for new development or substantial redevelopment to incorporate energy conservation.

Goal 29 Promote water conservation.

Policy 29.2 Promote water conservation throughout the community.

Action 29.2.3 Encourage water use consistent with the City's adopted water-conservation guidelines.

Action 29.2.4 Follow existing standards and guidelines for water-conserving landscaping, and encourage the planting of native and drought-tolerant plants.

Goal 30 Meet or exceed state goals for source reduction and waste reduction.

Policy 30.2 Promote source reduction and recycling throughout the community.

Action 30.2.5 Develop size, location, and design standards for commercial and multifamily trash and recycling facilities and enclosures.

Action 30.2.7 Require the recycling of construction waste for all City and private projects.

Policy 30.3 Provide opportunities for residents and businesses to divert organic waste from landfill disposal.

Goal 31 Strive to meet State and federal air-quality standards for the region.

Policy 31.1 Work with the Bay Area Air Quality Management District (BAAQMD) and the County in promoting better air quality.

Action 31.1.1 Support local transportation control measures (TCMs) and other ideas in the latest Bay Area Clean Air Plan.

Policy 31.2 Consider additional land use and development criteria, standards, and decisions that have positive impacts on air quality and quality of life in general.

Action 31.2.1 Review parking lot landscaping requirements to ensure adequate width and depth to allow for appropriate tree canopy.

Action 31.2.3 Promote residential development and redevelopment opportunities near transit and commercial centers, and encourage walking, bicycling, and transit use.

Goal 32 Meet or exceed State and federal water-quality standards.

Policy 32.2 In redevelopment projects in the Core Area, evaluate the desirability of specific, off-site, source-control measures.

Policy 32.3 Maximize infiltration of rain-water into the soil, where appropriate.

Action 32.3.1 Reduce the amount of impervious surfaces in new development and redevelopment.

Action 32.3.2 Require that impervious surfaces not drain directly into storm drains.

Policy 32.4 Reduce the transport of urban runoff and surface pollutants off-site.

North Downtown Specific Plan

DSG 4.41 **Health and sustainability:** On-site landscaping should be designed to incorporate best practices in health and sustainability, such as the following:

- Native and/or drought-tolerant plantings
- Water conservation and efficient irrigation
- Use of recycled water for landscaping
- Edible plantings, gardens, and fruit trees
- Stormwater retention areas

DSG 5.10 **Sustainable design:** Sustainable design features such as rooftop photovoltaic generation and passive solar water heating are encouraged.

DSG 5.11 **Sustainable roofs:** Solar reflective roofing and green roofs are encouraged to reduce overall building energy use and manage stormwater runoff.

DSG 6.1 **Solar orientation:** Consider solar orientation in the placement of dwellings and windows to take best advantage of daylight, while avoiding overexposure to direct sun on south and west facades. Taller ceilings and taller windows should be considered to enhance natural light in living areas.

MB 1.29 **Electrical vehicle charging:** Require developers to provide on-site vehicle charging stations for any development project with 20 units or more.

IF 1.4 **Reclaimed water system:** Utilize recycled water for landscaping of public areas along with other non-potable applications as they come available through Central San and EBMUD.

IF 1.5 **Energy providers:** Require new development to coordinate with the appropriate agency to provide electric and gas service to the proposed site.

IF 1.6 **Energy savings and infrastructure.** Support the application of renewable energy technologies and sustainable energy sources to promote energy conservation. When installing new public energy infrastructure, use energy efficient models and systems whenever possible, incorporating new technologies as they become available.

Climate Action Plan

The City of Walnut Creek's current Climate Action Plan (City's CAP) was adopted in April 2012.[25] The City is currently updating its CAP with a Sustainability Action Plan to demonstrate emission reductions consistent SB 32 legislative reduction targets for 2030 and Executive Order B-55-18 for carbon neutrality no later than 2045. The City is completing the Sustainability Action Plan in three phases. Phase 1 involved project initiation and visioning, including outreach and community engagement, which was completed in summer 2020. Phase 2 is the development of and selection of sustainability and climate action strategies, and also includes outreach and engagement. Currently, as part of Phase 2, the City is finalizing strategies for environmental review, and Phase 2 is anticipated to be complete in Fall of 2022. Phase 3 involves preparation of the Sustainability Action Plan and associated environmental review with anticipated completion in Spring 2023.

Because the Sustainability Action Plan was not adopted by the City at the time of NOP issuance, this SEIR is based on the City's existing CAP and relevant goals for this analysis are included below:

Energy Use and Efficiency

Goal 1 Increase energy efficiency and conservation efforts.

Goal 2 Promote and support renewable energy generation and use.

Goal 3 Facilitate green building and design.

Goal 4 Reduce energy use through increased water conservation.

Transportation and Land Use

Goal 1 Reduce greenhouse gas emissions through use of alternative vehicles, trip reduction and consolidation, and efficient traffic flow.

Goal 2 Reduce vehicle miles traveled through smart land use and design.

Goal 3 Convert vehicular trips to non-vehicular or transit trips.

Waste Reduction

Goal 1 Implement a zero waste policy to reduce waste sent to the landfill.

Environmentally Preferred Purchasing

Goal 1 Investigate promoting the purchase of local goods and services.

Goal 2 Encourage residents in green lifestyles.

3.5.5 - Thresholds of Significance

Utilizing the guidance in the CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to energy would be

[25] City of Walnut Creek. 2022. Sustainability Action Plan. Website: https://www.walnut-creek.org/departments/e-c-o/climate-action/sustainability-action-plan. Accessed. January 25, 2022.

significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

3.5.6 - Approach To Analysis

For the purposes of this Draft SEIR, the approach to analysis for energy use is based on CEQA Guidelines Appendix F (Energy Conservation). CEQA Guidelines Appendix F is focused on the goal of conserving energy through the wise and efficient use of energy. Estimates of energy consumption associated with the proposed project are based, in part, on information provided by the California Emissions Estimator Model (CalEEMod) output included in this Draft SEIR as Appendix C. CalEEMod contains energy intensity rates for the various land uses selected; see Section 3.2, Air Quality, Approach to Analysis, and Section 3.7, Greenhouse Gas Emissions, Approach to Analysis, and analysis below for detailed information regarding how project-specific energy estimates are determined.

Impact ENER-1: Wasteful, Inefficient, or Unnecessary Energy Consumption

The methodology employed under Impact ENER-1, which focuses on determining whether the proposed project would result in the wasteful, inefficient, or unnecessary consumption of energy resources, follows the guidance provided in Appendix F of the CEQA Guidelines as well as the analytical precedent set by relevant caselaw including, for example, *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 164-168.[26]

According to Appendix F of the CEQA Guidelines, the goal of conserving energy is translated to include decreasing overall per capita energy consumption; decreasing reliance on fossil fuels such as coal, natural gas, and oil; and increasing reliance on renewable energy sources (including consideration of whether additional renewable energy features can be added to the proposal being evaluated).

The proposed project would be considered to result in a potentially significant impact if it would result in wasteful, inefficient, or unnecessary consumption of energy resources. Considering the guidance provided by Appendix F of the CEQA Guidelines and relevant caselaw (including the recent Appellate Court decision in *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th at pp. 164-168), the proposed project would be considered to result in wasteful, inefficient, or unnecessary consumption of energy resources if it would conflict with the following energy conservation goals:

- Decreasing overall per capita energy consumption;
- Decreasing reliance on fossil fuels such as coal, natural gas, or oil; and

[26] In *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th at pp. 164-168, the Appellate Court concluded that the analysis of wasteful, inefficient, and unnecessary energy consumption was not adequate because it did not consider whether additional renewable energy features can be added to the proposed project.

- Increasing reliance on renewable energy sources (including consideration of whether additional renewable energy features can be added to the proposal being evaluated).

Impact ENER-2: Renewable Energy and Energy Efficiency Plan Consistency

As required under CEQA, the proposed project is assessed principally for whether the proposed project would conflict with or obstruct a State or local plan for renewable energy or energy efficiency. The proposed project is assessed for its consistency with the City's Climate Action Plan (CAP) and related relevant local General Plan goals, policies, and actions as well as relevant State goals and plans related to energy efficiency and renewable energy.

3.5.7 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

The 2019 NDSP EIR evaluated whether implementation of the development contemplated by the NDSP would result in a significant energy impact and identified a less than significant impact with respect to energy demand and conflicts with or obstruction of State or local plan for renewable energy or energy efficiency (also refer to Section 4.11, Utilities and Service Systems of the 2019 NDSP EIR; page 4.11-11), and concluded that with adherence to applicable federal, State, and local laws and regulations, including relevant provisions of the General Plan, NDSP, and California's Energy Efficiency Standards (Title 24), there would be less than significant impacts in this regard. Therefore, no mitigation measures were required to reduce potential impacts to less than significant for energy. As described below, the conclusions of the 2019 NDSP EIR would not substantially change because of the proposed project.

Proposed Project Analysis and Conclusion

Energy Use

Impact ENER-1:	**The proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated anticipated energy usage associated with development consistent with the NDSP with respect to whether implementation of the development under the NDSP would result in the wasteful, inefficient, or unnecessary consumption of energy resources. It concluded that development consistent with the NDSP would comply with feasible measures recommended by BAAQMD during construction (2019 NDSP EIR MM GHG-1a, the same as 2019 NDSP EIR MM AIR-1), which would reduce energy consumption during construction. During operation, development consistent with the NDSP would be consistent with the City's CAP (to be confirmed with implementation of 2019 NDSP EIR MM GHG-2) and would be subject to Title 24, California Energy Efficiency Standards, which would require the use of energy efficient models and systems. Based on the foregoing, the 2019 NDSP EIR concluded development under the NDSP would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation, and the NDSP would have a less than significant impact on energy use.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect as a result of the wasteful, inefficient or unnecessary consumption of energy resources.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to energy resources, as explained more fully in Appendix C and below.

As explained more fully in Appendix B, Scenario 2 was utilized in this particular impact analysis as the reasonable worst-case scenario because it would result in the greatest consumption of energy resources.

Construction

The anticipated construction schedule for the proposed project was assumed to begin in January 2024 and conclude in March 2025, lasting approximately 15 months (see Table 3.2-11 in Section 3.2, Air Quality). If the anticipated construction schedule shifts to later years, construction energy demand would likely decrease because of improvements in technology and more stringent regulatory requirements as older, less efficient equipment is replaced by newer and cleaner equipment. Therefore, the schedule presented in this Draft SEIR provides a conservative estimate of energy usage.

The proposed project would require demolition, site preparation, grading, building construction, architectural coating, and paving activities. Project construction would require energy for the manufacture and transportation of building materials, preparation of the project site (e.g., demolition, site clearing, and grading), and the actual construction of buildings and related improvements. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

The types of on-site equipment used during the proposed project's construction could include gasoline- and diesel-powered construction and transportation equipment, including trucks, bulldozers, front-end loaders, forklifts, and cranes. Construction equipment is estimated to consume a total of approximately 55,394 gallons of diesel fuel over the entire construction duration (Appendix C).

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated; trips would include construction worker trips, haul truck trips for material transport,[27] and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the

[27] As discussed in more detail in Section 3.2 (Air Quality), for purposes of a conservative analysis, this Draft SEIR assumed that the project site contains approximately 1,210 cubic yards of impacted (non-hazardous) soils that would need to be off-hauled to the appropriate facility.

project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the California Air Resources Board (ARB) Emissions Factors (EMFAC) mobile source emission model. The specific parameters used to estimate fuel usage are included in Appendix C. In total, the proposed project is estimated to consume a combined approximately 183,075 gallons of gasoline and diesel for vehicle travel during construction.

Other equipment could include construction lighting, field services (office trailers), and electrically driven equipment such as pumps and other tools. Singlewide mobile office trailers, commonly used in construction staging areas, generally range in size from about 160 square feet to 720 square feet. A typical 720-square-foot office trailer would consume approximately 15,072 kilowatt-hour (kWh) during the 15-month construction phase (Appendix C).

The proposed project's construction is not anticipated to result in unusually high energy use because the construction schedule would follow a normal 5 days per week schedule and construction equipment used would be standard. Compliance with State regulations and the required Bay Area Air Quality Management District (BAAQMD) construction Best Management Practice (BMP) measures, which are included as Mitigation Measure (MM) AIR-2a, would ensure that idling is limited from both on-road and off-road diesel-powered equipment. Furthermore, MM AIR-3a would require the use of construction equipment which meets the ARB and EPA Tier 4 Final emission standards for engines greater than 50 horsepower during project construction. Although MM AIR-2a and AIR-3a would not be required to reduce energy impacts to less a than significant level, because they are intended to reduce air quality emissions, these mitigation measures would provide a co-benefit of reducing construction equipment fuel consumption because reducing idling engines and the use of cleaner equipment uses less fuel, or no fuel if equipment is all-electric. In addition, the location of the project site in an urban area near regional routes of travel, such as Interstate 680 (I-680), and public transit, such as Walnut Creek Bay Area Rapid Transit (BART) station, helps to reduce the risk of the proposed project's construction resulting in unusually high fuel consumption from construction workers and vehicles traveling exceptionally long distances to reach the site. Moreover, it is reasonable to assume there would be a certain amount of intrinsic economic incentives from the developer's standpoint to conduct construction activities in a cost-efficient manner to the extent feasible.

Based on the foregoing, there would not be the potential for the proposed project to result in wasteful, inefficient, and unnecessary consumption of energy because: (1) the temporary nature of construction, (2) the inherent financial incentives for developers and contractors to use energy-consuming resources in an efficient manner, (3) location of the project site in an urban area near regional routes of travel, such as I-680, and public transit, such as Walnut Creek Bay Area Rapid Transit (BART) station, and (4) the adherence with applicable laws and regulations designed to enhance energy efficiency. The co-benefits of MM AIR-2a and -3a, which are not required to reduce energy impacts to a less than significant level, would further reduce construction equipment fuel consumption. Therefore, proposed construction activity would not result in wasteful, inefficient, and unnecessary consumption of energy and impacts related to electricity and fuel consumption would be less than significant.

Operation

The proposed project would consume energy as part of building operations and transportation activities. Project energy consumption is summarized in Table 3.5-1.

Table 3.5-1: Annual Project Energy Consumption During Operations

Energy Resource	Annual Consumption (approx.)
Electricity	13,716,394 kWh
Natural Gas	0 kBTU
Vehicle Fuel	802,333 gallons
Notes: kBTU = kilo-British Thermal Unit kWh = kilowatt-hour Source: Appendix C	

As illustrated in Table 3.5-1, operation of the proposed project is estimated to consume nearly 14 GWh of electricity and an estimated 802,333 gallons of vehicle fuel annually under unmitigated conditions. As discussed in Chapter 2, Project Description, Section 2.5.1, Project Summary, the proposed project would include several sustainable design features, including utilization of an all-electric building design; therefore, the proposed project is assumed to not consume natural gas during operations.[28] As previously discussed, the proposed project would be considered to result in a potentially significant impact if it would result in wasteful, inefficient, or unnecessary consumption of energy resources. Considering the guidance provided by Appendix F of the CEQA Guidelines and relevant caselaw, the proposed project would be considered to result in wasteful, inefficient, or unnecessary consumption of energy resources if it would conflict with the following energy conservation goals:

- Decreasing overall per capita energy consumption;
- Decreasing reliance on fossil fuels such as coal, natural gas, or oil; and
- Increasing reliance on renewable energy sources (including consideration of whether additional renewable energy features can be added to the proposal being evaluated).

Decreasing Overall Per Capita Energy Consumption

Project-related vehicle trips would consume fuel throughout the life of the proposed project due to project employee, resident, and visitor vehicles, delivery vehicles, and heavy-duty trucks. As discussed in Section 3.14, Transportation, the proposed project would screen out of potentially significant Vehicle Miles Traveled (VMT) impacts because, among other reasons, the project is within 0.5 mile of the Walnut Creek BART station. As such, the proposed project would involve the intensification of an under-utilized infill site near public transit and thus place future project residents, visitors, and employees within a Priority Development Area (PDA), in close proximity to

[28] It is assumed that the proposed project may include emergency generators and fire pumps that use diesel; but these would only be operated, if at all, during emergency conditions, and operation of these units would be regulated through BAAQMD rules and permitting requirements.

existing transit facilities and would result in reduced vehicle trips and an overall decrease in per capita transportation energy consumption when compared with regional averages.

As described in Chapter 2, Project Description, the proposed project would include sustainable design features. For example, the proposed project would include Tier 2 EV charging stations at both the residential and non-residential areas of the project site and include preferential parking design to incentivize the use of EVs. These design features would reduce overall per capita energy consumption by allowing future EVs to charge and reduce the need for traditional gasoline powered passenger vehicles. In addition, the proposed project's buildings would be designed and constructed in accordance with then-current Tier 2 CALGreen energy efficiency standards of Title 24. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For example, the Title 24 Lighting Power Density requirements define the maximum wattage of lighting that can be used in a building based on its square footage. Title 24 standards, widely regarded as the most advanced and stringent energy efficiency standards in the nation, would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation. Therefore, the proposed project would be consistent with this criterion.

Decreasing Reliance on Fossil Fuels

The proposed project would be considered to conflict with this criterion if it did not take steps to decrease the reliance on fossil fuels. As discussed in Chapter 2, Project Description, Section 2.5.1, Project Summary, the proposed project would include EV charging infrastructure meeting the then-current Tier 2 requirements of the Residential and Nonresidential Voluntary Measures of CALGreen as well as preferential parking spaces meeting the Tier 2 requirements of the Nonresidential Voluntary Measures of CALGreen. The inclusion of these features would contribute to an acceleration of EV adoption and facilitate an increase in EV and clean air and high occupancy vehicle use by residents, employees, and visitors of the proposed project, though a specific quantified reduction in energy usage cannot be guaranteed. Moreover, the proposed project would voluntarily include an all-electric building design, thereby eliminating the proposed project's reliance on natural gas for space and water heating as well as all other project uses. Therefore, the proposed project would not conflict with this criterion.

Increasing Reliance on Renewable Energy Sources

As previously discussed, the proposed project would utilize an all-electric building design, eliminating the use of natural gas entirely and allowing the proposed project to utilize more renewable energy sources as part of its energy supply. Furthermore, as discussed in Chapter 2, Project Description, the proposed project would include any combination of on-site renewable energy system, such as, for example, solar panels, to the extent required under applicable laws and regulations. Any such future renewable energy system that is included would generate carbon-free electricity to help supply the proposed project's energy demands. In addition, as noted above, the proposed project would include EV charging infrastructure meeting the Tier 2 requirements of the Residential and Nonresidential Voluntary Measures of CALGreen, which would accelerate the region's and proposed project's adoption of EVs and allow the future transportation energy supply necessary for residents, employees, and visitors to be augmented with renewable energy sources. As another project design feature, the proposed project would voluntarily commit to being enrolled in either

PG&E's 100 Percent Solar Choice or MCE's Deep Green 100 percent renewable electricity service options. Therefore, any additional electricity demand beyond that satisfied by any on-site generation system would be augmented with 100 percent carbon-free electricity sources. For the foregoing reasons, the proposed project provides opportunities to facilitate a greater use of and reliance on renewable energy sources for building and transportation energy demands. Therefore, the proposed project would not conflict with this criterion.

Overall

As discussed above, the proposed project's energy consumption would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, consistent with the guidance derived from Appendix F of the CEQA Guidelines and relevant caselaw, with the incorporation of identified project design features, coupled with compliance with applicable laws and regulations designed to enhance energy efficiency. Moreover, the nature and location of the proposed project, which would involve the densification and/or intensification of urban uses on an under-utilized infill site within a PDA in the City's Core downtown area near BART, helps to further reduce energy impacts. Accordingly, the construction-related and operation-related impacts related to electricity, natural gas, and fuel consumption would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 2 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Significance

Less than significant impact.

Energy Efficiency and Renewable Energy Standards Consistency

Impact ENER-2:	**The proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated applicable State and local plans with respect to whether implementation of the development under the NDSP would conflict with or obstruct a State or local plan for renewable energy or energy efficiency. It concluded that the impacts in this regard would be less than significant. This conclusion was reached because individual development projects associated with the implementation of the NDSP would be subject to Title 24 and other applicable standards and requirements and would thus be required to use energy efficient models and systems when feasible and incorporate new technologies as they become available per NDSP Policy IF 1.6. Further, the 2019 NDSP EIR concluded the level of energy required to serve the service populations associated with implementation of the NDSP would not be anticipated to exceed any applicable federal, State, or local statutes and regulations related to energy standards or exceed PG&E's service capacity and for these reasons, impacts would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the

same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect as a result of a conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts in this regard, as explained more fully in Appendix C and below.

As explained more fully in Appendix B, Scenario 2 was utilized in this particular impact analysis as the reasonable worst case scenario because it would result in the greatest consumption of energy resources.

As discussed under Impact ENER-1, the proposed project would be designed in accordance with then-current Title 24. These standards, which are viewed as some of the most stringent in the nation, would include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., heating, ventilation, and air conditioning [HVAC] and water heating systems), and indoor and outdoor lighting. Incorporating the applicable Title 24 standards into the proposed project's design would ensure that the proposed project would not result in the use of energy in a wasteful manner and would help facilitate important state and local goals for energy efficiency. Furthermore, on-site renewable energy sources, such as, for example, solar panels, would be incorporated into the project design to the extent required under applicable laws and regulations. Any such future renewable energy system that is included would generate carbon-free electricity to help supply the proposed project’s energy demands. As previously discussed, the proposed project would voluntarily incorporate an all-electric building design, eliminating the use of natural gas entirely. Furthermore, the proposed project would include Tier 2 CALGreen EV charging infrastructure standards and commitment to enroll in a 100 percent renewable electricity service. The foregoing would allow the proposed project to utilize more renewable energy sources as part of its energy supply. Compliance with these aforementioned project design features, as well as mandatory requirements under applicable laws and regulations, would ensure that the proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy.

As mentioned previously, the General Plan includes several goals and policies that would improve energy efficiency for the proposed project. For example, the proposed project would be consistent with the General Plan Goals 27 and 28 (included in Chapter 4, Built Environment) because it would include sustainable design features, such as EV charging infrastructure and a voluntary elimination of natural gas usage, along with opportunities to utilize carbon-free electricity and potential future on-site renewable energy generation systems as may be required under applicable laws and regulations. As a result, the proposed project would promote energy efficient development consistent with applicable provisions of the General Plan.

Therefore, the proposed project would not conflict with applicable plans, policies or regulations adopted for renewable energy and energy efficiency, and this impact would be less than significant.

Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 2 (or any other Scenario). No additional analysis is required, and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

3.5.8 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated the potential for implementation of the development contemplated under the NDSP to result in cumulative energy impacts. Each individual development proposal within the NDSP would be required to adhere to all applicable goals, policies, and actions, including those included in the General Plan, NDSP and Title 24 standards that would ensure cumulative projects would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. The 2019 NDSP did not identify a significant cumulative effect and concluded implementation of the NDSP would not have a cumulatively considerable contribution to this already less than significant cumulative impact.

Supplemental Analysis of the Proposed Project

The geographic scope for cumulative impacts with respect to energy would be the NDSP area.

Cumulative projects would be required to adhere to all applicable goals, policies, and actions, including, among others, those included in the General Plan, NDSP and Title 24 standards, as described in more detail above, which would ensure cumulative projects would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption or energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Therefore, cumulative impacts in this regard would be less than significant.

As discussed above, the proposed project would generate energy demand during construction and operation, principally consisting of electricity and transportation fuel consumption. Given the nature and location of the proposed uses, the proposed project's construction is not anticipated to result in unusually high energy use with the incorporation of identified design features, coupled with compliance with applicable laws and regulations designed to enhance energy efficiency. Construction energy demand generated by the proposed project would largely be limited to the activities which would be required for the construction of the proposed project and would normally not constitute the unnecessary, inefficient, or wasteful consumption of energy resources. For example, industry standard limitations on idling of vehicles and equipment and requirements that equipment be properly maintained would result in fuel savings. Although MM AIR-2a and AIR-3a would not be required to reduce energy impacts to a less than significant level, these mitigation measures would provide a co-benefit of reducing construction equipment fuel consumption because reducing idling engines and the use of cleaner equipment uses less fuel, or no fuel if equipment is

all-electric. Furthermore, it is reasonable to conclude that the developer would have a financial incentive to implement various cost efficiencies, to the extent feasible. Additionally, the sustainable design features detailed in Chapter 2, Project Description, Section 2.5.1, Project Summary, such as meeting Tier 2 CALGreen energy efficiency standards, Tier 2 CALGreen EV charging infrastructure standards, utilization of an all-electric building design, and enrollment in a 100 percent renewable electricity service, would further reduce operational energy consumption.

Moreover, the proposed project would be located near major transportation and public transit facilities on an under-utilized infill site within a PDA in the City's Core downtown area, which would further reduce potential consumption of transportation energy resources. Therefore, the proposed project would not result in the unnecessary, inefficient, or wasteful consumption of energy resources nor would it conflict with applicable plans, policies, or regulations adopted for renewable energy and energy efficiency.

As such, the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 2 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

3.6 - Geology, Soils, and Seismicity

3.6.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports and other materials have been prepared to document the information necessary to make the North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes the existing setting with respect to geology, soils, and seismicity and potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth in the 2019 NDSP EIR. The analysis in this section is based, in part, on the Geologic Hazards Assessment Report prepared by Engeo on November 18, 2021, and a Paleontological Records Search conducted for the project site by Kenneth L. Finger, PhD on October 11, 2021; both reports are provided in Appendix F.

No public comments were received during the Notice of Preparation (NOP) scoping period for this Draft SEIR related to geology, soils, and seismicity.

3.6.2 - Scenario Evaluation

As noted in Chapter 2.0, Project Description, the Applicant is requesting that the City of Walnut Creek ("City") approve amendments to the North Downtown Specific Plan (NDSP) (along with conforming amendments to the Walnut Creek General Plan [General Plan] and Municipal Code to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service and ancillary uses as well as a range of additional potential, compatible uses such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific individual development proposal for the project site has been formally submitted to the City; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed project, this Draft SEIR considers three potential development scenarios (as defined further below) that reflect a reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates [Site D], and an approximately 0.82-acre property [Site E], located adjacent to Site A). This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

For purposes of the analysis set forth in this Section 3.6, Geology, Soils, and Seismicity, the City and its California Environmental Quality Act (CEQA) consultant conducted a preliminary assessment of each of the potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) in order to determine the Scenario that would result in the "reasonable worst-case scenario" under each environmental topic area (see Appendix B, Comparative Summary of Potential Impacts). For the

reasons set forth in Appendix B, it was determined that the relative impact of each of the Scenarios with regard to geology, soils, and seismicity would be similar across all Scenarios. Because Scenario 3 (auto sales and service, office, and multi-family residential) is assumed to result in the greatest impact for most of the environmental topics (see further discussion under Category 3 in Appendix B), to provide consistency in the analysis within the Draft SEIR, when a Scenario would result in substantially the same effects, this Draft SEIR evaluates impacts assuming development of Scenario 3, the Scenario that is most often the "reasonable worst-case scenario." Therefore, the following impact areas are evaluated assuming development of Scenario 3.

3.6.3 - Environmental Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. For additional information about the existing conditions related to geology, soils, and seismicity in the NDSP area (including the project site and vicinity) at of the time of certification of the 2019 NDSP EIR, see Section 4.6, Geology, Soils, and Seismicity, (pages 4.6-1 through 4.6-16) of the 2019 NDSP EIR.

Geologic Setting

The project site is part of a region that is located within the Coast Ranges geomorphic province of California. The Coast Ranges geomorphic province is characterized by a system of northwest-trending, fault-bounded mountain ranges and intervening alluvial valleys. Bedrock in the Coast Ranges comprises igneous, metamorphic, and sedimentary rocks that range in age from Jurassic to Pleistocene. The present topography and geology of the Coast Ranges are the result of deformation and deposition along the tectonic boundary between the North American Plate and the Pacific Plate. Plate boundary fault movements are largely concentrated along the well-known fault zones, which, in this region include the San Andreas, Hayward, and Calaveras faults, as well as other lesser-order faults.

The project site is located within the west portion of Ygnacio Valley. Ygnacio Valley represents an area of low relief, between Mount Diablo within the Diablo Range to the east and the Briones Hills within the East Bay Hills to the west. The project site spans across exposed Monterey Formation tertiary sandstone[1] (east of North Broadway; Sites B, C, and D) that in lower-lying areas is in-filled and overlain by younger alluvial deposits (west of North Broadway; Sites A and E) as shown in Figure 2 in the Geologic Hazards Assessment Report.[2]

Ground surface across the project site is generally flat, ranging from approximately 160 feet at the eastern end of the project site (Sites B, D, and C) to a low elevation of about 145 feet above mean sea level (MSL) at the western end (Sites A and E).

[1] The Monterey Formation sandstone is typically light gray to tan, medium grained, arkosic (i.e., feldspar rich), basal unit that is middle to lower Miocene age. The alluvial deposits are commonly unconsolidated, heterogeneous, poorly to moderately sorted, irregularly interbedded clay and silt containing discontinuous lenses of sand, silty clay, and gravel. The mapped surficial deposits are undivided Holocene and Pleistocene gravel, sand, and clay.

[2] Diblee, T.W. 2005. Geologic Map of the Walnut Creek Quadrangle, Contra Costa County, California. February.

Seismic Setting

The project site is located within a seismically active region near the boundary between two major tectonic plates, the Pacific Plate to the west and the North American Plate to the east. As shown in Figure 3 in the Geologic Hazards Assessment Report, the region surrounding the project site contains numerous active faults. Table 3.6-1 lists the faults capable of generating strong ground motions at the site. Some of the faults do not have a high probability of experiencing large seismic events, and therefore may not contribute significantly to the shaking hazard at the site.

Table 3.6-1 Nearby Active Faults

Fault Name[1]	Distance (Miles)[2] (approximately)	Direction from project site	Moment Magnitude[3]
Contra Costa (Larkey) [1]	1.07	Southwest	6.28
Franklin [1]	1.12	Southwest	7.09
Mount Diablo Thurst North Community Fault Model [1]	1.97	East	7.14
Contra Costa Shear Zone (connector) [4]	2.68	West	7.08
Concord [2]	3.65	Northeast	6.66
Contra Costa (Lafayette) [1]	2.78	West	6.98
Concord [1]	5.96	Northeast	6.56
Calaveras (North) [0]	5.19	South	6.99
Hayward (North) [1]	9.85	Southeast	6.99

Notes:
[1] The [#] represents different rupture segments along the same fault. It is possible for a segment that is farther away from a site to cause stronger ground shaking because of the rupture characteristics of the segment and United States Geological Survey (USGS) subdivides the fault into subsections.
[2] Fault distances are measured to the rupture zone with respect to the following site coordinates: Latitude 37.909134; Longitude -122.062096.
[3] Expected earthquake moment magnitude based on a 2475-year recurrence interval.
Source: Engeo. 2021. Toyota of Walnut Creek Development: Geologic Hazards Assessment Report: Figure 4. August 30.

Paleontological Resources

A Paleontological Records Search was conducted for the project site by Kenneth L. Finger, PhD (Appendix F) on October 11, 2021.[3] The project site is underlain by Miocene Monterey Formation sandstone (east of North Broadway; Sites B, C, and D) and Holocene alluvium (west of North Broadway; Sites A and E). Areas within the industry standard 0.5-mile search area also include Pleistocene alluvium, Monterey shale, and the Paleocene Martinez Formation. Other geologic units just outside of the search area are the Pliocene Orinda Formation and the Paleocene Martinez Formation. The County contains 63 late Pleistocene vertebrate localities that yielded 9,952 specimens of the Rancholabrean fauna. Locality V6108, a mammoth (*Mammuthus*) specimen was

[3] Finger, Kenneth L. 2021. Paleontological Records Search for the Walnut Creek Mixed Use Special District Project (2444.0011), Contra Costa County. October 11.

found approximately 1,000 feet south of Sites A and C on Ygnacio Valley Road. There are also 23 Pliocene vertebrate localities in the Orinda Formation that has yielded 135 Clarendonian specimens, such as camel, boney fish, and ancestral deer. Additionally, the Monterey Formation contains one vertebrate locality that yields an Barstovian-age (upper Miocene) cetacean vertebra; the Martinez Formation contains three vertebrate localities that yielded fish specimens. Although Holocene deposits are too young to be fossiliferous, all other nearby geologic units such as the Pleistocene alluvium and the Monterey Formation may contain potentially fossiliferous deposits in the shallow subsurface that have the potential to yield significant paleontological resources.

3.6.4 - Regulatory Framework

Federal

Federal National Earthquake Hazards Reduction Program

The National Earthquake Hazards Reduction Program (NEHRP) was established by the US Congress when it passed the Earthquake Hazards Reduction Act of 1977, Public Law (PL) 95–124. In establishing NEHRP, Congress recognized that earthquake-related losses could be reduced through improved design and construction methods and practices, land use controls and redevelopment, prediction techniques and early- warning systems, coordinated emergency preparedness plans, and public education and involvement programs. The four basic NEHRP goals are:

- Develop effective practices and policies for earthquake loss reduction and accelerate their implementation.
- Improve techniques for reducing earthquake vulnerabilities of facilities and systems.
- Improve earthquake hazards identification and risk assessment methods, and their use.
- Improve the understanding of earthquakes and their effects.

Several key federal agencies contribute to earthquake mitigation efforts. These are the four primary NEHRP agencies:

1. National Institute of Standards and Technology of the Department of Commerce
2. National Science Foundation
3. USGS of the Department of the Interior
4. Federal Emergency Management Agency of the Department of Homeland Security

Implementation of NEHRP priorities is accomplished primarily through original research, publications, and recommendations to assist and guide State, regional, and local agencies in the development of plans and policies to promote safety and emergency planning.

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) Permit Program, authorized by Section 402(p) of the federal Clean Water Act, controls water pollution by regulating point sources, such as construction sites and industrial operations that discharge pollutants into waters of the United States. A Storm Water Pollution Prevention Plan (SWPPP) is required to control discharges from a

project site, including soil erosion, to protect waterways. A SWPPP describes the measures or practices to control discharges during both the construction and operational phases of the project. A SWPPP identifies project design features and structural and nonstructural Best Management Practices (BMPs) that will be used to control, prevent, remove, or reduce stormwater pollution from a site, including sediment from erosion.

Excavation Rules and Regulations

Title 29 in the Code of Federal Regulations, Part 1926, Subpart P contains rules and regulations for site excavations. Subpart P applies to all open excavations made in the earth's surface. Specific excavation requirements regulate surface encumbrances, underground installations, access and egress, hazardous atmospheres, stability of structures, protection of employees from loose rock or soil, inspections, and walkthroughs.

Paleontological Resources Preservation Act

The Paleontological Resources Preservation Act of 2002 codifies the generally accepted practice of limited vertebrate fossil collection and limited collection of other rare and scientifically significant fossils by qualified researchers. Researchers must obtain a permit from the appropriate State or federal agency and agree to donate any materials recovered to recognized public institutions, where they would remain accessible to the public and other researchers.

Society of Vertebrate Paleontology Guidelines

The Society of Vertebrate Paleontology, a national scientific organization of professional vertebrate paleontologists, has established standard guidelines that outline acceptable professional practices in the conduct of paleontological resource assessments and surveys, monitoring and mitigation, data and fossil recovery, sampling procedures, specimen preparation, analysis, and curation. Most practicing professional paleontologists in the nation adhere to the Society of Vertebrate Paleontology's assessment, mitigation, and monitoring requirements, as specifically spelled out in its standard guidelines.

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code [PRC] §§ 2621—2630) was passed in 1972 to provide a Statewide mechanism for reducing the hazard of surface fault rupture to structures used for human occupancy. The main purpose of the Act is to prevent the siting of buildings used for human occupancy across the traces of active faults. It should be noted that the Act addresses the potential hazard of surface fault rupture and is not directed toward other earthquake hazards, such as seismically induced ground shaking or landslides.

The law requires the State Geologist to identify regulatory zones (known as Earthquake Fault Zones or Alquist-Priolo Zones) around the surface traces of active faults, and to depict these zones on topographic base maps, typically at a scale of 1 inch to 2,000 feet. Earthquake Fault Zones vary in width, although they are often 0.75-mile wide. Once published, the maps are distributed to the affected cities, counties, and State agencies for their use in planning and controlling new or renewed construction. Except for single-family wood-frame and steel-frame dwellings that are not part of a

larger development (i.e., four units or more), local agencies are required to regulate development within the mapped zones. In general, construction within 50 feet of an active fault zone is prohibited.

California Seismic Hazards Mapping Act

In 1990, following the Loma Prieta earthquake, the California Legislature enacted the California Seismic Hazards Mapping Act (SHMA) to protect the public from the effects of strong ground shaking, liquefaction, landslides, and other seismic hazards. The SHMA established a Statewide mapping program to identify areas subject to violent shaking and ground failure; the program is intended to assist cities and counties in protecting public health and safety. The SHMA requires the State Geologist to delineate various seismic hazard zones, and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. As a result, the California Geological Survey (CGS) is mapping SHMA Zones and has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, ground shaking, and landslides (primarily the Bay Area and the Los Angeles basin). Before a development permit is granted for a site within a seismic hazard zone, a geotechnical investigation must be conducted and appropriate mitigation measures incorporated into the project design. No landslide or liquefaction zones have been identified within the project site under the SHMA.

California Building Standards Code

The 2022 California Building Code (CBC), which refers to Part 2 of the California Building Standards Code in Title 24 of the California Code of Regulations, is based on the 2021 International Building Code, and is the most current State building code. The 2022 CBC covers grading and other geotechnical issues, building specifications, and non-building structures. The City's Municipal Code amends the most current State building codes, as indicated in Municipal Code Title 9 Chapter 9-1. The City's Building Division is responsible for reviewing plans, issuing permits, and conducting field inspections.

The CBC requires that a site-specific geotechnical investigation report be prepared by a licensed professional for proposed developments of one or more buildings greater than 4,000 square feet to evaluate geologic and seismic hazards. Buildings less than or equal to 4,000 square feet also are required to prepare a geologic engineering report, except for one-story, wood-frame and light-steel-frame buildings that are located outside of the Alquist-Priolo Earthquake Faults Zones.

The purpose of a site-specific geotechnical investigation is to identify seismic and geologic conditions that may need to be addressed to ensure safety and adequate performance of improvements, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. Requirements for the geotechnical investigation are presented in Chapter 16 "Structural Design" and Chapter 18 "Soils and Foundation" of the 2022 CBC.

California Public Resources Code

Section 5097 of the California Public Resources Code specifies procedures for unexpected discovery of paleontological resources. Section 5097.5 of the Code states that no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any vertebrate paleontological site,

including fossilized footprints, inscriptions made by human agency, or any other paleontological feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands.

Local

City of Walnut Creek

City of Walnut Creek General Plan

The following actions from the General Plan address geology and seismicity that are relevant to this analysis:[4]

Chapter 4: Built Environment

Goal 32 Meet or exceed State and federal water-quality standards.

Policy 32.1 Support regional, State, and federal clean water efforts

Action 32.1.4 Prohibit development in areas particularly susceptible to erosion and sediment loss.

Chapter 6: Safety and Noise

Goal 1 Protect life and property from geologic hazards.

Policy 1.1 Reduce the potential effects of seismic and other geologic hazards, including slope instability.

Action 1.1.1 Identify areas prone to seismic and other geologic hazards, including slope instability.

Action 1.1.2 Establish minimum road widths and clearances around structures at risk from known geologic hazards.

Action 1.1.3 Review and update the existing maps of geologic hazards.

Action 1.1.4 Require appropriate mitigations for new development or redevelopment in areas prone to seismic and other geologic hazards.

Action 1.2.1 Identify high risk areas after taking into account soil stability, history of soil slippage, proximity to earthquake faults, slope grade, accessibility, and drainage conditions, and continue to assign low intensity uses, not exceeding a density of one dwelling unit per 20 acres to such areas.

Action 1.2.2 As updated seismic-hazard zone maps become available, incorporate them into the general plan.

[4] City of Walnut Creek. 2006. General Plan 2025. April 4.

Action 1.2.3 Identify areas where surface ruptures are most likely to occur and cause damage to human-made structures, such as dams.

Action 1.2.4 For development proposals submitted in areas near earthquake fault zones listed under the Alquist-Priolo Act, require a geotechnical evaluation to identify hazard mitigation measures needed to reduce risk to life and property from earthquake-induced hazards.

Action 1.2.5 For development proposals submitted in areas near high or very high liquefaction-susceptibility areas, require a geotechnical evaluation including mitigation measures needed to reduce the risk to life and property from earthquake-induced hazards.

City of Walnut Creek Municipal Code

The City of Walnut Creek establishes and enforces requirements for grading, excavation, filling, site improvement activities through the Municipal Code Title 9 Chapter 9. The Municipal Code requires the preparation of a soils and engineering geology report as a part of the grading permit application, through Ordinance 9-9.04. A grading permit is not required for an excavation below finished grade authorized by a building permit, cemetery graves, utilities, and other cases specified under Ordinance 9-9.02. A soils and engineering geology report may be waived if a project's design is conservative and would more than compensate for the lack of in-place soils data. The Municipal Code also specifies the implementation of BMPs through grading plans, erosion control plans, and other documents. These BMPs for construction include but are not limited to: hydroseeding, biodegradable erosion control blankets, silt fences at downstream storm drain inlets, and post-construction clearing of accumulated debris and sediment in drainage structures.

Contra Costa County Hazard Mitigation Plan, City of Walnut Creek Annex

As a part of the Contra Costa County Hazard Mitigation Plan (Hazard Mitigation Plan), the City prepared an addition to the plan, referred to as a plan "Annex" (referred to herein as Hazard Mitigation Plan Annex).[5] The Hazard Mitigation Plan Annex rates earthquake and landslide risks in the City. The mitigation strategies in the Annex that apply to geologic and seismic safety are listed below.

WC-1 Where appropriate, support retrofitting or relocation of structures in high hazard areas, prioritizing structures that have experienced repetitive losses.

WC-2 Integrate the hazard mitigation plan into other plans, ordinances, and programs that dictate land use decisions in the community, including the General Plan, Climate Action Plan, and the Capital Improvement Plan.

WC-3 Actively participate in the plan maintenance protocols outlined in the Contra Costa County Hazard Mitigation Plan.

WC-6 Create a soft-story building inventory for the City of Walnut Creek.

[5] Contra Costa County. 2018. Hazard Mitigation Plan Draft final, Volume 2-Planning Partner Annexes. January.

WC-17 Provide Grants and low cost permits to property owners to strengthen soft-story buildings.

3.6.5 - Thresholds of Significance

Utilizing the guidance in CEQA Guidelines Appendix G Environmental, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to geology, soils, and seismicity would be significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:
   i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
   ii. Strong seismic ground shaking?
   iii. Seismic-related ground failure, including liquefaction?
   iv. Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

3.6.6 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

Because geologic, soils, and seismic hazards are site-specific and the proposed project is within the boundaries of the NDSP area that was evaluated in the 2019 NDSP EIR, the geologic, soils, and seismic impacts associated with the proposed project would be consistent with those identified in the 2019 NDSP EIR. The 2019 NDSP EIR relied upon, in part, analysis provided in published and unpublished geologic reports, maps, and technical reports from the United States Geological Survey (USGS), the California Geologic Survey and the United States Department of Agriculture, among other sources. As described more fully therein and below, the 2019 NDSP EIR concluded there would be less than significant impacts (without the need for any mitigation) with respect to seismic hazards (including strong seismic ground shaking and seismic-related ground failure, including liquefaction and landslides), soil erosion or loss of topsoil, being located on unstable geologic or soil units (including

landslides, lateral spreading, and subsidence), expansive soils, as well as less than significant cumulative impacts assuming that development within the NDSP area would be required to adhere to all applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the General Plan and Walnut Creek Municipal Code (refer to Section 4.6, Geology, Soils, and Seismicity of the 2019 NDSP EIR; pages 4.6-11 to 4.6-16). The 2019 NDSP EIR determined that there would be no impacts related to septic tanks or alternative waste systems (refer to Section 4.6, Geology, Soils, and Seismicity of the 2019 NDSP EIR; page 4.6-16) nor any impacts to paleontological resources (refer to Chapter 5.0, Other CEQA Considerations; pages 5-5 to 5-6). No mitigation measures were identified in the 2019 NDSP EIR related to geology, soils, and seismicity. As described below, the impact conclusions of the 2019 NDSP EIR would not substantially change because of the proposed project.

Proposed Project Analysis and Conclusion

Seismic Hazards

Impact GEO-1:	**The proposed project would not directly or indirectly cause potential substantial adverse effects including the risk of loss, injury, or death involving seismic hazards.**

For a discussion related to seismic-related ground failure, including liquefaction and landslides, refer to Impact GEO-3.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated published and unpublished geologic reports, maps, and technical reports from the USGS, the CGS, the United States Department of Agriculture (USDA), and other sources with respect to seismic hazards and concluded that the entirety of the NDSP area was not mapped within any Alquist-Priolo Earthquake Fault Zones. However, major regional faults (including the Concord Fault, Calaveras Fault, Greenville Fault, Hayward Fault, Mt. Diablo Fault, and San Andreas Fault) located near the NDSP area would be capable of producing moderate to strong ground shaking, which could cause considerable damage to structures and buildings. The 2019 NDSP EIR also considered other factors constituting seismic hazards, including surface rupture, liquefaction and lateral spreading, slope instability, and settlement, differential settlement, and subsidence and found there to be a potentially significant impact. The 2019 NDSP EIR concluded that new development projects within the NDSP area would be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including those set forth in the NEHRP, Alquist-Priolo Earthquake Zoning Act, SHMA, and the CBC. In addition, future development projects would be required to adhere to applicable goals and policies in the General Plan including, among others, Chapter 6, Safety and Noise (including, but not limited to, Goal 1, Policy 1.1, and Actions 1.1.4, 1.2.1, 1.2.4, and 1.2.5), Hazard Mitigation Plan Annex, Strategies WC-6 and WC-17, and applicable provisions of the Municipal Code, Title 9, Chapter 9. Based on the foregoing, the 2019 NDSP EIR concluded that implementation of the development contemplated under the NDSP would result in development that would comply with all applicable federal, State, and local regulations, programs, and standards, and determined that impacts with respect to seismic hazards were less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to seismic hazards.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to seismic hazards. As explained more fully therein, the site-specific analysis set forth in the Geologic Hazards Assessment Report prepared in connection with this Draft SEIR concluded that the project site is not located within a State of California Earthquake Fault Hazard Zone and no known active potentially active faults cross the site. Of the active regional faults, the Concord Fault, located approximately 3.65 miles northeast from the project site, would contribute the most to potential ground shaking hazards, and strong ground shaking could occur because of a moderate to large earthquake occurring on one of the active regional faults listed in Table 3.6-1.

Consistent with the findings of the 2019 NDSP EIR, the proposed project would be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including those set forth in the NEHRP, Alquist-Priolo Earthquake Zoning Act, SHMA, and the CBC. In addition, the proposed project would be required to adhere to applicable goals and policies in the General Plan including, among others, Chapter 6, Safety and Noise (including, but not limited to, Goal 1, Policy 1.1, and Actions 1.1.4, 1.2.1, 1.2.4, and 1.2.5), Hazard Mitigation Plan Annex, Strategies WC-6 and WC-17, and applicable provisions of the Municipal Code, Title 9, Chapter 9. For example, in connection with an specific individual development proposal, the Municipal Code would require the completion of a site-specific, design-level soils and engineering geology report, and the ultimate project design would be required to adhere to the recommendations provided in that report. This requirement is further reinforced by the recommendation set forth in the Geologic Hazards Assessment Report prepared in connection with this Draft SEIR, which also recommends the preparation of a design-level field exploration program as part of the project design process for a specific individual development proposal. Consistent with the 2019 NDSP EIR, adherence to the foregoing laws, regulations, and programs and standards would ensure that impacts with respect to seismic hazards would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and impacts would remain less than significant.

Level of Significance

Less than significant impact.

Soil Erosion or Topsoil Loss

Impact GEO-2: The proposed project would not result in substantial soil erosion or the loss of topsoil.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR analyzed this potential impact, including the evaluation of published and unpublished geologic reports, maps, and technical reports from the USGS, the CGS, the USDA, and other sources. Based on this analysis, the 2019 NDSP EIR concluded that impacts would be less than significant with adherence to all applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the General Plan and Municipal Code. For example, development within the NDSP area (i.e., all projects resulting in disturbance or grading of 1 acre or more) would be required to comply with the applicable provisions of the California State Water Resources Control Board (State Water Board) NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, NPDES No. CA000002, as amended in 2011 (Construction General Permit). Compliance with the General Construction Permit would require a project applicant to submit several documents, including a Notice of Intent and site-specific SWPPP, with the purpose of identifying the sources of sediment and other pollutants with the potential to affect the quality of stormwater discharges and to describe and ensure the implementation of BMPs, as provided in General Building Regulations in the Municipal Code Title 9, Chapter 9, Section 9-9.07, to reduce or eliminate sediment and other pollutants in stormwater and non-stormwater discharges related to construction activity. In addition, future development projects within the NDSP area would be required to adhere to relevant General Plan provisions such as Action 32.4.1 of the Chapter 4, Built Environment, which prohibits development in areas particularly susceptible to erosion and sediment loss.

With adherence to these NPDES permit, General Plan, and Municipal Code requirements, impacts were found to be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to erosion or loss of topsoil.

Consistent with the findings of the 2019 NDSP EIR, the proposed project would be required to adhere to all applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the General Plan and Municipal Code. For example, because the proposed project includes disturbance or grading of 1 acre or more, it would be required to prepare a site-specific SWPPP pursuant to applicable provisions of the Construction General Permit. The SWPPP would identify BMPs to reduce or eliminate sediment and other pollutants in stormwater and non-stormwater discharges resulting from construction activity. Applicable BMPs may include, among others, hydroseeding, biodegradable erosion control blankets, silt fences at downstream storm drain inlets, and post-construction clearing of accumulated debris and sediment in drainage structures. They are included in General Building Regulations in the Municipal Code Title 9, Chapter 9, Section 9-9.07. On-site storm drainage facilities, which would consist of bioswales, inlets, underground piping, and basins, would be installed as part of stormwater infrastructure and would be required to adhere

to all applicable standards and requirements for purposes of stormwater improvements, which would also prevent topsoil loss and erosion on-site during operation. As part of the subsequent approval process that would be undertaken with respect to a specific individual development proposal, applicable BMPs would need to be identified and implemented as part of that development proposal and in accordance with all applicable laws and regulations. The proposed project would also be required to adhere to relevant General Plan provisions such as Action 32.4.1 of the Chapter 4, Built Environment, which prohibits development in areas particularly susceptible to erosion and sediment loss.

Consistent with the findings of the 2019 NDSP EIR, given the nature of the project site, coupled with compliance with the applicable laws and regulations, including requirements of the Construction General Permit, the Municipal Code, and Action 32.1.4 of Chapter 4, Built Environment, of the General Plan would result in less than significant impacts related to erosion and loss of topsoil. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and impacts would remain less than significant.

Level of Significance

Less than significant impact.

Unstable Geologic Units or Soils (Including Landslides, Lateral Spreading, Subsidence, and Liquefaction)

Impact GEO-3:	**The proposed project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.**

Landslides

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR analyzed potential landslide impacts that could occur within implementation of the development contemplated under the NDSP, including the evaluation of USGS mapping, taking into consideration the relatively flat topography of the NDSP area. Based on this analysis, the 2019 NDSP EIR found a low potential for landslide hazards within the NDSP area given that earthquake-induced slope failure is generally not a likely geologic hazard within the NDSP area and confirmed that impacts in this regard would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed and relatively flat nature of the project site and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to landslides.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to landslides. As discussed in Geologic Hazards Assessment Report, the ground surface elevation across the project site is relatively flat, ranging from approximately 160 feet at the eastern end of the project site (Sites B, D, and C) to a low elevation of about 145 feet above MSL at the western end (Sites A and E). Because of the topographic conditions, the Geologic Hazards Assessment Report determined the potential for landslide hazards to be very low.

Furthermore, consistent with the findings of the 2019 NDSP EIR, any future specific individual development proposal(s) would be required to comply with applicable laws and regulations including, among others, Municipal Code Title 9, Chapter 9, which involves the completion of a site-specific, design-level soils and engineering geology report. In connection therewith, the ultimate project design for that specific development proposal would be required to adhere to recommendations provided in that report. This requirement is further reinforced by the recommendation set forth in the Geologic Hazards Assessment Report prepared in connection with this Draft SEIR, which also recommends the preparation of a design-level field exploration program as part of the project design process for a specific development proposal. In addition, construction of future structures built as part of a specific individual development proposal would be required to adhere to the applicable provisions of the currently adopted edition of the CBC and the relevant provisions of the Municipal Code and General Plan (e.g., Action 1.1.4, Chapter 6, Safety and Noise). Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and impacts would remain less than significant.

Subsidence

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR found that because groundwater pumping was not proposed as a component of the NDSP, there would be no impact with respect to subsidence.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Furthermore, because groundwater pumping is not included as part of the proposed project, consistent with the findings of the 2019 NDSP EIR, implementation of the proposed project would not result in any impacts with respect to subsidence. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any Scenario). No additional analysis is required and the no impact conclusion would remain the same.

Lateral Spreading and Liquefaction

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR analyzed potential impacts related to lateral spreading and liquefaction that could occur within implementation of the development contemplated under the NDSP, taking into consideration the relatively flat topography of the NDSP area, the lack of planned groundwater pumping plans, the low to moderate liquefaction hazard designation of the project site and adherence to the applicable provisions of the currently adopted edition of the CBC and the relevant provisions of the Municipal Code (including the completion of a site-specific soils and engineering geology report) and General Plan (e.g., Action 1.1.1, 1.1.4, and 1.2.1 Chapter 6, Safety and Noise). Based on this analysis, because the NDSP area is relatively flat and is not mapped as an area with high liquefaction hazard, lateral spreading and liquefaction are unlikely to occur. In addition, future development projects would adhere to the applicable regulations as described above, and impacts were determined to be less than significant in this regard.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed and relatively flat nature of the project site and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to lateral spreading and liquefaction.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to lateral spreading and liquefaction. As discussed in the Geologic Hazards Assessment Report prepared in connection with this Draft SEIR, the risk of lateral spreading at the site is low because of site topography and subsurface conditions (as described above), and the site is mapped as having a very low susceptibility to liquefaction.[6]

Moreover, as described above, each specific individual development proposal would be required to complete a site-specific, design-level soils and engineering geology report, and the ultimate project design for that specific individual development proposal would be required to adhere to the recommendations provided therein. In addition, each specific individual development proposal would be required to comply with all other applicable laws, regulations, standards and requirements, including, without limitation, Title 9, Chapter 9 of the Municipal Code, which mandates site-specific design and grading requirements relevant to liquefaction and lateral spreading. Consistent with the findings of the 2019 NDSP EIR, compliance with the applicable laws and regulations including Title 9, Chapter 9 of the Municipal Code, would ensure that future specific development proposal(s) within the project site would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

[6] Engeo. 2021. Toyota of Walnut Creek Development: Geologic Hazards Assessment Report: Figure 4. August 30.

Compressible Soil

Conclusions in the 2019 NDSP EIR

Compressible soils were not specifically evaluated in the 2019 NDSP EIR. However, as described above, impacts with respect to geology, soils, and seismicity were found to be less than significant with adherence to applicable regulations.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized nature of the project site and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to compressible soil. This analysis provides site-specific review of potential impacts with respect to compressible soil. As discussed in the Geologic Hazards Assessment Report prepared in connection with this Draft SEIR, the alluvial deposits that underlie Sites B and C (on the eastern side of North Broadway) may include stiff clayey soils of medium plasticity that are likely over-consolidated, and this soil may experience re-consolidation when subjected to new structural foundation loads, possibly resulting in consolidation settlements. Therefore, the Geologic Hazards Assessment Report recommended that in connection with each specific individual development proposal, soil sampling, laboratory testing, and analysis be performed during design-level geotechnical exploration to determine the presence and extent of potentially compressible clayey soil, if any, and the potential for consolidation-induced settlement when subjected to design foundation loads. As described above, development of the proposed project would require the completion of a site-specific, design-level soils and engineering geology report, and the ultimate project design would be required to adhere to the recommendations provided in that report. In addition, each specific individual development proposal would be required to comply with all other applicable laws, regulations, standards and requirements, including, without limitation, Title 9, Chapter 9 of the Municipal Code, which mandates site-specific design and grading requirements relevant to compressible soil that would be implemented through a grading permit application. Compliance with applicable laws and regulations including, without limitation, Title 9, Chapter 9 of the Municipal Code, would ensure that future specific individual development proposal(s) within the project site would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Overall

The proposed project would be required to adhere to all applicable federal, State, and local laws and regulations. As explained above, each specific individual development proposal would be required to complete a site-specific design-level soils and engineering geology report and to incorporate all recommendations set forth therein into ultimate project' design; in addition, pursuant to Title 9, Chapter 9 of the Municipal Code, site-specific design and grading requirements would be implemented through each specific individual development proposal's permitting process. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any

Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Expansive Soil

Impact GEO-4:	**The proposed project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR analyzed potential impacts related to expansive soil that could occur with implementation of the development contemplated under the NDSP including the effect that alternating cycles of wetting (swelling) and drying (shrinking) of expansive soils can have on the volume of said soil, which has the potential to cause structural damage to buildings and infrastructure if not considered in project design during a project's design and construction. Based on this analysis, the 2019 NDSP EIR concluded that soils within the NDSP area would have low to very high shrink/swell potential. In connection therewith, the 2019 NDSP EIR concluded that structural damage of buildings or rupture of utilities may occur if the potentially expansive soils are not considered in the design and construction of future development projects under the NDSP, but this potential impact would be less than significant with adherence to all applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the General Plan and Title 9, Chapter 9 of the Municipal Code (with respect to design and grading recommendation relevant to expansive soils).

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to expansive soils.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to expansive soils. As discussed in the Geologic Hazards Assessment Report prepared in connection with this Draft SEIR, most of the soils underlying the project site (near-surface alluvial deposits and sandstone) exhibit a low potential for expansion. Medium plasticity clayey soil was observed in some of the regional soil borings at depths greater than 10 feet below ground surface (BGS). Although potential impacts of expansive soils on development at the project site that could occur in connection with a specific development proposal was determined to be minor, the Geologic Hazards Assessment Report recommended that as part of any future specific individual development proposal(s), soil sampling, laboratory testing, and analysis

be performed during design-level geotechnical exploration to determine the presence and extent of clayey soil deposits, and, if any, characterize their expansion potential.

To that end, as described above, each specific individual development proposal would be required to complete a site-specific, design-level soils and engineering geology report, and the ultimate project design would be required to incorporate all recommendations provided in that report as well as comply with Title 9, Chapter 9 of the Municipal Code, which mandates the implementation of specified design and grading requirements relevant to expansive soils (if any). In addition, the proposed project would be required to adhere to all other applicable laws, regulations and standards including, among others, applicable General Plan goals, policies, and actions related to expansive soils (including, but not limited to, Actions 1.1.1, 1.1.4, and 1.2.1 of Chapter 6, Safety and Noise). Consistent with the 2019 NDSP EIR, compliance with the applicable laws and regulations including, without limitation, Title 9, Chapter 9 of the Municipal Code, would ensure that future specific individual development proposal(s) within the project site would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Soils Supporting Alternative Wastewater Disposal Systems

Impact GEO-5:	**The proposed project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR analyzed potential impacts related to soils supporting alternative waste disposal systems that could occur within implementation of the development contemplated under the NDSP. The 2019 NDSP EIR concluded that because the NDSP area would be served by a municipal sewer system and would not use septic tanks or alternative wastewater disposal, there would be no impact related to alternative wastewater disposal systems.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed and given that the proposed project is within the boundaries of the NDSP area and also would be served by a municipal sewer system (Central Contra Costa Sanitary District) and thus would not use septic tanks or alternative wastewater disposal system, it is not anticipated that the proposed project would have a substantial adverse effect with respect to soils supporting alternative waste disposal systems.

Thus, consistent with the 2019 NDSP EIR, the proposed project would have no impact in this regard. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and the no impact conclusion in this regard would remain the same.

Level of Significance

No impact.

Destruction of Paleontological Resource or Unique Geologic Feature

Impact GEO-6:	**The proposed project may directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR analyzed potential impacts related to paleontological resources or unique geologic features that could occur within implementation of the development contemplated under the NDSP including a records search at the Northwest Information Center (NWIC) and a literature review. Based on this analysis, the 2019 NDSP EIR concluded that while there were no such known resources, undiscovered paleontological resources and unique geologic features may exist with the NDSP area within paleontological deposits. Given the nature of that evaluation, the 2019 NDSP EIR did not provide site-specific information about paleontological resources or geologic features, concluding that potential occurrence of these resources would be assessed on a project-specific basis. However, the 2019 NDSP EIR found that with the implementation of General Plan Goal 24, Policy 24.1, and Actions 24.1.1 and 24.1.2 of Chapter 4, Built Environment, potential impacts from development under the NDSP would be less than significant.

For example, Action 24.1.1 requires "(a) review by the California Archaeological Inventory, Northwest Information Center, Sonoma State University, of all major new projects and all projects of any size within 660 feet of a site identified on the City's map of sensitive archaeological sites and (b) add appropriate mitigations as conditions of project approval as may be recommended by the California Archaeological Inventory." Action 24.1.2 requires developers to halt all work if cultural resources (including paleontological resources) are encountered; however, it does not specify the procedures to follow in the event a paleontological resource is uncovered.

Consistent therewith, the 2019 NDSP EIR found that with the implementation of General Plan Goal 24, Policy 24.1, and Actions 24.1.1 and 24.1.2 of Chapter 4, Built Environment, potential impacts from development under the NDSP would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed and given that the proposed project is within the boundaries of the NDSP area, it is not

anticipated that the proposed project would have a substantial adverse effect with respect to paleontological resources or unique geologic features.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to paleontological resources or unique geologic features. Pursuant to Action 24.1.1 of the General Plan, a Paleontological Records Search conducted for the project site by Kenneth L. Finger, PhD on October 11, 2021. As described more fully therein,

The project site contains potentially fossiliferous deposits in the shallow subsurface, notably Pleistocene alluvium and Miocene Monterey Formation sandstone. However, no known paleontological resources or unique geologic features are located within the project site boundaries. The nearest recorded paleontological resource is located approximately 1,000 feet south of Site A on Ygnacio Valley Road, which yielded a mammoth. Nevertheless, while there are no known paleontological or unique geological features located within the project site, Contra Costa County has produced many Pleistocene, Pliocene, and Paleocene localities and specimens; therefore, excavations of previously undisturbed deposits that occur as part of a specific individual development proposal could impact significant paleontological resources or unique geological features. The potential destruction of paleontological resources or unique geologic features during construction represents a potentially significant impact.

Because of the paleontological resource found near the site and the potentially fossiliferous deposits in the shallow subsurface, notably Pleistocene alluvium and Miocene Monterey Formation sandstone, subsurface construction activities associated with the proposed project, such as grading or trenching, could potentially damage or destroy previously undiscovered paleontological resources or unique geological features, which is a potentially significant impact. MM GEO-6 requires construction paleontological monitoring of excavations and specifies the procedures to follow in the event a paleontological resource or unique geological feature is uncovered. Adherence to the applicable General Plan policies and implementation of MM GEO-6 would result in a less than significant impact with respect to paleontological resources. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Mitigation Measures from the 2019 NDSP EIR

None.

Mitigation Measures for the Proposed Project

MM GEO-6 Paleontological Resources Monitoring During Project Construction

As part of the construction activities associated with a specific individual development proposal, the relevant project Applicant shall ensure that a qualified

Paleontological Monitor is to be present during all earth-disturbing construction activities on-site that occur as a result of the subject specific individual development proposal. In the event a fossil or unique geologic feature is discovered during construction for the subject specific individual development proposal excavations within 15 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified Paleontologist in accordance with Society of Vertebrate Paleontology standards. In connection with each specific individual development proposal, the relevant Applicant shall include a standard inadvertent discovery clause in every project-related construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the Paleontologist shall design and implement a data recovery plan that is consistent with the standards prescribed by the Society of Vertebrate Paleontology in the guideline document Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010). Any recovered fossil should be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where it will be properly curated and made accessible for future studies.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

3.6.7 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

As noted in the 2019 NDSP EIR, cumulative impacts are related to site-specific geologic, soils, and seismic issues and would be mitigated, to the extent necessary, on a project-by-project basis. With respect to potential cumulative geologic, soils, and seismic impacts, the 2019 NDSP EIR did not identify a significant cumulative effect and concluded implementation of the NDSP would not have a cumulatively considerable contribution to this already less than significant cumulative impact.

Supplemental Analysis of the Proposed Project

Similar to the cumulative analysis in the 2019 NDSP EIR, the appropriate geographic context for cumulative impacts for geology, soils, and seismicity is the NDSP area because of the similarity in existing conditions. Cumulative projects within the NDSP area consist of projects assumed under the 2019 NDSP EIR. Consistent with cumulative analysis set forth in the 2019 NDSP EIR, there would be a less than significant cumulative impact given the site-specific nature of these issues. Cumulative impacts are related to site-specific impacts to geology, soils, and seismicity and would be mitigated, as necessary, on a project-by-project basis. For example, as noted above, each cumulative project would be required to complete a site-specific, design-level geotechnical report and incorporate all recommendations set forth therein and otherwise ensure compliance with all applicable laws and regulations governing geology, soils, and seismicity. Given the already-developed, urbanized nature of the NDSP area; its relatively flat topography; its connection to a municipal sewer system; its lack of groundwater pumping; and because cumulative development would be required to comply with long-term planning documents and regulatory agency guidance establishing policies (including but not limited to Actions 1.1.1, 1.1.4, and 1.2.1 of Chapter 6, Safety and Noise; General Plan Goal 24,

Policy 24.1, and Actions 24.1.1, 24.1.2 and 32.4.1 of Chapter 4, Built Environment; and Title 9, Chapter 9 of the Municipal Code); this would ensure that cumulative projects would have a less than significant cumulative impact in this regard.

Similar to other lands within the NDSP area, the project site is urbanized and already-developed with relatively flat topography. Future specific individual development proposal(s) within the project site would be connected to a municipal sewer system; would not involve groundwater pumping; would provide paleontological monitoring and otherwise adhere to required mitigation; and would adhere to all applicable laws, regulations, standards and requirements. The foregoing would ensure that the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

3.7 - Greenhouse Gas Emissions

3.7.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports, studies, and other materials have been prepared to document the information necessary to make the certified North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes existing greenhouse gas emissions conditions as well as the relevant regulatory framework, and the potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth in the 2019 NDSP EIR. The analysis in this section is based, in part, on project-specific GHG emissions modeling outputs included in Appendix C.

No public comments were received during the Notice of Preparation (NOP) scoping period for this Draft SEIR related to GHG emissions.

3.7.2 - Scenario Evaluation

As noted in Chapter 2, Project Description, the Applicant is requesting that the City approve amendments to the NDSP (along with conforming amendments to the Walnut Creek General Plan [General Plan] and Municipal Code to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service and ancillary uses as well as a range of additional potential compatible uses such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific individual development proposal for the project site has been formally submitted to the City; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed amendments, this Draft SEIR considers three potential development scenarios (as described further below) that reflect a reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates [Site D], and an approximately 0.82 acre property [Site E], located adjacent to Site A). This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

For purposes of the analysis set forth in this Section 3.7, Greenhouse Gas Emissions, the City and its CEQA consultant conducted a preliminary assessment of each of these potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) to determine the Scenario that would result in the "reasonable worst-case" under each environmental topic area. As explained more fully in Appendix B, this analysis determined the relative impact of Scenario 2 (auto sales and service,

office, multi-family residential, and hotel) would provide a reasonable worst-case scenario. Therefore, Scenario 2 is evaluated in this Section 3.7, Greenhouse Gas Emissions.

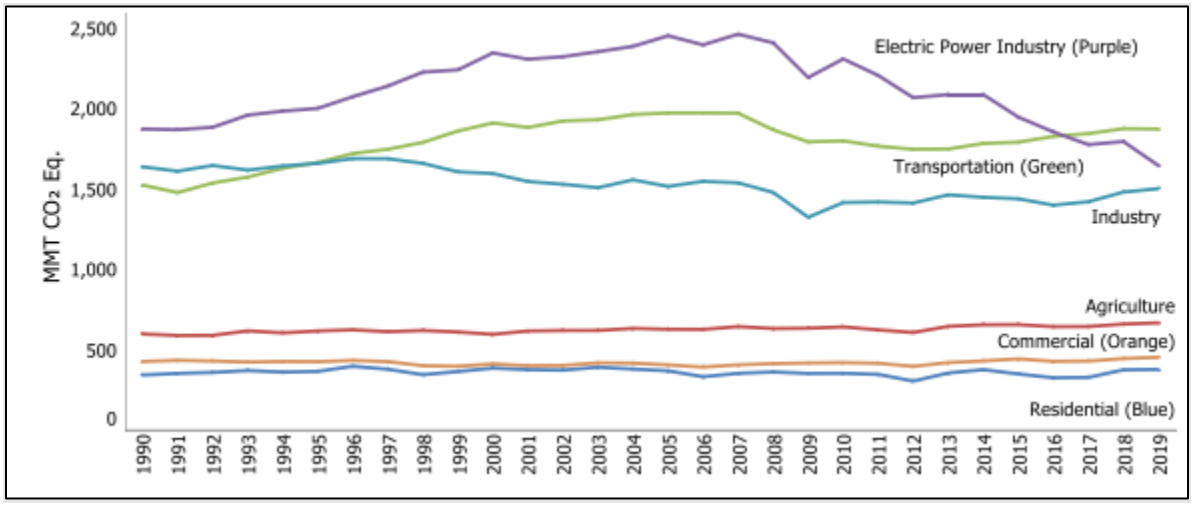
3.7.3 - Environmental Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. For additional information regarding the existing conditions related to greenhouse gas (GHG) emissions in place at the time that the 2019 NDSP EIR was prepared for the region and the NDSP area, including the project site, can be found in Section 4.4 (pages 4.4-1 through 4.4-38) of the 2019 NDSP EIR.

Existing GHG Emissions

United States GHG Inventory

Total United States GHG emissions have increased by 1.8 percent from 1990 to 2019.[1] Figure 3.7-1 presents the trend in United States GHG emissions by economic sector from 1990 to 2019. Since 1990, U.S. emissions have increased at an average annual rate of 0.3 percent. Transportation emissions also increased because of an increase in Vehicle Miles Traveled (VMT). Within the United States, fossil fuel combustion accounted for 92.4 percent of carbon dioxide equivalent (CO_2e) emissions in 2019. Transportation was the largest emitter of CO_2e in 2019, accounting for 28.6 percent of emissions, followed by electric power generation, accounting for 25.1 percent.



Note: Emissions shown do not include carbon sinks such as change in land uses and forestry.
Source: United States Environmental Protection Agency (EPA). 2021. Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2019. Website: https://www.epa.gov/sites/default/files/2021-04/documents/us-ghg-inventory-2021-main-text.pdf?VersionId=wEy8wQuGrWS8Ef_hSLXHy1kYwKs4.ZaU. Accessed January 27, 2022.

Figure 3.7-1: U.S. Greenhouse Gas Emissions Allocated to Economic Sectors (1990-2019)

[1] United States Environmental Protection Agency (EPA). 2021. Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2019 – Executive Summary. Website: https://www.epa.gov/sites/default/files/2021-04/documents/us-ghg-inventory-2021-chapter-executive-summary.pdf. Accessed January 27, 2022.

California GHG Inventory

As the second largest emitter of GHG emissions in the United States, California contributes a large quantity (418.2 million metric tons [MMT] CO_2e in 2019) of GHG emissions to the atmosphere.[2,3] Human-related emissions of CO_2e are largely byproducts of fossil fuel combustion and are attributable to transportation, industry/manufacturing, electricity generation, natural gas consumption, and agriculture processes. In California, the transportation sector is the largest emitter at 41 percent of GHG emissions, followed by industrial at 24 percent of GHG emissions.[4]

Bay Area Air Quality Management District GHG Inventory

The Bay Area Air Quality Management District (BAAQMD) prepared a GHG inventory for the San Francisco Bay Area (Bay Area), which provides an estimate of GHG emissions in the base year 2011 for all counties located in the jurisdiction of BAAQMD: Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Napa, and the southern portions of Solano and Sonoma.[5] This GHG inventory is based on the standards for criteria pollutant inventories and is intended to support BAAQMD's climate protection activities. Although BAAQMD is in the process of updating the GHG Inventory, no updated inventory has been adopted at the time of issuance of the NOP for this Draft SEIR.

Table 3.7-1 shows the 2011 breakdown of emissions by end-use sector for each county within BAAQMD's jurisdiction, the latest available region-wide GHG inventory information for the project region. The estimated GHG emissions are presented in CO_2e, which weights each GHG by its global warming potential (GWP). The GWPs used in the BAAQMD inventory are from the Second Assessment Report of the United Nations Intergovernmental Panel on Climate Change (IPCC).[6]

In 2011, GHG emissions from Contra Costa County accounted for approximately 36 percent of the Bay Area's total GHG emissions with 56.7 percent of the County's total GHG emissions coming from the industrial/commercial land uses.[7] Industrial/commercial is the largest GHG emissions sector in the County, followed by electricity generation and cogeneration, and transportation.

Table 3.7-1: 2011 GHG Emissions by Sector and County (MMT CO_2e/Year)

Sector	Alameda	Contra Costa	Marin	Napa	San Francisco	San Mateo	Santa Clara	Solano	Sonoma
Industrial/Commercial	2.7	17.8	0.4	0.2	1.2	1.4	4.1	2.7	0.5
Residential Fuel	1.3	1.0	0.3	0.1	0.9	0.8	1.5	0.3	0.4
Electricity/Co-gen	0.9	7.2	0.1	0.1	0.5	0.4	2.2	0.4	0.2

[2] World Resources Institute (WRI). 2017. 8 Charts to Understand US State Greenhouse Gas Emissions. Website: https://www.wri.org/insights/8-charts-understand-us-state-greenhouse-gas-emissions. Accessed January 27, 2022.
[3] California Air Resources Board (ARB). 2022. Current California GHG Emission Inventory Data, 2000-2019 Trends Figure Data. Website: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed January 27, 2022.
[4] California Air Resources Board (ARB). 2021. California Greenhouse Inventory—Graphs. Website: https://ww3.arb.ca.gov/cc/inventory/pubs/reports/2000_2019/ghg_inventory_trends_00-19.pdf. Accessed January 27, 2022.
[5] Bay Area Air Quality Management District (BAAQMD). 2015. Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/emission-inventory/by2011_ghgsummary.pdf. Accessed January 27, 2022.
[6] Ibid.
[7] Ibid.

Sector	Alameda	Contra Costa	Marin	Napa	San Francisco	San Mateo	Santa Clara	Solano	Sonoma
Off-Road Equipment	0.2	0.2	0.0	0.0	0.2	0.1	0.4	0.0	0.1
Transportation	7.9	5.0	1.3	0.9	3.0	5.0	7.6	1.6	2.0
Agriculture/Farming	0.1	0.2	0.2	0.1	0.0	0.0	0.2	0.1	0.2
Total	**13.2**	**31.4**	**2.4**	**1.5**	**5.7**	**7.7**	**16.0**	**5.1**	**3.5**

Notes:
BAAQMD = Bay Area Air Quality Management District
CO_2e = carbon dioxide equivalent
co-gen = cogeneration
Solano and Sonoma Counties above only include the associated portion within BAAQMD jurisdiction.
Source: Bay Area Air Quality Management District (BAAQMD). 2015. Bay Area Emissions Inventory Summary Report: Greenhouse Gases–Base Year 2011. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/emission-inventory/by2011_ghgsummary.pdf. January. Accessed January 27, 2022.

City of Walnut Creek GHG Inventory

A community-wide baseline (2005) GHG emissions inventory was conducted for the City of Walnut Creek as part of the development of its Climate Action Plan (CAP).[8] The City is currently updating its CAP with a Sustainability Action Plan to demonstrate emission reductions consistent with Senate Bill (SB) 32 legislative reduction targets for 2030 and Executive Order B-55-18 for carbon neutrality no later than 2045. Consistent with the Governor's Office of Planning and Research (OPR) guidance on CAP development, a CAP should demonstrate a 15 percent reduction from the 2005 baseline by 2020, if 1990 emissions are unknown, to be consistent with the reduction targets contained in Assembly Bill (AB) 32.[9] The City's 2005 GHG emissions inventory is the most recent available for the City. It should be noted that the City's CAP does not meet the requirements established by CEQA Guidelines Section 15183.5(b) to be considered a "qualified" reduction strategy capable for future project-specific tiering. Nonetheless, the City's CAP stands as its current reduction strategy for general consistency purposes employed under Impact GHG-2. Table 3.7-2 provides the estimated 2005 baseline by sector for the City.

Table 3.7-2: 2005 Walnut Creek Community-Wide GHG Emissions Baseline by Sector

Sector	Metric Tons CO_2e/Year	Percentage of Total
Residential	117,868	18
Commercial/Industrial	117,312	18
Transportation—Highway	174,369	27
Transportation—Local Road	202,936	32
Waste	9,892	2
Water	6,736	1

[8] City of Walnut Creek. 2022. Sustainability Action Plan. Website: https://www.walnut-creek.org/departments/e-c-o/climate-action/sustainability-action-plan. Accessed. January 25, 2022.
[9] Governor's Office of Planning and Research (OPR). 2018. Discussion Draft CEQA and Climate Change Advisory. December. Website: https://opr.ca.gov/docs/20181228-Discussion_Draft_Climate_Change_Adivsory.pdf. Accessed February 2, 2022.

Sector	Metric Tons CO_2e/Year	Percentage of Total
Off-road	12,293	2
BART	2,191	<1
Total	**643,596**	**100**

Notes:
BART = Bay Area Rapid Transit
CO_2e = carbon dioxide equivalent
Source: City of Walnut Creek. 2012. Climate Action Plan. April. Website: https://www.walnut-creek.org/home/showpublisheddocument/6479/635766153865270000. Accessed January 25, 2022.

Project Site

GHG emissions from the project site are from existing activities such as building-related energy use and vehicle trips associated with local businesses and facilities. The on-site vehicle storage lots, used car sales lot, and Toyota dealership all present existing emission sources on the project site. Section 3.10, Land Use and Planning, provides additional detail regarding existing uses on the project site.

3.7.4 - Regulatory Framework

International

Kyoto Protocol

In 1988, the United Nations established the IPCC to evaluate the impacts of global warming and to develop strategies that nations could implement to curtail global climate change. In 1992, the United States joined other countries around the world in signing the United Nations Framework Convention on Climate Change (UNFCCC) agreement with the goal of controlling GHG emissions. As a result, the Climate Change Action Plan was developed to address the reduction of GHGs in the United States. The Climate Change Action Plan currently consists of more than 50 voluntary programs for member nations to adopt.

The Kyoto Protocol is a treaty made under the UNFCCC and was the first international agreement to regulate GHG emissions. Some have estimated that if the commitments outlined in the Kyoto Protocol are met, global GHG emissions could be reduced an estimated 5 percent from 1990 levels during the first commitment period of 2008-2012. Notably, while the United States is a signatory to the Kyoto Protocol, Congress has not ratified the Protocol and the United States is not bound by the Protocol's commitments. In December 2009, international leaders from 192 nations met in Copenhagen to address the future of international climate change commitments post-Kyoto.

Paris Climate Change Agreement

Parties to the UNFCCC reached a landmark agreement on December 12, 2015 in Paris, charting a fundamentally new course in the two-decade-old global climate effort. Culminating a 4-year negotiating round, the new treaty ends the strict differentiation between developed and developing countries that characterized earlier efforts, replacing it with a common framework that commits all countries to put forward their best efforts and to strengthen them in the years ahead. This includes,

for the first time, requirements that all parties report regularly on their emissions and implementation efforts and undergo international review.

The agreement and a companion decision by parties were the key outcomes of the conference, known as the 21st session of the UNFCCC Conference of the Parties, or "COP 21." Together, the Paris Agreement and the accompanying COP decision:

- Reaffirm the goal of limiting global temperature increase well below 2 degrees Celsius, while urging efforts to limit the increase to 1.5 degrees.
- Establish binding commitments by all parties to make "nationally determined contributions" (NDCs), and to pursue domestic measures aimed at achieving them.
- Commit all countries to report regularly on their emissions and "progress made in implementing and achieving" their NDCs, and to undergo international review.
- Commit all countries to submit new NDCs every 5 years, with the clear expectation that they will "represent a progression" beyond previous ones.
- Reaffirm the binding obligations of developed countries under the UNFCCC to support the efforts of developing countries, while for the first time encouraging voluntary contributions by developing countries too.
- Extend the current goal of mobilizing $100 billion a year in support by 2020 through 2025, with a new, higher goal to be set for the period after 2025.
- Extend a mechanism to address "loss and damage" resulting from climate change, which explicitly will not "involve or provide a basis for any liability or compensation."
- Require parties engaging in international emissions trading to avoid "double counting."
- Call for a new mechanism, similar to the Clean Development Mechanism under the Kyoto Protocol, enabling emission reductions in one country to be counted toward another country's NDC.[10]

On June 1, 2017, former President Trump announced the decision for the United States to withdraw from the Paris Agreement.[11] However, on January 20, 2021, President Biden signed the instrument to bring the United States back into the Paris Agreement that same day.[12] Nonetheless, California remains committed to addressing climate change through programs aimed to reduce GHGs.[13]

[10] Center for Climate and Energy Solutions (C^2ES). 2015. Outcomes of the U.N. Climate Change Conference in Paris. December.
[11] The White House. 2017. Statement by former President Trump on the Paris Climate Accord. Website: https://it.usembassy.gov/statement-president-trump-paris-climate-accord/. Accessed July 29, 2022.
[12] The White House. 2021. Statement by President Biden: Paris Climate Agreement. Website: https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/paris-climate-agreement/. Accessed July 29, 2022.
[13] California Air Resources Board (ARB). 2017. New Release: California and China Team Up to Push for Millions More Zero-emission Vehicles. Website: https://ww2.arb.ca.gov/news/california-and-china-team-push-millions-more-zero-emission-vehicles. Accessed July 29, 2022.

Federal

Clean Air Act

Massachusetts et al. v. Environmental Protection Agency (*EPA)* (Supreme Court Case 05-1120) (2007) 549 U.S. 497 was argued before the United States Supreme Court on November 29, 2006, in which it was petitioned that the United States EPA regulate four GHGs, including CO_2, under Section 202(a)(1) of the Clean Air Act (CAA). A decision was made on April 2, 2007, in which the Supreme Court found that GHGs are air pollutants covered by the CAA. The Court held that the Administrator must determine whether emissions of GHGs from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. On December 7, 2009, the EPA Administrator signed two distinct findings regarding GHGs under Section 202(a) of the CAA:

- **Endangerment Finding:** The Administrator finds that the current and projected concentrations of the six key well-mixed GHGs—CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6—in the atmosphere threaten the public health and welfare of current and future generations; and
- **Cause or Contribute Finding:** The Administrator finds that the combined emissions of these well-mixed GHG emissions from new motor vehicles and new motor vehicle engines contribute to the GHG pollution, which threatens public health and welfare.

These findings do not impose requirements on industries or other entities. However, this was a prerequisite for implementing GHG emissions standards for vehicles, as discussed under "Clean Vehicles" below. After a lengthy legal challenge, the U.S. Supreme Court declined to review an Appeals Court ruling which upheld the EPA Administrator findings.

United States Consolidated Appropriations Act (Mandatory Greenhouse Gas Reporting)

The Consolidated Appropriations Act of 2008, passed in December 2007, requires the establishment of mandatory GHG reporting requirements. On September 22, 2009, the EPA issued the Final Mandatory Reporting of Greenhouse Gases Rule, which became effective January 1, 2010. The rule requires reporting of GHG emissions from large sources and suppliers in the United States and is intended to collect accurate and timely emissions data to inform future policy decisions. Under the rule, suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities that emit 25,000 MT or more per year of GHG emissions are required to submit annual reports to the EPA. The first annual reports for the largest emitting facilities, covering calendar year 2010, were submitted to EPA in 2011.

U.S. Clean Air Act Permitting Programs (New Greenhouse Gas Source Review)

The EPA issued a final rule on May 13, 2010, which establishes thresholds for GHGs that define when permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities. This final rule "tailors" the requirements of these CAA permitting programs to limit which facilities will be required to obtain Prevention of Significant Deterioration and Title V permits. In the preamble to the revisions to the Code of Federal Regulations, the EPA states:

> This rulemaking is necessary because without it the Prevention of Significant Deterioration and Title V requirements would apply, as of January 2, 2011, at the 100 or 250 tons per year levels provided under the Clean Air Act, greatly increasing the number of required permits, imposing undue costs on small sources, overwhelming the resources of permitting authorities, and severely impairing the functioning of the programs. EPA is relieving these resource burdens by phasing in the applicability of these programs to greenhouse gas sources, starting with the largest greenhouse gas emitters. This rule establishes two initial steps of the phase-in. The rule also commits the agency to take certain actions on future steps addressing smaller sources but excludes certain smaller sources from Prevention of Significant Deterioration and Title V permitting for greenhouse gas emissions until at least April 30, 2016.

The EPA estimates that facilities responsible for nearly 70 percent of the national GHG emissions from stationary sources will be subject to permitting requirements under this rule. This includes the nation's largest GHG emitters—power plants, refineries, and cement production facilities.

Energy Independence and Security Act

The Energy Policy Act of 2005 created the Renewable Fuel Standard program. The Energy Independence and Security Act of 2007 expanded this program by:

- Expanding the Renewable Fuel Standard program to include diesel in addition to gasoline.
- Increasing the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022.
- Establishing new categories of renewable fuel and setting separate volume requirements for each one.
- Requiring EPA to apply lifecycle GHG performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.

This expanded Renewable Fuel Standard program lays the foundation for achieving substantial reductions of GHG emissions from the use of renewable fuels, reducing the use of imported petroleum, and encouraging the development and expansion of the nation's renewable fuels sector.

Signed on December 19, 2007, by former President George W. Bush, the Energy Independence and Security Act of 2007 (EISA) aims to:

- Move the United States toward greater energy independence and security.
- Increase the production of clean renewable fuels.
- Protect consumers.
- Increase the efficiency of products, buildings, and vehicles.
- Promote research on and deploy GHG emission capture and storage options.
- Improve the energy performance of the federal government.
- Increase U.S. energy security, develop renewable fuel production, and improve vehicle fuel economy.

EISA reinforces the energy reduction goals for federal agencies put forth in Executive Order 13423, as well as introduces more aggressive requirements. The three key provisions enacted are the Corporate Average Fuel Economy Standards, the Renewable Fuel Standard, and the appliance/lighting efficiency standards.

The EPA is committed to developing, implementing, and revising both regulations and voluntary programs under the following subtitles in EISA, among others:

- Increased Corporate Average Fuel Economy Standards
- Federal Vehicle Fleets
- Renewable Fuel Standard
- Biofuels Infrastructure
- Carbon Capture and Sequestration[14]

EPA and National Highway Traffic Safety Administration Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards Final Rule

Congress first passed the Corporate Average Fuel Economy law in 1975 to increase the fuel economy of cars and light-duty trucks. The law has become more stringent over time. On May 19, 2009, former President Obama put in motion a new national policy to increase fuel economy for all new cars and trucks sold in the United States. On April 1, 2010, the EPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) announced a joint final rule establishing a national program that would reduce GHG emissions and improve fuel economy for new cars and trucks sold in the United States.

The first phase of the national program applied to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. It required these vehicles to meet an estimated combined average emissions level of 250 grams of CO_2 per mile, equivalent to 35.5 miles per gallon if the automobile industry were to meet this CO_2 level solely through fuel economy improvements. Together, these standards were projected to reduce CO_2 emissions by an estimated 960 MMT and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016).

The EPA and the NHTSA issued final rules on a second phase joint rulemaking, establishing national standards for light-duty vehicles for model years 2017 through 2025 in August 2012.[15] The new standards for model years 2017 through 2025 apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles. The final standards are projected to result in an average industry fleet wide level of 163 grams/mile of CO_2 in model year 2025, which is equivalent to 54.5 miles per gallon if achieved exclusively through fuel economy improvements.

[14] United States Environment Protection Agency (EPA). 2022. Summary of the Energy Independence and Security Act. Website: https://www.epa.gov/laws-regulations/summary-energy-independence-and-security-act. Accessed July 29, 2022.

[15] United States Environmental Protection Agency (EPA). 2012. EPA and NHTSA Set Standards to Reduce Greenhouse Gases and Improve Fuel Economy for Model Years 2017-2025 Cars and Light Trucks. Website: https://www.nhtsa.gov/document/fact-sheet-epa-and-nhtsa-propose-standards-reduce-greenhouse-gas-emissions-and-improve. Accessed July 29, 2022.

The EPA and NHTSA issued final rules for the first national standards to reduce GHG emissions and improve fuel efficiency of heavy-duty trucks and buses on September 15, 2011, which became effective November 14, 2011. For combination tractors, the agencies proposed engine and vehicle standards that began in the 2014 model year and projected to achieve up to a 20 percent reduction in CO_2 emissions and fuel consumption by the 2018 model year. For heavy-duty pickup trucks and vans, the agencies proposed separate gasoline and diesel truck standards, which were phased in starting in the 2014 model year and projected to achieve up to a 10 percent reduction for gasoline vehicles, and a 15 percent reduction for diesel vehicles by 2018 model year (12 and 17 percent respectively if accounting for air conditioning leakage). Lastly, for vocational vehicles, the engine and vehicle standards would achieve up to a 10 percent reduction in fuel consumption and CO_2 emissions from the 2014 to 2018 model years.

The State of California has received a waiver from the EPA to have separate, stricter Corporate Average Fuel Economy Standards. Although global climate change did not become an international concern until the 1980s, efforts to reduce energy consumption began in California in response to the oil crisis in the 1970s, resulting in the incidental reduction of GHG emissions. To manage the State's energy needs and promote energy efficiency, AB 1575 created the California Energy Commission (CEC) in 1975.

State

California Assembly Bill 32: Global Warming Solutions Act and Scoping Plan

The California State Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires that GHGs emitted in California be reduced to 1990 levels by the year 2020. "Greenhouse gases" as defined under AB 32 include CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6. Since AB 32 was enacted, a seventh chemical, nitrogen trifluoride, has also been added to the list of GHGs. The California Air Resources Board (ARB) is the State agency charged with monitoring and regulating sources of GHGs. AB 32 states the following:

> Global warming poses a serious threat to the economic wellbeing, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the State from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

The ARB approved the 1990 GHG emissions level of 427 MMT CO_2e on December 6, 2007.[16] Therefore, to meet the State's target, emissions generated in California in 2020 were required to be equal to or less than 427 MMT CO_2e. Emissions in 2020 in a business-as-usual (BAU) scenario were estimated to be 596 MMT CO_2e, which do not account for reductions from AB 32 regulations.[17] At that rate, a 28 percent reduction was required to achieve the 427 MMT CO_2e 1990 inventory. In

[16] California Air Resources Board (ARB). 2007. Staff Report. California 1990 Greenhouse Gas Level and 2020 Emissions Limit. November 16, 2007. Website: www.arb.ca.gov/cc/inventory/pubs/reports/staff_report_1990_level.pdf. Accessed July 29, 2022.
[17] California Air Resources Board (ARB). 2008. Climate Change Scoping Plan, a Framework for Change. December.

October 2010, the ARB prepared an updated 2020 forecast to account for the effects of the 2008 recession and slower forecasted growth. Without the benefits of adopted regulation, the 2020 inventory is now estimated at 545 MMT CO_2e. Therefore, under the updated forecast, a 21.7 percent reduction from a BAU scenario is required to achieve 1990 levels.[18]

The State has made steady progress in implementing AB 32. The progress is shown in updated emission inventories prepared by ARB for 2000 through 2012 to show progress achieved to date.[19] The State also achieved its target for 2010 of reducing GHG emissions to 2000 levels. As shown below, the 2010 emission inventory achieved this target. Also shown are the average reductions needed from all Statewide sources (including all existing sources) to reduce GHG emissions back to 1990 levels.

1990: 427 MMT CO_2e (AB 32 2020 Target)
2000: 463 MMT CO_2e (an average 8 percent reduction needed to achieve 1990 base)
2010: 450 MMT CO_2e (an average 5 percent reduction needed to achieve 1990 base)
2020: 545 MMT CO_2e BAU (an average 21.7 percent reduction from BAU needed to achieve 1990 base)

The ARB's initial Climate Change Scoping Plan (Scoping Plan) contained measures designed to reduce the State's emissions to 1990 levels by the year 2020 to comply with AB 32.[20] The Scoping Plan identified recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target—each sector had a different emission reduction target. Most of the measures target the transportation and electricity sectors. As stated in the Scoping Plan, the key elements of the strategy for achieving the 2020 GHG target included:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards.
- Achieving a Statewide renewables energy mix of 33 percent.
- Developing a California Cap-and-Trade Program that links with other Western Climate Initiative partner programs to create a regional market system.
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets.
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, goods movement measures, and the low carbon fuel standard (LCFS).
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential (GWP) gases, and a fee to fund the administrative costs of the State's long-term commitment to AB 32 implementation.

[18] California Air Resources Board (ARB). 2014. GHG 2020 Business-as-Usual Emissions Projection. Website: https://ww2.arb.ca.gov/ghg-bau. Accessed July 29, 2022.
[19] California Air Resources Board (ARB). 2014. California Greenhouse Gas Emissions for 2000 to 2012—Trends of Emissions and Other Indicators. Website: http://www.arb.ca.gov/cc/inventory/pubs/reports/ghg_inventory_00-12_report.pdf. Accessed July 29, 2022.
[20] California Air Resources Board (ARB). 2008. Climate Change Scoping Plan, a Framework for Change. December.

In addition, the Scoping Plan differentiates between "capped" and "uncapped" strategies. Capped strategies are subject to the ARB's Cap-and-Trade Program. The Scoping Plan states that the inclusion of these emissions within the Cap-and-Trade Program would help ensure that the year 2020 emission targets were met despite some degree of uncertainty in the emission reduction estimates for any individual measure. Implementation of the capped strategies is calculated to achieve sufficient reductions by 2020 to achieve the emission target contained in AB 32. Uncapped strategies that will not be subject to the cap-and-trade emissions limits and requirements were provided as a margin of safety by accounting for additional GHG emission reductions.[21]

The Cap-and-Trade Program remains a key element of the Scoping Plan. It sets a Statewide limit on sources responsible for 85 percent of California's GHG emissions and establishes a price signal needed to drive long-term investment in cleaner fuels and more efficient use of energy. The Cap-and-Trade Program is designed to provide covered entities the flexibility to seek out and implement the lowest cost options to reduce emissions. The Cap-and-Trade Program conducted its first auction in November 2012. Compliance obligations began for power plants and large industrial sources in January 2013. Other significant milestones include linkage to Québec's cap-and-trade system in January 2014 and starting the compliance obligation for distributors of transportation fuels, natural gas, and other fuels in January 2015.[22]

The Cap-and-Trade Program provides a firm cap, ensuring that the 2020 Statewide emission limit would not be exceeded. An inherent feature of the Cap-and-Trade Program is that it does not guarantee GHG emissions reductions in any discrete location or by any particular source. Rather, GHG emissions reductions are only guaranteed on an accumulative basis. As summarized by the ARB in the First Update:

> The Cap-and-Trade Regulation gives companies the flexibility to trade allowances with others or take steps to cost-effectively reduce emissions at their own facilities. Companies that emit more have to turn in more allowances or other compliance instruments. Companies that can cut their GHG emissions have to turn in fewer allowances. But as the cap declines, aggregate emissions must be reduced. In other words, a covered entity theoretically could increase its GHG emissions every year and still comply with the Cap-and-Trade Program if there is a reduction in GHG emissions from other covered entities. Such a focus on aggregate GHG emissions is considered appropriate because climate change is a global phenomenon, and the effects of GHG emissions are considered cumulative.[23]

The Cap-and-Trade Program works with other direct regulatory measures and provides an economic incentive to reduce emissions. If California's direct regulatory measures reduce GHG emissions more than expected, then the Cap-and-Trade Program will be responsible for relatively fewer emissions reductions. If California's direct regulatory measures reduce GHG emissions less than expected, then

[21] California Air Resources Board (ARB). 2008. Climate Change Scoping Plan, a Framework for Change. December.
[22] California Air Resources Board (ARB). 2015. ARB Emissions Trading Program. Website: https://ww2.arb.ca.gov/sites/default/files/classic/cc/capandtrade/guidance/cap_trade_overview.pdf. Accessed July 29, 2022.
[23] California Air Resources Board (ARB). 2014. First Update to the Climate Change Scoping Plan. May.

the Cap-and-Trade Program will be responsible for relatively more emissions reductions. Thus, the Cap-and-Trade Program assures that California will meet its 2020 GHG emissions reduction mandate:

> The Cap-and-Trade Program establishes an overall limit on GHG emissions from most of the California economy—the "capped sectors." Within the capped sectors, some of the reductions are being accomplished through direct regulations, such as improved building and appliance efficiency standards, the [Low Carbon Fuel Standard] LCFS, and the 33 percent [Renewables Portfolio Standard] RPS. Whatever additional reductions are needed to bring emissions within the cap is accomplished through price incentives posed by emissions allowance prices. Together, direct regulation and price incentives assure that emissions are brought down cost-effectively to the level of the overall cap. The Cap-and-Trade Regulation provides assurance that California's 2020 limit will be met because the regulation sets a firm limit on 85 percent of California's GHG emissions. In sum, the Cap-and-Trade Program will achieve aggregate, rather than site specific or project-level, GHG emissions reductions.
>
> Also, due to the regulatory architecture adopted by ARB in AB 32, the reductions attributed to the Cap-and-Trade Program can change over time depending on the State's emissions forecasts and the effectiveness of direct regulatory measures.[24]

California Senate Bill 32

In 2016, the State Legislature passed SB 32, giving the ARB the statutory responsibility to include the 2030 target previously contained in former Governor Brown's Executive Order B-30-15 in the 2017 Scoping Plan Update. SB 32 states, "In adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by this division, the state [air resources] board shall ensure that Statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030." As such, SB 32 lays the foundation for the legislative reduction targets for 2030.

California Assembly Bill 1279: The California Climate Crisis Act

On September 16, 2022, AB 1279 was signed into law. AB 1279 declared the State's goal to both achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter. Moreover, AB 1279 mandated that the State and the ARB would ensure that by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 85 percent below the 1990 levels. The bill would require the ARB to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals and to identify and implement a variety of policies and strategies that enable carbon dioxide removal solutions and carbon capture, utilization, and storage technologies in California.[25]

[24] California Air Resources Board (ARB). 2014. First Update to the Climate Change Scoping Plan. May.
[25] California Legislative Information. 2022. Assembly Bill 1279. Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1279. Accessed February 27, 2023.

2017 Scoping Plan

The most recent version of the ARB's Scoping Plan, the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan), addresses the SB 32 targets and was adopted on December 14, 2017.

The major elements of the 2017 Scoping Plan framework proposed to achieve the 2030 target are as follows:

1. SB 350
   - Achieve 50 percent Renewables Portfolio Standard by 2030.
   - Doubling of energy efficiency savings by 2030.
2. Low Carbon Fuel Standard
   - Increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020).
3. Mobile Source Strategy (Cleaner Technology and Fuels Scenario)
   - Maintaining existing GHG standards for light- and heavy-duty vehicles.
   - Put 4.2 million Zero-Emission Vehicles (ZEVs) on the roads.
   - Increase ZEV buses, delivery and other trucks.
4. Sustainable Freight Action Plan
   - Improve freight system efficiency.
   - Maximize use of near-ZEVs and equipment powered by renewable energy.
   - Deploy over 100,000 zero-emission trucks and equipment by 2030.
5. Short-Lived Climate Pollutant Reduction Strategy
   - Reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030.
   - Reduce emissions of black carbon 50 percent below 2013 levels by 2030.
6. SB 375 Sustainable Communities Strategies
   - Increased stringency of 2035 targets.
7. Post-2020 Cap-and-Trade Program
   - Declining caps, continued linkage with Québec, and linkage to Ontario, Canada.
   - The ARB will look for opportunities to strengthen the program to support more air quality co-benefits, including specific program design elements. In Fall 2016, the ARB staff described potential future amendments including reducing the offset usage limit, redesigning the allocation strategy to reduce free allocation to support increased technology and energy investment at covered entities and reducing allocation if the covered entity increases criteria or toxics emissions over some baseline.
8. 20 percent reduction in GHG emissions from the refinery sector.
9. By 2018, develop Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

2022 Scoping Plan

The 2022 Scoping Plan was adopted on November 16, 2022, and establishes a scenario by which the State may achieve carbon neutrality by 2045 or earlier, and it outlines a technologically feasible, cost-effective, and equity-focused path for achieving this climate target. The 2022 Scoping Plan addresses the latest climate-related legislation and direction from current Governor Gavin Newsom, who, by signing AB 1279, required the State to reduce statewide anthropogenic GHG emissions to at least 85 percent below 1990 levels by 2045 and to maintain net negative GHG emissions thereafter.[26] The 2022 Scoping Plan relies on the aggressive reduction of fossil fuels in all statewide sectors and accelerating existing carbon reduction programs. Aspects of the 2022 Scoping Plan's scenario include:

- Rapidly moving to zero-emission transportation by electrifying cars, buses, trains, and trucks.
- Phasing out the use of fossil gas used for heating homes and buildings.
- Clamping down on chemicals, refrigerants, and other high global warming potential gases.
- Providing communities with sustainable options for walking, biking, and public transit to reduce reliance on cars.
- Continuing to develop solar arrays, wind turbine capacity, and other resources that provide clean, renewable energy.
- Scale up options such as renewable hydrogen and biomethane for end uses that are hard to electrify.

ARB estimates that successfully achieving the outcomes called for by the 2022 Scoping Plan will reduce demand for liquid petroleum by 94 percent and total fossil fuel by 86 percent in 2045, relative to 2022. The 2022 Scoping Plan also emphasizes the role of natural and working lands and carbon capturing technologies to address residual emissions and achieve net negative emissions.

California Senate Bill 350: Clean Energy and Pollution Reduction Act

In 2015, the State Legislature approved, and former Governor Brown signed, SB 350, which reaffirmed California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the RPS, higher energy efficiency requirements for buildings, initial strategies toward a regional electricity grid, and improved infrastructure for electric vehicle (EV) charging stations. Specifically, SB 350 requires the following to reduce Statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.
- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utility Commission, the CEC, and local publicly owned utilities.

[26] California Air Resources Board (ARB). 2022. 2022 Scoping Plan Update. Website: https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents. Accessed December 7, 2022.

- Reorganize the Independent System Operator (ISO) to develop more regional electrified transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.[27]

California Senate Bill 100: Renewable Portfolio Standard Program

On September 10, 2018, Governor Newsom signed SB 100, requiring California electricity utility providers to supply all in-state end users with electricity sourced from renewable or carbon-free sources by 2045. Specifically, SB 100 accelerates previously established RPS goals and requires that the program achieve 50 percent of electricity sourced from renewables by December 31, 2026, 60 percent by December 31, 2030, and 100 percent of electricity sourced from carbon-free sources by December 31, 2045. For clarification, renewable sources, as described herein, includes all renewable sources (e.g., solar, small hydro, wind) but notably omits large-scale hydroelectric and nuclear electricity generation; carbon-free sources include all renewable sources as well as large-scale hydroelectric and nuclear electricity generation.

California Assembly Bill 1493: Pavley Regulations and Fuel Efficiency Standards

California AB 1493, enacted on July 22, 2002, required the ARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light-duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver, but the EPA granted the requested waiver in 2009.[28] Near term emissions standards have been implemented by the ARB for vehicle model years between 2009 to 2016. The implementation of AB 1493 has subsequently been incorporated into Amendments to the Low Emission Vehicle (LEV) Program referred to as LEV III, or the Advanced Clean Cars program.

The Advanced Clean Cars program combines the control of smog-causing pollutants and GHG emissions into a package of requirements for model years 2017 through 2025. The regulation is estimated to reduce GHGs from new cars by 34 percent from 2016 levels by 2025. The rules are designed to reduce pollutants from gasoline and diesel-powered cars, and to deliver increasing numbers of zero-emission technologies, such as full battery electric cars, newly emerging plug-in hybrid EVs and hydrogen fuel cell cars, along with supporting the deployment of fueling infrastructure for hydrogen fuel cell vehicles planned for deployment in California.[29]

Advanced Clean Cars II

On August 25, 2022, the ARB approved the proposal to require all new passenger vehicles sold in California to be zero-emission starting in 2035. This new regulation supports EO N-79-20, which requires new passenger vehicles sold in California to be zero-emission by 2035. In addition, the Advanced Clean Cars II regulation, "amends the Low-emission Vehicle Regulations to include

[27] California Legislative Information (California Leginfo). 2015. Senate Bill 350 Clean Energy and Pollution Reduction Act of 2015. Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB350. Accessed July 31, 2022.
[28] California Air Resources Board (ARB). 2013. Clean Car Standards—Pavley, Assembly Bill 1493. Website: https://www.gsweventcenter.com/GSW_RTC_References/2015_0915_CleanAirStandards_Pavley.pdf. Accessed July 31, 2022.
[29] California Air Resources Board (ARB). 2011. Status of Scoping Plan Recommended Measures.

increasingly stringent standards for gasoline cars and heavier passenger trucks to continue to reduce smog-forming emissions while the sector transitions toward 100% electrification by 2035."[30]

California Senate Bill 375: Sustainable Communities and Climate Protection Act

SB 375 was signed into law on September 30, 2008. According to SB 375, the transportation sector is the largest contributor of GHG emissions, which emits over 40 percent of the total GHG emissions in California. SB 375 states, "[w]ithout improved land use and transportation policy, California will not be able to achieve the goals of AB 32." The statute directed ARB to develop GHG reduction targets for Metropolitan Planning Organizations (MPOs) across the State. SB 375 does the following: (1) requires MPOs to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, (2) aligns planning for transportation and housing, and (3) creates specified incentives for the implementation of the strategies.

California Senate Bill 1368: Emission Performance Standards

SB 1368, adopted in 2006, directs the California Public Utilities Commission to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 seeks to limit carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than 5 years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. Because of the carbon content of its fuel source, a coal-fired plant cannot meet this standard because such plants emit roughly twice as much carbon as natural gas, combined cycle plants. Accordingly, the new law effectively prevents California's utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the State. The California Public Utilities Commission (CPUC) adopted the regulations required by SB 1368 on August 29, 2007. The regulations implementing SB 1368 establish a standard for baseload generation owned by, or under long-term contract to, publicly owned utilities of 1,100 lb. CO_2 per megawatt-hour (MWh).

California Senate Bill X7-7: Water Conservation Act

This 2009 legislation directed urban retail water suppliers to set individual 2020 per capita water use targets and begin implementing conservation measures to achieve those goals. Meeting this Statewide goal of 20 percent decrease in demand was projected to result in a reduction of almost 2 million acre-feet in urban water use in 2020.

California Air Resources Board's Truck and Bus Regulation

The latest amendments to the Truck and Bus regulation became effective on December 31, 2014. The amended regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter (PM) filter requirements beginning January 1, 2012. Lighter and older heavier trucks had to be replaced by January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent.

[30] California Air Resources Board (ARB). 2022. Advanced Clean Cars II. Website: https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii. Accessed December 6, 2022.

The regulation applies to nearly all privately and federally owned diesel-fueled trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating greater than 14,000 pounds. The regulation provides a variety of flexibility options tailored to fleets operating low use vehicles, fleets operating in selected vocations like agricultural and construction, and small fleets of three or fewer trucks.[31]

California Code of Regulations Title 20: Appliance Efficiency Regulations

California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4, Sections 1601-1608: Appliance Efficiency Regulations regulates the sale of appliances in California. The Appliance Efficiency Regulations include standards for both federally regulated appliances and non-federally regulated appliances. Twenty-three categories of appliances are included in the scope of these regulations. The standards within these regulations apply to appliances that are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the State and those designed and sold exclusively for use in recreational vehicles or other mobile equipment.

California Code of Regulations Title 24: Energy Efficiency Standards

Part 6 (Energy Efficiency Standards for Residential and Nonresidential Buildings)

California Code of Regulations Title 24 Part 6 (California's Energy Efficiency Standards for Residential and Nonresidential Buildings) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods and are generally viewed as some of the most stringent requirements in the nation. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2019 Building Energy Efficiency Standards (Energy Code) went into effect on January 1, 2020. The 2022 Energy Code standards were adopted on August 11, 2021, and buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code.

California Code of Regulations Title 24: California Green Building Standards Code

California Code of Regulations Title 24, Part 11, is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went into effect on January 1, 2011. The Code is updated on a regular basis, with the most recent update if effect consisting of the 2019 California Green Building Standards Code (CALGreen) that became effective January 1, 2020; these are generally viewed as some of the most stringent requirements in the nation. CEC has approved the latest 2022 CALGreen Code that will go into effect on January 1, 2023.[32] Local jurisdictions are permitted to adopt more stringent requirements, as State law provides methods for local enhancements. The Code recognizes that many jurisdictions have developed existing construction ordinances and defers to them as the ruling guidance, provided that they provide a minimum 50 percent diversion requirement. The Code also provides exemptions for areas not served by construction and demolition recycling infrastructure. The State Building Code provides the minimum

[31] California Air Resources Board (ARB). 2019. Truck and Bus Regulation Compliance Requirement Overview.
[32] California Energy Commission (CEC). 2021. CEC Approves 2022 CALGreen Building Standards Code. Website: http://calenergycommission.blogspot.com/2021/10/cec-approves-2022-calgreen-building.html. Accessed September 2, 2022.

standard that buildings need to meet in order to be certified for occupancy, which is generally enforced by the local building official.

CALGreen (California Code of Regulations [CCR] Title 24, Part 11) requires:

- **Short-term bicycle parking**. If a commercial project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5 percent of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack (§ 5.106.4.1.1).
- **Long-term bicycle parking**. For buildings with over 10 tenant-occupants, provide secure bicycle parking for 5 percent of tenant-occupied motorized vehicle parking capacity, with a minimum of one space (§ 5.106.4.1.2).
- **Designated parking**. Provide designated parking in commercial projects for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Table 5.106.5.2 (§ 5.106.5.2).
- **Recycling by Occupants**. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of nonhazardous materials for recycling (§ 5.410.1).
- **Construction waste**. A minimum 65 percent diversion of construction and demolition waste from landfills. (5.408.1, A5.408.3.1 [nonresidential], A5.408.3.1 [residential]). All (100 percent) of trees, stumps, rocks and associated vegetation and soils resulting from land clearing shall be reused or recycled (§ 5.408.3).
- **Wastewater reduction**. Each building shall reduce the generation of wastewater by one of the following methods:
  - The installation of water-conserving fixtures or
  - Using nonpotable water systems (§ 5.303.4)
- **Water use savings**. 20 percent mandatory reduction in indoor water use with voluntary goal standards for 30, 35, and 40 percent reductions (§ 5.303.2, A5303.2.3 [nonresidential]).
- **Water meters**. Separate water meters for buildings in excess of 50,000 square feet or buildings projected to consume more than 1,000 gallons per day (§ 5.303.1).
- **Irrigation efficiency**. Moisture-sensing irrigation systems for larger landscaped areas (§ 5.304.3).
- **Materials pollution control**. Low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring and particleboard (§ 5.404).
- **Building commissioning**. Mandatory inspections of energy systems (i.e., heat furnace, air conditioner, mechanical equipment) for nonresidential buildings over 10,000 square feet to ensure that all are working at their maximum capacity according to their design efficiencies (§ 5.410.2).

California Model Water Efficient Landscape Ordinance

The Model Water Efficient Landscape Ordinance (MWELO or Ordinance) was required by the AB 1881 Water Conservation Act. The MWELO required local agencies to adopt a local Landscape Ordinance at least as effective in conserving water as the MWELO by January 1, 2010. Reductions in water use of 20 percent consistent with the SB X7-7 2020 mandate were required. Former Governor Brown's Drought Executive Order of April 1, 2015 (Executive Order B-29-15) directed DWR to update the Ordinance through expedited regulation. The California Water Commission approved the revised Ordinance on July 15, 2015, which became effective on December 15, 2015. New development projects that include landscaped areas of 500 square feet or more are subject to the Ordinance. The update requires:

- More efficient irrigation systems
- Incentives for graywater usage
- Improvements in on-site stormwater capture
- Limiting the portion of landscapes that can be planted with high water use plants
- Reporting requirements for local agencies

California Public Utilities Code

The CPUC regulates privately owned telecommunication, electric, natural gas, water, railroad, rail transit, and passenger transportation companies. It is the responsibility of the CPUC to (1) assure California utility customers receive safe, reliable utility service at reasonable rates; (2) protect utility customers from fraud; and (3) promote a healthy California economy. The Public Utilities Code, adopted by the legislature, defines the jurisdiction of the CPUC.

California Executive Order B-55-18 (Greenhouse Gas Emissions Reduction Targets)

On September 10, 2018, former Governor Brown issued Executive Order B-55-18, which established the long-term climate goal of achieving Statewide carbon neutrality by 2045. Executive Order B-55-18 identified a new Statewide goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net neutrality emissions thereafter. This emissions goal is in addition to the existing targets established by Executive Orders S-3-05 and B-30-15 and SB 32, as described in greater detail below. This Executive Order also directs the ARB to work with other State agencies to identify and recommend measures to achieve this goal.

California Executive Order S-01-07: Low Carbon Fuel Standard

Former Governor Schwarzenegger signed Executive Order S-01-07 on January 18, 2007. The order mandated that a Statewide goal be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. In particular, the Executive Order established an LCFS and directed the Secretary for Environmental Protection to coordinate the actions of the CEC, the ARB, the University of California, and other agencies to develop and propose protocols for measuring the "lifecycle carbon intensity" of transportation fuels.

California Executive Order N-79-20

On September 23, 2020, Governor Newsom issued Executive Order N-79-20 establishing a goal that 100 percent of new passenger cars and trucks sold in California shall be zero-emission by 2035. The

Executive Order also sets a goal that, where feasible, all operations include zero-emission medium- and heavy-duty trucks by 2045, and drayage trucks by 2035. Off-road vehicles have a goal to transition to 100 percent ZEVs by 2035, where feasible. While in-state sales of EVs will increase through 2045, the State does not currently have legislation which will restrict or preclude the use of fossil-fueled vehicles by or after 2045.

California Executive Order S-13-08

Executive Order S-13-08 states that "climate change in California during the next century is expected to shift precipitation patterns, accelerate sea level rise and increase temperatures, thereby posing a serious threat to California's economy, to the health and welfare of its population and to its natural resources." Pursuant to the requirements in the order, the 2009 California Climate Adaptation Strategy was adopted, which is the ". . . first Statewide, multi-sector, region-specific, and information-based climate change adaptation strategy in the United States." Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

California Executive Order B-30-15

On April 29, 2015, former Governor Brown issued an Executive Order to establish a California GHG emissions reduction target of 40 percent below 1990 levels by 2030. The Governor's Executive Order aligned California's GHG reduction targets with those of leading international governments ahead of the United Nations Climate Change Conference in Paris late 2015. The Executive Order set a new interim Statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 in order to ensure California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050 and directs the ARB to update the Climate Change Scoping Plan to express the 2030 target in terms of MMT CO_2e. The Executive Order also requires the State's climate adaptation plan to be updated every three years and for the State to continue its climate change research program, among other provisions. As with Executive Order S-3-05, this Executive Order is not legally enforceable against local governments and the private sector. Legislation that would update AB 32 to make post 2020 targets and requirements a mandate is in process in the State Legislature.

California Senate Bill 97 and the California Environmental Quality Act Guidelines Update

Passed in August 2007, SB 97 added Section 21083.05 to the Public Resources Code. The Code states:

> "(a) On or before July 1, 2009, the Office of Planning and Research shall prepare, develop, and transmit to the Resources Agency guidelines for the mitigation of GHG emissions or the effects of GHG emissions as required by this division, including, but not limited to, effects associated with transportation or energy consumption. (b) On or before January 1, 2010, the Resources Agency shall certify and adopt guidelines prepared and developed by the Office of Planning and Research pursuant to subdivision (a)."

Section 21097 was also added to the Public Resources Code, which provided an exemption until January 1, 2010, for transportation projects funded by the Highway Safety, Traffic Reduction, Air

Quality, and Port Security Bond Act of 2006 or projects funded by the Disaster Preparedness and Flood Prevention Bond Act of 2006, in stating that the failure to analyze adequately the effects of GHGs would not violate CEQA. The Natural Resources Agency completed the approval process, and the Amendments became effective on March 18, 2010.

The 2010 CEQA Amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in CEQA documents. The CEQA Amendments fit within the existing CEQA framework by amending existing State CEQA Guidelines to reference climate change. Section 15064.4(b) of the State CEQA Guidelines provides direction for lead agencies for assessing the significance of impacts of GHG emissions:

- The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- The extent to which the project complies with regulations or requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of GHG emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

The State CEQA Guidelines amendments do not identify a threshold of significance for GHG emissions, nor do they prescribe assessment methodologies or specific mitigation measures. Instead, they call for a "good-faith effort, based on available information, to describe, calculate, or estimate the amount of greenhouse gas emissions resulting from a project." The amendments encourage lead agencies to consider many factors in performing a CEQA analysis and preserve lead agencies' discretion to make their own determinations based upon substantial evidence. The amendments also encourage public agencies to make use of programmatic mitigation plans and programs from which to tier when they perform individual project analyses.

Also amended were State CEQA Guidelines Sections 15126.4 and 15130, which address mitigation measures and cumulative impacts, respectively. GHG mitigation measures are referenced in general terms, but no specific measures are championed. The revision to the cumulative impact discussion requirement (Section 15130) simply directs agencies to analyze GHG emissions in an EIR when a project's incremental contribution of emissions may be cumulatively considerable; however, it does not answer the question of when emissions are cumulatively considerable.

State CEQA Guidelines Section 15183.5 permits programmatic GHG analysis and later project-specific tiering, as well as the preparation of Greenhouse Gas Reduction Plans. Compliance with such plans can support a determination that a project's cumulative effect is not cumulatively considerable, according to Section 15183.5(b).

Center for Biological Diversity v. California Department of Fish and Wildlife (California Supreme Court GHG Ruling)

In a November 30, 2015, ruling on the Newhall Ranch project, the California Supreme Court in *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204 concluded that whether the project was consistent with meeting Statewide emission reduction goals is a legally permissible criterion of significance, but the significance finding for the project was not supported by a reasoned explanation based on substantial evidence.[33] The Court offered potential solutions to address this issue, which are summarized below. Specifically, the Court advised that:

- **Substantiation of Project Reductions from BAU**. A lead agency may use a BAU comparison based on the Scoping Plan's methodology if it also substantiates the reduction a particular project must achieve to comply with Statewide goals (page 25).
- **Compliance with Regulatory Programs or Performance Based Standards**. A lead agency "might assess consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities" (page 26).
- **Compliance with GHG Reduction Plans or Climate Action Plans**. A lead agency may utilize "geographically specific GHG emission reduction plans" such as Climate Action Plans (CAPs) or GHG emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis (page 26).
- **Compliance with Local Air District Thresholds**. A lead agency may rely on "existing numerical thresholds of significance for greenhouse gas emissions" adopted by, for example, local air districts (page 27).

Therefore, consistent with State CEQA Guidelines Appendix G, the three factors identified in State CEQA Guidelines Section 15064.4 and the Newhall Ranch opinion, GHG impacts would be considered potentially significant if a project would:

- Conflict with a compliant GHG Reduction Plan if adopted by the lead agency;
- Exceed the applicable GHG Reduction Threshold; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of GHGs.

Regional

Plan Bay Area 2050: Strategy for a Sustainable Region

On October 21, 2021, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted Plan Bay Area 2050, an integrated transportation and land use strategy through 2050 that updates the nine-county region's long-range plan to meet the requirements of SB 375. Working in collaboration with cities and counties, the Plan Bay Area 2050 advances initiatives to expand housing and transportation choices, create healthier communities,

[33] Supreme Court of California. 2015. Center for Biological Diversity v. California Department of Fish and Wildlife. November 30. Website: http://climatecasechart.com/case/center-for-biological-diversity-v-california-department-of-fish-and-wildlife/. Accessed August 29, 2022.

and build a stronger regional economy. Plan Bay Area 2050 remains on track to meet a 20 percent per capita reduction of GHG emissions by 2035 from 2005 conditions.[34]

Bay Area Air Quality Management District 2050 Climate Resolution Goals

In 2013, the Bay Area Air Quality Management District (BAAQMD) Board of Directors approved a Resolution (No. 2013-11) adopting a GHG goal and a commitment to developing a regional climate protection strategy that commits to the following:

- Setting a goal for the Bay Area region to reduce GHG emissions to 80 percent below 1990 levels by 2050.
- Developing a Regional Climate Protection Strategy to make progress toward the 2050 goal and to complement existing climate action efforts at the State, regional, and local levels.
- Preparing a work program to guide the BAAQMD climate protection activities in the near term.

Bay Area Air Quality Management District 2017 Clean Air Plan

BAAQMD adopted the 2017 Clean Air Plan on April 19, 2017, to comply with State air quality planning requirements set forth in the California Health and Safety Code. The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as PM, ozone, and toxic air contaminants (TACs), to reduce emissions of methane and other "super-greenhouse gases" that are potent climate pollutants in the near term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The proposed control strategy for the 2017 Clean Air Plan consists of 85 specific control measures targeting a variety of local, regional, and global pollutants. The control measures have been developed for stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants. Implementation of some of the control measures could involve retrofitting, replacing, or installing new air pollution control equipment, changes in product formulations, or construction of infrastructure that have the potential to create air quality impacts.

The BAAQMD CEQA Guidelines set forth criteria for determining consistency with the 2017 Clean Air Plan. In general, a project is considered consistent if (1) the project supports the primary goals of the 2017 Clean Air Plan, (2) includes control measures and (3) does not interfere with implementation of the 2017 Clean Air Plan measures.

Bay Area Air Quality Management District CEQA Air Quality Guidelines

The purpose of the BAAQMD's 2017 CEQA Air Quality Guidelines is to assist lead agencies in evaluating air quality and GHG impacts of projects and plans proposed in the San Francisco Bay Area Air Basin (SFBAAB). The most recent version of the CEQA Air Quality Guidelines was published May 2017 and includes revisions made to address the Supreme Court's opinion (*California Building*

[34] Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG). 2021. Plan Bay Area 2050. October 21.

Industry Association v. Bay Area Air Quality Management District, December 2015).[35] The BAAQMD's 2017 CEQA Air Quality Guidelines contain instructions on how to evaluate, measure, and mitigate air quality impacts generated from land development construction and operation activities. They focus on criteria air pollutant, GHG, toxic air contaminant, and odor emissions generated from plans or projects and are intended to help lead agencies navigate through the CEQA process. The 2017 CEQA Air Quality Guidelines are presented as advisory recommendations based on substantial evidence to assist local agencies.

In addition to the BAAQMD's 2017 CEQA Air Quality Guidelines, the BAAQMD adopted an updated Justification Report to support BAAQMD newly updated-recommended GHG significance thresholds in April 2022.[36] The Justification Report provides recommended significance thresholds for GHGs for land use development projects and plans and replaces those recommended in the BAAQMD's 2017 CEQA Air Quality Guidelines.

The 2022 BAAQMD GHG thresholds set that if a land use development project cannot demonstrate consistency with Criterion A or Criterion B (set forth below), that project would result in a potentially significant impact related to GHG emissions.

A. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b), or
B. Projects must include, at a minimum, the following project design elements.
    a. Buildings:
        i. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
        ii. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
    b. Transportation:
        i. Achieve compliance with electric vehicle (EV) requirements in the most recently adopted version of CALGreen Tier 2.
        ii. Achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted SB 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
            1. Residential projects: 15 percent below the existing VMT per capita.
            2. Office projects: 15 percent below the existing VMT per employee.
            3. Retail projects: no net increase in existing VMT.

[35] In March 2012, the Alameda County Superior Court ordered the BAAQMD to set aside use of the significance thresholds within the BAAQMD 2010 CEQA Guidelines and cease dissemination until they complete an assessment of the environmental effects of the thresholds in accordance with CEQA. The Court found that the thresholds, themselves, constitute a "project" for which environmental review is required. In August 2013, the First District Court of Appeal reversed the Alameda County Superior Court's decision. The Court held that adoption of the thresholds was not a "project" subject to CEQA because environmental changes that might result from their adoption were too speculative to be considered "reasonably foreseeable" under CEQA. In December 2015, the California Supreme Court reversed the Court of Appeal's decision and remanded the matter back to the appellate court to reconsider the case in light of the Supreme Court's opinion.

[36] Bay Area Air Quality Management District (BAAQMD). 2022. Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. April.

Local

City of Walnut Creek

City of Walnut Creek General Plan

The General Plan provides goals, policies, and actions related to GHG emissions in Chapter 4, Built Environment.[37] The Built Environment chapter strives to reduce GHG emissions by promoting green development and promoting energy and water conservation and the reduction of solid waste disposal. The following goals, policies, and actions are relevant to this analysis:

Chapter 4: Built Environment

Goal 27 Promote "green" development and redevelopment.

Policy 27.1 Encourage resource-efficient building techniques, materials, and technologies in new construction and renovation.

Goal 28 Promote energy conservation.

Policy 28.2 Promote energy conservation throughout the City.

Action 28.2.1 Adopt residential and commercial energy-conservation ordinances.

Action 28.2.2 Adopt a solar-access ordinance.

Action 28.2.3 Develop incentives to help small businesses become more energy efficient.

Action 28.2.4 Develop incentives for new development or substantial redevelopment to incorporate energy conservation.

Goal 29 Promote water conservation.

Policy 29.2 Promote water conservation throughout the community.

Action 29.2.3 Encourage water use consistent with the City's adopted water-conservation guidelines.

Action 29.2.4 Follow existing standards and guidelines for water-conserving landscaping, and encourage the planting of native and drought-tolerant plants.

Goal 30 Meet or exceed state goals for source reduction and waste reduction.

Policy 30.2 Promote source reduction and recycling throughout the community.

Action 30.2.5 Develop size, location, and design standards for commercial and multifamily trash and recycling facilities and enclosures.

[37] City of Walnut Creek. 2006. General Plan, Built Environment. Website: https://www.walnut-creek.org/home/showpublisheddocument/5006/637388112514070000. Accessed November 17, 2022.

Action 30.2.7 Require the recycling of construction waste for all City and private projects.

Policy 30.3 Provide opportunities for residents and businesses to divert organic waste from landfill disposal.

Goal 31 Strive to meet State and federal air-quality standards for the region.

Policy 31.1 Work with the Bay Area Air Quality Management District (BAAQMD) and the County in promoting better air quality.

Action 31.1.1 Support local transportation control measures (TCMs) and other ideas in the latest Bay Area Clean Air Plan.

Policy 31.2 Consider additional land use and development criteria, standards, and decisions that have positive impacts on air quality and quality of life in general.

Action 31.2.1 Review parking lot landscaping requirements to ensure adequate width and depth to allow for appropriate tree canopy.

Action 31.2.2 Investigate policies that promote cleaner air, such as commercial reflective roofing ordinances.

Action 31.2.3 Promote residential development and redevelopment opportunities near transit and commercial centers, and encourage walking, bicycling, and transit use.

Policy 31.3 Proactively manage local air quality issues.

Action 31.3.1 Control emission of dust from construction sites.

Action 31.3.4 Projects that locate new sensitive receptors (facilities or land uses such as hospitals, day care centers, schools and residences that are occupied for substantial amounts of time by members of the population particularly sensitive to the effects of air pollutants, such as children, the elderly and people with illnesses) proposed within 500 feet from the edge of the closest travel lane of Interstate 680 (I-680) or Highway 24 should include an analysis of mobile source toxic air contaminant health risks, based on appropriate air dispersion modeling. Project review should include an evaluation of the adequacy of the setback from the highway, and, if necessary, identify design mitigation measures to reduce health risks to acceptable levels.

Goal 32 Meet or exceed State and federal water-quality standards.

Policy 32.2 In redevelopment projects in the Core Area, evaluate the desirability of specific, off-site, source-control measures.

Policy 32.3 Maximize infiltration of rain-water into the soil, where appropriate.

Action 32.3.1 Reduce the amount of impervious surfaces in new development and redevelopment.

Action 32.3.2 Require that impervious surfaces not drain directly into storm drains.

Policy 32.4 Reduce the transport of urban runoff and surface pollutants off-site.

North Downtown Specific Plan

DSG 4.41 Health and sustainability: On-site landscaping should be designed to incorporate best practices in health and sustainability, such as the following:

- Native and/or drought-tolerant plantings
- Water conservation and efficient irrigation
- Use of recycled water for landscaping
- Edible plantings, gardens, and fruit trees
- Stormwater retention areas

DSG 5.10 **Sustainable design:** Sustainable design features such as rooftop photovoltaic generation and passive solar water heating are encouraged.

DSG 5.11 **Sustainable roofs:** Solar reflective roofing and green roofs are encouraged to reduce overall building energy use and manage stormwater runoff.

DSG 6.1 **Solar orientation:** Consider solar orientation in the placement of dwellings and windows to take best advantage of daylight, while avoiding overexposure to direct sun on south and west facades. Taller ceilings and taller windows should be considered to enhance natural light in living areas.

MB 1.29 **Electrical vehicle charging:** Require developers to provide on-site vehicle charging stations for any development project with 20 units or more.

IF 1.4 **Reclaimed water system:** Utilize recycled water for landscaping of public areas along with other non-potable applications as they come available through Central San and EBMUD.

IF 1.5 **Energy providers:** Require new development to coordinate with the appropriate agency to provide electric and gas service to the proposed site.

IF 1.6 **Energy savings and infrastructure.** Support the application of renewable energy technologies and sustainable energy sources to promote energy conservation. When installing new public energy infrastructure, use energy efficient models and systems whenever possible, incorporating new technologies as they become available.

City of Walnut Creek Climate Action Plan

The City of Walnut Creek's current Climate Action Plan (City's CAP) was adopted in April 2012.[38] The City's current CAP does not meet the requirements established by CEQA Guidelines Section 15183.5(b) to be considered a "qualified" reduction strategy capable for future project-specific tiering.

As discussed above, the City is currently updating its CAP with a Sustainability Action Plan to demonstrate emission reductions consistent SB 32 legislative reduction targets for 2030 and Executive Order B-55-18 for carbon neutrality no later than 2045. The City is completing the Sustainability Action Plan in three phases. Phase 1 involved project initiation and visioning, including outreach and community engagement, which was completed in summer 2020. Phase 2 is the development of and selection of sustainability and climate action strategies, and also includes outreach and engagement. As part of Phase 2, the City finalized strategies for environmental review and was completed in the Fall of 2022. Phase 3 involves preparation of the Sustainability Action Plan and associated environmental review with anticipated completion in July 2023.

Because the Sustainability Action Plan has not been adopted by the City at the time of preparation of this Draft SEIR, this analysis is based on the City's existing CAP, and goals that are relevant to this evaluation are included below:

Energy Use and Efficiency

Goal 1 Increase energy efficiency and conservation efforts.

Goal 2 Promote and support renewable energy generation and use.

Goal 3 Facilitate green building and design.

Goal 4 Reduce energy use through increased water conservation.

Transportation and Land Use

Goal 1 Reduce greenhouse gas emissions through use of alternative vehicles, trip reduction and consolidation, and efficient traffic flow.

Goal 2 Reduce vehicle miles traveled through smart land use and design.

Goal 3 Convert vehicular trips to non-vehicular or transit trips.

Waste Reduction

Goal 1 Implement a zero waste policy to reduce waste sent to the landfill.

Environmentally Preferred Purchasing

Goal 1 Investigate promoting the purchase of local goods and services.

Goal 2 Encourage residents in green lifestyles.

[38] City of Walnut Creek. 2022. Sustainability Action Plan. Website: https://www.walnut-creek.org/departments/e-c-o/climate-action/sustainability-action-plan. Accessed. January 25, 2022.

3.7.5 - Thresholds of Significance

Utilizing the guidance in the CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to GHG emissions would be significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Specific Thresholds of Significance

Impact GHG-1: GHG Emissions Generation

The City elected, in its discretion, to rely on the BAAQMD's subject matter expertise on GHG emissions and therefore to utilize the advisory recommendations contained in their 2017 CEQA Air Quality Guidelines as well as their recently adopted GHG significance thresholds for the purposes of the analysis of this proposed project.[39] The BAAQMD's 2022 significance thresholds for land use projects are listed below.

If a land use development project cannot demonstrate consistency with Criterion A or Criterion B (set forth below), that project would result in a potentially significant impact related to GHG emissions.

A. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b), or
B. Projects must include, at a minimum, the following project design elements.
    a. Buildings:
        i. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
        ii. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
    b. Transportation:
        i. Achieve compliance with electric vehicle (EV) requirements in the most recently adopted version of CALGreen Tier 2.
        ii. Achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted SB 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:

[39] Bay Area Air Quality Management District (BAAQMD). 2022. Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans. April. Website: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines. Accessed: February 24, 2023.

1. Residential projects: 15 percent below the existing VMT per capita.
2. Office projects: 15 percent below the existing VMT per employee.
3. Retail projects: no net increase in existing VMT.

Impact GHG-2: GHG Emissions Reduction Plan Consistency

While the above methodology employed under Impact GHG-1 focuses on the proposed project's direct and indirect generation of GHG emissions, the methodology for Impact GHG-2 for determining whether a potentially significant impact would occur focuses on the proposed project's consistency with an applicable plan adopted for the purpose of reducing GHG emissions. Consistent with the BAAQMD's CEQA Air Quality Guidelines, for this impact to be less than significant, the proposed project must demonstrate consistency with the applicable GHG emissions reduction plan. As such, the proposed project would be determined to conflict with the applicable GHG emissions reduction plan if it would not adhere to applicable GHG reduction measures and policies included in the City's General Plan and CAP, the MTC/ABAG Plan Bay Area 2050, and the California Air Resources Board's (ARB's) 2017 Scoping Plan.

If the proposed project is unable to meet the above significance thresholds after implementation of identified mitigation, the proposed project would be considered to have a significant and unavoidable impact and would be cumulatively considerable.

Approach to Analysis

The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was developed in collaboration with the South Coast Air Quality Management District (SCAQMD) and other air districts throughout the State. CalEEMod is designed as a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential GHG emissions associated with construction and operation from various land uses. The modeling used to support this analysis follows BAAQMD guidance where applicable from its CEQA Air Quality Guidelines.

Construction-related GHG Emissions

Construction emissions, including emissions of criteria air pollutants and GHGs, can vary substantially from day to day, depending on the level of activity, the specific type of operation, and the type of construction equipment in use Construction emissions result from both on-site and off-site activities. On-site emissions consist of exhaust emissions from the activity levels of heavy-duty construction equipment and motor vehicle operation. Off-site emissions result from motor vehicle exhaust from hauling and vendor trucks and worker traffic.

Construction emissions are generally calculated as the product of an activity factor and an emission factor. The activity factor for construction equipment is a measure of how active a piece of equipment is and can be represented as the amount of material processed, elapsed time that a piece of equipment is in operation, horsepower of a piece of equipment used, or the amount of fuel consumed in a given amount of time. The emission factor relates the process activity to the amount of pollutant emitted. Examples of emission factors include grams of emissions per VMT and grams of emissions per horsepower-hour. The operation of a piece of equipment is tempered by its load factor, which is the average power of a given piece of equipment while in operation compared with its maximum rated horsepower. A load factor of 1.0 indicates that a piece of equipment continually

operates at its maximum operating capacity. This analysis uses the CalEEMod default load factors for off-road equipment.

Operation of the proposed project is anticipated to first occur in 2025. Therefore, due to the lack of detailed construction information available at this time, the default construction schedule generated by CalEEMod was utilized to characterize construction of the proposed project with an assumed start date of January 1, 2024.

Utilizing available information and reasonable assumptions provided by the Applicant for purposes of conducting a conservative analysis an estimated 90,465 square feet of building space and approximately 277,617 square feet of pavement could be demolished and removed from the site during project construction. As such, a total of approximately 14,595 tons of demolition debris is anticipated to be hauled off the project site. Refer to the Demolition Debris Calculations sheet contained in Appendix C for more information. CalEEMod default values for trip lengths and vehicle fleets associated with demolition debris hauling trips were used for this analysis.

According to available information and reasonable assumptions provided by the Applicant for purposes of a conservative analysis, approximately 255,773 cubic yards of soil would be exported during grading activities to make room for the parking garages being considered (see Appendix C for additional information regarding assumptions.) As the ultimate location of potential future residential land uses is currently unknown and considering the existing auto dealership and former carpet/rug cleaner uses across portions of the project site, a small portion of these soils (approximately 1,210 cubic yards of impacted, non-hazardous waste,) are conservatively assumed to be contaminated with petroleum products, requiring off-site treatment at an accepting landfill or transfer station. The Applicant indicated that all exported soil would be transported to the Keller Canyon Landfill at 901 Bailey Road in unincorporated Contra Costa County. As this landfill is located between 11 to 13.8 miles from the project site, depending on the route taken, the default CalEEMod trip length for soil off-hauling during grading activities was conservatively adjusted to be 14 miles. All other trip lengths were left to CalEEMod defaults.

Operation-Related GHG Emissions

The operational-phase emissions are based on the development of the proposed project. The modeling accounts for the average daily vehicle trip rate, energy and water demand, and wastewater and solid waste generation. For purposes of this analysis, hours of operation for the proposed project are assumed to be 24 hours per day, 7 days per week.

Transportation

CalEEMod Version 2020.4.0 was utilized to quantify mobile-source emissions. As described more fully in Appendix B, Scenario 2 reflects the reasonable worst-case scenario for purposes of analyzing this impact area, which would generate an estimated 7,975 vehicle trips per day. As the proposed project would involve the operation of an auto dealership (among other use(s)), which would receive regular vehicle deliveries, heavy-heavy-duty (HHD) truck trips were considered as part of the operational mobile-source emission estimates herein. HHD truck trips associated with vehicle deliveries were calculated to represent a proportion of total weekday vehicle trips for the auto dealership equal to the countywide EMission FACtor (EMFAC) 2017 fleet mix for HHD vehicles for the

first operational year of 2025, or approximately 0.72 percent. As the auto dealership would generate an estimated 3,956 daily vehicle trips, 0.72 percent would constitute an estimated 28 HHD truck trips per day. In addition, as indicated by the project Applicant, the most probable port of origin for vehicle deliveries would be the Port of Richmond, approximately 25 miles from the project site.

Other Operational Emissions

Solid Waste Disposal

Indirect emissions from waste generation are based on the CalEEMod default solid waste generation rates, which are based on data from the California Department of Resources, Recycling, and Recovery (CalRecycle).

Water/Wastewater

GHG emissions from this sector are associated with the embodied energy used to supply water, treat water, distribute water, and then treat wastewater and fugitive GHG emissions from wastewater treatment. Indoor water consumption is based on CalEEMod default indoor water use rates.

Area Sources

Area sources are based on the CalEEMod defaults for use of consumer products and landscaping equipment.

Energy

Emissions associated with energy usage are from natural gas for space and water heating and electricity use for lighting and power needs.

Stationary Sources

Stationary sources are based on stationary source equipment, such as fire pumps or backup generators. Should any stationary source equipment or operation be used during future project operations, the project proponent would be required to apply for a permit with the BAAQMD, under Rule 2, Regulation 2 New Source Review, to ensure that any emissions generated by the new equipment or operation would not exceed BAAQMD's significance thresholds for criteria pollutants, ozone precursors, GHG emissions, or human health impacts.[40]

3.7.6 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

The 2019 NDSP EIR evaluated the potential impacts related to the production of substantial GHG emissions associated with the construction of development projects pursued under the NDSP and with the long-term operation of those projects from area and mobile sources as well as indirect emissions from sources associated with energy consumption. The 2019 NDSP EIR concluded that these potential impacts would be reduced to less than significant with the incorporation of mitigation. The 2019 NDSP EIR also concluded that developments pursued under the NDSP would be required to be consistent

[40] Bay Area Air Quality Management District (BAAQMD). 2017. Regulation 2 Permits Rule 2 New Source Review. December 6. Website: https://www.baaqmd.gov/~/media/dotgov/files/rules/regulation-2-rule-2/documents/20171206_fr_0202-pdf.pdf?la=en. Accessed February 2, 2022.

with applicable State mandates and the BAAQMD guidance with implementation of mitigation measures and therefore that cumulative impacts would be less than significant. Refer to Section 4.4, Greenhouse Gas Emissions, in the 2019 NSDP EIR; pages 4.4-21 through 4.4-38. As described below, the proposed project's GHG emission generation would be less than significant with mitigation, which is consistent with the less than significant findings as concluded in the 2019 NDSP EIR.

Proposed Project Analysis and Conclusion

Greenhouse Gas Emissions

Impact GHG-1:	**The proposed project may generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated potential impacts to GHG emissions associated with the implementation of the NDSP utilizing the BAAQMD's applicable thresholds. It concluded that GHG emissions associated with implementation of the NDSP would occur over the short-term from demolition and construction activities, consisting primarily of emissions from construction equipment. However, the 2019 NDSP EIR concluded that 2019 NDSP EIR Mitigation Measure (MM) GHG-1a (implement 2019 NDSP EIR MM AIR-1) and 2019 NDSP EIR MM GHG-1b, which would require all development projects within the NDSP area to implement all feasible measures recommended by the BAAQMD to reduce construction-related GHG emissions to less than significant levels, would be sufficient to ensure a less than significant impact in this regard.

The 2019 NDSP EIR concluded that operation of projects developed pursuant to the NDSP would generate GHG emissions from area and mobile sources as well as indirect emissions from sources associated with energy consumption. Table 4.4.C in the 2019 NDSP EIR provides a consistency analysis with the City's CAP measures. As shown in Table 4.4.C of the 2019 NDSP EIR, development pursuant under the NDSP would be consistent with many of the CAP measures, which would be determined during construction design, and 2019 NDSP EIR MM GHG-2 would be required to demonstrate an individual project's consistency with the CAP. With implementation of 2019 NDSP EIR MM GHG-2, development pursued under the NDSP would be required to include GHG reduction policies in compliance with the CAP. Therefore, implementation of the NDSP would not be a significant direct or indirect source of GHG emissions, and impacts would be less than significant with mitigation.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to the generation of GHG emissions, either directly or indirectly, which would have a significant impact on the environment.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to whether implementation of the proposed project would generate GHG emissions, either directly or indirectly, which would have a significant impact on the environment, as explained more fully below with references to certain parts of the Air Quality and Energy impact analyses.

Both construction and operation activities have the potential to generate GHG emissions. The proposed project would generate GHG emissions during temporary (short-term) construction activities such as site grading, demolition, operation of construction equipment, operation of on-site heavy-duty construction vehicles, hauling of materials to and from the project site, asphalt paving, and construction worker vehicle trips. On-site construction activities would vary depending on the level of construction activity.

Long-term operational GHG emissions would result from project-generated vehicular traffic, utilization of any landscaping equipment, off-site generation of electrical power over the life of the proposed project, use of energy required to convey water to and wastewater from the project site, hauling and disposal of solid waste from the project site, any fugitive refrigerants from air conditioning or refrigerators, and operation of any proposed stationary sources such as backup generators or fire pumps.

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. Therefore, this section measures the proposed project's incremental contribution to the cumulative environmental impact. The following is a discussion of the proposed project's contribution to GHG emissions during both the construction and operation phases.

Construction

As described in more detail in Appendix B, the City has determined, in its discretion, that Scenario 2 would be the reasonable worst-case scenario with respect to generation of construction emissions. Therefore, this impact is evaluated assuming development of Scenario 2.

For construction-related GHG emissions, BAAQMD does not recommend quantification; instead BAAQMD recommends incorporation of construction BMPs that would contribute to reductions in GHG emissions during project construction and support the proposed project's contribution to its "fair share" in GHG emission reductions during construction toward the State's long-term climate goals. Pursuant to the BAAQMD Guidelines, the proposed project would incorporate construction Best Management Practices (BMPs) that would reduce GHG emissions generated during project construction. As discussed in Section 3.2, Air Quality, the proposed project would be required to incorporate MM AIR-2, which stipulates the implementation of construction BMPs. While the primary function of MM AIR-2 is to reduce fugitive dust emissions during project construction, some measures contained in MM AIR-2 would also reduce GHG emissions, such as the restriction on engine idling times and the proper maintenance of construction equipment in accordance with manufacturer specifications. Moreover, the proposed project would be subject to MM GHG-1 (listed

below), which would further reduce GHG emissions through more stringent idling restrictions and use of best available emission control technology, among other provisions. The incorporation of MM AIR-2 and MM GHG-1 would contribute to reductions in GHG emissions during project construction and support the proposed project's contribution to its "fair share" in GHG emission reductions during construction toward the State's long-term climate goals.

Operation

The proposed project would contribute to global climate change through direct and indirect GHG emissions from mobile sources (e.g., passenger vehicles, trucks), energy (e.g., purchased electricity), water use and wastewater generation, and solid waste generation. Given the requirements in Criterion B, this impact is heavily tied to project design features. Scenarios 1, 2, and 3 would include the same sustainable design features, as described in detail in Chapter 2, Project Description. However, as discussed in further detail in Appendix B, Scenario 2 would result in the greatest long-term operational emissions. Therefore, this impact is evaluated assuming development of Scenario 2.

As discussed under Section 3.7.5, Thresholds of Significance, the BAAQMD has recently adopted new advisory recommendations for GHG significance thresholds which focus on the qualitative design of a project to determine impact significance based on the presence of legacy emission sources. As discussed in Section 3.2, Air Quality, the proposed project's emissions were calculated using CalEEMod based on factors including, but not limited to, trip generation rates, trip distances, building sizes and operations, energy consumption, water consumption, and waste generation. While this GHG impact discussion is qualitative by nature based on the significance threshold, modeling results and detailed calculations related to criteria air pollutant, ozone precursor, and GHG emissions are contained in Appendix C for informational purposes. According to the BAAQMD-recommended significance thresholds, which the City has elected, in its discretion, to utilize for purposes of this analysis, if a project cannot demonstrate compliance with Criterion A or Criterion B, it would be considered to result in potentially significant impacts, resulting in the need for feasible mitigation.

A. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b), or
B. Projects must include, at a minimum, the following project design elements.
    a. Buildings:
        i. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
        ii. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
    b. Transportation:
        i. Achieve compliance with EV requirements in the most recently adopted version of CALGreen Tier 2.
        ii. Achieve a reduction in project generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted SB 743 VMT target, reflecting the

recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:

1. Residential projects: 15 percent below the existing VMT per capita.
2. Office projects: 15 percent below the existing VMT per employee.
3. Retail projects: no net increase in existing VMT.

The following discussion analyzes the proposed project with respect to compliance with the foregoing criteria.

Criterion A

As previously mentioned, the City's existing CAP does not meet the requirements to be considered a qualified GHG reduction strategy pursuant to CEQA Guidelines Section 15183.5(b). As noted above, the City is in the process of preparing and adopting a Sustainability Action Plan that is intended to satisfy the requirements of a qualified GHG reduction strategy and could be used to streamline environmental review pursuant to CEQA Guidelines Section 15183.5(b). However, it was not adopted as of the time CEQA review for the proposed project commenced, and therefore is not being utilized for purposes of this analysis.

Therefore, the proposed project is not capable of satisfying Criterion A from the above GHG significance thresholds and must instead demonstrate consistency with the provisions of Criterion B to determine a less than significant impact related to GHG emissions. As illustrated above, Criterion B contains four notable provisions, against which the proposed project is analyzed below.

Criterion B

Natural Gas Prohibition Provision

The first provision requires that the proposed project not include natural gas plumbing or any natural gas appliances. As discussed in Chapter 2, Project Description, Section 2.5.1, Project Summary, the proposed project's design would be all-electric and would include the prohibition of natural gas plumbing and natural gas appliances. As such, the proposed project would be compliant with this provision under Criterion B.

Wasteful, Inefficient, or Unnecessary Energy Consumption Provision

The second provision of the BAAQMD's recommended GHG significance thresholds requires that energy consumption would not be considered wasteful, inefficient, or unnecessary. As discussed in detail under Impact ENER-1 in Section 3.5, Energy, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. As discussed therein, the proposed project would contribute to a decrease in overall per capita energy consumption, a decrease in reliance on fossil fuels, and an increase in reliance on renewable energy.

In terms of construction-related impacts, as detailed more fully in Section 3.5, Energy, because of the temporary nature of construction, the inherent financial incentives for developers and contractors to use energy-consuming resources in an efficient manner, the adherence with applicable laws and regulations designed to enhance energy efficiency, the potential impacts of the construction phase of the proposed project would be reduced to a less than significant level and therefore would not result in wasteful, inefficient, and unnecessary consumption of energy. Furthermore, because they

are intended to reduce air quality emissions, MM AIR-2a and AIR-3a would provide a co-benefit of reducing construction equipment fuel consumption because reducing idling engines and the use of cleaner equipment uses less fuel, or no fuel if equipment is all-electric.

In terms of operational-related impacts, as further discussed in Section 3.5, Energy, the proposed project would include sustainable design features. For example, the proposed project would be designed and constructed in accordance with applicable Tier 2 CALGreen energy efficiency standards of Title 24. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For example, the Title 24 Lighting Power Density requirements define the maximum wattage of lighting that can be used in a building based on its square footage. Title 24 standards, widely regarded as the most advanced energy efficiency standards and some of the most stringent mandates in the nation, would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and would promote energy conservation. Moreover, the proposed project would include any combination of on-site renewable energy systems (such as, for example, solar panels) as required under applicable laws and regulations, which would generate carbon-free electricity to help supply the proposed project's energy demands. In addition, as discussed in Chapter 2, Project Description, Section 2.5.1, Project Summary, as well as Section 3.5, Energy, the proposed project would include EV charging infrastructure meeting the Tier 2 requirements of the Residential and Nonresidential Voluntary Measures of CALGreen as well as preferential parking spaces meeting the Tier 2 requirements of the Nonresidential Voluntary Measures of CALGreen. The inclusion of these features would contribute to an acceleration of EV adoption and facilitate an increase in EV and clean air and high occupancy vehicle use by residents, employees, and visitors of the proposed project, although this cannot guarantee a reduction in energy usage. In addition, the proposed project would include an all-electric building design, entirely eliminating the proposed project's reliance on natural gas for space and water heating and other uses. Complementary to these design features, the proposed project is committing to enroll in either Pacific Gas and Electric Company (PG&E) 100 Percent Solar Choice or Marin Clean Energy (MCE) Deep Green 100 percent renewable electricity service options. As such, the proposed project would facilitate a greater dependence on renewable energy sources for building and transportation energy demands. Therefore, the proposed project would be consistent with this provision under Criterion B.

Electric Vehicle Charging Infrastructure Provision

The third provision of the BAAQMD's recommended 2022 GHG significance thresholds requires that the proposed project achieve compliance with the EV charging infrastructure standards contained in the Tier 2 requirements of CALGreen. As discussed above and in Chapter 2, Project Description, Section 2.5.1, Project Summary, as well as Section 3.5, Energy, the proposed project would include EV charging infrastructure meeting the Tier 2 requirements of the Residential and Nonresidential Voluntary Measures of CALGreen as well as preferential parking spaces meeting the Tier 2 requirements of the Nonresidential Voluntary Measures of CALGreen. The inclusion of these features would contribute to an acceleration of EV adoption and would facilitate an increase in EV and clean air and high occupancy vehicle use by residents, employees, and visitors of the proposed project. As such, the proposed project would be compliant with this provision under Criterion B.

Vehicle Miles Traveled Provision

Lastly, the fourth provision of the BAAQMD's 2022 GHG significance thresholds requires that a project demonstrate either: (1) a 15 percent decrease below existing VMT per capita for residential projects, a 15 percent decrease below existing VMT per employee for office projects, and a no net increase in existing VMT for retail projects, or (2) meet a locally adopted SB 743 VMT target reflecting the recommendations provided in the OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA. As discussed in detail in Section 3.14, Transportation, the proposed project would screen out of potentially significant VMT impacts because, among other things, the proposed project is within 0.5 mile of a BART station, the Walnut Creek Station. As discussed in the City's Citywide TDM Requirements guidance document, being placed within 0.5 mile of the Walnut Creek BART station is anticipated to demonstrate an average reduction in VMT by 15 percent or greater when compared with the regional average.[41] As such, the proposed project would involve the intensification of an under-utilized infill site near public transit and thus place potential future residents, visitors, and employees within a Priority Development Area (PDA), in close proximity to existing transit facilities (as well as pedestrian and bicycle infrastructure) and would result in an overall decrease in VMT consistent with this provision. Therefore, the proposed project would be compliant with this provision under Criterion B.

Stationary Sources

As recommended by the BAAQMD's 2017 CEQA Air Quality Guidelines,[42] the proposed project's stationary source GHG emissions are to be separated from the land use GHG emissions and analyzed independently against the BAAQMD's stationary source GHG threshold of 10,000 metric tons (MT) CO_2e per year. A backup diesel generator and fire pump were assumed to be included in the proposed project to provide a conservative analysis in case any emergency power systems or fire suppression systems are required during the entitlement process or after the commencement of project operation. Scenario 2 would generate an estimated electricity demand of 13.5 megawatt-hours (MWh) per year with a normalized annual energy demand of approximately 1,543 kilowatts (kW); the proposed backup diesel generator(s) was assumed to total 3,085 horsepower. The fire pump was additionally assumed to be 500 horsepower. Both the fire pump and backup generator(s) were conservatively assumed to operate at the maximum 50 hours per year, as would be the maximum hours per year allowed under a stationary source permit issued by the BAAQMD for non-emergency operations and maintenance. Based on these assumptions, the proposed project's stationary source equipment would generate an estimated 68 MT CO_2e annually, which is well below the BAAQMD threshold of 10,000 MT CO_2e per year for stationary source GHG emissions. Therefore, GHG emissions from the potential backup generator and fire pump represent a less than significant impact.

Conclusion

The proposed project would generate GHG emissions during construction and operation. The proposed project would implement construction BMPs through implementation of MM AIR-2 and

[41] City of Walnut Creek. 2021. Citywide TDM Requirements. October.

[42] Bay Area Air Quality Management District (BAAQMD). 2017. BAAQMD CEQA Air Quality Guidelines. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed February 17, 2022.

MM GHG-1 that would contribute to reductions in GHG emissions during project construction and support the proposed project's contribution to its "fair share" in GHG emission reductions during construction toward the State's long-term climate goals. Therefore, with respect to construction, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 2 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

As discussed above, the proposed project would incorporate an all-electric design; would not result in wasteful, inefficient, or unnecessary energy consumption; would incorporate the installation of EV charging infrastructure pursuant to the Tier 2 standards for CALGreen's Residential and Nonresidential Voluntary Measures; and would result in per capita VMT that meets or exceeds a 15 percent reduction from regional averages due to its proximity to existing transit facilities. Therefore, the proposed project would comply with the performance standards in the BAAQMD's significance thresholds to determine whether the proposed project's GHG emissions would be cumulatively considerable and conflict with the State's long-term climate goals. As such, the proposed project's land use GHG emissions would not result in potentially significant impacts. Moreover, the proposed project's assumed stationary source emissions would be well below BAAQMD's recommended significance threshold for stationary sources. Therefore, with respect to operation, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 2 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

The verbatim text of the relevant 2019 NDSP EIR mitigation measure is shown below.

Mitigation Measures from the 2019 NDSP EIR

2019 NDSP EIR MM GHG-1a **Implement 2019 NDSP EIR MM AIR-1.**

2019 NDSP EIR MM GHG-1b **Construction Equipment-GHG Emissions Reduction Measures**

Project contractors shall ensure the following measures are implemented through all construction contracts and specifications for projects associated with the proposed Specific Plan:

- The idling time of diesel-powered construction equipment shall be minimized to 2 minutes.
- Low volatile organic compounds (i.e., reactive organic gases) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings) shall be used.
- All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of nitrogen oxide (NOX) and particulate matter.

- All contractors shall use equipment that meets the most recent ARB certification standard for off-road heavy-duty diesel engines.
- The project contractor shall use construction equipment that utilizes cleaner fuel and equipment, including equipment upgrades and/or equipment that uses renewable electricity and fuels.
- The project contractor shall prepare a waste plan prior to the issuance of building permits. The waste plan should show that it complies with State and local law and appropriate agencies should review the waste plan prior to approval.

Mitigation Measures for the Proposed Project

For the proposed project, MM AIR-2 is required to implement the requirements of 2019 NDSP EIR MM GHG-1a (which is the same mitigation as provided in 2019 NDSP EIR MM AIR-1). Therefore, compliance with MM AIR-2 shall constitute compliance with the requirements of 2019 NDSP MM GHG-1a (and 2019 NDSP EIR MM AIR-1). For the proposed project, MM GHG-1 is required to implement the requirements of 2019 NDSP EIR MM GHG-1b. Therefore, compliance with MM GHG-1 shall constitute compliance with the requirements of 2019 NDSP MM GHG-1b.

Implement MM AIR-2 and the following:

MM GHG-1 Construction Equipment-GHG Emissions Reduction Measures

The Applicant and/or construction contractor for a specific individual development proposal shall provide documentation to the City, for City review and approval, that demonstrates the following measures are implemented through all construction contracts and specifications for the subject specific individual development proposal:

- The idling time of diesel-powered construction equipment shall be minimized to 2 minutes.
- All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of nitrogen oxide (NOX) and particulate matter.
- Contracting entities shall obtain and retain a copy of each contracted construction fleets ARB Certificate of Reported Compliance with the In-Use Off-Road Diesel-Fueled Fleets Regulation (CCR Title 13 § 2449) prior to awarding a contract or hiring a fleet.
- Diesel-fueled vehicles shall use renewable diesel fuels (R99 or R100), according to the criteria outlined in CCR Title 13 § 2449, except when unavailable, as defined under such criteria. Contractors shall document reasonable attempts to obtain renewable diesel in the event that it is unavailable and must make reasonable attempts to obtain renewable diesel, at a minimum, on a quarterly basis or when vehicles move to a new job site.

- The project contractor shall prepare a waste plan prior to the issuance of building permits. The waste plan should show that it complies with State and local law and appropriate agencies should review the waste plan prior to approval.

Level of Significance After Mitigation

Less than significant with mitigation incorporated.

Conflict with Plan, Policy, or Regulation that Reduces Emissions

Impact GHG-2:	**The proposed project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated the NDSP's consistency with the CAP with respect to whether implementation of the development contemplated under the NDSP would conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. It concluded that individual development projects consistent with the NDSP could have a potentially significant impact in this regard, but with implementation of 2019 NDSP EIR MM GHG-2, individual development projects consistent with the NDSP would be required to show consistency with the CAP, which would reduce GHG emissions and would therefore be consistent with applicable State mandates and the BAAQMD guidance. The 2019 NDSP EIR concluded that implementation of the NDSP would not conflict with applicable plans, policies or regulations adopted for the purpose of reducing GHG emissions and this impact would be less than significant with mitigation.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to having any conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to whether implementation of the proposed project would conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases, as explained more fully below with references to certain parts of the Air Quality and Energy impact analyses.

As discussed in Section 3.10, Land Use and Planning, the Applicant is proposing to amend the NDSP to create a new Mixed Use Special District overlay that would apply only to Sites A, B, and C. The goal of the proposed amendment is to facilitate the redevelopment of the project site with mixed uses including the primary auto sales, service, and ancillary uses through an enhanced new auto sales

dealership/service facility, which would be enhanced as part of any redevelopment, as well as potential multi-family residential, hotel, or other compatible nonresidential uses. The proposed project would introduce a greater development intensity as well as new potential uses than what was envisioned by the 2019 NDSP EIR and is therefore analyzed in the context of the 2017 ARB Scoping Plan, ABAG's Plan Bay Area 2050, and the City's CAP to determine whether the proposed project would present a potential conflict with plans or policies adopted for the purpose of reducing emissions of GHGs.

As described in more detail in Appendix B, the City has determined, in its discretion, that Scenario 2 would be the reasonable worst-case scenario with respect to conflicting with a plan, policy or regulation that reduces emissions. Therefore, this impact is evaluated assuming development of Scenario 2.

ARB Scoping Plan

The ARB Scoping Plan is the State's strategy to achieve the GHG emissions reduction goals under AB 32 and SB 32, as well as a long-term strategy to achieve the State's overall carbon neutrality goals for 2050 under Executive Order S-03-05. It is applicable to State agencies but is not directly applicable to cities, counties, or individual projects (i.e., the Scoping Plan does not require the City to adopt policies, programs, or regulations to reduce GHG emissions). However, new regulations adopted by the State agencies outlined in the Scoping Plan result in GHG emissions reductions at the local level. As a result, local jurisdictions benefit from reductions in transportation emissions rates, increases in water efficiency in the building and landscape codes, and other Statewide actions that affect a local jurisdiction's emissions inventory from the top down. As such, the proposed project would not be considered to conflict with the ARB's 2017 Scoping Plan since it will be required to comply with any State measures as applicable. Nonetheless, the most impactful Statewide actions which would have some influence on project-generated GHG emissions are discussed below.

Transportation Sector

Trucks

The proposed project would utilize medium- and heavy-duty trucks for automobile deliveries to the auto dealership and periodic product deliveries for businesses that may be introduced by the proposed project, such as the hotel use contemplated in Scenario 2. In general, the State strategy for the transportation sector for medium and heavy-duty trucks is focused on making trucks more efficient and expediting truck turnover rather than reducing VMT from trucks. This contrasts with the passenger vehicle component of the transportation sector, where both per capita VMT reductions and an increase in vehicle efficiency are forecast to be needed to achieve the overall legislative reductions targets. As described in further detail in Section 3.14, Transportation, by locating the proposed project in an already-urbanized area that is served by public transit and existing infrastructure and services, this transit-oriented development helps to reduce VMT.

Emissions associated with heavy-duty trucks involved in goods movements are generally controlled on the technology side and through fleet turnover of older trucks and engines to newer and cleaner trucks and engines. The following State strategies reduce GHG emissions from the medium and heavy-duty trucks:

- ARB's Mobile Source Strategy focuses on reducing GHGs through the transition to zero and low emission vehicles and from medium-duty and heavy-duty trucks.[43]
- ARB's Sustainable Freight Action Plan establishes a goal to improve freight efficiency by 25 percent by 2030, deploy over 100,000 freight vehicles and equipment capable of zero-emission operation, and maximize both zero and near zero-emission freight vehicles and equipment powered by renewable energy by 2030.[44]
- ARB's Emissions Reduction Plan for Ports and Goods Movement (Goods Movement Plan) in California focuses on reducing heavy-duty truck-related emissions with a focus on establishment of emissions standards for trucks, fleet turnover, truck retrofits, and restriction on truck idling.[45] While the focus of Goods Movement Plan is to reduce criteria air pollutant and air toxic emissions, the strategies to reduce these pollutants would also generally have a beneficial effect in reducing GHG emissions.

Trucks accessing the project site would be required to comply with ARB's Heavy-Duty (Tractor-Trailer) GHG Regulation, which requires SmartWay tractor trailers that include idle-reduction technologies, aerodynamic technologies, and low-rolling resistant tires that would reduce fuel consumption and associated GHG emissions. Furthermore, truck manufacturers would be required to comply with the ARB Advanced Clean Truck (ACT) rule, which requires manufacturers of medium- and heavy-duty trucks and vans to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. Under the ACT rule, by 2035, zero-emission truck/chassis sales would need to be 55 percent of Class 2b to 3 truck sales, 75 percent of Class 4 to 8 straight truck sales, and 40 percent of truck tractor sales.[46] Thus, compliance with these strategies would contribute to controlling heavy-duty truck GHG emissions associated with the proposed project, and the proposed project would not conflict with these Statewide strategies.

Passenger Vehicles

As discussed in Impact GHG-1, the proposed project's principal operational GHG source would be vehicle operation, in large part due to the use of privately owned vehicles. Statewide strategies to reduce GHG emissions from passenger vehicles and the transportation sector in general include the Low Carbon Fuel Standard (LCFS) and changes in the corporate average fuel economy standards (e.g., Pavley I, Pavley California Advanced Clean Cars program, and Advanced Clean Cars II Regulation). New passenger vehicles and transportation fuels for passenger vehicles utilized during project operation would be required to meet these standards and would contribute to GHG emission reductions experienced by the proposed project due to these Statewide strategies. Furthermore, as described above, by locating the proposed project in an already-urbanized area that is served by public transit and existing infrastructure and services, this transit-oriented development helps to reduce VMT.

[43] California Air Resources Board (ARB). 2017. California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target. January 20. Website: https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf. Accessed February 17, 2022.
[44] Ibid.
[45] California Air Resources Board (ARB). 2006. Emission Reduction Plan for Ports and Goods Movement in California. April 20. Website: https://bayplanningcoalition.org/downloads/library/Emission_Reduction_Plan_for_Ports_and_Intl_Goods_Movement_in_CA.pdf. Accessed February 17, 2022.
[46] California Air Resources Board (ARB). 2021. Advanced Clean Trucks Fact Sheet. Website: https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-trucks-fact-sheet. Accessed February 17, 2022.

Energy/Commercial-Residential Sectors

As discussed in Impact GHG-1, energy use generated by the proposed project represents the second largest source of GHG emissions after mobile-source emissions. The proposed project would include sustainable design features as described in Chapter 2, Project Description, Section 2.5.1, Project Summary, including compliance with the current CALGreen and Building Energy Efficiency standards with respect to building energy efficiency design, supply of EV charging stations, and supply of preferential parking for clean air and high occupancy vehicles. In addition, the proposed project would be designed all-electric and utilize carbon-free electricity sources to the extent required by applicable laws and regulations, which would help to satisfy the proposed project's energy demand. The principal State strategies for addressing energy efficiency and commercial/residential land use sectors involve the decarbonization of the electricity grid through 2045 under SB 100 and triennial updates to the California Building Standards Code (CBC). As a result, the proposed project would be consistent with the State's goals for this sector.

Plan Bay Area 2050

As part of the implementing framework for Plan Bay Area 2050, local governments have identified planned development areas to focus growth. As discussed in Section 3.14, Transportation, the project site is within the NDSP area, which is identified as a Priority Development Area (PDA)[47] in which transit-oriented and infill development is encouraged, and the proposed project would facilitate mixed use and potential high-density transit-oriented infill development adjacent to the Walnut Creek BART station. Thus, the proposed project would be consistent with the overall goals of Plan Bay Area, which include concentrating new investment in areas that would encourage job growth. In addition, the proposed project would be developed in an area served by existing infrastructure. Therefore, the proposed project would not conflict with the land use concept plan in Plan Bay Area 2050.

Walnut Creek Climate Action Plan

The City's current CAP contains several community reduction goals and measures which apply to the proposed project. For instance, the City's CAP contains goals for improving energy efficiency and conservation efforts (EU 1), promoting the use of renewable energy generation and use (EU 2), improving the use of alternatively fueled vehicles (TLU 1), and implementing a zero waste policy (WR 1). As discussed in Impact GHG-1, energy use generated by the proposed project represents the second largest source of GHG emissions after mobile-source emissions. The proposed project would include sustainable design features as described in Chapter 2, Project Description, Section 2.5.1, Project Summary, and Section 3.5, Energy, including compliance with the then-current CALGreen and Building Energy Efficiency standards with respect to building energy efficiency design, supply of EV charging stations, and supply of preferential parking for clean air and high occupancy vehicles. In addition, the proposed project would be designed as all-electric and utilize carbon-free electricity sources to the extent required by applicable laws and regulations, which would help to satisfy the proposed project's energy demand.

[47] Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission. 2021. Plan Bay Area 2050 Executive Summary, Map 1-1: Plan Bay Area 2050 Growth Geographies. Website: https://www.planbayarea.org/digital-library/plan-bay-area-2050-executive-summary. October. Accessed November 9, 2021.

Given the nature of the proposed project as an individual, private development and thus would not be capable of implementing every goal or measure contained in the City's CAP, the proposed project's overall design would contribute to the City's progress toward achieving the goals stated in the CAP with mitigation and would not conflict with the goals of the CAP.

Therefore, the proposed project would not conflict with applicable plans, policies or regulations adopted for the purposes of reducing GHG emissions. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 2 (or any other Scenario). No additional analysis is required, and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

The verbatim text of the relevant 2019 NDSP EIR mitigation measure is provided below. As detailed above and described more fully in Section 2, Project Description, the proposed project is consistent with the CAP, which satisfies the requirements of 2019 NDSP MM GHG-2.

Mitigation Measures from the 2019 NDSP EIR

2019 NDSP EIR MM GHG-2 **Prepare Climate Action Plan (CAP) Development Checklist**

Prior to approval, the Specific Plan shall include policies to require implementation and compliance with the following applicable CAP measures. Individual projects proposed under the Specific Plan would also be required to show consistency with the CAP. Inclusion of the following CAP measures as Specific Plan policies is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- Work with partners to educate and inform the community about ways to improve energy efficiency, including behavioral changes, appliance purchases and rebates, maintenance practices, and more.
- Reduce landfilled waste and increase promotion of recycling and composting through an expanded public education campaign, community-wide incentives, and continued partnership with the Bay Area's Green Business Program.
- Investigate local partnerships or creation of a forum to promote and equip local green businesses (for example, through the Chamber of Commerce).

Mitigation Measures for the Proposed Project

None.

3.7.7 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

Under State CEQA Guidelines Section 15130(a)(2), where a project contributes to a cumulative impact but the combined cumulative impact with the project's incremental effect is not significant, the EIR must only "briefly indicate" why the cumulative impact is not significant. The 2019 NDSP EIR concluded that given its consistency with the CAP, development pursuant to the NDSP would not result in a cumulatively considerable contribution to GHG emissions with the implementation of measures that are proposed as part of the Specific Plan, required by State or local regulations, or included as mitigation measures described above and cumulative impacts were found to be less than significant.

Supplemental Analysis of the Proposed Project

As discussed above, an analysis of impacts related to GHG emissions is inherently cumulative. Even with adherence to applicable laws and regulations and implementation of the mitigation measures discussed above, the proposed project would have an incremental contribution to the less than significant cumulative impact. However, the proposed project would implement design features that would reduce GHG emissions and adhere to the applicable State and local laws and regulations. As such, the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 2 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

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3.8 - Hazards and Hazardous Materials

3.8.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports and other materials have been prepared to document the information necessary to make the North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes the existing setting as well as the relevant regulatory framework with respect to hazards and hazardous materials and potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth in the 2019 NDSP EIR. The analysis in this section is based, in part, on the site-specific Phase I Environmental Site Assessment (Phase I ESA) prepared by Engeo in December 2021,[1] provided in Appendix G.

The following comments were received during the Notice of Preparation (NOP) scoping period for this Draft SEIR related to hazards and hazardous materials.

- Facilities that have reportable quantities of hazardous materials or generate any hazardous waste need to complete and submit a hazardous materials business plan to the Contra Costa Hazardous Materials Programs.

3.8.2 - Scenario Evaluation

As noted in Chapter 2, Project Description, the Applicant is requesting that the City of Walnut Creek ("City") approve amendments to the NDSP (along with conforming amendments to the Walnut Creek General Plan [General Plan] and Municipal Code to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service, and ancillary uses as well as a range of additional potential, compatible uses such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific individual development proposal for the project site has been formally submitted to the City; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed project, this Draft SEIR considers three potential development scenarios (as described further below) that reflect a reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates [Site D], and an approximately 0.82-acre property [Site E], located adjacent to Site A). This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

[1] Engeo Incorporated. 2021. Toyota Walnut Creek Development. December.

For purposes of the analysis set forth in this Section 3.8 (Hazards and Hazardous Materials), the City and its CEQA consultant conducted a preliminary assessment of each of the potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) in order to determine the Scenario that would result in the "reasonable worst-case scenario" under each environmental topic area. As explained more fully in Appendix B, Comparative Summary of Potential Impacts, the extent of hazards and hazardous materials (if any) would be consistent across the project site given its nature and would consist of any known and unknown contamination of groundwater and/or soils as well as the potential for asbestos and/or lead-based paint in existing structures proposed for demolition.

Accordingly, the development of any of the Scenarios could result in exposure to hazards and hazardous materials. However, residential uses are subject to more stringent screening level for contaminants, as extended exposure to hazardous materials could result in more severe health impacts. Therefore, and as further described in Appendix B, it was determined that Scenarios 2 and 3 (both of which contemplate residential uses) would require additional remediation to address any contamination that would not be necessary under Scenario 1. Moreover, a greater number of residents, as anticipated with development of Scenario 3 (since it has more residential units proposed) would result in more sensitive receptors that could be exposed to hazardous materials as well as hazards generally. Thus, the Scenario with the greatest number of residents would represent the reasonable worst-case scenario. Therefore, the analysis presented in this section evaluates impacts associated with Scenario 3 (auto sales and service, office, and multi-family residential).[2]

3.8.3 - Environmental Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. For additional information regarding the existing conditions related to hazards and hazardous materials in the North Downtown Specific Plan (NDSP) area, including the project site and vicinity, which were present at the time of certification of the 2019 NDSP EIR can be found in Section 4.8 of the 2019 NDSP EIR, Hazards and Hazardous Materials, (pages 4.8-1 through 4.8-14).

Presence of Hazardous Materials On-Site

Review of historical records indicates that the project site has been used mostly as automobile repair, sales, and storage from at least the 1960s through present day, with other former occupants including a carpet cleaner (at least 1975 through 1995), restaurant, gym, and office space. Currently, the project site contains a total of 11 structures: two small job trailers, two vacant commercial structures (former restaurant/former carpet cleaner and former office); with the remaining seven structures being related to automobile repair services, auto sales, and auto parking (Toyota Walnut Creek, Main Street Wash and Detail, and SmogNDash).

The Phase I ESA included a review of local, State, tribal, and federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps and physical setting sources. A reconnaissance of the project site was conducted to review existing site uses and current conditions to check for the storage, use, production, or disposal of hazardous or potentially hazardous materials, and to

[2] As noted in Appendix B, Scenario 3 is the Scenario that has been determined to be the reasonable worst-case for most of the environmental topic areas.

conduct interviews with persons knowledgeable about current and past site uses. Based on the findings of the Phase I ESA, two Recognized Environmental Conditions (RECs) and one controlled REC were identified. Areas of interest are depicted in Exhibit 3.8-1. The results of the Phase I ESA are summarized below, and described more fully in Appendix G.

Recognized Environmental Conditions

Hazardous Waste Associated with Automotive Repair Facilities

A significant portion of the project site has operated and continues to operate as automotive repair facilities and currently comprises numerous areas of hazardous waste use and storage, hydraulic lifts (seven underground and 31 above ground), clarifiers, etc. With the exception of the reported Leaking Underground Storage Tanks (LUSTs), described in more detail below, no spills or releases have been reported with respect to any of the foregoing facilities.

A previous investigation, completed in September 2017, at Assessor's Parcel Number (APN) 173-142-001 (which is on Site C) identified constituents within the soil gas (below current commercial screening levels for soil gas, considering a conservative attenuation factor of 0.03), and soil sampling revealed no impacts to representative soils samples. However, it is possible that the former and current automotive operations have impacted the subsurface of this portion of the project site in ways not identified in the previous investigation.

Removal of 550 Gallon Tank at Assessor's Parcel Number 173-131-042 (a portion of Site A)

One 550-gallon tank of unknown content was removed from APN 173-131-042 in 1998. No soil sampling was documented at that time and chlorinated solvents were reported on this portion of the project site previously.[3] Soil sampling, soil gas sampling, and indoor air assessments completed in 2019[4] indicated that benzene and chloroform exceeded commercial soil gas screening levels and that benzene vapor intrusion was occurring based on indoor air samples.

Controlled Recognized Environmental Conditions

Four underground storage tanks (USTs) were removed from APNs 173-131-055 and 173-131-062 (portions of Site A) in 1989 and disposed of off-site. The location of these USTs is provided in Exhibit 3.8-1. Soil samples were collected from below each of the four tanks and indicated that soil below Tank 2 and Tank 4 exhibited petroleum impacts. Soil was reportedly excavated in the vicinity of Tank 2 and Tank 4 and off-hauled. After the soil excavation, three monitoring wells were installed and, after four quarters of monitoring, this site was closed, and the wells were destroyed pursuant to applicable laws and regulations. Contra Costa County Health Services Department (CCCHSD) and the Regional Water Quality Control Board (RWQCB) concurred that no further monitoring, investigation, or remedial action was required based on the current land use of automotive repair facilities, as set forth in letters dated October 31, 1996,[5] and December 2, 1996, respectively.[6] The RWQCB concurrence letter indicated that corrective action should be reviewed if the land use changes. This correspondence is provided in Appendix G.

[3] AEI Consultants. 2019. Phase I Environmental Site Assessment, 2131-2133 North Broadway, Walnut Creek. November 1.
[4] AEI Consultants. 2019. Indoor Air Investigation, 2131-2133 North Broadway, Walnut Creek. November 17.
[5] Contra Costa County Health Services Department. 1996. Request for Concurrence for Closure 2100 North Main Street, Walnut Creek, California. October 31.
[6] San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB). 1996. Underground Storage Tank Case, 2100 North Main Street, Walnut Creek, Contra Costa County. December 2.

Potential Environmental Concerns Not Considered to be Recognized Environmental Conditions

Soil Gas Investigations

A significant portion of the project site has operated and continues to operate as automotive repair, sales, and storage, and this type of use can be associated with potential contamination. However, previous soil investigations indicate that soil gas concentrations throughout the project site were below commercial screening levels. Nevertheless, given the potential for residential land uses to be developed on the project site, the Phase I ESA concluded that additional considerations and assessments should be completed if the land use changes from its current uses to residential uses.

Spills and/or Releases at Nearby Facilities

As described in more detail in the Phase I ESA and summarized below, several of the facilities adjacent to the project site have been operated as automotive repair, sales, and storage for several decades. Given the possibilities of spills and/or releases at facilities immediately adjacent to the project site, in conjunction with several open and recently closed LUST facilities near the project site, it is possible that petroleum hydrocarbons and benzene, toluene, ethylbenzene, and xylene (BTEX) have migrated onto the project site via groundwater and/or soil gas.

Asbestos-Containing Material and Lead-Based Paint

Given the age of the existing structures on-site, it is reasonable to conclude that asbestos-containing materials (ACM) and lead-based paint (LBP) materials may exist within those structures.

Records Searches

Table 3.8-1 provides a listing of the environmental databases on which the project site is found.

Table 3.8-1: Listing of Project Site on Environmental Databases

Facility	Site	Assessor's Parcel Number	Databases
TWC Dealer Group Inc. DBA Toyota Walnut Creek	E	173-131-031	HWTS, CERS HAZ WASTE, HAZNET, CONTRA COSTA CO. SITE LIST, CERS
Walnut Creek Body Shop and Paint Inc.	E	173-131-031	RCRA-SQG, FINDS, ECHO, RCRA NONGEN/NLR
Mikes Auto Body of Walnut Creek	A	173-131-060	HWTS, RCRA NONGEN/NLR, EMI, HAZNET, FINDS, ECHO
TWS OPS LLC DBA Toyota Walnut Creek	C	173-142-001	RCRA NONGEN/NLR, FINDS, ECHO, HWTS, HAZNET, HWTS, RCRA-SQG, AST, CERS HAZ WASTE, SWEEPS UST, HIST UST, CA FID UST, CERS TANKS, CONTRA COSTA CO. SITE LIST, CERS
TWS OPS LLC DBA Toyota Walnut Creek	A	173-131-062	RCRA NONGEN/NLR, FINDS, ECHO, HWTS, HAZNET, AST, CERS HAZ WASTE, CERS TANKS, CONTRA COSTA CO. SITE LIST, CERS
Jims Auto Body (Jims Calif Auto Body, Inc.)	A	173-131-055 173-131-056	HWTS, HAZNET, LUST, SWEEPS UST, HIST UST, CA FID UST, RCRA NONGEN/NLR, FINDS, ECHO,

Facility	Site	Assessor's Parcel Number	Databases
		173-131-062 173-131-063	CORTESE, HIST CORTESE, CONTRA COSTA CO. SITE LIST, CERS, EMI
Anderson Oldsmobile GMC	A	173-131-055 173-131-056 173-131-062 173-131-063	RGA LUST, FINDS, RGA LUST, HWTS
Larry Lucas	A	173-131-055 173-131-056 173-131-062 173-131-063	HWTS, HAZNET

Notes:
AST = Listing of aboveground storage tank petroleum storage tank locations.
CA FID UST = The Facility Inventory Database contains active and inactive underground storage tank locations. The source is the California State Water Resource Control Board (State Water Board).
CERS = California Environmental Reporting System, CERS is the Statewide web-based system that supports the electronic exchange of required Unified Program information among businesses, local governments, and the United States Environmental Protection Agency (EPA).
CERS HAZ WASTE = California Environmental Protection Agency (Cal/EPA) Regulated Site Portal which fall under the Hazardous Chemical Management, Hazardous Waste On-site Treatment, Household Hazardous Waste Collection, Hazardous Waste Generator, and Resource Conservation and Recovery Act (RCRA) LQ HW Generator programs.
CERS TANKS = Cal/EPA Regulated Site Portal which fall under the Aboveground Petroleum Storage and Underground Storage Tank regulatory programs.
CONTRA COSTA CO. SITE LIST = Lists includes sites from the Underground Tank Program and Hazardous Waste Generator Program and Business Plan 12185 Program.
CORTESE = The sites for the list are designated by the State Water Board (Leaking Underground Storage Tank [LUST]), the Integrated Waste Board (SWF/LS), and the Department of Toxic Substances Control (Cal-Sites).
ECHO = EPA's Enforcement and Compliance History Online website.
EMI =Emissions Inventory Data, provides a listing of toxics and criteria pollutant emissions data collected by the California Air Resources Board (ARB) and local air pollution agencies.
FINDS = Facility Index System/Facility Registry System, FINDS contains both facility information and 'pointers' to other sources that contain more detail.
detail.
HAZNET = Facility and Manifest Data, the data is extracted from the copies of hazardous waste manifests received each year by the Department of Toxic Substance Control.
HIST UST = Hazardous Substance Storage Container Database, the Hazardous Substance Storage Container Database is a historical listing of underground storage tank (UST) sites.
HWTS = California Hazardous Waste Tracking System, HWTS provides California with information on hazardous waste shipments for generators and transporters, and treatment, storage, and disposal
facilities.
RGA LUST = Recovered Government Archive Leaking Underground Storage Tank, the EDR Recovered Government Archive Leaking Underground Storage Tank database provides a list of LUST incidents derived from historical databases and includes many records that no longer appear in current government lists.
RCRA NONGEN/NLR = See above, non-Generators do not presently generate hazardous
waste.
RCRA-SQG = RCRAInfo is EPA's comprehensive information system, providing access to data supporting
the RCRA of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or
dispose of hazardous waste as defined by RCRA.
SWEEPS UST = Statewide Environmental Evaluation and Planning System, this underground storage tank listing was updated and maintained by a company contacted by the State Water Board in the early 1990s. The listing is no longer updated or maintained.
Source: Engeo Incorporated. 2021. Toyota Walnut Creek Development. December.

Listings for properties near the project site are provided in Table 3.3.1.2-1 of the Phase I ESA.[7] Based on the proximity of the project site to nearby properties listed on environmental databases, as well as the regional topographic gradient and the EDR findings, some of the listings for nearby properties on database sites may pose an environmental risk to the project site.[8] A review of the San Francisco RWQCB database, GeoTracker, revealed numerous LUST cases within 1 mile of the project site. Several of the cases involved groundwater monitoring (groundwater depths from 9 to 30 feet below the ground surface), and both active and recently closed cases were listed. The Phase I ESA provides a listing of sites that may pose an environmental risk to the project site.[9]

Indoor Air Quality

Radon

Radon is a carcinogenic, radioactive gas resulting from the natural breakdown of uranium in soil, rock, and water. Radon gas enters a building through cracks in foundations and walls. Once inside the building, radon decay products may become attached to dust particles and inhaled, or the decayed radioactive particles alone may be inhaled and cause damage to lung tissue. The United States Environmental Protection Agency (EPA) has established a safe radon exposure threshold of 4 picocuries per liter of air (pCi/l).

The California Department of Public Health has conducted more than 48,000 indoor radon tests in more than 1,700 zip codes throughout the State. Table 3.8-2 summarizes indoor radon tests conducted in the four Walnut Creek zip codes that are relevant to this analysis. Approximately 7 percent of the indoor radon tests yielded results above 4 pCi/l. The California Department of Public Health classifies areas with 0 to 7 percent of samples exceeding 4 pCi/l to be areas of low radon potential.

Table 3.8-2: Indoor Radon Test Levels

Zip Code	No. of Indoor Test Results	No. of Test Results ≥ 4 pCi/L
94595 (Saranap/Rossmoor)	9	1
94596 (Downtown)	39	1
94597 (Contra Costa Centre)	52	5
94598 (Ygnacio Valley)	39	3
Total	**139**	**10 (7%)**

Notes:
pCi/L = picocuries per liter
Project site is located in the 94596 zip code.
Source: California Department of Public Health. 2016. California Indoor Radon Test Results. February

[7] Engeo Incorporated. 2021. Toyota Walnut Creek Development, pages 14-19. December.
[8] Properties were listed pursuant to the appropriate American Standard Testing Method (ASTM) search distances.
[9] Engeo Incorporated. 2021. Toyota Walnut Creek Development, pages 20-21. December.

Vapor Intrusion

The Phase I ESA identified several potential petroleum hydrocarbon sources (the adjacent automobile facilities) of vapor intrusion within 0.1-mile of the project site and several volatile organic compounds (VOCs) sources within 0.3-mile of the project site (open and recently closed LUST cases).

Lead, Asbestos, and Other Hazardous Building Materials

Prior to 1978, lead compounds were commonly used in exterior and interior paints. Lead is a suspected human carcinogen (i.e., may cause cancer), a known teratogen (i.e., causes birth defects), and a reproductive toxin (i.e., can cause sterility). Prior to the 1980s, building materials often contained asbestos fibers, which are a known human carcinogen. Because of its strength and fire resistance, asbestos was frequently incorporated into insulation, roofing, siding, textured paint and patching compounds used on wall and ceiling joints, vinyl floor tiles and adhesives, and water and steam pipes.

Polychlorinated biphenyls (PCBs) were used as coolants and lubricants in transformers, capacitors, heating/cooling equipment, and other electrical equipment, and were also used as plasticizers in paints, plastics, rubber products, and caulking. Although manufacturing of PCBs has been banned in the United States since 1979, they may still be found in older electrical equipment and other building materials such as light ballasts and caulking. PCBs have been demonstrated to cause cancer and a variety of other adverse health effects in animals, including effects on the immune system, reproductive system, nervous system, and endocrine system. Studies in humans support evidence for potential carcinogenic and non-carcinogenic effects of PCBs.[10] PCBs and PCB-contaminated items require proper off-site transport and disposal at a facility that can accept such wastes.

Fluorescent lighting tubes and ballasts, computer displays, and several other common items containing hazardous materials (including mercury, a heavy metal) are regulated as “universal wastes” by the State of California. Universal waste regulations allow common, low-hazard wastes to be managed under less stringent requirements than other hazardous wastes. Management of other hazardous wastes is governed by California Department of Toxic Substances Control (DTSC) hazardous waste rules.

Wildland Fires

The project site is occupied by existing urban uses and is in an already urbanized area within the North Downtown portion of the City. The project site is surrounded by other urbanized uses on relatively flat areas lacking in woodlands or vegetation that could provide fuel load for wildfire, or steep slopes that could cause fire to spread more rapidly. The closest open space area, Acalanes Ridge Open Space, is located approximately 0.66 mile southwest of the project site across from Interstate 680 (I-680). According to the California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Program (FRAP), the project site is not located in a State

[10] United States Environmental Protection Agency (EPA). 2022. Learn about Polychlorinated Biphenyls (PCBs). Website: https://www.epa.gov/pcbs/learn-about-polychlorinated-biphenyls-pcbs#what. Accessed September 15, 2022.

Responsibility Area (SRA) or a Local Responsibility Area (LRA) Fire Hazard Severity Zone.[11] The nearest LRA Fire Hazard Severity Zone is located approximately 1 mile west of the project site and is designated as a Very High Fire Hazard Severity Zone.[12] The project site is surrounded by features that would provide fuel breaks in the event of a fire, such as I-680, Ygnacio Valley Road, North Civic Drive, and Parkside Drive.

Evacuation Plan

The City's Emergency Management Plan (EMP),[13] described in more detail below, does not provide an evacuation map. However, in the event of an evacuation, the most likely evacuation routes would be the I-680 when evacuating in the north, south, and west directions, and Ygnacio Valley Road when evacuating in the east direction. Both roads are within 1,000 feet of the project site, and readily accessible via main roads with high traffic throughput.

3.8.4 - Regulatory Framework

Federal

Occupational Health and Safety Act

The Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor is responsible for implementing and enforcing federal laws and regulations that address worker health and safety. OSHA requires specific training for hazardous materials users and handlers, provision of information (procedures for personal safety, hazardous materials storage and handling, and emergency response) to employees who may be exposed to hazardous materials, and acquisition of material safety data sheets from materials manufacturers. Material safety data sheets describe the risks, as well as proper handling and procedures, related to particular hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures.

Code of Federal Regulations, Titles 29 and 40

Regulations in Code of Federal Regulations Title 29 include requirements to manage and control exposure to LBP and ACM. In California, these requirements are implemented by the California Occupational Safety and Health Administration (Cal/OSHA) under California Code of Regulations Title 8 (see further discussion of California Code of Regulations Title 8 below). The removal and handling of ACMs is governed primarily by EPA regulations under Code of Federal Regulations Title 40. The regulations require that the appropriate State agency be notified before any demolition, or before any renovations, of buildings that could contain asbestos or ACM above a specified threshold.

Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act

The EPA is responsible for implementing and enforcing federal laws and regulations pertaining to hazardous materials. The primary legislation includes the Resource Conservation and Recovery Act

[11] California Department of Forestry and Fire Protection (CAL FIRE). 2007. Contra Costa County Fire Hazard Severity Zone in State Responsibility Area. Website: https://egis.fire.ca.gov/FHSZ/. Accessed November 12, 2021.
[12] Ibid.
[13] City of Walnut Creek. 2020. January. City of Walnut Creek Emergency Management Plan, Version 1.0. January.

of 1976 (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) and the Emergency Planning and Community Right-to-Know Act (known as SARA Title III). RCRA and the 1984 RCRA Amendments regulate the treatment, storage, and disposal of hazardous and nonhazardous wastes and mandate that hazardous wastes be tracked from the point of generation to their ultimate fate in the environment, including detailed tracking of hazardous materials during transport and permitting of hazardous material handling facilities. As permitted by RCRA, in 1992, the EPA approved California's program called the Hazardous Waste Control Law (HWCL), administered by DTSC, to regulate hazardous wastes in California, as discussed further below. The purpose of CERCLA is to identify and clean up chemically contaminated sites that pose a significant environmental health threat, and the Hazard Ranking System is used to determine whether a site should be placed on the National Priorities List for cleanup activities. SARA relates primarily to emergency management of accidental releases and requires annual reporting of continuous emissions and accidental releases of specified compounds that are compiled into a nationwide Toxics Release Inventory. Finally, SARA Title III requires formation of State and local emergency planning committees that are responsible for collecting material handling and transportation data for use as a basis for planning and provision of chemical inventory data to the community at large under the "right-to-know" provision of the law.

Hazardous Materials Transportation Act

Under the Hazardous Materials Transportation Act of 1975, the United States Department of Transportation (USDOT), Office of Hazardous Materials Safety regulates the transportation of hazardous materials on water, rail, highways, through air, or in pipelines and enforces guidelines created to protect human health and the environment and reduce potential impacts by creating hazardous material packaging and transportation requirements. It also includes provisions for material classification, packaging, marking, labeling, placarding, and shipping documentation. The USDOT provides hazardous materials safety training programs and supervises activities involving hazardous materials. In addition, the USDOT develops and recommends regulations governing the multimodal transportation of hazardous materials.

Aboveground Petroleum Storage Act, and Spill Prevention, Control, and Countermeasure Rule

The Aboveground Petroleum Storage Act of 1990 and the Spill Prevention, Control, and Countermeasure (SPCC) Rule (amended 2010) of the Oil Pollution Prevention regulation (40 Code of Federal Regulations [CFR] 112) require the owner or operator of a tank facility with an aggregate storage capacity greater than 1,320 gallons to notify the local Certified Unified Program Agency (CUPA) and prepare an SPCC plan. The SPCC plan must identify appropriate spill containment measures and equipment for diverting spills from sensitive areas and must discuss facility-specific requirements for the storage system, inspections, recordkeeping, security, and training.

Clean Water Act

The Clean Water Act (CWA) (Title 33 § 1251 *et seq*. of the United States Code [33 USC 1251, *et seq*.]) is the major federal legislation governing water quality. The CWA established the basic structure for regulating discharges of pollutants into waters of the United States (not including groundwater). The objective of the act is "to restore and maintain the chemical, physical, and biological integrity of the

nation's waters." The CWA establishes the basic structure for regulating the discharge of pollutants into waters of the United States. Responsibility for administering the CWA resides with the California State Water Resources Control Board (State Water Board) and nine RWQCBs; the San Francisco Bay RWQCB administers the CWA for the city.

Section 404 of the CWA regulates temporary and permanent fill and disturbance of waters of the United States, including wetlands. The United States Army Corps of Engineers (USACE) requires that a permit be obtained if a project proposes to place fill in navigable waters and/or to alter waters of the United States below the ordinary high-water mark in non-tidal waters. Section 401 of the CWA requires compliance with State water quality standards for actions within State waters. Compliance with the water quality standards required under Section 401 is a condition for issuance of a Section 404 permit. Under Section 401 of the CWA, every applicant for a permit or license for any activity that may result in a discharge to a water body must obtain a State water quality certification from the RWQCB to demonstrate that the proposed activity would comply with State water quality standards.

State

California Hazardous Waste Control Law

The HWCL is the primary hazardous waste statute in the State of California and implements RCRA as a "cradle-to-grave" waste management system for handling hazardous wastes in a manner that protects human health and the environment and would reduce potential resulting impacts. The law specifies that generators have the primary duty to determine whether their waste is hazardous and to ensure proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous waste used or reused as raw materials. The law exceeds federal requirements by mandating source reduction planning, and a much broader requirement for permitting facilities that treat hazardous waste. It also regulates a number of types of waste and waste management activities that are not covered by federal law.

California Health and Safety Code

The California Health and Safety Code (HSC § 25141) defines hazardous waste as a waste or combination of waste that may:

> . . . because of its quantity, concentration, or physical, chemical, or infection characteristics:
>
> (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation-reversible illness.
>
> (2) Pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of or otherwise managed.

These regulations establish criteria for identifying, packaging, and labeling hazardous wastes; prescribe management practices for hazardous wastes; establish permit requirements for hazardous

waste treatment, storage, disposal, and transportation; and identify hazardous waste that commonly would be disposed of in landfills.

Under both the RCRA and the HWCL, hazardous waste manifests must be retained by the generator for a minimum of 3 years. The generator must match copies of the manifests with copies of manifest receipts from the treatment, disposal, or recycling facility.

In accordance with Chapter 6.11 of the California Health and Safety Code (HSC § 25404, *et seq*.), local regulatory agencies enforce many federal and State regulatory programs through the CUPA program, including:

- Hazardous Materials Business Plans (HMBPs) (HSC § 25501, *et seq*.);
- State Uniform Fire Code (UFC) requirements (UFC § 80.103, as adopted by the State Fire Marshal pursuant to HSC § 13143.9);
- Underground storage tanks (HSC § 25280, *et seq*.);
- Aboveground storage tanks (HSC § 25270.5[c]); and
- Hazardous waste generator requirements (HSC § 25100, *et seq*.).

The Contra Costa Health Services Hazardous Materials Programs (CCHSHMP) is the CUPA for the City. As the CUPA, CCHSHMP enforces State statutes and regulations through the Hazardous Materials Unified Program Agency (HMUPA). The HMUPA oversees aboveground petroleum tanks; generation of hazardous materials; storage and treatment; USTs; generation of medical waste; the California Accidental Release Prevention Program; and the Local Oversight Program, which interfaces with the State Water Board and the San Francisco RWQCB on LUSTs and UST release sites.

California Code of Regulations, Title 8

Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations. These regulations concern the use of hazardous materials in the workplace, including requirements for employee safety training; availability of safety equipment; accident and illness prevention programs; hazardous substance exposure warnings; and preparation of emergency action and fire prevention plans.

Cal/OSHA also enforces hazard communication program regulations, including procedures for identifying and labeling hazardous substances, and requires that safety data sheets (formerly known as material safety data sheets) be available for employee information and training programs. Cal/OSHA standards are generally more stringent than federal regulations.

California Code of Regulations, Title 8, Section 1529 authorizes Cal/OSHA to implement the survey requirements of Code of Federal Regulations Title 29 relating to asbestos. These federal and State regulations require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos. Workers who conduct asbestos abatement must be trained in accordance with federal and Cal/OSHA requirements. The Bay Area Air Quality Management District (BAAQMD) oversees the removal of regulated ACMs.

California Code of Regulations, Title 8, Section 1532.1 includes requirements to manage and control exposure to LBP. These regulations cover the demolition, removal, cleanup, transportation, storage, and disposal of lead-containing material. The regulations outline the permissible exposure limit, protective measures, monitoring, and compliance to ensure the safety of construction workers exposed to lead-based material. Loose and peeling LBP must be disposed of as a State and/or federal hazardous waste if the concentration of lead equals or exceeds applicable hazardous waste thresholds. Federal and Cal/OSHA regulations require a supervisor who is certified with respect to identifying existing and predictable lead hazards to oversee air monitoring and other protective measures during demolition activities in areas where LBP may be present. Special protective measures and notification of Cal/OSHA are required for highly hazardous construction tasks related to lead, such as manual demolition, abrasive blasting, welding, cutting, or torch burning of structures, where LBP is present.

California Code of Regulations Title 22, Division 4.5

California Code of Regulations, Title 22, Division 4.5, contains the Environmental Health Standards for the Management of Hazardous Waste, which includes California waste identification and classification regulations. California Code of Regulations, Title 22, Chapter 11, Article 3, "Soluble Threshold Limits Concentrations/Total Threshold Limits Concentration Regulatory Limits," identifies the concentrations at which soil is determined to be a California hazardous waste. California's Universal Waste Rule (22 California Code of Regulations [CCR] § 66273) provides an alternative set of management standards in lieu of regulation as hazardous wastes for certain common hazardous wastes, as defined in California Code of Regulations, Title 22, Section 66261.9. Universal wastes include fluorescent lamps, mercury thermostats, and other mercury-containing equipment. Existing structures may contain fluorescent light ballasts that could contain mercury or lead. The Alternative Management Standards for Treated Wood Waste (22 CCR § 67386) were developed by the DTSC to allow for disposal of treated wood as a nonhazardous waste, to simplify and facilitate the safe and economical disposal of such waste. Chemically treated wood can contain elevated levels of hazardous chemicals (e.g., arsenic, chromium, copper, pentachlorophenol, or creosote) that equal or exceed applicable hazardous waste thresholds. The Alternative Management Standards provide for less stringent storage requirements and extended accumulation periods, allow shipments without a hazardous waste manifest and a hazardous waste hauler, and allow disposal at specific nonhazardous waste landfills.

Porter-Cologne Act

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The RWQCBs are required to formulate and adopt water quality control plans (also known as basin plans) for all areas of the region and establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of State Water Board and RWQCBs to adopt and periodically update water quality control plans that recognize and reflect the differences in existing water quality, the beneficial uses of the region's groundwater and surface water, and local water quality conditions and problems. It also authorizes the State Water Board and RWQCBs to

issue and enforce waste discharge requirements and to implement programs for controlling pollution in State waters. Finally, the Porter-Cologne Act also authorizes the State Water Board and RWQCBs to oversee site investigation and cleanup for unauthorized releases of pollutants to soils and groundwater and in some cases to surface waters or sediments.

California Emergency Response Plan

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local governments and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the California Governor's Office of Emergency Services, which coordinates the responses of other agencies.

California Department of Forestry and Fire Protection

CAL FIRE has mapped fire threat potential throughout California. CAL FIRE maps fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The threat levels include no fire threat, moderate, high, and very high fire threat. CAL FIRE produced a 2019 Strategic Fire Plan for California, which contains goals, objectives, and policies to prepare for and mitigate the effects of fire on California's natural and built environments. CAL FIRE's Office of the State Fire Marshal provides oversight of enforcement of the California Fire Code as well as overseeing hazardous liquid pipeline safety.

California Building Standards Code

The State of California provided a minimum standard for building design through the 2019 California Building Standards Code (CBC), which is in Part 2 of Title 24 of the California Code of Regulations. The 2019 CBC is based on the 2018 International Building Code but has been modified for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in all new high-rise buildings and residential buildings, the establishment of fire resistance standards for fire doors and building material and for particular types of construction.

California Public Resources Code

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire, require the use of spark arrestors[14] on construction equipment that use an internal combustion engine, specify requirements for the safe use of gasoline-powered tools in fire hazard areas, and specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas.

These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (PRC § 4442);

[14] A spark arrestor is a device that prohibits exhaust gases from an internal combustion engine from passing through the impeller blades where they could cause a spark. A carbon trap is commonly used to retain carbon particles from the exhaust.

- Appropriate fire suppression equipment would be maintained during the highest fire danger period—from April 1 to December 1 (PRC § 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame and the construction contractor would maintain the appropriate fire suppression equipment (PRC § 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (PRC § 4431).

Department of Toxic Substance Control

The DTSC is the agency authorized by the EPA to enforce and implement federal hazardous materials laws and regulations. State and federal laws mandate detailed planning to ensure that hazardous materials are properly stored, handled, used, and disposed of, and, if such materials are accidentally released, prevent or mitigate injury to health or the environment. Such laws include a required to prepare written plans, such as Hazard Communication Plans and HMBP. HMBPs are required for business that handle a hazardous material, a mixture containing a hazardous material (including hazardous waste), or an extremely hazardous substance (as defined in Section 355.61 of Title 40 of the Code of Federal Regulations) at reportable quantities, which are generally equal to or greater than 55 gallons of a liquid, 200 cubic feet of a gas, and 500 pounds of a solid).[15] (California Health and Safety Code, Division 20, Chapter 6.95, Article 1 [25500-25519]).

A HMBP contains detailed information including the following:

- An inventory of hazardous materials at a facility
- Emergency response plans and procedures to be followed in the event of a reportable release or threatened release of a hazardous material
- Requirements to train employees in safety procedures in the event of a release or threatened release of a hazardous material, including onboarding for new employees and annual refresher courses for existing employees
- A site map that depicts north orientation, loading areas, internal roads, adjacent streets, storm and sewer drains, access and exit points, emergency shutoffs, evacuation staging areas, hazardous material handling and storages areas, and emergency response equipment.

California regulations pertaining to hazardous materials are equal to or exceed the federal regulation requirements. Most State hazardous materials regulations are contained in Title 22 of the California Code of Regulations. The DTSC generally acts as the lead agency for soil and groundwater cleanup projects that affect public health, and establishes cleanup levels for subsurface contamination that are equal to, or more restrictive than, federal levels. The DTSC has also developed land disposal restrictions and treatment standards waste disposal in California.

[15] California Environmental Protection Agency (Cal/EPA). 2022. Hazardous Materials Business Plan Program. Website: https://calepa.ca.gov/cupa/lawsregs/hazardous-materials-business-plan-program/. Accessed October 27, 2022.

State Water Resources Control Board

The State Water Board enforces, among other regulations, those regulations pertaining to implementation of underground storage tank programs. It also allocates monies to eligible parties who request reimbursement of State funds to clean up soil and groundwater pollution from LUSTs. The State Water Board also enforces the Porter-Cologne Act through its nine regional boards, including the San Francisco Bay Regional Water Board, described below.

California Air Resources Board

The California Air Resources Board (ARB) is responsible for coordination and oversight of State and local air pollution control programs in California, including implementation of the California Clean Air Act of 1988. CARB has developed State air quality standards and is responsible for monitoring air quality in conjunction with the local air districts.

Worker Health and Safety

Worker health and safety is regulated at the federal level by OSHA. In California, worker health and safety protections are regulated by Cal/OSHA, which also provides consultant assistance to employers. California standards for workers dealing with hazardous materials are contained in 8 CCR and include practices for all industries (General Industrial Safety Orders), with specific practices for construction and other industries. Workers at hazardous waste sites (or workers who may be exposed to hazardous wastes that might be encountered during excavation of contaminated soils) must receive specialized training and medical supervision according to the Hazardous Waste Operations and Emergency Response regulations (8 CCR § 5192). Additional regulations have been developed for construction workers potentially exposed to lead (8 CCR § 1532.1) and asbestos (8 CCR § 1529). Cal/OSHA enforcement units conduct on-site evaluations and issue notices of violation to enforce necessary improvements to health and safety practices.

Regional

San Francisco Bay Regional Water Quality Control Board

The San Francisco Bay RWQCB can act as a responsible agency to provide oversight of sites where the quality of groundwater or surface waters is threatened. The San Francisco RWQCB has the authority to require investigations and remedial actions.

Bay Area Air Quality Management District

The BAAQMD has primary responsibility for control of air pollution from sources other than motor vehicles and consumer products (which are the responsibility of the EPA and ARB). The BAAQMD is responsible for preparation of attainment plans for non-attainment criteria pollutants, control of stationary air pollutant sources, management of VOC-containing soils (District Rule 8-40), and the issuance of permits for activities including asbestos removal, demolition, and renovation activities (District Rule 11-2).

Contra Costa Health Services Hazardous Materials Programs

The CCHSHMP is the primary agency responsible for local enforcement of State and federal laws pertaining to hazardous materials and hazardous waste management. In Walnut Creek, the CCHSHMP is the Certified Unified Program CUPA, responsible for coordination of the following

programs: Aboveground Petroleum Storage, Hazardous Materials Business Plan, California Accidental Release Prevention, Green Business Program, Hazardous Waste Generator, Incident Response, Industrial Safety Ordinance, Storm Water, Unannounced Inspection, and Underground Storage Tanks.[16]

Local

City of Walnut Creek

City of Walnut Creek General Plan

Chapter 6, Safety and Noise, of the General Plan contains the following goals, policies, and actions related to hazardous materials and emergency response that are relevant to this analysis:

Chapter 6: Safety and Noise

Goal 3 **Reduce dangers from hazardous materials.**

Policy 3.1 Facilitate the proper disposal of hazardous materials.

Policy 3.2 Prioritize safety needs of non-industrial land uses.

Policy 3.3 Incorporate hazardous materials abatement provisions in zoning and subdivision decisions and entitlement permits.

Policy 3.4 Work with federal and State authorities to ensure that any transport of hazardous materials through Walnut Creek is at the highest standard of safety.

Action 3.4.1 Designate hazardous material carrier routes that direct hazardous materials away from populated and other sensitive areas.

Policy 3.5 Require that soils, groundwater, and buildings affected by hazardous material releases from prior land uses, and lead and asbestos potentially present in building materials, will not have the potential to adversely affect the environment or the health and safety of residents.

Action 3.5.1 Require an environmental investigation for hazardous materials when reviewing applications for new development in former commercial or industrial areas.

Policy 3.6 Require that new development and redevelopment protect public health and safety from hazardous materials.

Action 3.6.1 Require environmental investigations stipulated by State and County regulations for potential hazardous material releases from prior uses, as well as for lead and asbestos present in building materials.

[16] Contra Costa Health Services. 2022. HazMat Programs. Website: https://cchealth.org/hazmat/programs.php. Accessed September 6, 2022.

Goal 4 **Strive to prevent and reduce damage related to fire hazards.**

Policy 4.1 Regulate projects in high-risk areas.

Policy 4.2 Work with the Contra Costa County Fire Protection District to ensure adequate fire response times and address other fire-related issues in the Planning Area.

Action 4.2.1 Require that all new development or redevelopment plans be submitted to the Fire District for review.

Action 4.2.2 Require greenbelt zones and fire-resistant landscaping and building materials in developments in and on the edges of higher risk areas.

Action 4.2.3 Establish minimum road widths and clearances around structures in high, very high, and extreme fire risk areas.

Action 4.2.4 Working with the Contra Costa County Fire Protection District, use nuisance ordinances to reduce the risks of dry grasses.

Goal 6 **Provide quick response to disasters.**

Policy 6.1 In the event of a disaster, strive to reduce injury, loss of life, and property damage.

Action 6.1.1 Prepare and adopt a list and map of evacuation routes.

Policy 6.2 Safeguard the city's critical facilities and make any repairs as quickly as possible.

Action 6.2.1 Include a map of critical facilities in the Emergency Operations Plan.

City of Walnut Creek Emergency Management Plan

The City of Walnut Creek has prepared an EMP;[17] an all-hazards plan, which serves as the foundation for disaster response and recovery operations for the City. It determines how resources should be allocated in response to emergencies, from preparation through recovery. The EMP determines the emergency organization, specifies policies and general procedures, assigns tasks, and provides for coordination of the responsibility of the City of Walnut Creek as a member of the Contra Costa Operational Area along with other AQ members, in both response and recovery procedures. The EMP specifies the City's emergency planning, organizational, and response policies and procedures and dictates how they will be coordinated with emergency responses from other levels of government. [18]

[17] The City of Walnut Creek Emergency Operations Plan, adopted in January 2013, was the plan in effect at the time the 2019 North Downtown Specific Plan (NDSP) Environmental Impact Report (EIR) was drafted. The Emergency Management Plan updates the previous plan and was adopted in January of 2020. Therefore, this Draft Supplement Environmental Impact Report (Draft SEIR) references the Emergency Management Plan (EMP) but the EOP is referenced with respect to the 2019 NDSP EIR.

[18] City of Walnut Creek. 2020. Emergency Management Plan. January.

3.8.5 - Thresholds of Significance

Utilizing the guidance in the CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to hazards and hazardous materials would be significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

e) Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport and result in a safety hazard or excessive noise for people residing or working the project area?

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury, or death involving wildland fires?

3.8.6 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

In evaluating potential impacts associated with the implementation of the development contemplated under the NDSP, I 2019 NDSP EIR relied upon, in part, the State Water Board GeoTracker Database[19] and DTSC EnviroStor database.[20] As described more fully therein, the 2019 NDSP EIR identified potential impacts related to accidental release of hazardous materials, hazardous materials emissions near schools, listing on hazardous materials release sites, and cumulative impacts. The 2019 NDSP EIR concluded that these potential impacts would be reduced to less than significant with the incorporation of mitigation. The 2019 NDSP EIR identified less than significant impacts (without the need for any mitigation) with respect to routine transport, use, or disposal of hazardous materials, aviation hazards, emergency response plan, and wildland fire hazards assuming that development within the NDSP area would be required to adhere to all applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the General Plan and Municipal Code

[19] California State Water Resources Control Board (State Water Board). 2021. GeoTracker Database. Website: https://geotracker.waterboards.ca.gov/. Accessed: November 29, 2021.

[20] Department of Toxic Substances Control (DTSC). 2021. EnviroStor Database. Website: https://www.envirostor.dtsc.ca.gov/public/. Accessed: November 29, 2021.

(refer to Section 4.8, Hazards and Hazardous Materials of the 2019 NDSP EIR; pages 4.8-10 to 4.8-14). As described below, the impact conclusions of the 2019 NDSP EIR would not substantially change because of the proposed project.

Proposed Project Analysis and Conclusion

Routine Transport, Use, or Disposal of Hazardous Materials

Impact HAZ-1:	**The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated redevelopment within the NDSP area with respect to the routine transport, use, and disposal of hazardous materials including materials such as motor fuels, paints, oils, and grease that could pose a significant threat to human health or the environment if not properly managed. Based on this analysis, the 2019 NDSP EIR concluded that future individual projects developed under the NDSP would involve the routine transport, use, and disposal of hazardous materials of such commonplace materials that could pose a significant threat to human health or the environment if not properly managed. Any future development projects within the NDSP area would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to, those set forth by RCRA, USDOT, CCHSHMP, and applicable goals and policies of the General Plan (including, but not limited to, Policies 3.1, 3.2, 3.4, and 3.6 and Action 3.4.1 of Chapter 6, Safety and Noise). The 2019 NDSP EIR concluded that with implementation of the foregoing laws, regulations, policies, and actions related to routine transport, use, or disposal of hazardous materials, the NDSP would result in less than significant impacts.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to the routine transport, use, and disposal of hazardous materials.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to the routine transport, use, and disposal of hazardous materials, as explained more fully in the Phase I ESA and below.

Construction

Construction activities associated with the proposed project would entail the use of heavy equipment on the project site. Potential hazardous materials transported, used, or disposed of during project construction would be limited to commonly used substances such as gasoline, diesel, oil, grease, mechanical fluids, paints, cleaning solvents, and similar items. It should be noted that a residential use on portion(s) of the project site could be operational during the construction of other

uses on another portion of the project site. Consistent with the findings of the 2019 NDSP EIR, the proposed project would be required to adhere to applicable federal, State, and local laws, regulations, standards and other requirements including, but not limited to, those set forth by RCRA, USDOT, CCHSHMP, and applicable goals and policies of the General Plan (including, but not limited to, Policies 3.1, 3.2, 3.4, and 3.6 and Action 3.4.1 of Chapter 6, Safety and Noise); this would help ensure that the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during construction. Consistent with the 2019 NDSP EIR, adherence to the foregoing laws, regulations, and programs and standards would ensure that impacts with respect to transport, use, or disposal of hazardous materials during construction would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and impacts would remain less than significant.

Operation

The proposed project's operational uses which, under Scenario 3 (i.e., having the highest number of sensitive receptors in the form of residents), would involve auto sales, service and ancillary uses as well as office and multi-family residential uses, would not result in activities that would handle large quantities of hazardous materials given the nature of these uses. Users associated with the proposed project during operation would be expected to handle small quantities of commonly used hazardous substances such as cleaning solvents, diesel, gasoline, grease/degreasers, mechanical fluids, and oil as part of daily operations. The potential enhancement of the existing auto sales, service and ancillary uses would result in the use of hazardous materials, similar to existing conditions. Pursuant to State law, should the auto sales and service uses (or any other use) handle hazardous materials at reportable quantities (see above), the relevant Applicant would be required to prepare and submit a HMBP to CCHSHMP (the CUPA in the City) for review and approval prior to issuance of occupancy permits. Consistent with the findings of the 2019 NDSP EIR, the proposed project would be required to adhere to all applicable federal, State, and local laws, regulations, standards and other requirements including, but not limited to, those set forth by CCHSHMP, which implements regulatory programs for sites that routinely manage hazardous materials (i.e., sites used for auto sales and service) to ensure the safe storage, management, and disposal of hazardous materials in accordance with the Unified Program. The proposed project would also be required to adhere to applicable goals and policies of the General Plan (including, but not limited to, Policies 3.1, 3.2, 3.4, and 3.6 and Action 3.4.1 of Chapter 6, Safety and Noise). The foregoing would ensure that the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Thus, consistent with the 2019 NDSP EIR, adherence to the foregoing laws, regulations, programs and standards would ensure that impacts with respect to transport, use, or disposal of hazardous materials during operation would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Hazardous Materials Upset Risk

Impact HAZ-2:	**The proposed project may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated the potential impacts associated with any reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment that could result from the implementation of the development contemplated under the NDSP, including the release of hazardous building materials into the environment and exposure of construction workers and the public to such hazardous materials. Based on this analysis, the 2019 NDSP EIR concluded that construction activities for future development projects within the NDSP area could involve the transportation, use and disposal of commonly used hazardous materials such as gasoline, diesel, oil, grease, mechanical fluids, paints, and cleaning solvents where there could be some risk of upset and accident conditions, which could result in a release of these hazardous materials. In addition, construction of the contemplated development under the NDSP would involve the demolition of existing structures that may contain lead, asbestos, and other hazardous building materials that could result in the release of hazardous materials into the environment and exposure of construction workers and the public to hazardous materials if not appropriately abated and disposed. Furthermore, it identified four hazardous materials release sites within the NDSP area under active regulatory agency oversight. Excavation of contaminated soils could expose workers and the public to hazardous materials in dust or vapors that could be released from contaminated soil and groundwater. Nevertheless, the 2019 NSDP EIR determined that future individual projects within the NDSP area would be required to adhere to applicable federal, State, and local laws, regulations, standards and requirements including, but not limited to applicable goals and policies of the General Plan (including, but not limited to, Goal 3, Policies 3.5, 3.6, and Actions 3.5.1 and 3.6.1 in Chapter 6, Safety and Noise, of the General Plan).

The NDSP also required the implementation of 2019 NDSP Mitigation Measure (MM) HAZ-1a, which requires the applicants of redevelopment proposals under the NDSP to conduct asbestos and lead paint surveys prior to demolition activities and safely remove and dispose of any such materials in accordance with State standards. In addition, 2019 NDSP EIR MM HAZ-1b would be required to be implemented as well in connection with any development within the NDSP area, which requires the preparation and submittal of a Phase I and Phase II ESA (if necessary) and completion of any necessary remedial activities (to be conducted under the oversight of the appropriate regulatory agency). The 2019 NDSP EIR concluded that with adherence to the foregoing laws, regulations, standards and requirements, coupled with implementation of 2019 NDSP EIR MM HAZ-1a and 2019 NDSP EIR MM HAZ-1b, development under the NDSP would result in less than significant impacts related to public hazard risk because of the hazardous materials upset.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to the potential risk of upset and accident conditions involving the release of hazardous materials into the environment.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to the potential risk of upset and accident conditions involving the release of hazardous materials into the environment, as explained more fully in the Phase I ESA and below. As described above, given the age of the existing structures on the project site, it is reasonable to assume that ACM and LBP may exist within these structures. Removal of these existing buildings could potentially create a significant hazard to construction workers on the project site. The proposed project would be required to implement MM HAZ-2a that requires the relevant Applicant, in connection with a specific individual development proposal, to conduct asbestos and lead paint surveys prior to demolition activities and to safely remove and dispose of any such materials in accordance with applicable State standards.

As discussed above, consistent with the analysis in the 2019 NDSP EIR (including 2019 NDSP EIR MM HAZ-1b), since the project site (or portions thereof) may be contaminated or potentially contaminated based on the results of past environmental investigations of the project site or nearby properties, known historic land uses on-site or in the site vicinity (e.g., gas stations/auto service facilities, dry cleaners, etc.), or listing of the project site or nearby properties on the State Water Board GeoTracker database or the DTSC Envirostor database, a Phase I ESA for the project site was prepared in connection with this analysis. As discussed above and analyzed in the Phase I ESA, the project site contains hazardous materials including two RECs and one controlled REC as well as other potential environmental concerns not considered to be RECs. However, given the previous hazardous materials investigations completed for the project site, the Phase I ESA did not recommend a Phase II. Instead, the Phase I ESA recommended further testing and remedial actions, which have been incorporated as enforceable mitigation measures, as provided below, in MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d. MM HAZ-2b is only required for APN 173-131-042 (a portion of Site A) because that parcel included a 550-gallon tank of unknown content, removed in 1998.

As described above, four USTs were removed from APNs 173-131-055 and 173-131-062 (portions of Site A) in 1989 and disposed of off-site. CCCHSD and the RWQCB concurred that no further monitoring, investigation, or remedial action was required based on the current land use of automotive repair facilities, as documented in letters dated October 31, 1996,[21] and December 2, 1996, respectively.[22] The RWQCB concurrence letter indicated that corrective action should be

[21] Contra Costa County Health Services Department. 1996. Request for Concurrence for Closure 2100 North Main Street, Walnut Creek, California. October 31.

[22] San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB). 1996. Underground Storage Tank Case, 2100 North Main Street, Walnut Creek, Contra Costa County. December 2.

reviewed if the land use changes. Because no specific individual development application for the project site has been formally submitted to the City, and the final specific allocation and mix of uses are not currently known, it is conservatively assumed that APN 173-131-055 and 173-131-062 could include residential uses as described in Scenario 3. Therefore, depending upon the ultimate allocation of uses on the project site that is proposed under a specific individual development proposal, additional corrective action may be required to ensure that all applicable thresholds are achieved under the comprehensive regulatory framework that would apply. For example, MM HAZ-2c requires coordination, to the extent otherwise required under applicable laws and regulations, with RWQCB and/or any other applicable regulatory body to implement any necessary corrective action required to address any proposed land use changes. The relevant Applicant for a specific development proposal would be required to complete any required corrective action prior to the issuance of a grading or building permit for the proposed land use change. MM HAZ-2d requires the completion of a hazardous materials management plan in connection with specific development proposal(s).

Consistent with the 2019 NDSP EIR, the proposed project would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to, applicable goals and policies of the General Plan (including, but not limited to, Goal 3, Policies 3.5, 3.6, and Actions 3.5.1 and 3.6.1 in Chapter 6, Safety and Noise Elements). With adherence to all applicable laws, regulations, policies, and actions and implementation of applicable mitigation measures (e.g., MM HAZ-2a, MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d, which constitutes compliance with 2019 NDSP EIR MM HAZ-1a and 2019 NDSP EIR MM HAZ 1-b), the proposed project would result in less than significant impacts related to the potential risk of upset and accident conditions involving the release of hazardous materials into the environment. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

The verbatim text of the relevant 2019 NDSP EIR mitigation measures is shown below. For purposes of the proposed project, the relevant Applicant's compliance with MM HAZ-2a, MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d, as shown below, shall constitute compliance with 2019 NDSP EIR MM HAZ-1a and 2019 NDSP EIR MM HAZ-1b.

Mitigation Measures from the 2019 NDSP EIR

2019 NDSP EIR MM HAZ-1a Conduct Asbestos and Lead Surveys Prior to Demolition

> If the site of a future development project within the Plan Area is suspected to contain hazardous building materials, the project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs),

and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable regulatory agency.

2019 NDSP EIR MM HAZ-1b Hazardous Material Testing and Remediation

If the site of a future development project within the Plan Area is suspected to be contaminated or potentially contaminated based on the results of past environmental investigations of the site or nearby properties, known historic land uses on-site or in the site vicinity (e.g., gas stations/auto service facilities, dry cleaners, industrial or agricultural land uses, or placement of fill material), or listing of the site or nearby properties on the State Water Resources Control Board GeoTracker database or the Department of Toxic Substances Control (DTSC) Envirostor database, the project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if recommended by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. Any remedial activity shall be conducted under the oversight of an appropriate regulatory agency. The project applicant shall implement the agency-approved cleanup plan and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable regulatory agency.

Mitigation Measures for the Proposed Project

For the proposed project, MM HAZ-2a is required to implement the requirements of 2019 NDSP EIR MM HAZ-1a. MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d are required to implement the requirements of 2019 NDSP EIR MM HAZ-1b. Accordingly, the relevant Applicant's compliance with the foregoing project-specific mitigation measures shall constitute compliance with 2019 NDSP EIR MM HAZ-1a and 2019 NDSP EIR MM HAZ-1b. MM HAZ-2b is only required for APN 173-131-042 (a portion of Site A) because that parcel included a 550-gallon tank of unknown content, removed in 1998.

MM HAZ-2a Conduct Asbestos and Lead Surveys Prior to Demolition

In connection with a specific individual development proposal that would involve demolition of any structure(s) on the project site, the relevant Applicant shall submit a comprehensive assessment report to the Community Development Department, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as

hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present within any structure(s) proposed for demolition under the relevant specific individual development proposal, the relevant Applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The relevant Applicant shall implement all recommendations contained in the comprehensive assessment report and submit to the City reasonable documentation of approval for any proposed remedial action plan and the related required clearances by the applicable regulatory agency, if and to the extent necessary under the applicable laws and regulations.

MM HAZ-2b Geophysical Survey and Subsurface Assessment

Prior to issuance of the grading permit for work on Assessor's Parcel Number 173-131-042 pursuant to a specific individual development proposal, the relevant Applicant shall cause the preparation of a geophysical survey and subsurface assessment, including sampling of soil gas and groundwater, to be completed to confirm the location of the former underground storage tank (UST) located on this parcel and to confirm any related issues with respect to soil, soil gas, or groundwater. Sampling locations and methods shall be identified and implemented in accordance with applicable regulatory standards and best practices imposed by the applicable regulatory body(ies) (e.g., Contra Costa County Health Services Department [CCCHSD] and/or Regional Water Quality Control Board [RWQCB]), as applicable. Prior to the issuance of a grading permit for this parcel, if hazardous levels of any hazardous compounds are found, the relevant Applicant shall complete any remediation required under the applicable laws and regulations to the satisfaction of the CCCHSD and/or RWQCB, as evidenced by the submittal of a no further action letter from the relevant regulatory agency(ies). In addition, if any hazardous contaminants related to the current use of this parcel (such as, for example, benzene or chloroform) are found, the relevant Applicant shall cause to be prepared and implemented as part of the construction of the relevant specific individual development proposal a construction worker health and safety plan. If hazardous contaminants are discovered during construction, work would be halted until this construction worker health and safety plan, compliant with all applicable safety requirements, is approved by relevant regulatory agencies. This plan will ensure that the proposed project's construction activities safely handle, transport, and dispose of all hazardous waste in accordance with applicable safety standards, laws, and regulations established by the CCCHSD and/or RWQCB.

MM HAZ-2c Soil Gas, Groundwater, and Soil Assessment

Prior to demolition or earthmoving activities for any specific individual development proposal on the project site, the relevant Applicant shall cause to be conducted a soil gas, groundwater, and soil assessment for the relevant portion(s) of the project site at potential contamination sites (as identified in the Phase I ESA). If required

under applicable laws and regulations, the relevant Applicant shall coordinate with Contra Costa County Health Services Department (CCCHSD) and/or Regional Water Quality Control Board (RWQCB), as applicable, in the design and implementation of this assessment. The assessment shall identify and implement sampling locations and methods in accordance with applicable regulatory standards and best practices. Recommended sampling locations include active and former automotive service facilities, active and former hazardous materials use/storage areas, and former Underground Storage Tanks. Prior to the issuance of a grading permit for the relevant specific individual development proposal, if hazardous levels of any hazardous compounds are found in the soil gas, groundwater, or underlying soils, the relevant Applicant shall complete all recommended remediation required under applicable laws and regulations to the satisfaction of the CCCHSD and/or RWQCB, as applicable, as evidenced by the submittal of a no further action letter. In addition, if hazardous contaminants (if any) related to the current use of the project site (such as, for example, petroleum hydrocarbons and benzene, toluene, ethylbenzene, or xylene [BTEX]) are found, the relevant Applicant shall cause to be prepared and implemented as part of the construction of the relevant specific individual development proposal a construction worker health and safety plan.

MM HAZ-2d Preparation of Hazardous Materials Management Plan

Prior to demolition or earthmoving activities on the project site under a specific individual development proposal, the relevant Applicant shall cause to be prepared a hazardous materials management plan pursuant to applicable laws and regulations and submit the same to the Contra Costa County Health Services Department (CCCHSD) and/or Regional Water Quality Control Board (RWQCB) for review and approval, or other applicable regulatory body, as applicable. This plan will ensure that the proposed project's construction activities safely handle, transport, and dispose of all hazardous waste in accordance with applicable safety standards, laws, and regulations established by the CCHSD and/or RWQCB.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Hazardous Emissions Proximate to a School

Impact HAZ-3: The proposed project may emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR reviewed the State Water Board GeoTracker Database and DTSC EnviroStor database, with respect to the potential impacts associated with the emission of hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school that could occur as a result of implementing the development

contemplated under the NDSP. Based on this analysis, the 2019 NDSP EIR noted that there were no existing or proposed schools located within the NDSP area, but there were seven existing schools located within 0.25 mile of the NDSP area. Nevertheless, the 2019 NDSP EIR concluded that any hazardous materials used and potentially encountered during construction and operation would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to those set forth by RCRA, USDOT, CCHSHMP, and applicable goals and policies of the General Plan (including, but not limited to, Policies 3.1, 3.2, 3.4, and 3.6, and Action 3.4.1 of Chapter 6, Safety and Noise Elements,) and would be required to implement 2019 NDSP EIR MM HAZ-1a and 2019 NDSP EIR MM HAZ-1b. Therefore, the 2019 NDSP EIR concluded that adherence to the foregoing laws, regulations, policies, and actions, and implementation of the foregoing mitigation measures would ensure that impacts related to hazardous materials emissions near schools would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Consistent therewith, because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school and impacts would be less than significant.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of any potential impacts in this regard, as explained more fully in the Phase I ESA and below.

Walnut Creek Intermediate School is located approximately 750 feet east of the project site. None of the other schools listed in the 2019 NDSP EIR are located within 0.25 mile of the project site. Moreover, based on review of schools within the Walnut Creek School District and search of local private schools as well as the Phase I, there are no other proposed or existing schools within 0.25 mile of the project site. Moreover, consistent with the 2019 NDSP EIR, as explained in more detail above, any hazardous materials used and potentially encountered during construction and operation would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to those set forth by RCRA, USDOT, CCHSHMP, and applicable goals and policies of the General Plan (including, but not limited to, Policies 3.1, 3.2, 3.4, and 3.6, and Action 3.4.1 of Chapter 6, Safety and Noise Elements) and would be required to implement MM HAZ-2a, MM HAZ-2b MM HAZ-2c, and MM HAZ-2d (described in Impact HAZ-2, above). Adherence to the foregoing laws, regulations, and programs and standards and implementation of MM HAZ-2a, MM HAZ-2b MM HAZ-2c, and MM HAZ-2d (which would constitute compliance with 2019 NDSP EIR MM HAZ-1a and 2019 NDSP EIR MM HAZ-1b) would ensure that impacts related to hazardous materials emissions near schools would be less than significant.

Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

The verbatim text of the relevant 2019 NDSP EIR mitigation measures is shown in Impact HAZ-2. For purposes of the proposed project, the relevant Applicant's compliance with MM HAZ-2a, MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d shall constitute compliance with 2019 NDSP EIR MM HAZ-1a and 2019 NDSP EIR MM HAZ-1b.

Mitigation Measures from the 2019 NDSP EIR

Implement 2019 NDSP MM HAZ-1a and 2019 NDSP EIR MM HAZ-1b.

Mitigation Measures for the Proposed Project

Implement MM HAZ-2a, MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d.

For the proposed project, MM HAZ-2a is required to implement the requirements of 2019 NDSP EIR MM HAZ-1a. MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d are required to implement the requirements of 2019 NDSP EIR MM HAZ-1b. Accordingly, the relevant Applicant's compliance with the foregoing project-specific mitigation measures shall constitute compliance with 2019 NDSP EIR MM HAZ-1a and 2019 NDSP EIR MM HAZ-1b.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Government Code Section 65962.5 Sites

Impact HAZ-4:	**The proposed project is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, but would not create a significant hazard to the public or the environment.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR reviewed the California State Water Resources Control Board (State Water Board) GeoTracker Database and DTSC EnviroStor database with respect to the potential impacts associated with development under the NDSP being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Based on this review, the 2019 NDSP EIR noted that there are 18 LUST sites within the NDSP area, all of which are included on the Cortese List, which is a compilation of hazardous materials databases created pursuant to Government Code 65962.5. However, the 2019 NDSP EIR concluded that with implementation of 2019 NDSP EIR MM HAZ-1b, impacts related to hazardous materials release sites would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Consistent therewith, the proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Accordingly, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of any potential impacts in this regard, as explained more fully in the Phase I ESA and below.

As shown in Table 3.8-1, the project site is included on the Cortese List (see Phase I ESA for additional detail). In addition, several surrounding properties near the project site are included on the Cortese List (see Table 3.3.1.2-1 in the Phase I ESA), and the Phase I ESA concluded that several of the nearby LUST cases listed are still active, which may pose an environmental risk to the project site. However, consistent with the analysis set forth in the 2019 NDSP EIR, the proposed project would be required to implement the relevant 2019 NDSP EIR mitigation measures through the implementation of the project-specific MM HAZ-2b and MM HAZ-2c, which require testing for any hazardous materials, and remediation, where required under applicable laws and regulations, and would also be required to implement the project-specific MM HAZ-2d, which requires the preparation of a hazardous materials management plan for review and approval by the appropriate regulatory body. Implementation of MM HAZ-2b MM HAZ-2c, and MM HAZ-2d would ensure that impacts related to hazardous materials release sites would be less than significant.

Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 3 (or any other Scenario) that could not be filly mitigated to reach a less than significant conclusion.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

The verbatim text of the relevant 2019 NDSP EIR mitigation measures is shown in Impact HAZ-2. For purposes of the proposed project, the relevant Applicant's compliance with MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d, shall constitute compliance with 2019 NDSP EIR MM HAZ-1b.

Mitigation Measures from the 2019 NDSP EIR

Implement 2019 NDSP EIR MM HAZ-1b.

Mitigation Measures for the Proposed Project

Implement MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d.

Accordingly, the relevant Applicant's compliance with the foregoing project-specific mitigation measures shall constitute compliance with 2019 NDSP EIR MM HAZ-1b.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Proximity to Airport Safety Hazard

Impact HAZ-5:	**The proposed project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and result in a safety hazard or excessive noise for people residing or working in the project area.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated the Contra Costa County Airport Land Use Compatibility Plan[23] with respect to the potential impacts associated with development under the NDSP being located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. Based on this analysis, the 2019 NDSP EIR concluded that the Buchanan Field Airport, the airport located nearest to the NDSP area, is located approximately 5 miles north of NDSP area, and the NDSP area is not located within the airport influence area, and is located outside of the outer safety zone, Safety Zone 4.[24] The nearest private facility to the project site is the heliport for the John Muir Medical Center, located approximately 1.1 miles east of the project site. As noted in the 2019 NDSP EIR, helicopter takeoff and landings for the John Muir Medical Center would be sporadic and would not occur in close enough proximity to the NDSP area to result in safety hazard to future residents or people working within the NDSP area and impacts would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because the project site is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to being located near an airport.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of any potential impacts in this regard, as explained more fully below.

The project site is located approximately 5 miles south of the Buchanan Field Airport, which is the nearest airport; the project site is not located within the airport influence area, and is located outside of the outer safety zone, Safety Zone 4.[25] The nearest private facility to the project site is the heliport for the John Muir Medical Center, located approximately 1_mile east of the project site. As noted in the 2019 NDSP EIR, helicopter takeoff and landings for the John Muir Medical Center would be sporadic and would not occur in close enough proximity to the project site to result in any safety hazard to future residents or people working within the project site. Consistent with the 2019 NDSP EIR, the proposed project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and therefore

[23] Contra Costa County, 2000. Contra Costa County Airport Land Use Compatibility Plan, Chapter 3 Buchanan Field Airport Policies. December 13.
[24] Ibid.
[25] Ibid.

impacts would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Emergency Response and Evacuation

Impact HAZ-6: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated the Emergency Operations Plan (EOP)[26] with respect to the impacts associated with development under the NDSP potentially impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan. As part of this analysis, the 2019 NDSP EIR noted that the EOP identifies and allocates resources in response to emergencies, from preparation through recovery. The EOP identifies the City's emergency planning, organization, and response policies and procedures and how they will be coordinated with emergency responses from other levels of government.[27] In addition to the EOP, future development projects within the NDSP area would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to applicable goals and policies of the General Plan (including, but not limited to, Policies 6.1 and 6.2 and Actions 6.1.1 and 6.2.1 of Chapter 6, Safety and Noise Elements). Based on the foregoing, the 2019 NDSP EIR concluded that implementation of the development contemplated under the NDSP would not have significant impacts related to emergency response and evacuation.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because the project site is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to emergency response and evacuation.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of any potential impacts in this regard, as explained more fully below. The project site is located near I-680 traveling in the north–south direction to the west, and Ygnacio Valley Road to the south traveling in the east–west direction. The I-680 also splits into the east and west directions approximately 1 mile south of the project site. Under the EMP,[28] evacuation is advised to occur through the most reasonable safe exits out of the City. Therefore, the project site would be expected to evacuate along I-680 and Ygnacio Valley Road in the event of an evacuation. Moreover,

[26] Golden Rain Foundation. 20113. Emergency Operations Plan. January.
[27] City of Walnut Creek. 2006. City of Walnut Creek General Plan 2025, Chapter 6, Safety and Noise. April 4.
[28] City of Walnut Creek. 2020. City of Walnut Creek Emergency Management Plan, Version 1.0. January.

consistent with the findings of the 2019 NDSP EIR, the proposed project would be required to adhere to applicable federal, State, and local laws and regulations with respect to emergency response and evacuation, including, but not limited to the EOP, and applicable goals and policies of the General Plan (including, but not limited to, Policies 6.1 and 6.2 and Actions 6.1.1 and 6.2.1 of Chapter 6, Safety and Noise Elements). Thus, consistent with the 2019 NDSP EIR, for the foregoing reasons, the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and would have a less than significant in this regard. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and impacts would remain less than significant.

Level of Significance

Less than significant impact.

Wildland Fires

Impact HAZ-7:	**The proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated CAL FIRE's FRAP with respect to the impacts associated with development under the NDSP potentially exposing people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. As part of this analysis, the 2019 NDSP EIR concluded that the NDSP area is within an area of high threat to people from wildland fire as mapped by the CAL FIRE.[29] However, the NDSP area is in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires. In addition, future development projects within the NDSP area would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to applicable goals and policies of the General Plan (including, but not limited to, Goal 4, Policies 4.1 and 4.2, and actions 4.2.1, 4.2.2, 4.2.3, and 4.2.4 of Chapter 6, Safety and Noise Elements). Therefore, the 2019 NDSP EIR concluded that because of the foregoing reasons, development under NDSP would result in less than significant impacts with respect to wildland fires.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because the project site is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to wildland fires.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of any potential impacts in this regard, as explained more fully below.

[29] City of Walnut Creek. 2006. City of Walnut Creek General Plan 2025, Chapter 6, Safety and Noise. April 4.

The project site is within the NDSP area and is occupied by existing urban uses and is surrounded by urbanized uses on relatively flat areas lacking in woodlands or vegetation that could provide fuel load for wildfire, or steep slopes that could cause fire to spread more rapidly. However, the project site is surrounded by other features that provide fuel breaks in the event of a fire, such as I-680, Ygnacio Valley Road, North Civic Drive, and Parkside Drive.

According to CAL FIRE, the project site is not located in an SRA or a LRA Fire Hazard Severity Zone.[30] The nearest LRA Fire Hazard Severity Zone is located approximately 1 mile west of the project site and is designated as a Very High Fire Hazard Severity Zone.[31] The closest open space area, Acalanes Ridge Open Space, is located approximately 0.66 miles southwest of the project site, across from I-680.

The BAAQMD monitors the Bay Area's air quality at several stations, and the closest station to the project site is in the City of Concord, approximately 2.85 miles to the northeast or the project site. The average wind speed at this station varied from month to month and ranged from 7 to 16 mph in 2020.[32] Given that the project site is not located on or near steep terrain surrounded by natural vegetation, is mostly surrounded by urban uses, and does not consistently experience high winds, the project site would not be prone to wildfires.

Furthermore, consistent with the 2019 NDSP EIR, the proposed project would be required to comply with applicable State and local policies, laws, and regulations, including the EMP and Goal 4, Policies 4.1 and 4.2, and Actions 4.2.1, 4.2.2, 4.2.3, and 4.2.4 of Chapter 6, Safety and Noise Elements, which would further decrease the risk of impacts related to wildland fire hazards. For example, General Plan Policy 4.2 and Action 4.2.1 of Chapter 6, Safety and Noise, call for coordination of development with the Contra Costa County Fire Protection District (CCCFPD) to help ensure adequate fire response times and require all new development plans be submitted to the CCCFPD for review. In addition, it is anticipated that new electrical power lines on and connecting to the project site would be installed underground in accordance with applicable laws and regulations (including legal nexus requirements), minimizing potential ignition and related fire risk above ground, at the project site pursuant to Policy 18.5 of Chapter 4, Built Environment of the General Plan. The proposed project would be required to comply with applicable provisions of the California Fire Code regarding emergency access and types of building materials. Therefore, for the foregoing reasons and consistent with the 2019 NDSP EIR, the proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

[30] California Department of Forestry and Fire Protection (CAL FIRE). 2007. Contra Costa County Fire Hazard Severity Zone in State Responsibility Area. Website: https://egis.fire.ca.gov/FHSZ/. Accessed November 12, 2021.

[31] Ibid.

[32] Bay Area Air Quality Management District (BAAQMD). 2019. Meteorology Data. Website: https://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/met?date=2020-11-12&id=203&view=monthly&style=chart. Accessed November 12, 2021.

Level of Significance

Less than significant impact.

3.8.7 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

As noted in the 2019 NDSP EIR, cumulative impacts with respect to hazards and hazardous materials are related to site-specific issues and/or have limited mobility, and would be mitigated, to the extent necessary, on a project-by-project basis. For these reasons, there would be a less than significant cumulative impact in this regard.

In addition, the 2019 NDSP EIR concluded that because development under the NDSP would be required to adhere to applicable federal, State, and local laws and regulations as well as be required to implement 2019 NDSP MM HAZ-1a and 2019 NDSP EIR MM HAZ-1b, implementation of the NDSP would not have a cumulatively considerable contribution to this already less than significant cumulative impact.

Supplemental Analysis of the Proposed Project

Consistent with the cumulative analysis in the 2019 NDSP EIR, the appropriate geographic context for cumulative impacts for hazards and hazardous materials is the NDSP area because of the similarity in existing conditions. Cumulative projects within the NDSP area consist of project assumed under the 2019 NDSP EIR. Development of cumulative projects within the NDSP area could increase the potential exposure of persons or the environment to hazards and hazardous materials, including common hazardous materials that would be used in the construction and operation of cumulative projects; however, the use, transport, storage, and disposal of hazardous materials are regulated by numerous federal, State, and local laws and regulations including, but not limited to those set forth in or otherwise governed by RCRA, USDOT, CCHSHMP, and applicable goals and policies of the General Plan (including, but not limited to, Goal 3, Policies 3.1, 3.2, 3.4, 3.5, 3.6, and Actions 3.4.1, 3.5.1 and 3.6.1 in Chapter 6, Safety and Noise of the General Plan). Furthermore, cumulative projects would be required to mitigate (pursuant to 2019 NDSP MM HAZ-1a and 2019 NDSP EIR MM HAZ-1b), to the extent necessary, any significant impacts in this regard on a project-by-project basis. With respect to potential impacts associated with impairment of or physical interference with an adopted emergency response plan or emergency evacuation plan, consistent with the 2019 NDSP EIR, cumulative projects within the NDSP area would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to applicable goals and policies of the General Plan (including, but not limited to, Policies 6.1 and 6.2 and Actions 6.1.1 and 6.2.1 of Chapter 6, Safety and Noise Elements) and the EMP. Regarding potential impacts associated with wildland fires, while the NDSP area is in the vicinity of an area of high threat to people from wildland fire, the NDSP area is in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires. In addition, cumulative development within the NDSP area would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to applicable goals and policies of the General Plan (including, but not limited to, Goal 4, Policies 4.1 and 4.2, and actions 4.2.1, 4.2.2, 4.2.3, and

4.2.4 of Chapter 6, Safety and Noise Elements). Therefore, for the foregoing reasons, there would be less than significant cumulative impacts with respect to hazards and hazardous materials.

Regarding the proposed project, as noted above, it would be required to implement identified mitigation to reduce impacts associated with hazardous materials, which would help to ensure that any such hazardous materials are not allowed to migrate off-site and combine with other hazardous materials handling operations. Furthermore, similar to the other cumulative developments, the proposed project would be required to adhere to all applicable laws, regulations, plans and policies, which would further ensure impacts in this regard are less than significant. As described above, development of the proposed project could increase the potential exposure of persons to hazardous materials, including hazardous building materials; however, the use, storage, and disposal of hazardous materials are regulated by various federal, State, and local laws and regulations including, but not limited to those set forth in or otherwise governed by RCRA, USDOT, CCHSHMP, and applicable goals and policies of the General Plan (including, but not limited to, Goal 3, Policies 3.5, 3.6, and Actions 3.5.1 and 3.6.1 in Chapter 6, Safety and Noise, of the General Plan). As noted above, each specific development proposal would be required to comply with MM HAZ-2a, MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d, as applicable, and incorporate all recommendations set forth therein and otherwise ensure compliance with all applicable laws and regulations governing hazards and hazardous materials. The foregoing would ensure that the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Cumulative Significance Before Mitigation

Potentially significant impact.

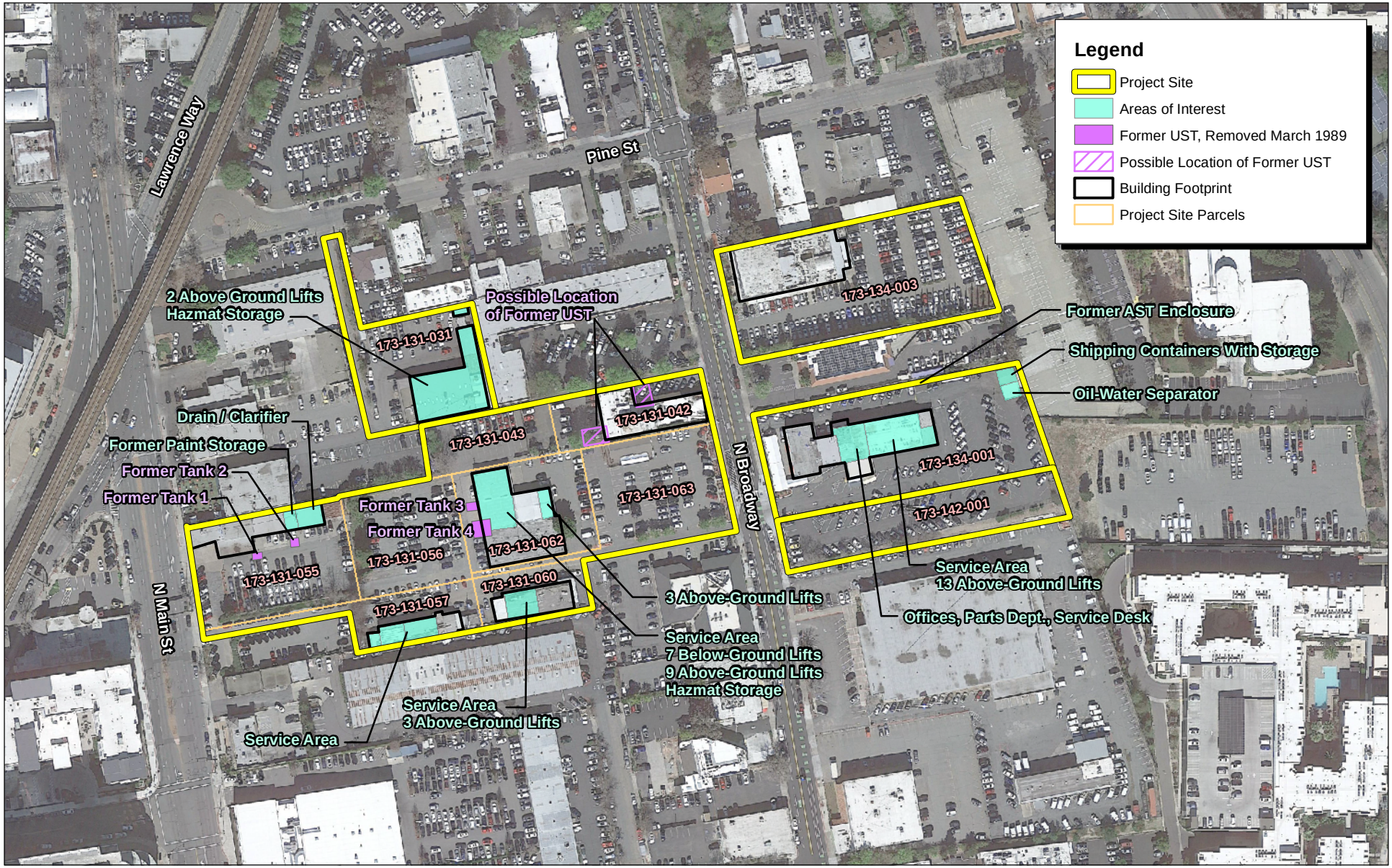
Cumulative Mitigation Measures

Implement 2019 NDSP EIR MM HAZ-1a and 2019 NDSP EIR MM HAZ-1b.

Level of Cumulative Significance After Mitigation

Less than significant impact with mitigation incorporated.

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Source: Google Earth Aerial Imagery. ENGEO, 2021

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Exhibit 3.8-1
Areas of Inerest

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CITY OF WALNUT CREEK
WALNUT CREEK MIXED USE SPECIAL DISTRICT PROJECT
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

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3.9 - Hydrology and Water Quality

3.9.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports and other materials have been prepared to document the information necessary to make the North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes the existing setting with respect to hydrology and water quality and potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth in the 2019 NDSP EIR. Descriptions and analysis in this section are based, in part, on the Conceptual Hydrology Analysis prepared by Kier and Wright on December 6, 2021, provided in Appendix H.[1] Information was also obtained through site reconnaissance, review of project information and materials provided by the Applicant, and review of available resources, including the Contra Costa Clean Water Program, Walnut Creek General Plan (General Plan), the California Department of Water Resources Bulletin 118, and the Western Regional Climate Center. Additionally, site-specific information was provided by the Phase I Environment Site Assessment (Phase I ESA) prepared by Engeo on December 2, 2021[2] (Appendix G).

The following comments were received during the Notice of Preparation (NOP) scoping period for this Draft SEIR related to hydrology and water quality:

- Note that East Bay Municipal Utility District (EBMUD) will not install piping or services in areas where groundwater contaminant concentrations exceed specific limits for discharge to the sanitary sewer system and sewage treatment plans.
- EBMUD requires project sponsors to submit all copies of all known information regarding soil and groundwater quality within or adjacent to the project boundary.

3.9.2 - Scenario Evaluation

As noted in Chapter 2, Project Description, the Applicant is requesting that the City of Walnut Creek ("City") approve amendments to the NDSP (along with conforming amendments to the General Plan and Zoning Code to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service and ancillary uses as well as a range of additional potential, compatible uses such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific individual development proposal for the project site has been formally submitted to the City; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed project, this Draft SEIR considers three potential development scenarios (as defined further below) that reflect a reasonable mix and allocation of uses that could

[1] Kier and Wright. 2021. Toyota Walnut Creek-Conceptual Hydrology Analysis. December 6.
[2] Engeo Incorporated. 2021. Toyota Walnut Creek Development Phase I Environmental Site Assessment. December 2.

occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates [Site D], and an approximately 0.82-acre property [Site E], located adjacent to Site A). This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

For purposes of the analysis set forth in this Section 3.9, Hydrology and Water Quality, the City and its CEQA consultant conducted a preliminary assessment of each of the potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) in order to determine the Scenario that would result in the "reasonable worst-case scenario" under each environmental topic area (see Appendix B, Comparative Summary of Potential Impacts). For the reasons set forth in Appendix B, it was determined that the relative impact of each of the Scenarios with regard to hydrology and water quality would be similar across all Scenarios. Because Scenario 3 (auto sales and service, office, and multi-family residential) is assumed to result in the greatest impact for most of the environmental topics (see further discussion under Category 3 in Appendix B), to provide consistency in the analysis within the Draft SEIR, when a Scenario would result in substantially the same effects, this Draft SEIR evaluates impacts assuming development of Scenario 3, the scenario that is most often the "reasonable worst-case scenario." Therefore, the following impact areas are evaluated assuming development of Scenario 3.[3]

3.9.3 - Environmental Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. For additional information regarding the existing conditions related to Hydrology and Water Quality in the NDSP area, including the project site and vicinity, at the time the 2019 NDSP EIR was certified, this can be found in Section 4.7, Hydrology and Water Quality, (pages 4.7-1 through 4.7-17) of the 2019 NDSP EIR.

Climate and Meteorology

Walnut Creek is characterized by a Mediterranean climate with warm summers, mild winters, and moderate precipitation. Temperatures in Walnut Creek range from an average monthly low of 38.5°F (degrees Fahrenheit) in December to an average monthly high of 89.0°F in July. Average annual rainfall is 19.37 inches with most precipitation occurring between November and April. General available meteorological data for the Walnut Creek area, as measured at the Martinez Wastewater Treatment Plant weather station, are presented in Table 3.9-1.

Table 3.9-1: Walnut Creek Meteorological Summary

Month	Temperature (°F)		Average Precipitation (inches)
	Average Low	Average High	
January	38.6	55.2	3.93

[3] As noted in Appendix B, Scenario 3 is the Scenario that has been determined to be the reasonable worst-case for most of the environmental topic areas.

Month	Temperature (°F)		Average Precipitation (inches)
	Average Low	Average High	
February	41.4	60.9	3.61
March	44.1	66.0	2.92
April	45.7	71.7	1.20
May	49.5	78.9	0.47
June	53.2	85.3	0.10
July	54.5	89.0	0.02
August	54.3	88.1	0.05
September	53.3	84.9	0.18
October	48.9	76.4	0.95
November	43.2	64.0	2.52
December	38.5	55.6	3.44
Annual Average	**47.1**	**73.0**	**19.37**

Notes:
Averages derived from measurements taken between 1906 and 2016 at the Martinez Wastewater Treatment Plant.
Source: Western Regional Climate Center 2021.

Regional Hydrology

Walnut Creek Watershed

The project site is located within the 146-square-mile Walnut Creek watershed, the largest in Contra Costa County. The watershed extends from San Ramon to the south, Martinez to the north, Moraga and Orinda to the west, and Concord to the east. It consists of 109 miles of tributaries and main channels that originate from the headwaters in Mount Diablo State Park and the East Bay foothills. Walnut Creek outlets (via Pacheco Creek) into Suisun Bay near Concord. Walnut Creek itself is 28.74 miles in length and an estimated 71.5 percent of its channels are in a natural state. The entire Walnut Creek watershed is estimated to contain 30 percent pervious surfaces.

Water Quality

The Contra Costa Clean Water Program conducted water quality sampling for copper and nutrients in Walnut Creek pursuant to the Municipal Regional Stormwater Permit (MRP) Provision C.8.h.iv. The results are summarized in Table 3.9-2. The sample results all met or exceeded the minimum annual requirements of the MRP in all pollutant categories.

Table 3.9-2: Walnut Creek Water Quality Sampling Summary

Parameter	Concentration	Target Reporting Limit
Copper, Dissolved (µ/L)	3	0.5
Copper, Total (µ/L)	10	0.5

Parameter	Concentration	Target Reporting Limit
Hardness (mg/L)	120	5
Ammonia as Nitrogen (mg/L)	<0.1	0.1
Nitrate (mg/L)	0.28	0.5
Nitrite (mg/L)	0.005	0.5
Total Kjeldahl Nitrogen (mg/L)	1.5	0.5
Dissolved Orthophosphate (mg/L)	0.16	0.01
Phosphorus (mg/L)	0.37	0.01

Notes:
Samples taken during a storm event on March 1, 2018.
Sampling point located near confluence of Las Trampas Creek and Walnut Creek in downtown Walnut Creek.
Source: Contra Costa Clean Water Program 2019.

Project Site

Storm Drainage

The project site is developed and is mostly covered with impervious surfaces. Runoff sheet flows into the municipal storm drainage facilities within North Broadway. There are currently no stormwater detention/retention basin(s) on-site.

Groundwater

The project site is located within the 15,900-acre Ygnacio Valley Groundwater Basin. The basin is bound by Interstate 680 (I-680) (west), Suisun Bay (north), the Concord Fault (east), and the City of Walnut Creek (south). The cities of Walnut Creek and Pleasant Hill overlie the Ygnacio Valley Groundwater Basin. Walnut Creek and Grayson Creek are the two principal surface waterbodies within the Ygnacio Valley Groundwater Basin.

The California Department of Water Resources Bulletin 118 indicates that the Ygnacio Valley Groundwater Basin occupies a structural depression between the Berkeley Hills and the Mt. Diablo Range. Thick alluvial deposits that cover a faulted and folded complex of consolidated Cretaceous and Tertiary rocks underlie the Ygnacio Valley Groundwater Basin. The water bearing units in the basin are Quaternary Alluvium and Alluvial valley fill deposits. The combined thickness of these deposits exceeds 700 feet. Aquifers in the Ygnacio Valley Groundwater Basin area are hydrologically connected to the Sacramento River.[4] The Ygnacio Valley Groundwater Basin is not adjudicated (i.e., there are no legal disputes over the Ygnacio Valley Groundwater Basin).

Groundwater Monitoring

Four LUSTs were removed from the following portions of the project site (Assessor's Parcel Numbers [APNs] 173-131-055 and 173-131-062 [portions of Site A) in 1989 and disposed of off-site. The location of these USTs is provided in Exhibit 3.8-1. Soil samples were collected from below each of the four tanks and indicated that soil below Tank 2 and Tank 4 exhibited petroleum impacts. Soil was

[4] California Department of Water Resources (DWR). 2004. California's Groundwater Bulletin 118: San Francisco Bay Hydrologic Region, Ygnacio Valley Groundwater Basin. February.

reportedly excavated in the vicinity of Tank 2 and Tank 4 (located under APN 173-131-062) and off-hauled. After the soil excavation, three monitoring wells were installed, and, after four quarters of monitoring, the site was closed, and the wells were destroyed pursuant to applicable laws and regulations. Contra Costa County Health Services Department (CCCHSD) and the Regional Water Quality Control Board (RWQCB) concurred that no further monitoring, investigation, or remedial action was required based on the current land use of automotive repair facilities in letters dated October 31, 1996,[5] and December 2, 1996, respectively.[6] The RWQCB concurrence letter indicated that corrective action should be reviewed if the land use changes. This correspondence is provided in Appendix G.

One 550-gallon tank of unknown content was removed from APN 173-131-042 in 1998. No soil sampling was documented at that time and chlorinated solvents were reportedly on this portion of the project site previously.[7] Soil sampling, soil gas sampling, and indoor air assessments completed in 2019[8] indicated that benzene and chloroform exceeded commercial soil gas screening levels and that benzene vapor intrusion was occurring based on indoor air samples. To date, no groundwater monitoring has occurred for soils underlying this portion of the project site.

See Section 3.8, Hazards and Hazardous Materials, of this Draft SEIR for additional information regarding the existing setting.

3.9.4 - Regulatory Framework

Federal

Clean Water Act

The Clean Water Act (CWA) (33 United States Code [USC] § 1251, *et seq*.) is the major federal legislation governing the water quality aspects of construction and operation for the proposed project. The CWA established the basic structure for regulating discharges of pollutants into waters of the United States (not including groundwater) and waters of the State. The objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the nation's waters." The CWA establishes the basic structure for regulating the discharge of pollutants into waters of the United States.

The CWA authorizes the United States Environmental Protection Agency (EPA) to implement pollution control programs. Under the CWA, it is unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a National Pollutant Discharge Elimination System (NPDES) permit is obtained. In addition, the CWA requires each state to adopt water quality standards for receiving water bodies and to have those standards approved by the EPA. Water quality standards consist of designated beneficial uses for a particular receiving water body (e.g., wildlife habitat, agricultural supply, fishing), along with water quality objectives necessary to support those uses.

[5] Contra Costa County Health Services Department. 1996. Request for Concurrence for Closure 2100 North Main Street, Walnut Creek, California. October 31.
[6] San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB). 1996. Underground Storage Tank Case, 2100 North Main Street, Walnut Creek, Contra Costa County. December 2.
[7] AEI Consultants. 2019. Phase I Environmental Site Assessment, 2131-2133 North Broadway, Walnut Creek. November 1.
[8] AEI Consultants. 2019. Indoor Air Investigation, 2131-2133 North Broadway, Walnut Creek. November 17.

Responsibility for protecting water quality in California resides with the State Water Board and nine RWQCBs. The State Water Board establishes Statewide policies and regulations for the implementation of water quality control programs mandated by federal and State water quality statutes and regulations. The RWQCBs develop and implement water quality control plans (basin plans) that consider regional beneficial uses, water quality characteristics, and water quality problems. Water quality standards applicable to the proposed project are listed in the San Francisco Bay's (Region 2) RWQCB's Basin Plan.

Section 303—Water Quality Standards and Total Maximum Daily Loads

Section 303(c)(2)(b) of the CWA requires states to adopt water quality standards for all surface waters of the United States based on the water body's designated beneficial use. Where multiple uses exist, water quality standards must protect the most sensitive use. Water quality standards are typically numeric, although narrative criteria based on biomonitoring methods may be employed where numerical standards cannot be established or where they are needed to supplement numerical standards.

CWA Section 303(d) requires states and authorized Native American tribes to develop a list of water quality-impaired segments of waterways. The list includes waters that do not meet water quality standards necessary to support a waterway's beneficial uses even after the minimum required levels of pollution control technology have been installed. Listed water bodies are to be priority ranked for development of a total maximum daily load (TMDL). The TMDL is a calculation of the total maximum daily load (amount) of a pollutant that a water body can receive daily and still safely meet water quality standards. TMDLs include waste load allocations for urban stormwater runoff as well as municipal and industrial wastewater discharges, with allocations apportioned for individual Municipal Separate Storm Sewer Systems (MS4s) and wastewater treatment plants, including those in Alameda County. For stormwater, load reductions would be required to meet the TMDL waste load allocations within the 20 years required by the TMDLs.

The State Water Board, RWQCBs, and EPA are responsible for establishing TMDL waste load allocations and incorporating approved TMDLs into water quality control plans, NPDES permits, and Waste Discharge Requirements (WDRs) in accordance with a specified schedule for completion.

Section 401—Water Quality Certification

Section 401 of the CWA requires compliance with State water quality standards for actions within State waters. Under CWA Section 401, an applicant for a Section 404 permit (to discharge dredged or fill material into waters of the United States) must first obtain a certificate from the appropriate agency stating that the fill is consistent with the State's water quality standards and criteria. In California, the State Water Board delegates authority to either grant water quality certification or waive the requirements to the nine RWQCBs. The San Francisco Bay RWQCB is the applicable water quality control board for the proposed project.

Section 402—National Pollutant Discharge Elimination System Permits

The RWQCBs administer the NPDES stormwater permitting program, under Section 402(d) of the federal CWA, on behalf of EPA. The objective of the NPDES program is to control and reduce levels of pollutants in water bodies from discharges of municipal and industrial wastewater and stormwater

runoff. CWA Section 402(d) establishes a framework for regulating nonpoint-source stormwater discharges (33 USC 1251). Under the CWA, discharges of pollutants to receiving water are prohibited unless the discharge complies with an NPDES permit. The NPDES permit specifies discharge prohibitions, effluent limitations, and other provisions, such as monitoring deemed necessary to protect water quality based on criteria specified in the National Toxics Rule (NTR), the California Toxics Rule (CTR), and the Basin Plan. The NPDES Permit for the San Francisco Bay Area is NPDES Permit No. CAS612008, which was recently updated by Order No. R2-2022-0018.[9]

Discharge prohibitions and limitations in an NPDES permit for wastewater treatment plants are designed to maintain public health and safety, protect receiving water resources, and safeguard the water's designated beneficial uses. Discharge limitations typically define allowable effluent quantities for flow, biochemical oxygen demand, total suspended matter, residual chlorine, settleable matter, total coliform, oil and grease, pH, and toxic pollutants. Limitations also typically encompass narrative requirements regarding mineralization and toxicity to aquatic life. Under the NPDES permits issued to the city/county to operate the treatment plants, the city/county is required to implement a pretreatment program. This program must comply with the regulations incorporated in the CWA and the General Pretreatment Regulations (Code of Federal Regulations [CFR] Title 40, Part 403 [40 CFR 403]).

Section 401—Water Quality Certification

Section 404 of the CWA regulates temporary and permanent fill and disturbance of wetlands and waters of the United States. Under Section 404, the discharge (temporary or permanent) of dredged or fill material into waters of the United States, including wetlands, typically must be authorized by the United States Army Corps of Engineers (USACE) through either the Nationwide Permit (general categories of discharges with minimal effects) or the Individual Permit.

River and Harbors Act Section 10

Section 10 of the Rivers and Harbors Act of 1899 requires that regulated activities conducted below the ordinary high-water elevation of navigable waters of the United States be approved and permitted by the USACE. Regulated activities include the placement or removal of structures, work involving dredging, disposal of dredged material, filling, excavation, or any other disturbance of soils/sediments or modification of a navigable waterway. Navigable waters of the United States are those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high-water mark and/or are presently used, or have been used in the past, or may be susceptible to use, to transport interstate or foreign commerce. Section 10 also regulates tributaries and backwater areas that are associated with navigable waters of the United States and are located below the ordinary high-water elevation of the adjacent navigable waterway.

A project proponent can apply for a permit/letter of permission for work regulated under Section 404 (CWA) and Section 10 (Rivers and Harbors Act) by completing and submitting one application

[9] California State Water Resources Control Board (State Water Board). 2022. San Francisco Bay Region Municipal Regional Stormwater NPDES Permit: Order No. R2-2022-0018, NPDES Permit No. CAS612008.

form. An application for a USACE permit will serve as an application for both Section 404 and Section 10 permits.

Federal Antidegradation Policy

The federal antidegradation policy is designed to protect existing water uses, water quality, and national water resources. The federal policy directs states to adopt a Statewide policy that includes the following primary provisions:

- Existing instream uses and the water quality necessary to protect those uses shall be maintained and protected.
- Where existing water quality is better than necessary to support fishing and swimming conditions, that quality shall be maintained and protected unless the state finds that allowing lower water quality is necessary for important local economic or social development.
- Where high-quality waters constitute an outstanding national resource, such as waters of national and state parks, wildlife refuges, and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

National Toxics Rule and California Toxics Rule

In 1992, the EPA promulgated the NTR under the CWA to establish numeric criteria for priority toxic pollutants for 14 states to bring all states into compliance with the requirements of CWA Section 303(c)(2)(B). The NTR established water quality standards for 42 pollutants not covered under California's Statewide water quality regulations at that time. As a result of the court-ordered revocation of California's Statewide basin plans in September 1994, the EPA initiated efforts to promulgate additional federal water quality standards for California. In May 2000, the EPA issued the CTR, which includes all the priority pollutants for which the EPA has issued numeric criteria not included in the NTR.

Executive Order 11988

Executive Order 11988, "Floodplain Management," directs all federal agencies to avoid, to the extent possible, long- and short-term adverse impacts of occupancy and modification of floodplains, and to avoid supporting development in a floodplain either directly or indirectly wherever there is a practicable alternative. Compliance requirements are outlined in 23 Code of Federal Regulations 650, Subpart A, "Location and Hydraulic Design of Encroachment on Floodplains."

If a project involves significant encroachment into the floodplain, the final environmental document must include:

- The reasons why the proposed action must be located in the floodplain,
- Alternatives considered and the reasons they were not practicable, and
- A statement indicating whether the action conforms to applicable state or local floodplain protection standards.

National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973

The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 were enacted to reduce the need for flood protection structures and limit disaster relief costs by restricting development in floodplains. The Federal Emergency Management Agency (FEMA), established in 1979, is responsible for predicting hazards from flooding events and forecasting the level of inundation under various conditions. As part of its duty to develop standards for delineating fluvial and coastal floodplains, FEMA provides information on Flood Insurance Rate Maps (FIRMs) about the potential for flood hazards and inundation and, where appropriate, designates regions as special flood hazard areas. Special flood hazard areas are defined as areas that have a 1 percent chance of flooding in a given year.

National Flood Insurance Program

As part of the National Flood Insurance Program (NFIP), FEMA conducts nationwide flood hazard mapping to identify flood-prone areas and to reduce flood damages. The maps identify the flood of that magnitude that have a 1 percent annual chance of being equaled or exceeded, called the "100-year flood." The NFIP also enables property owners in participating communities to purchase insurance as protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The RWQCBs are required to formulate and adopt basin plans for all areas in the region and establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of the State Water Board and RWQCBs to adopt and periodically update basin plans. The San Francisco Bay RWQCB is the applicable water quality control board for the proposed project.

Basin plans are the regional water quality control plans required by both the CWA and the Porter-Cologne Act that establish beneficial uses, water quality objectives, and implementation programs for each of the nine regions in California. The Porter-Cologne Act also requires waste dischargers to notify the RWQCBs of their activities by filing reports of waste discharge and authorizes the State Water Board and RWQCBs to issue and enforce WDRs, NPDES permits, CWA Section 401 water quality certifications, or other approvals. The RWQCBs are also authorized to issue waivers to reports of waste discharge and WDRs for broad categories of "low threat" discharge activities that have minimal potential to cause adverse water quality effects when implemented according to prescribed terms and conditions.

California Code of Regulations (Wetlands and Waters Definition)

The State Water Board indicates that no single accepted definition of wetlands exists at the State level and that the RWQCBs may have different requirements and levels of analysis regarding the

issuance of water quality certifications. According to the State Water Board, an area is a wetland if, under normal circumstances:[10]

(1) The area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both;

(2) The duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and

(3) The area's vegetation is dominated by hydrophytes or the area lacks vegetation.[11]

Under California State law, waters of the State mean "any surface water or groundwater, including saline waters, within the boundaries of the state." As such, water quality laws apply to both surface water and groundwater. After the U.S. Supreme Court decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (53 USC 159), the Office of Chief Counsel of the State Water Board released a legal memorandum confirming the State's jurisdiction over isolated wetlands. The memorandum stated that under the Porter-Cologne Act, discharges to wetlands and other waters of the State are subject to State regulation, and this includes isolated wetlands. In general, the State Water Board regulates discharges to isolated waters in much the same way as it does for waters of the United States, using the Porter-Cologne Act rather than CWA authority.

National Pollutant Discharge Elimination System

The NPDES permits all involve similar processes, which include submitting notices of intent for discharging to water in areas under the San Francisco Bay RWQCB's jurisdiction and implementing Best Management Practices (BMPs) to minimize those discharges. The San Francisco Bay RWQCB may also issue site-specific WDRs, or waivers to WDRs, for certain waste discharges to land or waters of the State.

Construction Activity

The State Water Board stormwater general permit for construction activity (Order 2009-009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) applies to all construction activities that would disturb 1 acre of land or more. Construction activities subject to the general construction activity permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters.

Through the NPDES and WDR processes, the State Water Board seeks to ensure that the conditions at a project site during and after construction do not cause or contribute to direct or indirect impacts on water quality (i.e., pollution and/or hydromodification) upstream and downstream. To comply with the requirements of the Construction General Permit, a project applicant must file a Notice of

[10] Normal circumstances are the soil and hydrologic conditions that are normally present, without regard to whether the vegetation has been removed. The determination of whether normal circumstances exist in a disturbed area involves an evaluation of the extent and relative permanence of the physical alteration of wetland hydrology and hydrophytic vegetation, and consideration of the purpose and cause of the physical alterations to hydrology and vegetation.

[11] California State Water Resources Control Board (State Water Board). 2021. State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Adopted April 2, 2019, and Revised April 6, 2021. Website: https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html. Accessed: June 1, 2022.

Intent (NOI) with the State Water Board to obtain coverage under the permit; prepare a Storm Water Pollution Prevention Plan (SWPPP); and implement inspection, monitoring, and reporting requirements appropriate to the project's risk level as specified in the SWPPP. The SWPPP includes a site map, describes construction activities and potential pollutants, and identifies BMPs that will be employed to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources, such as petroleum products, solvents, paints, and cement. The permit also requires the discharger to consider using post-construction permanent BMPs that will remain in service to protect water quality throughout the life of the project. All NPDES permits also have inspection, monitoring, and reporting requirements.

Industrial General Stormwater Permit

The Statewide stormwater NPDES permit for general industrial activity (Order 2014-0057-DWQ, superseding Order 97-03-DWQ) regulates discharges associated with 10 broad categories of industrial activities, such as operation of wastewater treatment works, and with recycling facilities. The industrial general permit requires the implementation of Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to achieve performance standards. The permit also requires development of a SWPPP that identifies the site-specific sources of pollutants and describes the measures at the facility applied to reduce stormwater pollution. A monitoring plan is also required.

Stormwater

In November 1990, the EPA published regulations establishing NPDES permit requirements for municipal and industrial stormwater discharges. Phase I of the permitting program applied to municipal discharges of stormwater in urban areas where the population exceeded 100,000 persons. Phase II of the NPDES stormwater permit regulations, which became effective in March 2003, required that NPDES permits be issued for construction activity for projects disturbing 1–5 acres. Phase II of the municipal permit system (known as the NPDES General Permit for Small MS4s, Order No. 2003-0005-DWQ as amended by 2013-0001-DWQ) required small municipalities of fewer than 100,000 persons to develop stormwater management programs. This permit authorizes discharges of stormwater and some categories of non-stormwater that are not "significant contributors of pollutants."

Provision C.3 in the Municipal Regional Permit requires site designs for new developments and redevelopments to minimize the area of new roofs and paving, treat runoff, and, in some cases, control the rates and durations of site runoff. Where feasible, pervious surfaces should be used instead of paving so that runoff can infiltrate to the underlying soil. Runoff should be dispersed to landscaping where possible. Remaining runoff from impervious areas must be treated using bioretention or similar controls. In some developments, the rates and durations of site runoff must also be controlled.

The C.3 requirements are separate from, and in addition to, requirements for erosion and sediment control and for pollution prevention measures during construction. In addition, project applicants must execute agreements to allow municipalities to verify that stormwater treatment and flow-control facilities that are approved as part of new development are maintained in perpetuity.

California Toxics Rule and State Implementation Policy

The CTR, presented in 2000 in response to requirements of EPA's NTR, establishes numeric water quality criteria for approximately 130 priority pollutant trace metals and organic compounds. The CTR criteria are regulatory criteria adopted for inland surface waters, enclosed bays, and estuaries in California that are on the CWA Section 303(c) list for contaminants. The CTR includes criteria for the protection of aquatic life and human health. Human health criteria (water- and organism-based) apply to all waters with a municipal and domestic water supply beneficial use designation as indicated in the basin plans. The Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, also known as the State Implementation Policy, was adopted by the State Water Board in 2000. It establishes provisions for translating CTR criteria, NTR criteria, and Basin Plan water quality objectives for toxic pollutants into:

- NPDES permit effluent limits,
- Effluent compliance determinations,
- Monitoring for 2,3,7,8-tcdd (dioxin) and its toxic equivalents,
- Chronic (long-term) toxicity control provisions,
- Site-specific water quality objectives, and
- Effluent compliance exceptions.

The goal of the State Implementation Policy is to establish a standardized approach for permitting discharges of toxic effluent to inland surface waters, enclosed bays, and estuaries throughout the State.

Regional

NPDES Municipal Regional Permit

Pursuant to Section 402 of the CWA and the Porter-Cologne Water Quality Control Act, municipal stormwater discharges in the City are regulated under the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order No. R2-2015-0049, NPDES Permit No. CAS612008, adopted October 14, 2009 (MRP). The MRP is overseen by the San Francisco Bay RWQCB.[12] The City is part of the Contra Costa Clean Water Program, which provides guidance and assistance to municipalities in Contra Costa County to help them comply with requirements of the MRP.

MRP Provision C.3 addresses post-construction stormwater management requirements for new development and redevelopment projects that create or replace 10,000 square feet or more of impervious surface. Provision C.3 requires these projects to implement Low Impact Development (LID) source control, site design, and stormwater treatment. LID employs principles such as preserving and recreating natural landscape features and minimizing impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource, rather than a waste product. Practices used to adhere to these LID principles include measures such as rain barrels and cisterns, green roofs, permeable pavement, preserving undeveloped open space, and biotreatment through rain gardens, bioretention units, bioswales, and planter/tree boxes.

[12] San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB). 2022. San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008. May 11.

MRP Provision C.3.g pertains to hydromodification management. This MRP provision requires that stormwater discharges associated with new development or redevelopment projects that create and/or replace one acre or more of impervious surface do not cause an increase in the erosion potential of the receiving stream over the existing condition. Increases in runoff flow and volume shall be managed so that the post-project runoff shall not exceed estimated pre- project rates and durations, where such increased flow and/or volume is likely to cause increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts on beneficial uses due to increased erosive force.

Local

City of Walnut Creek

Walnut Creek General Plan 2025

Chapter 4, Built Environment, of the General Plan contains the following goals, policies, and actions related to hydrology and water quality that are relevant to this analysis:

Chapter 4: Built Environment

Goal 11 **Create a balanced, safe, and efficient regional and subregional transportation system**

Policy 11.1 Require that commercial projects comply with the City's performance standards for fire, police, parks, water, flood control, and sanitary sewer facilities.

Goal 32 **Meet or exceed State and federal water-quality standards.**

Policy 32.1 Support regional, State, and federal clean water efforts.

Action 32.1.1 Implement the Stormwater Management Plan.

Action 32.1.2 Enforce the National Pollutant Discharge Elimination System (NPDES) permit regulations.

Action 32.1.3 Seek Regional Water Quality Control Board NPDES exemptions for low- and moderate income housing and transit village projects.

Action 32.1.4 Prohibit development in areas particularly susceptible to erosion and sediment loss.

Action 32.1.5 Prepare information-and-action handouts on water-quality Best Management Practices and provide this information with project application packets.

Policy 32.2 In redevelopment projects in the Core Area[13], evaluate the desirability of specific, off-site, source-control measures

[13] Walnut Creek's Core Area is a 1.2-square-mile central district with higher densities than other parts of the city. (See Chapter 1, Introduction, of the City of Walnut Creek General Plan 2025, Figure 2, Planning Area Boundaries, page 1-6)

Policy 32.3 Maximize infiltration of rainwater into the soil, where appropriate.

Action 32.3.1 Reduce the amount of impervious surfaces in new development and redevelopment.

Action 32.3.2 Require that impervious surfaces not drain directly into storm drains.

Policy 32.4: Reduce the transport of urban runoff and surface pollutants off-site.

Action 32.4.1 Verify the effectiveness of stormwater treatment facilities.

Action 32.4.2 Verify, through the commercial, industrial, and illicit discharge inspection programs, that interior floor drains are connected to the sanitary sewer system.

Policy 32.5 Encourage preservation of natural water bodies and drainage systems.

Action 32.5.1 Retain natural water bodies and leave drainage systems undisturbed while allowing construction of adjacent creek walks.

Action 32.5.2 Prioritize on-site impacts and their mitigations.

Action 32.5.3 Require participation in off-site or regional programs—including stream restoration—that provide water-quality benefits within the same watershed, wherever development and/or redevelopment projects disturb natural water bodies or drainage systems.

Policy 32.6 Reduce pollutant loading in the wastewater system.

Action 32.6.1 Apply best-management practices to discharges to the sanitary sewer.

Action 32.6.2 Establish a pesticide-reducing protocol for city parks.

Walnut Creek Municipal Code

Site Development

Tile 9, Chapter 9 of the Walnut Creek Municipal Code (Municipal Code) establishes requirements for grading, excavation, filling, and site improvement. The City requires a permit for grading activities for projects that exceed certain criteria, such as depth of the excavation and degree of site slope. To obtain a grading permit, an applicant is required to prepare a soils and engineering geology report that specifies detailed slope control measures, which would minimize the adverse effects of grading and soil erosion. Grading permits require that erosion control measures be employed during the rainy season to minimize erosion and sedimentation from rain and runoff during and after project construction.

Flood Damage Prevention

Title 9, Chapter 12 of the Municipal Code establishes flood-damage prevention measures to promote the public health, safety, and general welfare, and to minimize losses due to flooding. This ordinance restricts or prohibits uses that are dangerous due to water or erosion hazards or result in damaging

increases in erosion, flood heights, or velocities. Uses that are vulnerable to floods are required to be protected against flood damage at the time of initial construction. The ordinance also includes provisions for controlling alteration of natural floodplains, stream channels, and natural protective barriers, and development activities, such as filling, grading, and dredging. The construction of flood barriers, which unnaturally divert flood waters or increase flood hazards in other areas, is also restricted or prohibited.

Specifically, construction or development of properties in the Special Flood Hazard Area are required to prepare an elevation survey of the property based upon elevation reference marks shown on the Special Flood Hazard Area map before building permits are issued. Title 9, Chapter 12 of the Municipal Code also establishes permit review procedures, designates and identifies the duties of the floodplain administrator (the City Engineer), provides provisions for flood hazard reduction such as standards of construction, and identifies variance procedures.

Stormwater Management and Discharge Control

Title 9, Chapter 16 of the Municipal Code establishes stormwater management and discharge control measures to protect and enhance the water quality in the City of Walnut Creek's watercourses pursuant to the Porter-Cologne Water Quality Control Act. The ordinance is intended to minimize non-stormwater discharges and pollution caused by stormwater runoff from development. Discharges to the City's stormwater system from spills, dumping, or disposal of materials are also regulated. Section 9.16-105 requires the proponent for each development project that is subject to the MRP requirements to submit a stormwater control plan and implement conditions of approval that reduce stormwater pollutant discharges through the construction, operation and maintenance of treatment measures and other appropriate source control and site design measures. Increases in runoff volume, flows, and durations shall be managed in accordance with the development runoff requirements. The stormwater control plan shall contain performance standards to address both the construction and post-construction phase impacts on stormwater quality.

3.9.5 - Thresholds of Significance

Utilizing the guidance in the CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to hydrology and water quality would be significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
   (i) Result in substantial erosion or siltation on- or off-site;
   (ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

(iv) Impede or redirect flood flows?

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

3.9.6 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

For purposes of evaluating potential hydrology and water quality impacts associated with the development contemplated under the NDSP, the 2019 NDSP EIR relied, in part, on analysis provided in relevant federal, State, and local documents and reports. As described more fully therein and below, the 2019 NDSP EIR identified less than significant impacts with respect to the potential to violate any water quality standards or waste discharge requirements for both surface and groundwater, as well as less than significant impacts with respect to groundwater supply and recharge, alteration of the existing drainage pattern (that could otherwise result in substantial erosion or siltation on- or off-site), the rate or amount of surface runoff in a manner (that could otherwise result in flooding on-or off-site), the capacity of existing or planned stormwater drainage systems (i.e., sufficient capacity to avoid the need for expansion or the risks associated with additional sources of polluted runoff), or impeding or redirecting flood flows. Consistent with the rulings for *Ballona Wetlands Land Trust v. City of Los Angeles*, 201 Cal. App.4th 455 and California Supreme Court ruling in *California Building Industry Association vs. Bay Area Air Quality Management District* (CBIA v. BAAQMD), the 2019 NDSP EIR did not make a significance determination related to inundation or flooding of projects proposed under the NDSP. The 2019 NDSP EIR concluded cumulative impacts would be less than significant, and also concluded that the impacts of development proposed under the NDSP would not make a cumulatively considerable contribution to this already less than significant cumulative impact. In making these impact conclusions, the 2019 NDSP EIR assumed that development under the NDSP would be required to adhere to all applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the General Plan and Municipal Code (refer to Section 4.7, Hydrology and Water Quality, of the 2019 NDSP EIR; pages 4.7-11 to 4.7-17). No mitigation measures were identified in the 2019 NDSP EIR related to hydrology and water quality. As described below, the impact conclusions of the 2019 NDSP EIR would not substantially change because of the proposed project.

Proposed Project Analysis and Conclusion

Surface and Groundwater Quality

Impact HYD-1:	**The proposed project may violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated relevant federal, State, and local documents and reports with respect to water quality and concluded implementation of the development contemplated under the NDSP could result in the use of commonplace hazardous materials, such as fuels, oils, paints, solvents, and adhesives (during both construction and operation), which could reach waterways and cause a violation of water quality standards or degradation of water and groundwater quality.

However, during construction, projects developed within the NDSP area that would disturb more than one acre of land would be required to comply with the applicable requirements of the Construction General Permit, which would require the completion of a SWPPP and the implementation of BMPs as provided in the SWPPP.

In addition, during operation, projects developed within the NDSP area could create potential sources of polluted runoff associated with motor vehicle traffic and the use of fertilizers for landscaped areas. Pollutants that may be transported in runoff from parking areas and roadways included sediment, metals, organic compounds including diesel, gasoline and oil, and trash and debris. However, projects that would create or replace 10,000 square feet or more of impervious surface would be required to comply with applicable provisions of the NPDES MRP, which includes LID requirements for source control, site design, stormwater treatment, and hydromodification management. All future development projects within the NDSP, including, without limitation, those that would disturb less than one acre or land or replace less than 10,000 square feet of impervious surface, would also be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan including, but not limited, to Goal 32, Policy 32.1, Actions 32.1.1, 32.1.2, 32.1.4, 32.1.5, Policy 32.2, Policy 32.3, Actions 32.3.1 and 32.3.2, Policy 32.4, and Title 9, Chapter 9 of the Municipal Code (including Section 9.16-105 that requires a stormwater control plan be prepared for new development projects subject to MRP requirements to address both construction and post-construction impacts on stormwater quality). Based on the foregoing, the 2019 NDSP EIR concluded that implementation of the development contemplated under the NDSP would result in less than significant impacts with respect to water quality.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to water quality.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to water quality (see also Appendices H and G). Consistent with the analysis set forth in the 2019 NDSP EIR, construction activities for the proposed project would disturb more than one acre of land and would include demolition, grading, building construction, paving, and utility installation. Construction would require the use of gasoline and

diesel-powered heavy equipment, such as bulldozers, backhoes, water pumps, and air compressors. Commonplace substances such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances are assumed to be used during construction. An accidental release of any of these substances could degrade the quality of the surface water runoff and adversely affect receiving waters. However, consistent with the 2019 NDSP EIR and as further discussed in Section 3.8 of this Draft SEIR (Hazards and Hazardous Materials), the proposed project would be required to develop and implement a SWPPP to outline and implement site-specific stormwater quality control measures (such as BMPs) during construction activities to prevent pollutants from entering downstream waterways. As described above, four USTs were removed from portions of the project site in 1989. CCHSD and the RWQCB concurred that no further monitoring, investigation, or remedial action was required in connection therewith based on available information and assuming the current land use (automotive repair facilities). Because no individual specific development application for the project site has been formally submitted to the City, and the final specific allocation and mix of uses is not currently known, it is conservatively assumed that APN 173-131-055 and 173-131-062 could include residential uses as described in Scenario 3. Therefore, depending upon the ultimate allocation of uses on the project site that is proposed under a specific individual development proposal, additional corrective action may be required to ensure that all applicable thresholds are achieved under the comprehensive regulatory framework that would apply. See Section 3.8 of this Draft SEIR, Hazards and Hazardous Materials, for additional information in this regard (addressed in Impact HAZ-2). In addition, pursuant to Mitigation Measure (MM) HAZ-2b, prior to issuance of a grading permit for work on APN 173-131-042, a geophysical survey and subsurface assessment must be completed, including sampling of soil gas (as may be required by the relevant regulatory body(ies)), to confirm the location of the former underground storage tank (UST) located on this parcel and to confirm any related issues with respect to soil, soil gas, or groundwater. If hazardous levels of any hazardous compounds are found, the relevant Applicant shall complete any remediation required under the applicable laws and regulations to the satisfaction of the relevant regulatory body(ies) (e.g., CCCHSD, RWQCB), as evidenced by the submittal of a no further action letter. In addition, if any hazardous contaminants related to the current use of the relevant portions of the project site (such as, for example, benzene and chloroform) are found, the relevant Applicant shall cause to be prepared and implemented as part of the construction of the relevant specific individual development proposal a construction worker health and safety plan as described in MM HAZ-2b. See Section 3.8, Hazards and Hazardous Materials, of this Draft SEIR for additional information. Additionally, implementation of the SWPPP would prevent pollutants from entering the Ygnacio Valley Groundwater Basin by preventing pollutants from moving off-site. BMP implementation would be consistent with the applicable BMP requirements for the relevant specific individual development proposal(s) in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook–Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual and would be implemented during construction.

As noted above and in Section 3.8, Hazards and Hazardous Materials, project operation would generate runoff, which could carry pollutants, such as pesticides, fertilizers, and deposits of fluids and metals from motor vehicles into Walnut Creek or the Ygnacio Valley Groundwater Basin, or allow seepage of such pollutants into the associated groundwater table. This would represent a potentially

significant operational impact related to surface and groundwater quality. The proposed project is in an urbanized area that is mostly made up of impervious surfaces. The proposed project would result in a slight net increase in impervious surfaces. Under existing conditions, there is approximately 339,837 square feet of impervious area (approximately 94.7 percent) and approximately 19,148 of pervious surfaces (5.3 percent). Under proposed conditions, there would be approximately 344,626 square feet of impervious surfaces (approximately 96 percent) and approximately 14,360 square feet (approximately 4 percent) pervious surfaces. While the proposed project would create a net increase in impervious surfaces on the project site, the Conceptual Hydrology Analysis prepared by Kier and Wright on December 6, 2021 (Appendix H) indicates that the proposed project would have a peak runoff rate of approximately 18.05 cubic feet per second (cfs).[14] This would be less than the existing peak runoff rate of 20.42 cfs on the project site. Therefore, the peak runoff rate of the proposed project would not negatively impact the project site or the surrounding area. Consistent with the 2019 NDSP EIR, the proposed project would be required to comply with the applicable MRP requirements for LID source control, including site design, stormwater treatment, and hydromodification management, which would help further reduce potential water quality impacts.

Accordingly, consistent with the findings of the 2019 NDSP EIR, the proposed project would be required to adhere to all applicable federal, State and local laws and regulations, programs, standards and other requirements, including, but not limited to, those set forth by the CWA, the Porter-Cologne Act, RCRA, USDOT, CCHSHMP, and applicable goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan including, but not limited to Goal 32, Policy 32.1, Actions 32.1.1, 32.1.2, 32.1.4, and 32.1.5, Policies 3.1, 3.2, 3.4, 3.6, 32.2, and 32.3, Actions 3.4.1, 32.3.1 and 32.3.2, Policy 32.4, and Title 9, Chapter 9 of the Municipal Code (including Section 9.16-105 that requires a stormwater control plan be prepared for new development projects subject to MRP requirements to address both construction and post-construction impacts on stormwater quality). See also Section 3.8, Hazards and Hazardous Materials, for additional information in this regard.

Consistent with the 2019 NDSP EIR, adherence to the foregoing laws, regulations, programs, standards and requirements would minimize the potential to degrade water quality in downstream water bodies to the maximum extent feasible and prevent seepage of pollutants into the groundwater basin. Therefore, implementation of MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d as well as adherence to the foregoing laws, regulations, programs, and standards would ensure that the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality and therefore impacts would be less than significant in this regard. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Significance Before Mitigation

Potentially significant impact.

[14] Kier and Wright. 2021. Toyota Walnut Creek-Conceptual Hydrology Analysis. December 6.

Mitigation Measures

Mitigation Measures from the 2019 NDSP EIR

None.

Mitigation Measures for the Proposed Project

Implement MM HAZ-2b, MM HAZ-2c, and MM HAZ-2d.

For the proposed project, MM HAZ-2b (along with MM HAZ-2c and MM HAZ-2d, as discussed more fully in Section 3.8, Hazards and Hazardous Materials) are required to implement the requirements of 2019 NDSP EIR MM HAZ-1b. Accordingly, the relevant Applicant's compliance with the foregoing project-specific mitigation measures shall constitute compliance with 2019 NDSP EIR MM HAZ-1b.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Groundwater Supply/Recharge

Impact HYD-2: The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated relevant federal, State, and local documents and reports with respect to groundwater and concluded that implementation of the development contemplated under the NDSP would not significantly alter the amount of impervious area within the NDSP area and would not interfere substantially with groundwater recharge. In addition, the 2019 NSDP EIR relied upon the fact that the entire NDSP area is within the existing service area of EBMUD and currently served thereby via EBMUD's existing and planned surface water supplies and would not involve the use of any groundwater to serve the contemplated development's water demand. For these reasons, the 2019 NDSP EIR concluded impacts in this regard would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to groundwater supplies or recharge.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to groundwater supplies and recharge.

As detailed more fully in the Water Supply Assessment (WSA)[15] the project site is within EBMUD's existing service area, is currently served by EBMUD, and would continue to be served with potable

[15] Balance Hydrologics. 2022. Water Supply Assessment for Toyota Walnut Creek Mixed Use Special District Project. April 29.

water service provided by EBMUD, which relies on surface water sources for its potable water supply; furthermore, the proposed project would not rely on any groundwater supply as a water supply source. The WSA concludes that water demand associated with the proposed project would not significantly constrain EBMUD's supply over the long-term and can be assumed to be accounted for in the EBMUD demand projections with room for additional development. Consistent with the 2019 NDSP EIR and EBMUD's recently adopted 2020 Urban Water Management Plan (2020 UWMP), given that the proposed project would utilize surface water provided by EBMUD (and would not rely upon any groundwater supplies), the proposed project would not directly or indirectly exacerbate groundwater overdraft (to the extent that it exists) or otherwise conflict with sustainable groundwater management of the Ygnacio Valley Groundwater Basin and would not substantially decrease groundwater supplies. Thus, impacts in this regard would be less than significant.

As described under Impact HYD-1, the proposed project would result in a slight net increase in impervious surfaces but would result in a reduced peak runoff rate as compared to existing conditions. This is because the proposed project would install an on-site storm drainage system that would include basins, which would be designed to adhere to all applicable laws, regulations, standards and requirements and which would promote percolation of runoff into the soil and thereby reduce runoff overall.

In addition, consistent with the 2019 NDSP EIR, the proposed project would be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan including, but not limited to, Policy 32.3 and Action 32.3.1. For the foregoing reasons, impacts with respect to groundwater supply, recharge, and groundwater management would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Drainage Leading to Erosion/Siltation, Flooding, Additional Sources of Polluted Runoff, or Impedance of Flood Flows

Impact HYD-3:	**The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**
	i) Result in substantial erosion or siltation on- or off-site;
	ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
	iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
	iv) Impede or redirect flood flows?

i) Erosion and Siltation

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated relevant federal, State, and local documents and reports with respect to potential erosion and siltation impacts and concluded that implementation of development contemplated under the NDSP could result in more intense use of land (i.e., increased impervious surfaces, etc.), which could increase stormwater quality runoff volumes, potentially resulting in hydromodification impacts; in turn, this could result in degradation of water quality in creeks related to higher erosive flows. However, the 2019 NDSP EIR also determined that during construction, projects developed under the NDSP that would disturb more than one acre of land would be required to comply with the applicable requirements of the Construction General Permit, which would require the completion of a SWPPP and the implementation of BMPs as provided in the SWPPP. Moreover, during operation, projects would be required to comply with applicable provisions of the MRP. In addition, all future development projects, including those that would disturb less than one acre of land or replace less than 10,000 square feet of impervious surface, would be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan including, but not limited, to Goal 32, Policy 32.1, Actions 32.1.1, 32.1.2, 32.1.4, and 32.1.5, Policy 32.2, Policy 32.3, Actions 32.3.1 and 32.3.2, Policy 32.4, and Title 9, Chapter 9 of the Municipal Code (including Section 9.16-105 that requires a stormwater control plan be prepared for new development projects subject to MRP requirements to address both construction and post-construction impacts on stormwater quality). With adherence to the foregoing laws, regulations, programs, and standards, the 2019 NDSP EIR concluded that potential erosion and siltation impacts would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to erosion and siltation impacts.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to potential erosion and siltation impacts. Construction activity associated with the proposed project could result in substantial erosion or siltation, leading to alterations in the existing drainage pattern and the potential for polluted runoff entering waterbodies, including Walnut Creek, approximately 1,100 feet east of the project site. As described under Impact HYD-1, the proposed project would result in a slight net increase in impervious surfaces. However, consistent with the 2019 NDSP EIR, the proposed project would be required to adhere to the applicable provisions of the NPDES permit and would be required to prepare and implement a SWPPP pursuant to applicable laws and regulations. The SWPPP would be designed to ensure that erosion, siltation, and flooding are prevented or minimized to the maximum extent feasible during construction. In addition, the SWPPP would include both structural (physical

devices or measures) and operational (timing of construction) BMPs that would prevent the discharge of pollutants directly or indirectly into waterbodies.

During operation, the proposed project would be required to comply with applicable provisions of the MRP. Consistent with the 2019 NDSP EIR, all future specific individual development proposal(s) would be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan including, but not limited, to Goal 32, Policy 32.1, Actions 32.1.1, 32.1.2, 32.1.4, and 32.1.5, Policy 32.2, Policy 32.3, and Actions 32.3.1 and 32.3.2, Policy 32.4, and Title 9, Chapter 9 of the Municipal Code (including Section 9.16-105 that requires a stormwater control plan be prepared for new development projects subject to MRP requirements to address both construction and post-construction impacts on stormwater quality). For the foregoing reasons, the proposed project's impacts related to the alteration of the existing drainage pattern (and the potential to result in substantial erosion or siltation on- or off-site) would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

ii) Surface Runoff

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated relevant federal, State, and local documents and reports with respect to potential flooding impacts that could occur as a result of a substantial increase in the rate or amount of surface runoff; it concluded that because the NDSP area is relatively flat and already largely covered with impervious surfaces, substantial changes to drainage patterns and potential increases in flooding were not anticipated. With respect to construction-related impacts, the 2019 NDSP EIR noted that soil erosion on a project within the NDSP area may result in discharges of sediment-laden stormwater runoff into the City stormwater system, which if not properly controlled could contribute to degradation of downstream water quality and impairment of beneficial uses. In addition, sediment from development under the NDSP may contain pollutants associated with various phases of construction, such as trash, paint, solvents, sanitary waste from portable restrooms, and concrete curing compounds, which could discharge into the City stormwater system. These potential construction-related impacts would be required to be addressed through the Construction General Permit and the MRP, and all future development projects would be required to comply with all applicable stormwater laws, regulations, standards and requirements regarding construction activities under the MRP, Construction General Permit, and the General Plan.

In terms of operational impacts, all future development projects under the NDSP would be required to comply with all applicable stormwater laws, regulations, standards and requirements regarding post-construction stormwater requirements under the MRP including, among others, requirements for new development creating or replacing more than 10,000 square feet of impervious surface. All future development projects would also be required to adhere to Title 9, Chapter 9 of the Municipal Code including Section 9.16-105 which requires a stormwater control plan be prepared for new development projects subject to MRP requirements to ensure that post-development stormwater

flow rates would not substantially exceed predevelopment rates. Based on the foregoing, the 2019 NDSP EIR concluded that impacts in this regard would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized, already-developed and relatively flat nature of the project site, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a significant flooding impact as a result of surface runoff.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to flooding impact as a result of surface runoff (see Appendix H).

As noted above, the proposed project would result in a slight increase in on-site impervious surfaces compared with existing conditions, although the post-project peak flow would be reduced as compared to existing conditions. However, the proposed project would be required to install a storm drainage system that adheres to all applicable design criteria, standards and other requirements under applicable laws and regulations to prevent flooding on- and off-site during construction and operation. For example, inlets would capture surface runoff, where it would enter an underground piping system that would convey stormwater to on-site basins. The basins would be designed to promote percolation into the soil and would release runoff into the municipal drainage system. In accordance with the MRP, the proposed project would be required to implement LID stormwater management methods into the on-site storm drainage system consisting, for example, of rainwater harvesting and use, infiltration, evapotranspiration, or biotreatment. Collectively, these and/or similar types of measures would serve to slow, reduce, and meter the volume of runoff leaving the project site in accordance with applicable standards (e.g., post-development flows being equal to or less than predevelopment flows) and would ensure that downstream storm drainage facilities are not inundated with project-related stormwater. As detailed more fully in Appendix H, the conceptual analysis conducted in connection with this Draft SEIR concluded that predevelopment peak runoff, approximately 20.42 cubic feet per second (cfs), would be reduced to a peak runoff rate of approximately 18.05 cfs under project conditions, thereby documenting the ability to accomplish the applicable performance standards[16]

With respect to potential flooding during construction, the proposed project would be required to adhere to applicable provisions of the Municipal Code, which establishes permit review procedures, designates and identifies the duties of the floodplain administrator (the City Engineer), provides provisions for flood hazard reduction such as standards of construction, and identifies variance procedures.

Consistent with the 2019 NDSP EIR, during operation, all future specific individual development proposal(s) would be required to adhere to applicable provisions of Title 9, Chapter 9 of the Municipal Code including Section 9.16-105 which requires a stormwater control plan be prepared for

[16] Kier and Wright. 2021. Toyota Walnut Creek-Conceptual Hydrology Analysis. December 6.

new development projects subject to MRP requirements to ensure that post-development stormwater flow rates would not substantially exceed predevelopment rates.

Therefore, consistent with the 2019 NDSP EIR, adherence to applicable laws, regulations, programs, and standards would ensure that the proposed project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site during construction or operation and impacts in this regard would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

iii) Runoff Resulting in Exceedance of Storm Drain Capacity or Providing Substantial Additional Sources of Polluted Runoff

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated relevant federal, State, and local documents and reports with respect to the potential to create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The 2019 NDSP EIR concluded that implementation of the NDSP could result in more intense use of land, potentially resulting in increased pollutant loading of stormwater runoff as well as creating additional runoff that could exceed the capacity of existing or planned systems. In addition, areas of active construction could cause soil erosion that may result in discharges of sediment-laden stormwater runoff into the City's stormwater system, which if not properly controlled, could contribute to degradation of downstream water quality. Development under the NDSP could also result in new sources of various stormwater pollutants that may be deposited on impervious surfaces during construction and operation, such as sediment, metals, organic compounds such as pesticides, polynuclear aromatic hydrocarbons and oil and grease, pathogens, nutrients, as well as trash and debris.

However, the 2019 NDSP EIR concluded that during construction, projects developed under the NDSP that would disturb more than one acre of land would be required to comply with the requirements of the Construction General Permit, which would require the completion of a SWPPP and the implementation of BMPs as provided in the SWPPP. Moreover, during operation, development under the NDSP would be required to comply with the MRP. All future development projects, including those that would disturb less than one acre of land or replace less than 10,000 square feet of impervious surface, would also be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including, without limitation, goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan including, but not limited, to Goal 32, Policy 32.1, Actions 32.1.1, 32.1.2, 32.1.4, and 32.1.5, Policy 32.2, Policy 32.3, Actions 32.3.1 and 32.3.2, Policy 32.4, and Title 9, Chapter 9 of the Municipal Code (including Section 9.16-105 that requires a stormwater control plan be prepared for new development projects subject to MRP requirements to address both construction and post-construction impacts on stormwater quality). Based on the foregoing, the 2019 NDSP EIR concluded that impacts in this regard would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized, already-developed and relatively flat nature of the project site, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have the potential to create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts related to the creation or contribution of runoff that could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (see Appendix H).

As discussed above, consistent with the 2019 NDSP EIR, the proposed project would be required to implement a SWPPP as part of its Construction General Permit, as well as adhere to all other applicable laws, regulations, standards and requirements to ensure that additional sources of polluted runoff would be prevented during construction. In addition, during construction, the proposed project would follow applicable requirements in the Construction General Permit and MRP, and applicable policies and actions of the General Plan to ensure that runoff does not exceed predevelopment flows to ensure there is no exceedance in capacity of the City's municipal stormwater system.

The proposed project would result in a slight increase in impervious surfaces compared with existing conditions. However, as discussed in detail above, in accordance with the MRP, the proposed project would be required to implement LID stormwater management methods, described in Impact HYD-3. ii, which would prevent the exceedance of existing or planned storm drainage capacity and prevent the release of polluted runoff. In addition, as documented more fully in Appendix H, the conceptual analysis prepared in connection with this Draft EIR concluded that predevelopment peak runoff, approximately 20.42 cubic feet per second (cfs), would be reduced to a peak runoff rate of approximately 18.05 cfs under project conditions in compliance with C.3 requirements in the MRP.[17]

Furthermore, consistent with the 2019 NDSP EIR, all future specific individual development proposal(s) would be required to adhere to applicable provisions of Title 9, Chapter 9 of the Municipal Code (including Section 9.16-105 that requires a stormwater control plan be prepared for new development projects subject to MRP requirements to ensure project operation would not create runoff that exceeds the capacity of existing or planned stormwater drainage systems or provide sources of stormwater or polluted runoff).

Therefore, consistent with the 2019 NDSP EIR, adherence to applicable laws, regulations, programs, and standards would ensure the proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff resulting in a less than significant impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially

[17] Kier and Wright. 2021. Toyota Walnut Creek-Conceptual Hydrology Analysis. December 6.

increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

iv) Impacts to Flood Flows

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated FEMA flood maps with respect to the potential to impede or redirect flood flows. Consistent with the requirements of CEQA as discussed in relevant case law such *Ballona Wetlands Land Trust v. City of Los Angeles*, 201 Cal.App.4th 455 *California Building Industry Association vs. Bay Area Air Quality Management District* (CBIA v. BAAQMD), to the extent this question involves the effects of pre-existing environmental hazards on users of the project and structures in the project rather than the question of whether the proposed project would exacerbate environmental hazards, then the 2019 NDSP EIR properly did not make a significance determination related to impacts to flood flows associated with implementation of the NDSP. However, as discussed above, the 2019 NDSP EIR did explain that compliance with the applicable laws and regulations such as those set forth in the Municipal Code would help ensure there would be less than significant flooding impacts.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized, already-developed and relatively flat nature of the project site, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have the potential to impede or redirect flood flows.

Consistent with the analytical approach taken in the 2019 NDSP EIR, CEQA mandates an evaluation of the proposed project's impacts on the environment but not the reverse (i.e., the impacts of the existing environment on the project). Therefore, this analysis only focuses on whether the proposed project would exacerbate environmental hazards.

The proposed project would not be in an area prone to flooding or within a designated flood hazard zone. As described in further detail under Impact HYD-4, the project site is not susceptible to inundation from flood hazards. As a result, the project would not impede or redirect flood flows such that it would exacerbate environmental hazards. Therefore, this would be a less than significant impact under Scenario 3 (or any other Scenario).

Level of Significance

Less than significant impact.

Risk Related to Flood Hazard Zone, Tsunami, or Seiche Zone or Risk of Pollutant Release Due to Inundation

Impact HYD-4:	**The proposed project would not be in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated FEMA flood maps and other relevant federal, State, and local documents and reports with respect to the proximity of the NDSP area to a flood hazard zone, tsunami, or seiche, or the risk of release of pollutants due to project inundation.

Consistent with requirements under CEQA and relevant rulings such as *Ballona Wetlands Land Trust v. City of Los Angeles*, 201 Cal.App.4th 455 and *California Supreme Court ruling in California Building Industry Association vs. Bay Area Air Quality Management District* (CBIA v. BAAQMD), the 2019 NDSP EIR did not make a significance determination related to risks to projects proposed under the NDSP as a result of pre-existing environmental hazards of inundation or flooding. However, as discussed above, the 2019 NDSP EIR did explain that compliance with the applicable laws and regulations such as those set forth in the Municipal Code would help ensure there would be less than significant impacts in this regard, including dam failure. Furthermore, the NDSP 2019 EIR also concluded that the NDSP area is not in a flood hazard zone, tsunami, or seiche zone, and thus development under the NDSP would generally be at low risk of seiche and tsunami and is not considered vulnerable to extreme tides or sea level rise because the NDSP area is not located near shoreline areas and is at a relatively high elevation.[18]

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized, already-developed and relatively flat nature of the project site, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a significant impact with respect to the proximity of the project site vis-à-vis a flood hazard zone, tsunami, or seiche, or risk of release of pollutants due to project inundation.

Consistent with the analytical approach taken in the 2019 NDSP EIR, CEQA mandates an evaluation of the proposed project's impacts on the environment but not the reverse (i.e., the impacts of the existing environment on the project). Therefore, this analysis only focuses on whether the proposed project would exacerbate environmental hazards.

The project site is not located within a designated FEMA flood hazard zone or 100-year flood zone. According to the FEMA Flood Map Service Center, the project site is located within Zone X "Area of Minimal Flood Hazard."[19] In addition, the closest designated flood hazard zone to the project site is along Walnut Creek, located approximately 750 feet to the south of the project site.

The project site is located more than 24 miles from the Pacific Ocean and, thus, is not susceptible to tsunami inundation. The project site is not located near a large, enclosed body of water and as such would not be susceptible to inundation from a seiche. As a result, the project site would not be a risk

[18] Design, Community, and Environment. 2005. General Plan 2025 City of Walnut Creek, Draft Environmental Impact Report. August 5.
[19] Federal Emergency Management Agency (FEMA). 2009. National Flood Hazard Layer FIRMette, 06013C0287F and 06013C0291F. Website:https://msc.fema.gov/arcgis/rest/directories/arcgisjobs/nfhl_print/agolprintb_gpserver/j5a2b408cb8a0484996a78a2a57ab1fbd/scratch/FIRMETTE_9f2de312-c09f-47dc-9d0a-4fc4253821bb.pdf. Accessed: November 19, 2021. June.

for inundation from flooding, tsunami, or seiche. Therefore, impacts related to risk of pollutant release due to inundation would be less than significant under Scenario 3 (or any other Scenario).

Level of Significance

Less than significant impact.

Water Quality Control or Sustainable Groundwater Management Plans Consistency

Impact HYD-5: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR did not specifically analyze conflicts with or obstruction of implementation of a water quality control plan or sustainable groundwater management plan. The 2019 NDSP EIR does include an analysis of "Other Water Quality Degradation Impacts" and concludes that all future development projects under the NDSP would be required to comply with applicable NPDES permit requirements, General Plan policies and actions, and the Municipal Code. Specifically, as discussed at length in Impact HYD-1, during construction, projects developed within the NDSP area that would disturb more than one acre of land would be required to comply with the applicable requirements of the Construction General Permit, which would require the completion of a SWPPP and the implementation of BMPs as provided in the SWPPP.

In addition, during operation, projects under the NDSP that would create or replace 10,000 square feet or more of impervious surface would be required to comply with applicable provisions of the NPDES MRP, which includes LID requirements for source control, site design, stormwater treatment, and hydromodification management. All future development projects within the NDSP, including, without limitation, those that would disturb less than one acre or land or replace less than 10,000 square feet of impervious surface, would also be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan including, but not limited, to Goal 32, Policy 32.1, Actions 32.1.1, 32.1.2, 32.1.4, 32.1.5, Policy 32.2, Policy 32.3, Actions 32.3.1 and 32.3.2, Policy 32.4, and applicable provisions of Title 9, Chapter 9 of the Municipal Code (including Section 9.16-105 that requires a stormwater control plan be prepared for new development projects subject to MRP requirements to address both construction and post-construction impacts on stormwater quality).

With respect to the potential for development under the NDSP to conflict with or obstruct implementation of a sustainable groundwater management plan, as noted above, the 2019 NDSP EIR did not evaluate this specific topic. However, the 2019 NDSP EIR concluded that implementation of the development contemplated under the NDSP would not significantly alter the amount of impervious area within the NDSP area and would not interfere substantially with groundwater recharge. In addition, the 2019 NDSP EIR relied upon the fact that the entire NDSP area is within the existing service area of EBMUD and currently served thereby via EBMUD's existing and planned surface water supplies and would not involve the use of any groundwater to serve the contemplated development's water demand.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized, already-developed and relatively flat nature of the project site, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Consistent with the analytical approach taken in the 2019 NDSP EIR, CEQA mandates an evaluation of the proposed project's impacts on the environment but not the reverse (i.e., the impacts of the existing environment on the project). Therefore, this analysis only focuses on whether the proposed project would exacerbate environmental hazards.

With respect to water quality, as discussed above in detail in Impact HYD-1, given that construction of the proposed project would disturb more than 1 acre of land, all future specific individual development proposal(s) would be required to comply with the terms of the Construction General Permit, which require the preparation and implementation of a SWPPP that includes BMPs to ensure reduction of pollutants from construction activities potentially entering surface waters. Therefore, the proposed project would not conflict with the Contra Costa Clean Water Program or the NPDES program.

In addition, as detailed in Impact HYD-1, consistent with the findings of the 2019 NDSP EIR, the proposed project would be required to adhere to all applicable federal, State and local laws and regulations, programs, standards and other requirements, including, but not limited to, those set forth by the CWA, the Porter-Cologne Act, RCRA, USDOT, CCHSHMP, and applicable goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan including, but not limited to Goal 32, Policy 32.1, Actions 32.1.1, 32.1.2, 32.1.4, and 32.1.5, Policies 3.1, 3.2, 3.4, 3.6, 32.2, and 32.3, Actions 3.4.1, 32.3.1 and 32.3.2, Policy 32.4, and applicable provisions of Title 9, Chapter 9 of the Municipal Code (including Section 9.16-105 that requires a stormwater control plan be prepared for new development projects subject to MRP requirements to address both construction and post-construction impacts on stormwater quality). With respect to groundwater, the project site is located within the Ygnacio Valley Groundwater Basin. EBMUD would provide potable water to the project site and does not use groundwater as a water source. As a result, the proposed project would not conflict with or obstruct a sustainable groundwater management plan.

Therefore, consistent with the 2019 NDSP EIR, the proposed project would comply with all applicable laws and regulations including, without limitation, NPDES permit requirements, General Plan policies and actions, and the Municipal Code. Consistent with the 2019 NDSP EIR, for the foregoing reasons, the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan and impacts would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under

Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

3.9.7 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

Cumulative impacts related to hydrology and water quality occur within a defined watershed. Walnut Creek and Suisun Bay would primarily be the receiving water bodies for cumulative projects. With respect to cumulative hydrology and water quality impacts, the 2019 NDSP EIR concluded both Walnut Creek and Suisun Bay are currently designated as "impaired" by the State Water Board, and a significant cumulative impact related to water quality is currently occurring. NPDES permit requirements have become more stringent over the years and now require new development and redevelopment projects to manage and treat all significant sources of stormwater pollutants and runoff, which would result in a reduction in runoff and overall pollutant loads in stormwater in the vicinity of the NDSP area over time, thereby reducing the existing cumulative impacts. The 2019 NDSP EIR found that though there was an existing cumulative water quality impact occurring, compliance with the NPDES permit would reduce existing cumulative impacts regarding flooding associated with changing drainage patterns and soil erosion. Additionally, as the NDSP area is almost entirely developed with impervious surfaces and would not utilize groundwater resources, cumulative projects would not result in substantial groundwater depletion. Since the City remains in an area with low risk to seiche and tsunami as described above, the 2019 NDSP EIR found there was no cumulative impacts to the area's potential inundation by seiche, tsunami, extreme high tide, sea level rise, and dams and levees. Furthermore, all cumulative projects would be required to adhere to the Construction General Permit and the MRP and all other applicable federal and State laws and regulations, programs, and standards, including, without limitation, goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan including, but not limited, to Goal 32, Policy 32.1, Actions 32.1.1, 32.1.2, 32.1.4, and 32.1.5, Policy 32.2, Policy 32.3 and Actions 32.3.1, 32.3.2, Policy 32.4, and applicable provisions of Title 9, Chapter 9 of the Municipal Code. With respect to cumulative hydrology and water quality impacts, the 2019 NDSP EIR concluded that with adherence to applicable laws and regulations governing hydrology and water quality, implementation of the NDSP would not be cumulatively considerable.

Supplemental Analysis of the Proposed Project

Similar to the cumulative analysis in the 2019 NDSP EIR, the appropriate geographic context for cumulative impacts for hydrology and water quality is the defined watershed, which would consist of Walnut Creek and Suisun Bay being the primary receiving water bodies for cumulative projects.

As noted above, consistent with the 2019 NDSP EIR, the proposed project would be required to adhere to the Construction General Permit and the MRP and all other applicable federal and State laws and regulations, programs, and standards, including, without limitation, goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan including, but not limited, to

Goal 32, Policy 32.1, Actions 32.1.1, 32.1.2, 32.1.4, and 32.1.5, Policy 32.2, Policy 32.3, Actions 32.3.1 and 32.3.2, Policy 32.4, and applicable provisions of Title 9, Chapter 9 of the Municipal Code. Additionally, the proposed project would install an on-site storm drainage system that would include basins intended to promote percolate of runoff into the soil and ensure that post-development flows were equal to or less than predevelopment flows. The proposed project would be required to implement identified mitigation as well to the extent applicable. The foregoing would further ensure that the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact, including impacts to water quality, erosion, groundwater depletion, and flood risk from seiche, tsunami, extreme high tide, sea level rise, and dams and levees. As such, the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

3.10 - Land Use and Planning

3.10.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports and other materials have been prepared to document the information necessary to make the North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes the existing setting with respect to land use and planning and potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth in the 2019 NDSP EIR. Descriptions and analysis in this section are based on, in part, on-site reconnaissance performed by FirstCarbon Solutions (FCS) in April and May 2021, review of the City of Walnut Creek General Plan (General Plan) and North Downtown Specific Plan (NDSP), and review of formal project submittal information.

No public comments were received during the Notice of Preparation (NOP) scoping period for this Draft Supplemental EIR (Draft SEIR) related to land use and planning.

3.10.2 - Scenario Evaluation

As noted in Chapter 2.0, Project Description, the Applicant is requesting that the City of Walnut Creek ("City") approve amendments to the NDSP (along with conforming amendments to the General Plan and Zoning Code to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service, and ancillary uses as well as a range of additional potential, compatible uses such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific individual development proposal for the project site has been formally submitted to the City; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed project, this Draft SEIR considers three potential development scenarios (as defined further below and in Section 2, Project Description) that reflect a reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates "Site D," and an approximately 0.82-acre property "Site E," located adjacent to Site A). This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

For purposes of the analysis set forth in this Section 3.10, Land Use and Planning, the City and its California Environmental Quality Act (CEQA) consultant conducted a preliminary assessment of each of the potential Scenarios in order to determine the Scenario that would result in the "reasonable worst-case scenario" under each environmental topic area (see Appendix B, Comparative Summary of Potential Impacts). For the reasons set forth in Appendix B, it was determined that the relative

impact of each of the Scenarios with regard to land use and planning would be substantially the same across all Scenarios. Therefore, as explained in Appendix B, because Scenario 3 (auto sales and service, office, and multi-family residential) is assumed to result in the greatest impact for most of the environmental topics (see further discussion under Category 3 in Appendix B), to provide consistency in the analysis within the Draft SEIR, when a Scenario would result in substantially the same effects, this Draft SEIR evaluates impacts assuming development of Scenario 3, the Scenario that is most often the "reasonable worst-case scenario,". Therefore, the following analysis assumes development of Scenario 3.

3.10.3 - Environmental Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. For additional information regarding the existing conditions related to land use and planning in the NDSP area, including the project site and vicinity, which existed at the time the 2019 NDSP EIR was certified, this can be found in Section 4.1, Land Use and Planning, (pages 4.1-1 through 4.1-10) of the 2019 NDSP EIR.

Physical Land Use

Surrounding Area

Table 3.10-1 summarizes the surrounding land uses for each portion of the project site. Generally, the vicinity around the project site is characterized by commercial land uses, primarily automotive service and sales.

Table 3.10-1: Surrounding Land Uses

Parcel	Direction	Description
2100 North Main Street (Site A)[1]	West	North Main Street and luxury auto sales (Cole European Jaguar) and the Residence Inn by Marriot
	North	Bar/Restaurant (Retro Junkie); auto repair, multi-tenant commercial building
	East	North Broadway
	South	Multi-tenant commercial buildings
2150 North Broadway (Site B)	West	North Broadway and auto repair
	North	Auto repair
	East	3-story office building (201 North Civic), parking structure, and surface parking lot
	South	Auto repair
2100 North Broadway (Site C)	West	North Broadway and multi-tenant commercial building
	North	Pine Street
	East	3-story office building (201 North Civic), parking structure, and surface parking lot
	South	United States Post Office and associated surface parking lot

Parcel	Direction	Description
2200 North Broadway (Site D)	West	North Broadway
	North	1-story commercial building (Mike's Auto Body) and associated surface parking
	East	3-story office building and associated surface parking
	South	United States Post Office and associated surface parking lot
1435 Pine Street (Site E)	West	Office buildings and associated surface parking
	North	Auto repair, car dealer, bar/restaurant (Rotator Taproom) and associated surface parking
	East	Auto repair and associated surface parking
	South	Auto repair and associated surface parking

Notes:
[1] Site A also includes the following addresses: 2131 North Broadway, 2090 North Main Street, 2087 North Main Street. Site A and these addresses are all identified as 2100 North Main Street in this Draft SEIR for ease of readability (see Exhibit 2-4).
Source: FirstCarbon Solutions (FCS) 2022.

Project Site

Table 3.10-2 summarizes the 10 parcels that constitute the 6.2-acre Mixed Use Special District (Sites A through C) as well as Sites D and E that are located outside of the Mixed Use Special District that are currently leased for Toyota Walnut Creek operations. Exhibit 2-3 in Chapter 2, Project Description, depicts the location of all parcels that constitute the project site and Exhibits 2-4a, 2-4b, 2-4c, and 2-4d provides site photographs.

Table 3.10-2: Project Site Summary

Site	Assessor's Parcel Number (APN)	Acreage (approximate)	Existing Development (square feet) (approximate)	Notes
2100 North Main Street (Site A)[1]	173-131-042	0.41	9,304	2-story building formerly used as restaurant/former carpet cleaner. Surface parking lot.
	173-131-043	0.36	0	Surface parking lot.
	173-131-055	0.75	6,950	1-story building used for automotive service. Surface parking lot.
	173-131-056	0.57	0	Surface parking lot.
	173-131-057	0.40	3,175	1-story building used for automotive service and direct sales. Surface parking lot.

Site	Assessor's Parcel Number (APN)	Acreage (approximate)	Existing Development (square feet) (approximate)	Notes
	173-131-060	0.28	4,058	1-story building used for automotive service. Surface parking lot.
	173-131-062	0.64	12,223	1-story building used for automotive. Surface parking lot.
	173-131-063	0.68	1,800	Surface parking lot.
	Site A Subtotal	*4.09*	*37,510*	–
2150 North Broadway (Site B)	173-134-003	1.40	28,954	2-story building formerly used as a gym.
2100 North Broadway (Site C)	173-142-001	0.70	0	Surface parking lot associated with the existing leased dealership uses.
Mixed Use Special District Total		**6.20**	**66,464**	**–**
2200 North Broadway (Site D)	173-134-001	1.42	14,729	Existing leased dealership uses.
1435 Pine Street (Site E)	173-131-031	0.82	9,272	1-story building used for automotive service. Surface parking lot.
Non-Special District Total		**2.24**	**24,001**	**–**

Notes:
[1] Site A also includes the following addresses: 2131 North Broadway, 2090 North Main Street, 2087 North Main Street. Site A and these addresses are all identified as 2100 North Main Street in this Draft SEIR for ease of readability (see Exhibit 2-4).
Source: Toyota Walnut Creek 2021.

Land Use Designations

Surrounding Land Uses

Table 3.10-3 summarizes the existing General Plan and NDSP land use designations and zoning designations for surrounding land uses. As shown in the table, most of the surrounding land uses have identical General Plan and NDSP designations as the project site.

Table 3.10-3: Surrounding Existing General Plan and Specific Plan Land Use Designations and Zoning

Site	Direction	Description	General Plan/NDSP Land Use Designation	Zoning
2100 North Main Street (Site A)	West	North Main Street and luxury auto sales (Cole European Jaguar)	Mixed Use–Commercial	Mixed Use–Commercial

Site	Direction	Description	General Plan/NDSP Land Use Designation	Zoning
	North	Bar/Restaurant (Retro Junkie); Auto repair; multi-tenant commercial building	Automobile Sales/Service and Custom Manufacturing	Auto Sales and Custom Manufacturing
	East	North Broadway	Office	Office
	South	Multi-tenant commercial buildings	Automobile Sales/Service and Custom Manufacturing	Auto Sales and Custom Manufacturing
2150 North Broadway (Site B)	West	North Broadway and auto repair	Automobile Sales/Service and Custom Manufacturing	Auto Sales and Custom Manufacturing
	North	Auto repair	Automobile Sales/Service and Custom Manufacturing	Auto Sales and Custom Manufacturing
	East	3-story office building (201 North Civic), parking structure, and surface parking lot	Office	Office
	South	Auto repair	Automobile Sales/Service and Custom Manufacturing	Auto Sales and Custom Manufacturing
2100 North Broadway (Site C)	West	North Broadway and multi-tenant commercial building	Automobile Sales/Service and Custom Manufacturing	Auto Sales and Custom Manufacturing
	North	Pine Street	Automobile Sales/Service and Custom Manufacturing	Auto Sales and Custom Manufacturing
	East	3-story office building (201 North Civic), parking structure, and surface parking lot	Office	Office Commercial District
	South	United States Post Office and associated surface parking lot	Office	Office Commercial District
2200 North Broadway (Site D)	West	North Broadway	Automobile Sales/Service and Custom Manufacturing	Auto Sales and Custom Manufacturing
	North	1-story commercial building (Mike's Auto Body) and associated surface parking	Automobile Sales/Service and Custom Manufacturing	Auto Sales and Custom Manufacturing
	East	3-story office building and associated surface parking	Office	Office Commercial District
	South	United States Post Office and associated surface parking lot	Office	Office Commercial District
1435 Pine Street (Site E)	West	Office buildings and associated surface parking	Automobile Sales/Service and Custom Manufacturing	Auto Sales and Custom Manufacturing

Site	Direction	Description	General Plan/NDSP Land Use Designation	Zoning
	North	Auto repair, car dealer, bar/restaurant (Rotator Taproom) and associated surface parking	Automobile Sales/Service and Custom Manufacturing	Auto Sales and Custom Manufacturing
	East	Auto repair and associated surface parking	Automobile Sales/Service and Custom Manufacturing	Auto Sales and Custom Manufacturing
	South	Auto repair and associated surface parking	Automobile Sales/Service and Custom Manufacturing	Auto Sales and Custom Manufacturing
Source: FirstCarbon Solutions (FCS) 2022.				

Project Site

The General Plan and NDSP designate the project site "Automobile Sales/Service and Custom Manufacturing." The Zoning Ordinance designates the project site "Auto Sales and Custom Manufacturing."

3.10.4 - Regulatory Framework

Regional

Sustainable Communities Strategy/Plan Bay Area

Plan Bay Area, published by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), is a long-range integrated transportation and land use/housing strategy through 2050 for the Bay Area, adopted in October 2021, that serves as the Bay Area's Sustainable Communities Strategy/Regional Transportation Plan (SCS/RTP). Plan Bay Area 2050 is a 30-year plan for nine counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. Plan Bay Area 2050 connects the elements of housing, the economy, transportation, and the environment through 35 strategies that will make the Bay Area more equitable for residents and more resilient in the face of unexpected challenges. The 35 strategies are divided among four elements—Housing, Economy, Transportation, and the Environment—that lay out a $1.4-trillion vision for the Bay Area. Based on extensive analysis and modeling conducted over nearly four years of planning work by MTC and ABAG, Plan Bay Area 2050 is forecasted to make significant progress in tackling the greatest challenges facing the region, from housing affordability to the intensifying impacts of global climate change.

Plan Bay Area calls for focused housing and job growth around high-quality transit corridors, particularly within areas identified by local jurisdictions as Priority Development Areas (PDAs). As shown in Map 1-1 in Plan Bay Area 2050, the currently adopted plan, the project site is within a PDA. This land use strategy is anticipated to enhance mobility and economic growth by linking the location of housing and jobs with transit, thus offering a more efficient land use pattern around transit and greater return on existing and planned transit investments.

Local

City of Walnut Creek

City of Walnut Creek General Plan

The General Plan includes a Land Use Map that identifies the desired patterns of land use in the NDSP area by the General Plan's horizon year of 2025. The land use categories are provided in the General Plan Land Use Map[1] and provide the foundation for the City's zoning map and regulations and have helped shape development decisions for the last 16 years. Table 3.10-4, provided below, lists the goals and policies of the General Plan with the purpose of avoiding or mitigating an environmental effect that are relevant to this analysis.

Safety Element

The City adopted the current Safety Element as part of adoption of the General Plan in April 4, 2006 and last amended it in August 2017. The Safety Element provides goals, objectives, policies, and programs that direct decision-making related to hazard mitigation planning, disaster preparedness, and emergency response. The City is in the process of preparing the draft Safety Element.

Zoning Ordinance

The City's Zoning Ordinance acts as an implementation tool for the General Plan's Built Environment Element. The Zoning Ordinance is in Title 10, Chapter 2 of the Walnut Creek Municipal Code and regulates development type, density, and land use through development standards. Zoning[2] in the NDSP area follows a similar pattern as the General Plan Land Use designations in terms of consistency.

North Downtown Specific Plan

Goals and policies of the NDSP for the purpose of avoiding or mitigating an environmental effect that are relevant to this analysis are provided below:

DSG 4.3 **Multi-modal site access.** Projects should provide connections onto their sites to integrate with a range of transportation modes, as follows:

- **Pedestrians:** An eight-foot wide pedestrian path between buildings or through parking lots from the sidewalk to the interior of the site should be provided for every 400 feet of a project's frontage. This walkway should be easily recognizable and have landscape edge treatments, pedestrian-scaled lighting and other features to maintain a high-quality walkway from the street to entries. Pedestrian pathways should link primary building entrances to the public sidewalk system, transit stops, bicycle parking areas, automobile parking areas, and public plazas and outdoor spaces.

[1] The official copy of the General Plan Land Use Map is available at the Community Development Department, available to the public during all regular business hours.

[2] The City of Walnut Creek. 2022. Zoning Map. Website: https://www.arcgis.com/apps/webappviewer/index.html?id=8b9686d49d8543198932925a819f9699&extent=-122.0854%2C37.8768%2C-122.0067%2C37.9248%2C4326.

- **Bicyclists:** Provide direct pathways from bikeways to bicycle parking area and building entrances. Bicycle racks should be located conveniently for the user in close proximity to building entrances, in highly visible locations.
- **Transit riders:** Provide direct and convenient pedestrian paths from building entries to transit stops. Consider highlighting designated connections from transit stops to major destinations with special paving, enhanced crossings, and pedestrian-scale lighting.
- **Drivers:** Provide clear and direct vehicular access to the site, while minimizing curb-cuts and conflicts with pedestrians and bicyclists. Consolidated access points serving adjoining sites are encouraged.

DSG 4.8 **Residential public outdoor space requirements.** All new residential development is required to comply with the City's existing parkland dedication requirements for new for-sale housing (Article 6 of the Walnut Creek Subdivision Ordinance) and new rental housing (Title 10, Chapter 12 of the Walnut Creek Municipal Code). Projects that provide public outdoor space must still comply with the City's requirements for park dedication and in lieu fees.

DSG 4.10 **Newly publicly accessible outdoor space for commercial development.** Encourage new commercial and mixed-use development projects to include publicly accessible outdoor space.

DSG 4.41 **Health and sustainability.** On-site landscaping should be designed to incorporate best practices in health and sustainability, such as the following:

- Native and/or drought tolerant plantings
- Water conservation and efficient irrigation
- Use of recycled water for landscaping
- Edible plantings, gardens, and fruit trees
- Stormwater retention areas

DSG 4.42 **Design of sustainable stormwater features.** The following are key concepts from stormwater management:

- Projects should use permeable pavement materials for streets, sidewalks, parking lots and driveways, when possible; and minimize the amount of impervious paved areas dedicated to surface parking.
- Projects should employ green infrastructure strategies to detain (e.g., green roofs), filter (e.g., bioswales), retain (e.g., rain gardens) or capture and reuse (e.g., cistern) stormwater runoff.
- New development should plan for adequate space to accommodate sustainable stormwater features. These spaces should be accessible for periodic inspection and maintenance.

DSG 5.10 **Sustainable design.** Sustainable design features such as rooftop photovoltaic generation and passive solar water heating are encouraged.

DSG 5.11 **Sustainable roofs.** Solar reflective roofing and green roofs are encouraged to reduce overall building energy use and manage stormwater runoff.

DSG 6.7 **Noise considerations for operable windows.** In the placement of operable windows, consider the potential noise transfer between units.

DSG 6.8 **Sound-absorptive surfaces to limit reverberation.** At narrow courtyards and other spaces between buildings, provide absorptive surfaces in the form of landscaping and other materials to limit reverberation.

MB 1.1 **Complete Streets.** Design a multimodal transportation system with a "complete streets" approach, balancing the needs of all users.

MB 1.2 **East/west multimodal connections.** Enhance east/west pedestrian and bicycle connections between the Iron Horse Trail and Walnut Creek BART station. Enhance pedestrian and bicycle connections from BART and the North Downtown area to the traditional downtown and Civic Park.

MB 1.3 **Mid-block paths.** Provide new connections, including mid-block paths, to break up large blocks and provide more options for pedestrian and bicyclists.

MB 1.11 **Complete streets.** Design "complete streets" that balance and accommodate the needs of vehicles, pedestrians, cyclists, and transit as appropriate for different streets and land uses.

MB 1.14 **Stormwater features.** Incorporate sustainable stormwater features in the street designs.

MB 1.24 **Bike parking.** Ensure new development meets the requirements for bicycle parking.

MB 1.29 **Electrical vehicle charging.** Require developers to provide on-site electric vehicle charging stations for any development project with 20 units or more.

IF 1.1 **Adequate facilities.** In coordination with the East Bay Municipal Utility District (EMBUD), Central Contra Costa Sanitary District (Central San), and the City's Public Works Department, ensure that new development in the Plan Area has adequate water, sanitary sewer, and stormwater drainage.

IF 1.2 **Sustainable stormwater management.** Incorporate sustainable stormwater management features in new development and public improvements, including bioswales, permeable pavers, rainwater collection systems, and other features to manage stormwater runoff.

IF 1.5 **Energy providers.** Require new development to coordinate with the appropriate agency to provide electric and gas service to the proposed site.

IF 1.6 **Energy savings and infrastructure.** Support the application of renewable energy technologies and sustainable energy sources to promote energy conservation. When installing new public energy infrastructure, use energy efficient models and systems whenever possible, incorporating new technologies as they become available.

IF 1.7 **Telecommunications.** Encourage new development to accommodate current telecommunication technologies.

Walnut Creek Bicycle Plan

The Walnut Creek Bicycle Plan (Bicycle Plan) sets a vision encouraging bicycle use and improvements in the City. The Bicycle Plan includes goals, policies, and actions supporting this vision and promotes cycling as a viable and sustainable transportation option. The Bicycle Plan also identifies the Core Area as a high priority for implementing bicycle improvements, such as proposing a Class II bike lane along Civic Drive and Parkside Drive. The following are policies and actions within the Bicycle Plan were adopted for the purpose of avoiding or mitigating an environmental effect and are relevant to this analysis:

Policy 7 Create an efficient network of bike facilities that help support bicycle use as a viable mode of transportation.

Action 7.4 Expand the existing or create new bicycle facilities with development and redevelopment of employment districts such as the Shadelands Business Center, the Downtown Core Area, and around the BART stations.

Action 10.1 Enhance network connectivity between transit stops and major destinations, including the Core Area and the City's open space areas.

Action 11.3 Expand the number of bicycle racks and lockers in parking garages, employment centers, shopping centers, transit stations and the Core Area to meet future demand.

Walnut Creek Pedestrian Master Plan

The Walnut Creek Pedestrian Master Plan (Pedestrian Plan) presents pedestrian improvement concepts with supporting policies to provide "safe, convenient and well-maintained pedestrian facilities for all ages and abilities." The Pedestrian Plan identifies as the project site as a high pedestrian demand zone with opportunities for better street crossings, lighting, bus stops, traffic calming, and wayfinding. The following are goals within the Pedestrian Plan were adopted for the purpose of avoiding or mitigating an environmental effect and are relevant to this analysis:

PMP Goal 4 Maintain the Pedestrian Retail District and Core Area as premier walking environments.

3.10.5 - Thresholds of Significance

Utilizing the guidance in the CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to land use and planning would be significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

a) Physically divide an established community?

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

It should be noted that the significance criteria Impact (b), above, is also separately analyzed in Section 3.11, Noise, to address potential impacts related to noise conflicts with land use plans, which would include project-related conflicts to the noise land use compatibility standards of the General Plan and Municipal Code.

3.10.6 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

The 2019 NDSP EIR evaluated the General Plan, Municipal Code, Bicycle Plan, and Pedestrian Plan in relation to potential land use and planning policy-related impacts and concluded there would be less than significant impacts with respect to dividing an established community and any potential conflict with any applicable land use plans, policy, or regulation, and also concluded there would be less than significant cumulative impacts. Refer to Section 4.1, Land Use and Planning of the 2019 NDSP EIR (pages 4.1-7 to 4.1-10), as well as below for additional information as to the basis for these impact conclusions. Therefore, no mitigation measures were required to reduce potential impacts to less than significant for land use and planning for the reasons set forth in the 2019 NDSP EIR. As described below, the conclusions of the 2019 NDSP EIR would not substantially change because of the proposed project.

Proposed Project Analysis and Conclusion

Divide an Established Community

Impact LAND-1: The proposed project would not physically divide an established community.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated the General Plan and Municipal Code with respect to whether development under the NDSP would physically divide an established community and concluded this would not occur. The 2019 NDSP EIR noted that implementation of the NDSP would not include any large-scale infrastructure projects such as new freeways or rail lines that would divide an established community, and no critical transportation infrastructure linking one neighborhood to another would be removed as part of implementation of the NDSP. The 2019 NDSP EIR also noted that complete streets and sustainable transportation policies are included in the NDSP, which would balance the mobility needs of all users of the transportation system and reduce vehicle miles traveled and improve connectivity. The 2019 NDSP EIR further concluded that any changes to the physical

environment would not divide an established community but would instead enhance multimodal mobility within the City; accordingly, impacts were determined to be less than significant. Based on the foregoing, the 2019 NDSP EIR concluded that implementation of the development contemplated under the NDSP would result in less than significant impacts in this regard.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the project site is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to the physical division of an established community.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to the physical division of an established community.

The physical division of an already established community typically refers to construction of a linear feature, such as an interstate, railroad tracks, or the removal of a means of access that would impact mobility within an existing community and an outlying area. The proposed project would establish a new Mixed Use Special District within an already urbanized community that would allow for enhanced auto sales, service, and ancillary uses as well as a range of additional potential, compatible uses such as those proposed in Scenario 3 (i.e., auto sales and service, office, and multi-family residential). The development of the proposed project would not involve construction of any type of linear feature that could impair mobility within the existing community, nor would it remove a means of access in a manner that could impede travel or otherwise constitute a physical division of the established community. Furthermore, consistent with the findings of the 2019 NDSP EIR, the proposed project would be required to be designed in accordance with relevant General Plan and NDSP policies, which would help ensure a cohesive, integrated site and circulation plan, and would provide ready access to nearby transportation corridors. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Conflict with Applicable Plans, Policies, or Regulations

Impact LAND-2:	**The proposed project would not cause a significant environmental impact due to conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated the General Plan, Municipal Code, Bicycle Plan, and Pedestrian Plan with respect to whether development under the NDSP would cause a significant environmental impact due to a conflict with a land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect and concluded this would not occur. The 2019 NDSP EIR noted that the implementation of the NDSP would be consistent with the Plan Bay Area because the NDSP contemplated thoughtful, urban infill development near public transit and major transportation corridors and established infrastructure; the NDSP area is identified as a PDA, in which transit-oriented and infill development is encouraged; and the NDSP would facilitate mixed use and high-density transit-oriented infill development adjacent to the Walnut Creek Bay Area Rapid Transit (BART) station. The 2019 NDSP EIR also found that development under the NDSP would be consistent with the General Plan, once amended concurrently with the NDSP, and the NDSP would implement the overall land use framework for the NDSP area established by the relevant General Plan's land use goals, policies, and actions. In addition, NDSP Policy LU 1.1 would ensure that land uses in the NDSP area would be consistent with the applicable General Plan land use categories and would be developed accordingly. Finally, the 2019 NDSP EIR concluded that the development under the NDSP would be consistent with the applicable provisions of the Zoning Ordinance, because the Zoning Ordinance, once amended, would allow for the land use patterns identified in the NDSP. Based on the foregoing, the 2019 NDSP EIR concluded that the NDSP would not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating and environmental effect, and impacts would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the project site is within the boundaries of the NDSP area and the nature of the proposed uses, it is not anticipated that the proposed project would have a substantial adverse effect with respect to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Sustainable Strategy/Plan Bay Area Consistency

Consistent with the 2019 NDSP EIR, the proposed project would facilitate the implementation of relevant goals of Plan Bay Area 2050[3] because the project site is within an identified PDA[4] in which

[3] Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission. 2021. Plan Bay Area 2050. Website: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. October. Accessed: November 9, 2021.

[4] Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission. 2021. Plan Bay Area 2050, Map 1-1: Plan Bay Area 2050 Growth Geographies. Website: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. October. Accessed: November 9, 2021.

mixed uses (including potential high-density residential uses) that are transit-oriented and infill in nature would occur near Walnut Creek BART (and other public transit) as a result of the proposed project. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

General Plan Consistency

General Plan Amendment

As part of the proposed project, the Applicant is proposing to amend the General Plan to make any necessary conforming amendments to ensure that the proposed project is consistent with the relevant provisions of the General Plan. As explained in more detail in Section 2, Project Description, the goal of the proposed amendments is to facilitate the redevelopment of the project site with mixed uses including the auto sales, service and ancillary uses (which would be enhanced as part of any redevelopment) as well as potential multi-family residential uses (under Scenario 3). Exhibit 2-5 in Chapter 2, Project Description, depicts the boundaries of the proposed 6.2-acre Mixed Use Special District overlay.

The proposed General Plan Amendment is intended to achieve project consistency with the General Plan. When the project itself entails amendment(s) to the General Plan to ensure consistency, any inconsistencies with the existing General Plan prior to the proposed amendment(s) being approved as a legislative policy decision by the lead agency do not signify a potential environmental effect. Moreover, as explained more fully below, the proposed project facilitates achievement of a number of relevant General Plan goals and policies. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

General Plan Goals and Policies Consistency Analysis

Table 3.10-4 evaluates the proposed project's consistency with goals and policies of the General Plan for the purpose of avoiding or mitigating and environmental effect. As shown below, the proposed project would be consistent with such policies.

Table 3.10-4: General Plan Consistency Analysis

Chapter	Goal/Policy		Consistency Determination
	No.	Text	
3–Natural Environment and Public Spaces	NEPS Goal 4	Provide a system of safe, well-developed, well-connected, and well-maintained trails.	**Consistent:** The Iron Horse Trail, which runs north/south approximately 0.10 mile east of the project site, is available to pedestrians and bicyclists. The proposed project would not result in the interruption of existing pedestrian or bicycle infrastructure

Chapter	Goal/Policy		Consistency Determination
	No.	Text	
			including existing connections to the Iron Horse Trail. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. Refer to Section 3.14, Transportation, for additional information.
	NEPS Policy 4.1	Plan for a full complement of interconnected trails and paths for walkers, joggers, bicyclists, and equestrians, from the regional trails to downtown trails and paths.	**Consistent:** The Iron Horse Trail, which runs north/south approximately 0.10 mile east of the project site, is available to pedestrians and bicyclists via existing infrastructure. The proposed project would not result in the interruption of existing pedestrian or bicycle infrastructure including existing connections to the Iron Horse Trail. In addition, future individual development proposals would be required to adhere to Section 10-2.3.202(G) of the Municipal Code and provide the number of short-term and long-term bicycle spaces as required by the Municipal Code. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. Refer to Section 3.14, Transportation, for additional information.
	NEPS Policy 4.3	Promote safety on all trails and on the roads leading to them.	**Consistent:** The Iron Horse Trail, which runs north/south approximately 0.10 mile east of the project site, is available to pedestrians and bicyclists via existing infrastructure. The proposed project would not result in the interruption of existing pedestrian or bicycle infrastructure including existing connections to the Iron Horse Trail. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. The proposed project would include appropriate safety lighting and other appropriate security measures in the

Chapter	Goal/Policy		Consistency Determination
	No.	Text	
			parking lots, lampposts, and the new public trail to promote safety of bicyclists and pedestrians. Refer to Section 3.14, Transportation, for additional information.
	NEPS Policy 6.2	Require that new development address park needs generated by a project.	**Consistent:** The proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. In addition, in connection with individual specific development proposal(s), the relevant Applicant would be required to pay applicable in lieu fees to the City of Walnut Creek for the development of new and improved parks. Refer to Section 3.13, Public Services and Recreation, for additional information.
	NEPS Goal 7	Provide publicly accessible outdoor spaces in the Core Area.	**Consistent:** The proposed project would be located within the Core Area. The proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. In addition, in connection with individual specific development proposal(s), the relevant Applicant would be required to pay applicable in lieu fees to the City of Walnut Creek for the development of new and improved parks. Refer to Section 3.13, Public Services and Recreation, for additional information.
4–Built Environment	BE Goal 1	Maintain the balance of open space and public and private land uses existing in Walnut Creek in 2005.	**Consistent:** The proposed project would facilitate the redevelopment of several privately owned commercial properties owned or controlled by Toyota Walnut Creek, a dealership that has operated for decades. The proposed project would facilitate the redevelopment of an underutilized infill site in an economically viable manner by amending the NDSP such that other potential mixed uses, including multi-family residential, could occur in addition to automotive sales, service, and ancillary uses. By

Chapter	Goal/Policy		Consistency Determination
	No.	Text	
			directing urbanized redevelopment opportunities to the Core Area and encouraging the efficient utilization of downtown properties with urban uses, this helps to protect other lands for non-urban, open space uses. This is consistent with the goal of maintaining the balance of open space and public and private land uses that existed in Walnut Creek in 2005. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A.
	BE Policy 1.2	Work to balance the number and types of jobs and the amount and kind of housing available in Walnut Creek.	**Consistent:** The proposed project would facilitate the redevelopment of several privately owned commercial properties owned or controlled by Toyota Walnut Creek, which would result in additional employment and housing opportunities in the NDSP area. The redevelopment of this underutilized infill site in an economically viable manner such that existing automotive sales, service, and ancillary uses could be enhanced in an economically viable manner, while allowing for development of other potential mixed uses, such as multi-family residential in the North Downtown area near public transit, encourages a balance between employment generators and housing.
	BE Goal 2	Encourage housing development that helps to reduce the increase in traffic congestion.	**Consistent:** The proposed project involves the redevelopment of an underutilized infill site in an economically viable manner such that existing automotive sales, service, and ancillary uses could be enhanced in an economically viable manner, while allowing for the potential development of multi-family residential in the North Downtown area near public transit and major transportation corridors. Other mixed uses, such as potential multi-family residential

Chapter	Goal/Policy		Consistency Determination
	No.	Text	
			development, could only occur within the Mixed Use Special District if the existing automotive sales, service and ancillary uses are enhanced in accordance with the terms of the proposed project's development agreement. In so doing, the proposed project would allow the potential development of dwelling units on Sites A, B, and/or C, which are all within approximately 0.25 mile of the Walnut Creek BART station and approximately 0.10 mile of the Iron Horse Trail. As such, the proposed project would locate potential housing within proximity to public transit and a regional bicycle/pedestrian facility, which is consistent with the goal of reducing traffic congestion.
	BE Goal 3	Encourage housing and commercial mixed-use development in selected locations that enhances pedestrian access and reduces traffic.	**Consistent:** The proposed project would allow for the potential development of compatible mixed uses (including multi-family residential) on an underutilized, infill site located in a PDA, thereby increasing opportunities for enhanced automotive sales, service, and ancillary uses as well as potential housing to be developed near public transit (including Walnut Creek BART) and existing trails. In addition, the creation of a flexible Mixed Use Special District reflects flexibility in the proposed project's ultimate site plan and design to help ensure the contemplated enhanced automotive sales, service and ancillary uses (as well as other potential commercial uses) can be designed, constructed, and operated in a manner that also appropriately incorporates and is otherwise compatible with potential on-site housing and the goal of pedestrian and bicycle connectivity. For example, the proposed project would allow the development of a mix of uses on the project site, which would be within approximately 0.25

Chapter	Goal/Policy		Consistency Determination
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			mile of the Walnut Creek BART station and approximately 0.10 mile of the Iron Horse Trail. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. Therefore, it would locate a mix of uses within close proximity to public transit and a regional bicycle/pedestrian facility, which is consistent with the goal of reducing traffic congestion and enhancing pedestrian and bicycle access.
	BE Goal 10	Coordinate the location, intensity, and mix of land uses with transportation resources.	**Consistent:** The proposed project would allow the development of potential compatible mixed uses (including multi-family residential) on an underutilized site located in a PDA, thereby increasing opportunities for enhanced automotive sales, service, and ancillary uses as well as potential housing to be developed near public transit (including Walnut Creek BART), major transportation corridors, and existing trails. For example, these mixed uses would be within approximately 0.25 mile of the Walnut Creek BART and approximately 0.10 mile of the Iron Horse Trail. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. Therefore, it would locate a mix of uses within proximity to public transit, major transportation corridors, and a regional bicycle/pedestrian facility, and thereby reflects appropriate coordination regarding the location, intensity, and mix of land uses with transportation resources.
	BE Goal 11	Create a balanced, safe, and efficient regional and subregional transportation system.	**Consistent:** The proposed Mixed Use Special District abuts North Main Street and North Broadway, both arterial roadways, and is within walking distance of the Walnut Creek

Chapter	Goal/Policy		Consistency Determination
	No.	Text	
			BART station and the Iron Horse Trail. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. These attributes are consistent with the goal of creating a balanced and efficient transportation system.
	BE Policy 11.1	Require that commercial projects comply with the City's performance standards for fire, police, parks, water, flood control, and sanitary sewer facilities.	**Consistent:** This Draft SEIR evaluates the adequacy of public services and utilities and has determined that adequate service levels and performance standards would be met, and the relevant Applicant (in connection with a specific individual development proposal) would be required to pay development impact and/or in lieu fees where applicable. Refer to Section 3.13, Public Services and Recreation, and Section 3.15, Utilities and Service Systems, for additional information.
	BE Policy 11.3	Require that new development pays its share of costs associated with growth.	**Consistent:** The relevant Applicant (in connection with a specific individual development proposal) would be required to pay development impact and/or in lieu fees where applicable. Refer to Section 3.13, Public Services and Recreation and Section 3.15, Utilities and Service Systems, for additional information.
	BE Goal 12	Make more efficient use of the regional and subregional transportation system.	**Consistent:** The proposed Mixed Use Special District abuts North Main Street and North Broadway, both arterial roadways, and is within walking distance of the Walnut Creek BART station and the Iron Horse Trail. Therefore, the proposed project would result in more density/intensity of uses near a regional and subregional transportation system resulting in a more efficient use of that system.
	BE Policy 13.1	Maintain urban design and architectural standards for evaluating the scale, appearance,	**Consistent:** The creation of a flexible Mixed Use Special District reflects the need for flexibility in the

Chapter	Goal/Policy		Consistency Determination
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		and compatibility of new development proposals.	proposed project's ultimate site plan and design to help ensure the contemplated enhanced automotive sales, service and ancillary uses can be designed, constructed and operated in a manner that also appropriately incorporates and is otherwise compatible with potential on-site housing. As such, the proposed project would involve the mix of compatible uses, which would be required to comply with applicable laws and regulations including, but not limited to, the applicable design guidelines and development standards as set forth in the NDSP (as amended) and as otherwise provided for under applicable law. The City's applicable design review process would be implemented in accordance with applicable law in connection with the specific individual development proposal permitting process. Refer to Section 3.1, Aesthetics, for additional information.
	BE Goal 15	Enhance connectivity and mobility throughout the City.	**Consistent:** The Iron Horse Trail, which runs north/south approximately 0.10 mile east of the project site, is available to pedestrians and bicyclists via existing infrastructure and would provide a connection to the project site. The proposed project would not result in the interruption of existing pedestrian or bicycle infrastructure including existing connections to the Iron Horse Trail. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. The proposed project would enhance connectivity and mobility in the NDSP area by redeveloping an underutilized site in an area with existing pedestrian and bicycle infrastructure (including to the Iron Horse Trail and Walnut Creek BART station) and provide new public trail

Chapter	Goal/Policy		Consistency Determination
	No.	Text	
			improvements (which would facilitate pedestrian and bicycle connectivity and encourage opportunities to use alternative modes of transportation). Refer to Section 3.14, Transportation, for additional information.
	BE Goal 24	Protect and conserve archaeological and paleontological resources.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts on archaeological and paleontological resources. Pursuant to applicable State law and the mitigation measures provided in this Draft SEIR, inadvertent discovery procedures would be implemented if any such resources are encountered during construction. Refer to Section 3.4, Cultural and Tribal Cultural Resources and Section 3.6, Geology, Soils, and Seismicity, for additional information.
	BE Policy 24.1	Review the potential for the presence of archaeological and paleontological resources and remains in or near identified archaeological sites.	**Consistent:** This Draft SEIR reviews the potential for the presence of archaeological and paleontological resources and remains in or near the project site and concludes that there is potential to encounter these resources during construction. Pursuant to applicable State law and the mitigation measures provided in this Draft SEIR, inadvertent discovery procedures would be implemented if any such resources are encountered during construction. Refer to Section 3.4, Cultural and Tribal Cultural Resources and Section 3.6, Geology, Soils, and Seismicity, for additional information.
	BE Goal 28	Promote energy conservation.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to energy and concludes that the proposed project, which would incorporate all-electric building design and CALGreen Tier 2 electric vehicle (EV) charging infrastructure, would promote energy conservation. The proposed project would be subject to the

Chapter	Goal/Policy		Consistency Determination
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			latest adopted edition of the California Building Standards Code (CBC), which include some of the most stringent energy efficiency standards in the United States. Refer to Section 3.5, Energy, for additional information.
	BE Goal 29	Promote water conservation.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to water supply and concludes that the proposed project would not result in insufficient water supplies to serve the proposed project and other existing and reasonably foreseeable future development during normal, dry, and multiple dry years. Furthermore, the proposed project would follow all applicable federal and State laws and regulations, programs, and standards, including goals, policies, and actions from the General Plan to help reduce water consumption. The proposed project would be subject to the latest adopted edition of the CBC, which includes some of the most stringent water efficiency standards in the United States. Refer to Section 3.15, Utilities and Service Systems, for additional information.
	BE Goal 30	Meet or exceed State goals for source reduction and waste diversion.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to source reduction and waste diversion, and concludes that the proposed project would not inhibit the City from meeting State goals for source reduction and waste diversion. The proposed project would be required to implement construction and demolition debris recycling during construction pursuant to applicable State and local laws and regulations including the City's Construction Debris Recycling Ordinance, Section 5-3.601 of the Municipal Code, and would be served with recycling and green waste during operations. Refer

Chapter	Goal/Policy		Consistency Determination
	No.	Text	
			to Section 3.15, Utilities and Service Systems, for additional information.
	BE Goal 31	Strive to meet State and federal air quality standards for the region.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to air quality and concludes that the proposed project would meet air quality standards with the incorporation of mitigation measures as described in Section 3.2, Air Quality. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A (which would enhance pedestrian and bicycle connectivity and encourage alternative modes of transportation). The proposed project consists of infill development on a site that is in a PDA in the Downtown Core Area within close walking distance of the Walnut Creek BART station and the Iron Horse Trail. Redevelopment of an underutilized, infill site near transit, major transportation corridors, and existing pedestrian and bicycle facilities is consistent with regional air quality planning measures intended to achieve clean air. Refer to Section 3.2, Air Quality, for additional information.
	BE Goal 32	Meet or exceed State and federal water quality standards.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to hydrology and water quality, and concludes that the proposed project would not inhibit the City from meeting State and federal water quality standards. The proposed project would be required to adhere to all applicable laws and regulations including, without limitation, the implementation of a Storm Water Pollution Prevention Plan (SWPPP) that would include Best Management Practices (BMPs) and Low Impact Development (LID) standards consistent with State and federal water quality standards.

Chapter	Goal/Policy		Consistency Determination
	No.	Text	
			Refer to Section 3.9, Hydrology and Water Quality, and Section 3.15, Utilities and Service Systems, for additional information.
	BE Policy 32.3	Maximize infiltration of rainwater into the soil, where appropriate.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to hydrology and water quality and concludes that the installation of a storm drainage system, that adheres to all applicable design criteria, standards and other requirements under applicable laws and regulations, would maximize infiltration of rainwater into the soil, as appropriate. The proposed project would be required to adhere to all applicable laws and regulations including, without limitation, the implementation of a SWPPP during construction and LID standards during operation consistent with State and federal water quality standards. Refer to Section 3.9, Hydrology and Water Quality, and Section 3.15, Utilities and Service Systems, for additional information.
	BE Policy 32.4	Reduce the transport of urban runoff and surface pollutants off-site.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to hydrology and water quality and concludes that the proposed project would reduce the peak runoff rate as compared to the existing rate, which would reduce the transport of urban runoff and surface pollutants off-site. The proposed project would be required to adhere to all applicable laws and regulations including, without limitation, the implementation of a SWPPP during construction and LID standards during operation consistent with State and federal water quality standards that reduce, as feasible, the transport of urban runoff and surface pollutants off-site. Refer to Section 3.9, Hydrology and Water Quality, and Section 3.15, Utilities and Service Systems, for additional information.

Chapter	Goal/Policy		Consistency Determination
	No.	Text	
5–Transportation	T Goal 3	Maintain a transportation network that provides mobility for all ages and abilities and for all areas of the community.	**Consistent:** This policy is not project specific. The City, in its discretion, strives to maintain a transportation network that provides mobility for all ages and abilities and for all areas of the community. The proposed Mixed Use Special District (Sites A, B, and C) abuts North Main Street and North Broadway, both arterial roadways, and is within close walking distance of the Walnut Creek BART station and existing pedestrian and bicycle facilities such as the Iron Horse Trail. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. These attributes are consistent with the goal of maintaining a transportation network that provides mobility for all ages. Refer to Section 3.14, Transportation, for additional information.
	T Policy 3.3	Promote maximum operational capacity and efficiency on arterials and collectors.	**Consistent:** This policy is not project specific. The City, in its discretion, strives to promote maximum operational capacity and efficiency on arterials and collectors. Both North Broadway and North Main are classified as arterial roadways by the General Plan. The proposed project would facilitate the redevelopment of an underutilized, infill site located within a PDA in the Downtown Core Area with modern, more intense/dense mixed uses that are consistent with the General Plan's overall vision for the NDSP area. Therefore, the proposed project would help further promote operational efficiency within the existing roadway system. Refer to Section 3.14, Transportation, for additional information.

Chapter	Goal/Policy		Consistency Determination
	No.	Text	
	T Goal 5	Provide a safe and attractive environment for bicycle travel throughout the community.	**Consistent:** The Iron Horse Trail runs north/south approximately 0.10 mile east of the project site. Portions of North California Boulevard (from Pringle Avenue south to Mount Diablo Boulevard) include a Class II bicycle lane,[5] which is approximately 350 feet south of the project site. Given that the proposed project would allow infill development, the proposed project would not result in the interruption of existing bicycle infrastructure. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. Refer to Section 3.14, Transportation, for additional information.
	T Policy 5.2	Provide facilities that encourage and support bicycle travel.	**Consistent:** The Iron Horse Trail runs north/south approximately 0.10 mile east of the project site. Portions of North California Boulevard (from Pringle Avenue south to Mount Diablo Boulevard) include a Class II bicycle lane, which is approximately 350 feet south of the project site. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. Given that the proposed project would allow infill development, the proposed project would not result in the interruption of existing bicycle infrastructure, and the site could be accessed via bicycle. In addition, each specific individual development proposal would be required to adhere to Section 10-2.3.202(G) of the Municipal Code and provide the number of short-term and long-term bicycle spaces as required by the Municipal Code. Refer to Section 3.14, Transportation, for additional information.

[5] A Class II bicycle lane is along a street and is defined by pavement striping and signage to distinguish a portion of a roadway for bicycle travel.

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	T Goal 6	Provide a safe and attractive walking environment accessible to all.	**Consistent:** The Iron Horse Trail runs north/south approximately 0.10 mile east of the project site. Several streets near the project site (North Main Street, Central Road, North Broadway) include sidewalks on one or both sides of the street. Given that the proposed project would allow infill development, the proposed project would not result in the interruption of existing pedestrian infrastructure, and the existing infrastructure could be used by pedestrians to access the site. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. Refer to Section 3.14, Transportation, for additional information.
	T Policy 6.1	Provide safe and attractive pedestrian routes along arterials and collectors leading to schools, along arterials or collectors that carry high traffic volumes, on all downtown streets, along major streets leading to the downtown, and on all streets leading to transit facilities.	**Consistent:** The proposed Mixed Use Special District abuts North Main Street and North Broadway, both arterial roadways. These roadways include sidewalks on one or both sides of the street. Given that the proposed project would allow infill development, the proposed project would not result in the interruption of existing pedestrian infrastructure and would be consistent with the goal of providing safe and attractive pedestrian routes along arterials and on all downtown streets. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A, which would enhance pedestrian and bicycle connectivity and encourage use of alternative modes of transportation. Refer to Section 3.14, Transportation, for additional information.
	T Goal 7	Increase transit ridership and service to employment, schools, shopping, and recreation.	**Consistent:** The proposed project would facilitate the redevelopment of an underutilized, infill site located within a PDA in the Downtown Core

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			Area with modern, more intense/dense mixed uses consistent with the General Plan's overall vision for the NDSP area. The project site is within close walking distance of the Walnut Creek BART station. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. Thus, the proposed project's employees, residents, and guests would have the option of using transit as opposed to driving, which would increase transit ridership. Refer to Section 3.14, Transportation, for additional information.
	T Policy 8.5	Link high-density residential developments, employment centers, and shopping areas via transit, bikeways, and walkways.	**Consistent:** The proposed project would facilitate the redevelopment of an underutilized, infill site located within a PDA in the Downtown Core Area with modern, more intense/dense mixed uses (including potential high-density multi-family residential and enhanced auto sales, service, and ancillary uses) consistent with the General Plan's overall vision for the NDSP area. The proposed project would be accessible to transit, bicycles, and pedestrians by providing internal pedestrian connections to public sidewalks and bicycle storage facilities. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A, which would enhance pedestrian and bicycle connectivity and encourage use of alternative modes of transportation. Refer to Section 3.14, Transportation, for additional information.
6–Safety and Noise	SN Goal 1	Protect life and property from geologic hazards.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to geology and soils and concludes that the project site does not have any existing

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			significant geologic constraints (e.g., faults, unstable geologic units, or expansive soils). The proposed project would be required to incorporate all recommendations provided in the site-specific soils and engineering geology report and comply with applicable provisions of Title 9, Chapter 9 of the Municipal Code with respect to design and grading recommendation. These requirements are more stringent than the latest adopted edition of the CBC seismic design requirements, which would help to ensure the protection of life and property from geologic hazards. Refer to Section 3.6, Geology, Soils, and Seismicity, for further discussion.
	SN Policy 1.1	Reduce the potential effects of seismic and other geologic hazards, including slope instability.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to geology and soils, and concludes that given the nature of the soils and the relative flat topography of the project site, the potential for landslide hazards to be very low on the project site. In addition, any future specific individual development proposal would be required to complete a site-specific soils and engineering geology report, and project design for that individual development proposal would be required to incorporate recommendations provided in that report. Also, the proposed project would be subject to the latest adopted edition of the CBC standards for foundations and retaining walls. The foregoing would help to reduce, as feasible, the potential effects of seismic and other geologic hazards, including slope instability. Refer to Section 3.6, Geology, Soils, and Seismicity, for additional information.
	SN Goal 3	Reduce dangers from hazardous materials.	**Consistent:** This Draft SEIR evaluates the proposed project's potential

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			impacts with respect to hazards and hazardous materials, and concludes that impacts with respect to hazardous materials are less than significant with the incorporation of mitigation measures as provided in Section 3.8, Hazards and Hazardous Materials. The project site contains buildings constructed prior to 1978 and, thus, hazardous materials such as asbestos and lead may be present. Mitigation is proposed requiring that the proposed project adhere to all applicable laws and regulations, including ensuring that structures are assessed for these materials and that proper removal and disposal occur prior to demolition. As detailed in the mitigation in the Draft SEIR, any existing hazardous materials on-site (including contaminated soils or groundwater, if any) would be required to remediated pursuant to applicable laws and regulations. In addition, pursuant to the foregoing mitigation, the relevant Applicant (in connection with a specific individual development proposal) shall prepare a hazardous materials management plan and submit to the Contra Costa County Health Services Department (CCCHSD) and/or Regional Water Quality Control Board (RWQCB). Refer to Section 3.8, Hazards and Hazardous Materials, for further information.
	SN Policy 3.1	Facilitate proper disposal of hazardous materials.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to hazards and hazardous materials, and concludes that impacts with respect to hazardous materials, including the proper disposal of hazardous materials are less than significant. The proposed project's handling, transport, and disposal of any hazardous materials would be required to comply with all applicable local, State, and federal

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			laws and regulations. Refer to Section 3.8, Hazards and Hazardous Materials, for additional information.
	SN Policy 3.3	Incorporate hazardous material abatement provisions in zoning and subdivision decisions and entitlement permits.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to hazards and hazardous materials, and concludes that impacts with respect to hazardous materials, including hazardous material abatement, if necessary, are less than significant. The project site contains buildings constructed prior to 1978 and, thus, hazardous materials such as asbestos and lead may be present. Mitigation is proposed requiring that the proposed project adhere to all applicable laws and regulations, including ensuring structures are assessed for these materials and that proper removal and disposal occur prior to demolition. As detailed in the mitigation in the Draft SEIR, any existing hazardous materials on-site (including contaminated soils or groundwater, if any) would be required to be remediated pursuant to applicable laws and regulations. In addition, pursuant to the foregoing mitigation, the relevant Applicant (in connection with a specific individual development proposal) shall prepare a hazardous materials management plan and submit to the CCCHSD and/or RWQCB. Refer to Section 3.8, Hazards and Hazardous Materials for further information.
	SN Policy 3.5	Require that soils, groundwater, and buildings affected by hazardous material releases from prior land uses, and lead and asbestos potentially present in building materials, will not have the potential to adversely affect the environment or the health and safety of residents.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to hazards and hazardous materials, and concludes that impacts with respect to hazardous materials, including potential hazardous materials releases associated with soils, groundwater, and building demolition, would be less than significant. The project site contains buildings constructed prior to 1978

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			and, thus, hazardous materials such as asbestos and lead may be present. Mitigation is proposed requiring that the proposed project adhere to all applicable laws and regulations, including ensuring structures are assessed for these materials and that proper removal and disposal occur prior to demolition. As detailed in the mitigation in the Draft SEIR, any existing hazardous materials on-site (including contaminated soils or groundwater, if any) would be required to be remediated pursuant to applicable laws and regulations. In addition, pursuant to the foregoing mitigation, the relevant Applicant (in connection with a specific individual development proposal) shall prepare a hazardous materials management plan and submit to the CCCHSD and/or RWQCB. Refer to Section 3.8, Hazards and Hazardous Materials.
	SN Policy 3.6	Require that new development and redevelopment protect public health and safety from hazardous materials.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to hazards and hazardous materials and concludes that impacts with respect to hazardous materials, including hazardous materials associated with new development, would be less than significant. The project site contains buildings constructed prior to 1978 and, thus, hazardous materials such as asbestos and lead may be present. Mitigation is proposed requiring that the proposed project adhere to all applicable laws and regulations including ensuring structures are assessed for these materials and that proper removal and disposal occur prior to demolition. As detailed in the mitigation in the Draft SEIR, any existing hazardous materials on-site (including contaminated soils or groundwater, if any) would be required to be

Chapter	Goal/Policy		Consistency Determination
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			remediated pursuant to applicable laws and regulations. In addition, pursuant to the foregoing mitigation, the relevant Applicant (in connection with a specific individual development proposal) shall prepare a hazardous materials management plan and submit to the CCCHSD and/or RWQCB. Refer to Section 3.8, Hazards and Hazardous Materials for further information.
	SN Goal 5	Promote public safety.	**Consistent:** The project site is in an urbanized community that is currently served and would continue to be served by the Walnut Creek Police Department and the Contra Costa County Fire Protection District. The proposed project would be required to adhere to all applicable laws and regulations governing police protection, fire protection and emergency response services, as well as pay any applicable development impact fees related thereto, as detailed more fully in Section 3.13, Public Services and Recreation, for additional information.
	SN Policy 5.2	Maintain a response time of less than 5 minutes for emergency calls and for other calls less than 20 minutes, 95 percent of the time.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to police protection, fire protection and emergency response services, and concludes that the proposed project would not significantly impact the current response times and response time goals of police and fire protection and emergency response services. The project site is located approximately 0.5 mile from the Walnut Creek Police Department (WCPD) at North Main Street and is located approximately 0.5 mile from the closest fire station. As detailed more fully in Section 3.13, Public Services and Recreation, it is anticipated that the proposed project would not significantly impair the ability of any of the relevant

Chapter	Goal/Policy		Consistency Determination
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			emergency service providers to maintain the relevant response time.
	SN Goal 8	Provide compatible noise environments for new development, redevelopment, and condominium conversions.	**Consistent:** This Draft SEIR's noise analysis evaluates potential construction and operational noise impacts and identifies feasible mitigation measures to reduce impacts to less than significant, where necessary. The proposed project would be subject to all applicable noise standards including those set forth in the CBC for indoor and outdoor noise environments. Refer to Section 3.11, Noise, for additional information.
	SN Policy 8.1	Apply the noise and land use compatibility table and standards to all residential, commercial, and mixed-use proposals, including condominium conversions.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to noise and concludes that construction and operation of the proposed project would be within the City's noise standards with the incorporation of feasible mitigation measures to reduce impacts to less than significant, where necessary. The proposed project would be subject to all applicable noise standards including those set forth in the General Plan (land use compatibility), the Municipal Code, and the CBC requirements for indoor and outdoor noise environments. Refer to Section 3.13, Noise, for additional information.
	SN Policy 8.2	Address the issue of residences affected by intermittent urban noise from sources such as heating, ventilating, and air conditioning equipment and by outdoor maintenance activities, such as parking lot sweeping and early morning garbage collection.	**Consistent:** This Draft SEIR's noise analysis evaluates potential operational noise impacts, such as from heating, ventilating, and air condition equipment and by outdoor maintenance activities, to sensitive receptors and identifies feasible mitigation measures to reduce impacts to less than significant, where necessary. This analysis is consistent the City's goal of maintaining acceptable noise levels. Refer to Section 3.11, Noise, further discussion.

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	SN Goal 9	Control excessive noise sources in existing development.	**Consistent:** This Draft SEIR's noise analysis evaluates potential construction and operational noise impacts to sensitive receptors and identifies feasible mitigation measures to reduce impacts to less than significant, where necessary. This analysis is consistent the City's goal of maintaining acceptable noise levels. Refer to Section 3.11, Noise, further discussion.
	SN Policy 9.1	Control all residential and commercial noise sources to protect the existing noise environment.	**Consistent:** This Draft SEIR's noise analysis evaluates potential construction and operational noise impacts to sensitive receptors and identifies feasible mitigation measures to reduce impacts to less than significant, where necessary. The proposed project would be subject to all applicable noise standards including those set forth in the General Plan, Municipal Code, and the CBC requirements for indoor and outdoor noise environments. This analysis is consistent the City's goal of maintaining acceptable noise levels. Refer to Section 3.11, Noise, further discussion.

As shown in the table, consistent with the 2019 NDSP EIR, the proposed project would be consistent with the applicable goals and policies of the General Plan for the purpose of avoiding or mitigating an environmental effect. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

North Downtown Specific Plan Consistency

The Applicant proposes to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to Sites A, B, and C. The goal of the proposed amendment is to facilitate the redevelopment of the project site with mixed uses including the primary auto sales and service uses, which would be enhanced as part of any mixed-use redevelopment, as well as other potential uses including, among others, multi-family residential.

Table 3.10-5 evaluates the proposed project's consistency with policies of the NDSP that were adopted for the purpose of avoiding or mitigating an environmental effect and that are relevant to this analysis. As shown below, the proposed project would be consistent with such policies.

Table 3.10-5: North Downtown Specific Plan Consistency Analysis

Chapter	Goal/Objective/Policy		Consistency Determination
	No.	Text	
4–Design Standards and Guidelines	DSG 4.3	• **Multi-modal site access.** Projects should provide connections onto their sites to integrate with a range of transportation modes, as follows: - **Pedestrians:** An eight-foot wide pedestrian path between buildings or through parking lots from the sidewalk to the interior of the site should be provided for every 400 feet of a project's frontage. This walkway should be easily recognizable and have landscape edge treatments, pedestrian-scaled lighting and other features to maintain a high-quality walkway from the street to entries. Pedestrian pathways should link primary building entrances to the public sidewalk system, transit stops, bicycle parking areas, automobile parking areas, and public plazas and outdoor spaces. - **Bicyclists:** Provide direct pathways from bikeways to bicycle parking area and building entrances. Bicycle racks should be located conveniently for the user in close proximity to building entrances, in highly visible locations. - **Transit riders:** Provide direct and convenient pedestrian paths from building entries to transit stops. Consider highlighting designated connections from transit stops to major destinations with special paving, enhanced	**Consistent:** The Iron Horse Trail, which runs north/south approximately 0.10 mile east of the project site, is available to pedestrians and bicyclists via existing infrastructure. The proposed project would not result in the interruption of existing pedestrian or bicycle infrastructure including existing connections to the Iron Horse Trail and transit connections. The proposed project would enhance connectivity and mobility in the NDSP area by redeveloping an underutilized site in an area with existing pedestrian and bicycle infrastructure (including to the Iron Horse Trail and Walnut Creek BART station). In addition, future specific individual development proposals would be required to adhere to applicable policies with respect to bike parking and location, including Section 10-2.3.202(G) of the Municipal Code and provide the number of short-term and long-term bicycle spaces as required by the Municipal Code. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A, which would enhance pedestrian and bicycle connectivity and encourage use of alternative modes of transportation. As discussed in Section 3.14, Transportation, with respect to potential roadway safety hazards related to site access, impacts would be less than significant with mitigation.

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		crossings, and pedestrian-scale lighting. - **Drivers:** Provide clear and direct vehicular access to the site, while minimizing curb-cuts and conflicts with pedestrians and bicyclists. Consolidated access points serving adjoining sites are encouraged.	
	DSG 4.8	**Residential public outdoor space requirements.** All new residential development is required to comply with the City's existing parkland dedication requirements for new for-sale housing (Article 6 of the Walnut Creek Subdivision Ordinance) and new rental housing (Title 10, Chapter 12 of the Walnut Creek Municipal Code). Projects that provide public outdoor space must still comply with the City's requirements for park dedication and in lieu fees.	**Consistent:** The proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. In addition, in connection with individual specific development proposal(s), the relevant Applicant would be required to pay applicable in lieu fees to the City of Walnut Creek for the development of new and improved public outdoor space. Refer to Section 3.13, Public Services and Recreation, for additional information.
	DSG 4.10	**Newly publicly accessible outdoor space for commercial development.** Encourage new commercial and mixed-use development projects to include publicly accessible outdoor space.	**Consistent:** The proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. In addition, in connection with individual specific development proposal(s), the relevant Applicant would be required to pay applicable in lieu fees to the City of Walnut Creek for the development of new and improved public outdoor space. Refer to Section 3.13, Public Services and Recreation, for additional information.
	DSG 4.41	**Health and sustainability.** On-site landscaping should be designed to incorporate best practices in health and sustainability, such as the following: • Native and/or drought tolerant plantings • Water conservation and efficient irrigation	**Consistent:** The proposed project would adhere to all applicable design criteria, standards and other requirements under applicable laws and regulations, including requirements related to landscaping, which would maximize infiltration of rainwater into the soil, as appropriate. The proposed

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		• Use of recycled water for landscaping • Edible plantings, gardens, and fruit trees • Stormwater retention areas.	project would be required to adhere to all applicable laws and regulations including, without limitation, the implementation of a SWPPP during construction and LID standards during operation consistent with State and federal water quality standards. Refer to Section 3.9, Hydrology and Water Quality, and Section 3.15, Utilities and Service Systems, for additional information.
	DSG 4.42	**Design of sustainable stormwater features.** The following are key concepts from stormwater management: • Projects should use permeable pavement materials for streets, sidewalks, parking lots and driveways, when possible; and minimize the amount of impervious paved areas dedicated to surface parking • Projects should employ green infrastructure strategies to detain (e.g., green roofs), filter (e.g., bioswales), retain (e.g., rain gardens) or capture and reuse (e.g., cistern) stormwater runoff • New development should plan for adequate space to accommodate sustainable stormwater features. These spaces should be accessible for periodic inspection and maintenance.	**Consistent:** The proposed project would adhere to all applicable design criteria, standards and other requirements under applicable laws and regulations, including requirements related to sustainable stormwater features, which would maximize infiltration of rainwater into the soil, as appropriate. The proposed project would be required to adhere to all applicable laws and regulations including, without limitation, the implementation of a SWPPP during construction and LID standards during operation consistent with State and federal water quality standards. Refer to Section 3.9, Hydrology and Water Quality, and Section 3.15, Utilities and Service Systems, for additional information.
	DSG 5.10	**Sustainable design.** Sustainable design features such as rooftop photovoltaic generation and passive solar water heating are encouraged.	**Consistent:** The proposed project would be designed and constructed in accordance with Tier 2 CALGreen energy efficiency standards of Title 24. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. Title 24 standards, widely regarded as the most advanced energy efficiency standards and some of

Chapter	Goal/Objective/Policy		Consistency Determination
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			the most stringent mandates in the nation, would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and would promote energy conservation, which is in line with this policy. Refer to Section 3.7, Greenhouse Gas Emissions, for additional information.
	DSG 5.11	**Sustainable roofs.** Solar reflective roofing and green roofs are encouraged to reduce overall building energy use and manage stormwater runoff.	**Consistent:** The proposed project would be designed and constructed in accordance with Tier 2 CALGreen energy efficiency standards of Title 24. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. Title 24 standards, widely regarded as the most advanced energy efficiency standards and some of the most stringent mandates in the nation, would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and would promote energy conservation, which is in line with this policy. Refer to Section 3.7, Greenhouse Gas Emissions, for additional information. With respect to managing stormwater runoff, the proposed project would adhere to all applicable design criteria, standards and other requirements under applicable laws and regulations, including requirements related to sustainable stormwater features, which would maximize infiltration of rainwater into the soil, as appropriate. The proposed project would be required to adhere to all applicable laws and regulations including, without limitation, the implementation of a SWPPP during construction and LID standards during operation consistent with

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			State and federal water quality standards. Refer to Section 3.9, Hydrology and Water Quality, and Section 3.15, Utilities and Service Systems, for additional information.
	DSG 6.7	**Noise considerations for operable windows.** In the placement of operable windows, consider the potential noise transfer between units.	**Consistent:** This Draft SEIR's noise analysis evaluates potential construction and operational noise impacts and identifies feasible mitigation measures to reduce impacts to less than significant, where necessary. The proposed project would be subject to all applicable noise standards including those set forth in the CBC for indoor and outdoor noise environments. Refer to Section 3.11, Noise, for additional information.
	DSG 6.8	**Sound-absorptive surfaces to limit reverberation.** At narrow courtyards and other spaces between buildings, provide absorptive surfaces in the form of landscaping and other materials to limit reverberation.	**Consistent:** This Draft SEIR's noise analysis evaluates potential construction and operational noise impacts and identifies feasible mitigation measures to reduce impacts to less than significant, where necessary. The proposed project would be subject to all applicable noise standards including those set forth in the CBC for indoor and outdoor noise environments. Refer to Section 3.11, Noise, for additional information.
Chapter 5: Mobility	MB 1.1	**Complete Streets.** Design a multimodal transportation system with a "complete streets" approach, balancing the needs of all users.	**Consistent:** The Iron Horse Trail, which runs north/south approximately 0.10 mile east of the project site, is available to pedestrians and bicyclists via existing infrastructure. The proposed project would not result in the interruption of existing pedestrian or bicycle infrastructure including existing connections to the Iron Horse Trail and transit connections. The proposed project would enhance connectivity and mobility in the NDSP area by redeveloping an underutilized site in

Chapter	Goal/Objective/Policy		Consistency Determination
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			an area with existing pedestrian and bicycle infrastructure (including to the Iron Horse Trail and Walnut Creek BART station). Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A, which would enhance pedestrian and bicycle connectivity and encourage use of alternative modes of transportation. Refer to Section 3.14, Transportation, for additional information.
	MB 1.2	**East/west multimodal connections.** Enhance east/west pedestrian and bicycle connections between the Iron Horse Trial and Walnut Creek BART station. Enhance pedestrian and bicycle connections from BART and the North Downtown area to the traditional downtown and Civic Park.	**Consistent:** The Iron Horse Trail, which runs north/south approximately 0.10 mile east of the project site, is available to pedestrians and bicyclists via existing infrastructure and would provide a connection to the project site. The proposed project would not result in the interruption of existing pedestrian or bicycle infrastructure including existing connections to the Iron Horse Trail. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A, which would provide connectivity between the east/west of the NDSP area. The proposed project would enhance connectivity and mobility in the NDSP area by redeveloping an underutilized site in an area with existing pedestrian and bicycle infrastructure (including to the Iron Horse Trail and Walnut Creek BART station) as well as providing new public trail improvements. Refer to Section 3.14, Transportation, for additional information.
	MB 1.3	**Mid-block paths.** Provide new connections, including mid-block paths, to break up large blocks and provide more options for pedestrian and bicyclists.	**Consistent:** The proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A, which would serve as a mid-

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			block path that would break up large blocks and provide more options for pedestrian and bicyclists. Refer to Section 3.14, Transportation, for additional information.
	MB 1.11	**Complete streets.** Design "complete streets" that balance and accommodate the needs of vehicles, pedestrians, cyclists, and transit as appropriate for different streets and land uses.	**Consistent:** The Iron Horse Trail, which runs north/south approximately 0.10 mile east of the project site, is available to pedestrians and bicyclists via existing infrastructure and would provide a connection to the project site. The proposed project would not result in the interruption of existing pedestrian or bicycle infrastructure including existing connections to the Iron Horse Trail. Moreover, the proposed project incorporates the construction and dedication of public trail improvements on a portion of Site A. The proposed project would enhance connectivity and mobility in the NDSP area by redeveloping an underutilized site in an area with existing pedestrian and bicycle infrastructure (including to the Iron Horse Trail and Walnut Creek BART station), as well as providing new public trail improvements. Refer to Section 3.14, Transportation, for additional information.
	MB 1.14	**Stormwater features.** Incorporate sustainable stormwater features in the street designs.	**Consistent:** The proposed project would adhere to all applicable design criteria, standards and other requirements under applicable laws and regulations, including requirements related to sustainable stormwater features, including those abutting streets, which would maximize infiltration of rainwater into the soil, as appropriate. The proposed project would be required to adhere to all applicable laws and regulations including, without limitation, the implementation of a SWPPP during construction and LID standards

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			during operation consistent with State and federal water quality standards. Refer to Section 3.9, Hydrology and Water Quality, and Section 3.15, Utilities and Service Systems, for additional information.
	MB 1.24	**Bike parking.** Ensure new development meets the requirements for bicycle parking.	**Consistent:** Future specific individual development proposals would be required to adhere to Section 10-2.3.202(G) of the Municipal Code and provide the number of short-term and long-term bicycle spaces as required by the Municipal Code.
	MB 1.29	**Electrical vehicle charging.** Require developers to provide on-site electric vehicle charging stations for any development project with 20 units or more.	**Consistent:** The proposed project would include EV charging infrastructure meeting the Tier 2 requirements of the Residential and Nonresidential Voluntary Measures of CALGreen as well as preferential parking spaces meeting the Tier 2 requirements of the Nonresidential Voluntary Measures of CALGreen. Refer to Section 3.7, Greenhouse Gas Emissions, for additional information.
Chapter 6: Infrastructure	IF 1.1	**Adequate facilities.** In coordination with the East Bay Municipal Utility District (EMBUD), Central Contra Costa Sanitary District (Central San), and the City's Public Works Department, ensure that new development in the Plan Area has adequate water, sanitary sewer, and stormwater drainage.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to public facilities and concludes that the proposed project would be adequately served by existing public facilities. Refer to Section 3.13, Public Services and Recreation, and Section 3.15, Utilities and Service Systems, for additional information.
	IF 1.2	**Sustainable stormwater management.** Incorporate sustainable stormwater management features in new development and public improvements, including bioswales, permeable pavers, rainwater collection systems, and other features to manage stormwater runoff.	**Consistent:** The proposed project would adhere to all applicable design criteria, standards and other requirements under applicable laws and regulations, including requirements related to sustainable stormwater features, which would maximize infiltration of rainwater into the soil, as appropriate. The proposed project would be required to adhere to all applicable

Chapter	Goal/Objective/Policy		Consistency Determination
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			laws and regulations including, without limitation, the implementation of a SWPPP during construction and LID standards during operation consistent with State and federal water quality standards. Refer to Section 3.9, Hydrology and Water Quality, and Section 3.15, Utilities and Service Systems, for additional information.
	IF 1.5	**Energy providers.** Require new development to coordinate with the appropriate agency to provide electric and gas service to the proposed site.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to energy providers, and concludes, that while the proposed project would increase the demand for these facilities to a certain extent given the proposed intensification of uses on the project site, because the proposed project would adhere to the then-current Tier 2 CALGreen energy efficiency standards of Title 24, it is not anticipated that the proposed project would result in a significant increase in electrical demand. Refer to Section 3.5, Energy, and 3.15, Utilities and Service Systems, for additional information.
	IF 1.6	**Energy savings and infrastructure.** Support the application of renewable energy technologies and sustainable energy sources to promote energy conservation. When installing new public energy infrastructure, use energy efficient models and systems whenever possible, incorporating new technologies as they become available.	**Consistent:** This Draft SEIR evaluates the proposed project's potential impacts with respect to energy and concludes that the proposed project, which would incorporate all-electric building design and CALGreen Tier 2 EV charging infrastructure, would promote energy conservation. The proposed project would be subject to the latest adopted edition of the California Building Standards Code (CBC), which include some of the most stringent energy efficiency standards in the United States. Refer to Section 3.5, Energy, for additional information.
	IF 1.7	**Telecommunications.** Encourage new development to accommodate	**Consistent:** This Draft SEIR evaluates the proposed project's

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		current telecommunication technologies.	potential impacts with respect to telecommunication, and concludes that while the proposed project would increase the demand for these facilities to a certain extent given the proposed intensification of uses on the project site, because the project site is within an urban area that already contains sufficient telecommunications facilities that can readily be extended, as needed, to serve the proposed project, no new telecommunication facilities would be required nor would any existing facilities need to be relocated to serve the proposed project. Refer to Section 3.15, Utilities and Service Systems, for additional information.
Sources: City of Walnut Creek. 2019. North Downtown Specific Plan. October FirstCarbon Solutions (FCS) 2022.			

The proposed NDSP Amendments are intended to achieve project consistency with the NDSP. When the project itself entails amendments to a specific plan, inconsistency with the existing plan is an element of the project itself, which then necessitates a legislative policy decision by the lead agency and does not signify a potential environmental effect. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Density/Intensity Analysis

The significance criteria evaluated under this impact evaluates whether a proposed project would cause a significant environmental impact due to conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating and environmental effect. As part of the proposed project, the NDSP would be amended, along with conforming amendments to the General Plan and Municipal Code to ensure consistency. Any future development within the project site would be required to adhere to the applicable development standards allowed as set forth in the amended NDSP and related zoning and other applicable laws and regulations. The proposed amendments to the NDSP with respect to density would achieve project consistency with the General Plan. When a project itself entails an amendment to a general plan or specific plan land use designation,

inconsistency with the existing designation is an element of the project itself, which then necessitates a legislative policy decision by the lead agency and does not signify a potential environmental effect. However, the following analysis provides additional information with respect to intensification allowed under the proposed project to provide context for planning purposes. This analysis is provided for informational purposes only, and thus, no significance conclusion is provided.

For the reasons set forth in Appendix B, Table 3.10-6 summarizes the density of Scenario 3. This analysis utilizes the Mixed Use Commercial Emphasis and Mixed Use Residential Emphasis General Plan land use designations, which most closely correlate to the proposed Mixed Use Special District overlay in the NDSP (as amended by the proposed project). Allowable floor area ratio (FAR) under the NDSP (as amended) would be 2.5 to 2.8 as shown in Exhibit 2-5 in Chapter 2, Project Description.

Table 3.10-6: Density/Intensity Analysis

Scenario	Acreage (approx.)	Maximum Development Potential (square feet) (approx.)	Allowable Base FAR under current NDSP (without additional discretionary approval based on community benefit)	Allowed FAR under NDSP (as amended under the proposed project)	Allowable Density under current NDSP (Mixed Use Commercial Emphasis or Mixed Use Residential Emphasis)[1]	Allowed Density under NDSP (as amended under the proposed project)
Scenario 3 (Sites A-E)	8.44; 6.2 on Sites A-C (Mixed Use Special District Sites)	Office: 40,456	1.5-1.8	2.5/2.8	N/A	N/A
		Auto Sales and Service: 142,094	1.5-1.8	2.5/2.8	N/A	N/A
		Multi-Family Residential: 658 dwelling units	N/A	N/A	One dwelling unit per 425 square feet of net lot area (maximum; no minimum included)[1]	107 units per acre (or a maximum of 658 dwelling units)

Notes:
FAR = floor area ratio
NDSP = North Downtown Specific Plan
[1] This Draft SEIR uses the allowable density for residential units for the Mixed Use Residential Emphasis under the NDSP to provide this informational comparison because that is the only designation that currently allows residential uses within the NDSP.
Sources:
City of Walnut Creek. 2019. North Downtown Specific Plan. October.
City of Walnut Creek. 2021. City of Walnut Creek Municipal Code: Section 10-2.2.2203, Property Development Regulations. April. Website: https://www.codepublishing.com/CA/WalnutCreek/#!/WalnutCreek10/WalnutCreek1002B-22.html#10-2.2.2202. Accessed: November 2, 2021.

3.10.7 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

As noted in the 2019 NDSP EIR, cumulative land use and planning impacts are evaluated. With respect to potential cumulative land use and planning impacts, the 2019 NDSP EIR concluded that cumulative development under the NDSP would not physically divide an established community and would be required to be consistent with, and implement the relevant goals of, the General Plan, the Specific Plan, and the Municipal Code and would allow for the uses identified within the NDSP. The 2019 NDSP EIR further concluded that cumulative developments, in addition to individual development projects pursued in accordance with the NDSP, would not result in a significant cumulative land use and planning impact. In addition, it concluded that individual development projects pursued in accordance with the NDSP would not have a cumulatively considerable contribution to this already less than significant cumulative impact, as the NDSP is identified by the General Plan as the appropriate area for the type and intensity of development included in the NDSP.

Supplemental Analysis of the Proposed Project

Similar to the cumulative analysis in the 2019 NDSP EIR, the appropriate geographic context for cumulative impacts for land use and planning is the NDSP area because of the similarity in existing conditions.

Consistent with the cumulative analysis set forth in the 2019 NDSP EIR, cumulative development within the NDSP area would be governed by the NDSP, General Plan, and the Municipal Code, which would help to ensure consistency therewith. In addition, all cumulative development that involves discretionary review would be required to evaluate land use and planning impacts to the extent mandated under CEQA to help ensure, to the extent feasible, that development would not result in significant environmental impacts due to any physical division of an established community or inconsistency with the General Plan, NDSP, and other land use planning regulations that have been adopted to avoid environmental impacts. Cumulative development within the NDSP area would be required to demonstrate consistency with the General Plan, NDSP, and other applicable codes, ordinances, and policies. The foregoing would ensure cumulative land use and planning impacts would be less than significant.

Similarly, development within the project site would not result in the physical division of an established community and would be consistent with applicable provisions of the NDSP, General Plan, and the Municipal Code. The foregoing would ensure that the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

3.11 - Noise

3.11.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical studies, reports, and other materials have been prepared to document the information necessary to make the certified North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes the existing setting with respect to noise and potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth in the 2019 NDSP EIR. The analysis in this section is based, in part, on the project-specific noise modeling data provided in Appendix I. Information regarding mobile source noise was also obtained based on a review of the project-specific Transportation Analysis provided in Appendix J.

No public comments were received during the Notice of Preparation (NOP) scoping period for this Draft Supplement EIR (Draft SEIR) related to noise.

3.11.2 - Scenario Evaluation

As noted in Chapter 2, Project Description, the applicant is requesting that the City of Walnut Creek ("City") approve amendments to the NDSP (along with conforming amendments to the Walnut Creek General Plan [General Plan] and Municipal Code to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service and ancillary uses as well as a range of additional potential, compatible uses, such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific individual development proposal for the project site has been formally submitted to the City; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the NDSP as revised by the proposed project, this Draft SEIR considers three potential development scenarios (as described further below) that reflect a reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates [Site D], and an approximately 0.82-acre property [Site E], located adjacent to Site A). This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

For purposes of the analysis set forth in this Section 3.11, Noise, the City and its California Environmental Quality Act (CEQA) consultant conducted a preliminary assessment of each of the potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) to determine the Scenario that would result in the "reasonable worst-case scenario" under each environmental topic area (see Appendix B, Comparative Summary of Potential Impacts). Table 3.11-1 provides the

reasonable worst-case scenario for each impact criteria, which are explained in greater detail in Appendix B.

Table 3.11-1: Reasonable Worst-Case Per Environmental Topic Area for Noise

Environmental Topic Area	Reasonable Worst-Case Scenario
Conflict with any land use plan, policy, or regulation	Scenario 1 (auto sales and service and office)
Substantial noise increase in excess of standards (construction-related traffic noise)	Scenario 2 (auto sales and service, office, multi-family residential, and hotel)
Substantial noise increase in excess of standards (construction equipment operation noise)	Scenario 3 (auto sales and service, office, and multi-family residential)
Substantial noise increase in excess of standards (operation-related traffic noise)	Scenario 1 (auto sales and service and office)
Substantial noise increase in excess of standards (stationary source operational noise impacts)	Scenario 3 (auto sales and service, office, and multi-family residential)
Groundborne vibration/noise levels (short-term construction vibration impacts to on-site or off-site receptors)	Scenario 3 (auto sales and service, office, and multi-family residential)
Groundborne vibration/noise Levels (operational vibration impacts to on-Site or off-site Receptors)	Scenario 3 (auto sales and service, office, and multi-family residential)
Excessive noise levels from airport activity	Scenario 3 (auto sales and service, office, and multi-family residential)

3.11.3 - Environmental Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. Additional information regarding the environmental setting related to noise in the region, including the project site and vicinity, which were in place at the time of certification of the 2019 NDSP EIR, can be found in Section 4.5 (pages 4.5-1 through 4.5-23) of the 2019 NDSP EIR.

Existing Noise Levels

Traffic Noise

The dominant noise source on the project site and in the vicinity is traffic on local roadway segments. Existing traffic noise on local roadways on the project site and in the vicinity of the project site was calculated to quantify existing traffic noise levels based on the existing traffic volumes.[1],[2] Existing traffic noise levels along selected roadway segments relevant to this analysis were modeled using the Federal Highway Administration (FHWA) Traffic Noise Prediction Model (FHWA-RD-77-108). Site-specific information was entered into the model, such as roadway traffic volumes, roadway active width, source-to-receiver distances, travel speed, noise source, and receiver heights. The

[1] W-Trans. 2022. Transportation Analysis for the Walnut Creek North Downtown Specific Plan Supplemental EIR. November 29.
[2] CEQA Only.

modeled Average Daily Traffic (ADT) volumes were obtained by multiplying the PM peak-hour intersection traffic volumes by a factor of 10.[3] The model inputs and outputs, including the 60 dBA, 65 dBA, and 70 dBA L_{dn} traffic noise contour distances, are provided in Appendix I. A summary of the modeling results is shown in Table 3.11-2.

Table 3.11-2: Existing Traffic Noise Levels in the Vicinity

Roadway Segment	ADT (approximately)	Centerline to 70 L_{dn} (feet)	Centerline to 65 L_{dn} (feet)	Centerline to 60 L_{dn} (feet)	L_{dn} (dBA) 50 feet from Centerline of Outermost Lane
North Main Street–Parkside Drive to Pine Street	25,400	< 50	76	148	64.0
North Main Street–Pine Street to Pringle Avenue	25,700	< 50	72	147	64.8
North Main Street–Pringle Avenue to Central Road	23,500	< 50	68	139	64.4
North Main Street–Central Road to Ygnacio Valley Road	17,900	< 50	53	114	64.7
North Broadway–Parkside Drive to Pine Street	7,900	< 50	< 50	88	61.2
North Broadway–Pine Street to Central Road	9,300	< 50	< 50	97	61.9
North Broadway–Central Road to Ygnacio Valley Road	9,700	< 50	< 50	100	62.1
Pine Street–North Main Street to North Broadway	2,800	< 50	< 50	< 50	54.8
Pine Street–North Broadway to North Civic Drive	3,900	< 50	< 50	< 50	56.2

Notes:
ADT = Average Daily Traffic
dBA = A-weighted decibel
L_{dn} = day-night average sound level
Modeling results do not take into account mitigating features such as topography, vegetative screening, fencing, building design, or structure screening. Rather it assumes a reasonable worst-case scenario of having a direct line of site on flat terrain.
Bold values indicated roadway segments that are adjacent to the project site.
Source: FirstCarbon Solutions (FCS) 2022.

Noise-Sensitive Land Uses

Noise-sensitive land uses generally consist of those uses where exposure to noise would result in adverse effects, as well as uses for which quiet is an essential element of their intended purpose.

[3] The PM peak-hour intersection volumes are utilized because they are, on average, higher than the AM peak-hour intersection volumes; therefore, using the PM peak-hour provides a more conservative analysis.

Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Other typical noise-sensitive land uses include hospitals, convalescent facilities, hotels, religious institutions, libraries, and other uses where low noise levels are essential.

Generally, the project vicinity is characterized by commercial land uses, consisting primarily of automotive service and sales. The closest residential land uses to the project site is the Brio Apartment multi-family residential property located at 161 North Civic Drive, approximately 130 feet southeast of the boundaries of Site C. The Residence Inn by Marriott is the next closest sensitive receptor land use, located at 2100 North Main Street, approximately 250 feet west of the boundaries of Site A.

3.11.4 - Regulatory Framework

Federal

Noise Control Act

In 1972 Congress enacted the Noise Control Act. This act authorized the United States Environmental Protection Agency (EPA) to publish descriptive data on the effects of noise and establish levels of sound "requisite to protect the public welfare with an adequate margin of safety." These levels are separated into health (hearing loss levels) and welfare (annoyance levels), as shown in Table 3.11-3. The EPA cautions that these identified levels are not standards because they do not take into account the cost or feasibility of the levels.

For protection against hearing loss, 96 percent of the population would be protected if sound levels are less than or equal to an $L_{eq}(24)$ of 70 dBA. The "(24)" signifies an L_{eq} duration of 24 hours. The USEPA activity and interference guidelines are designed to ensure reliable speech communication at about 5 feet in the outdoor environment. For outdoor and indoor environments, interference with activity and annoyance should not occur if levels are below 55 dBA and 45 dBA, respectively.

Table 3.11-3: Summary of EPA Noise Levels

Effect	Level	Area
Hearing loss	$L_{eq}(24) < 70$ dB	All areas.
Outdoor activity interference and annoyance	$L_{dn} < 55$ dB	Outdoors in residential areas and farms and other outdoor areas where people spend widely varying amounts of time and other places in which quiet is a basis for use.
	$L_{eq}(24) < 55$ dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
	$L_{eq} < 45$ dB	Indoor residential areas.

Effect	Level	Area
Indoor activity interference and annoyance	$L_{eq}(24) < 45$ dB	Other indoor areas with human activities such as schools, etc.
Notes: L_{eq} = equivalent sound level db = decibel Source: United States Environmental Protection Agency (EPA). 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. March.		

The noise effects associated with an outdoor L_{dn} of 55 dBA are summarized in Table 3.11-4. At 55 dBA L_{dn}, 95 percent sentence clarity (intelligibility) may be expected at 11 feet, and no substantial community reaction. However, 1 percent of the population may complain about noise at this level and 17 percent may indicate annoyance.

Table 3.11-4: Summary of Human Effects in Areas Exposed to 55 dBA L_{dn}

Type of Effect	Magnitude of Effect
Speech–Indoors	100 percent sentence intelligibility (average) with a 5 dB margin of safety.
Speech–Outdoors	100 percent sentence intelligibility (average) at 0.35 meter. 99 percent sentence intelligibility (average) at 1.0 meter. 95 percent sentence intelligibility (average) at 3.5 meters.
Average Community Reaction	None evident; 7 dB below level of significant complaints and threats of legal action and at least 16 dB below “vigorous action.”
Complaints	1 percent dependent on attitude and other non-level related factors.
Annoyance	17 percent dependent on attitude and other non-level related factors.
Attitude Toward Area	Noise essentially the least important of various factors.
Source: United States Environmental Protection Agency (EPA). 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. March.	

Federal Transit Administration Standards and Guidelines

The Federal Transit Administration (FTA) has established industry-accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its Transit Noise and Vibration Impact Assessment document.[4] The FTA guidelines include thresholds for construction vibration impacts for various structural categories as shown in Table 3.11-5.

Table 3.11-5: Federal Transit Administration Construction Vibration Impact Criteria

Building Category	PPV (in/sec)	Approximate VdB
I. Reinforced Concrete, Steel or Timber (no plaster)	0.5	102
II. Engineered Concrete and Masonry (no plaster)	0.3	98

[4] Federal Transit Administration (FTA). 2006. Transit Noise and Vibration Impact Assessment: FTA-VA-90-1003-06. May.

Building Category	PPV (in/sec)	Approximate VdB
III. Non-engineered Timber and Masonry Buildings	0.2	94
IV. Buildings Extremely Susceptible to Vibration Damage	0.12	90
Notes: PPV = peak particle velocity VdB = vibration in decibels Source: Federal Transit Administration (FTA). 2006. Transit Noise and Vibration Impact Assessment: FTA-VA-90-1003-06. May		

State

The State of California has established regulations that help prevent adverse impacts to occupants of buildings located near noise sources. In addition to the following documents, the State has also established land use compatibility guidelines for determining acceptable noise levels for specified land uses.

State Noise Insulation Standard

The "State Noise Insulation Standard" requires noise-sensitive land uses to meet performance standards through design and/or building materials that would offset any noise source in the vicinity of the building. For limiting noise transmitted between adjacent dwelling units, the noise insulation standards specify the extent to which walls, doors, and floor ceiling assemblies must block or absorb sound. For limiting noise from exterior noise sources, the noise insulation standards set an interior standard of 45 dBA Community Noise Equivalent Level (CNEL) in any habitable room with all doors and windows closed. In addition, the standards require preparation of an acoustical analysis demonstrating the manner in which dwelling units have been designed to meet this interior standard, where such units are proposed in an area with exterior noise levels greater than 60 dBA CNEL.

California Building Standards Code

California has established noise insulation standards for new hotels, motels, apartment houses, and dwellings (other than single-family detached housing). These requirements are provided in the California Building Standards Code (CBC) (California Code of Regulations [CCR] Title 24).[5] The 2022 CBC was published on July 1, 2022, with an effective date of January 1, 2023. As provided in the CBC, the noise insulation standards set forth an interior standard of 45 dBA CNEL as measured from within a structure's interior. When such structures are located within a 65-dBA CNEL (or greater) exterior noise contour associated with a traffic noise along a roadway, an acoustical analysis is required to ensure that interior levels do not exceed the 45-dBA CNEL threshold. Title 24 standards are typically enforced by local jurisdictions through the building permit application process.

California General Plan Guidelines

Established in 1973, the California Department of Health Services Office of Noise Control was instrumental in developing regularity tools to control and abate noise for use by local agencies. One

[5] California Building Standards Commission. 2019. California Building Standards Code (CCR Title 24), January 1.

significant model is the "Land Use Compatibility for Community Noise Environments Matrix," which allows local jurisdictions to delineate compatibility of sensitive uses with various incremental levels of noise.[6]

Government Code Section 65302 mandates that the legislative body of each county and city in California adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines published by the State Department of Health Services. The guidelines rank noise/land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable.

Local

City of Walnut Creek

City of Walnut Creek General Plan

The General Plan addresses noise in Chapter 6, Safety and Noise. The Safety and Noise Element sets land use and noise compatibility standards as shown in Table 3.11-6 in this Draft SEIR. Chapter 6, Safety and Noise, also aims to provide compatible noise environments for new development and control excessive noise sources in existing development.

Chapter 6: Safety and Noise

Goal 8 Provide compatible noise environments for new development, redevelopment, and condominium conversions.

Policy 8.1 Apply the noise and land use compatibility table and standards to all residential, commercial, and mixed-use proposals, including condominium conversions.

Policy 8.2 Address the issue of residences affected by intermittent urban noise from sources such as heating, ventilating, and air conditioning equipment and by outdoor maintenance activities, such as parking lot sweeping and early morning garbage collection.

Action 8.2.1 For new single-family residential projects, use a standard of 60 L_{dn} for exterior noise in private use areas.

Action 8.2.2 For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 65 L_{dn} in outdoor areas, excluding balconies.

Action 8.2.3 Strive for a maximum interior noise levels at 45 L_{dn} in all new residential units.

Action 8.2.4 For new downtown mixed-use development or for new residential development affected by noise from Bay Area Rapid Transit (BART) or helicopters, ensure that maximum noise levels do not exceed 50 L_{dn} in bedrooms and 55 L_{dn} in other rooms.

[6] California Department of Health Services Office of Noise Control. 1976. Land Use Compatibility for Community Noise Environments Matrix.

Goal 9 Control excessive noise sources in existing development.

Policy 9.1 Control all residential and commercial noise sources to protect the existing noise environment.

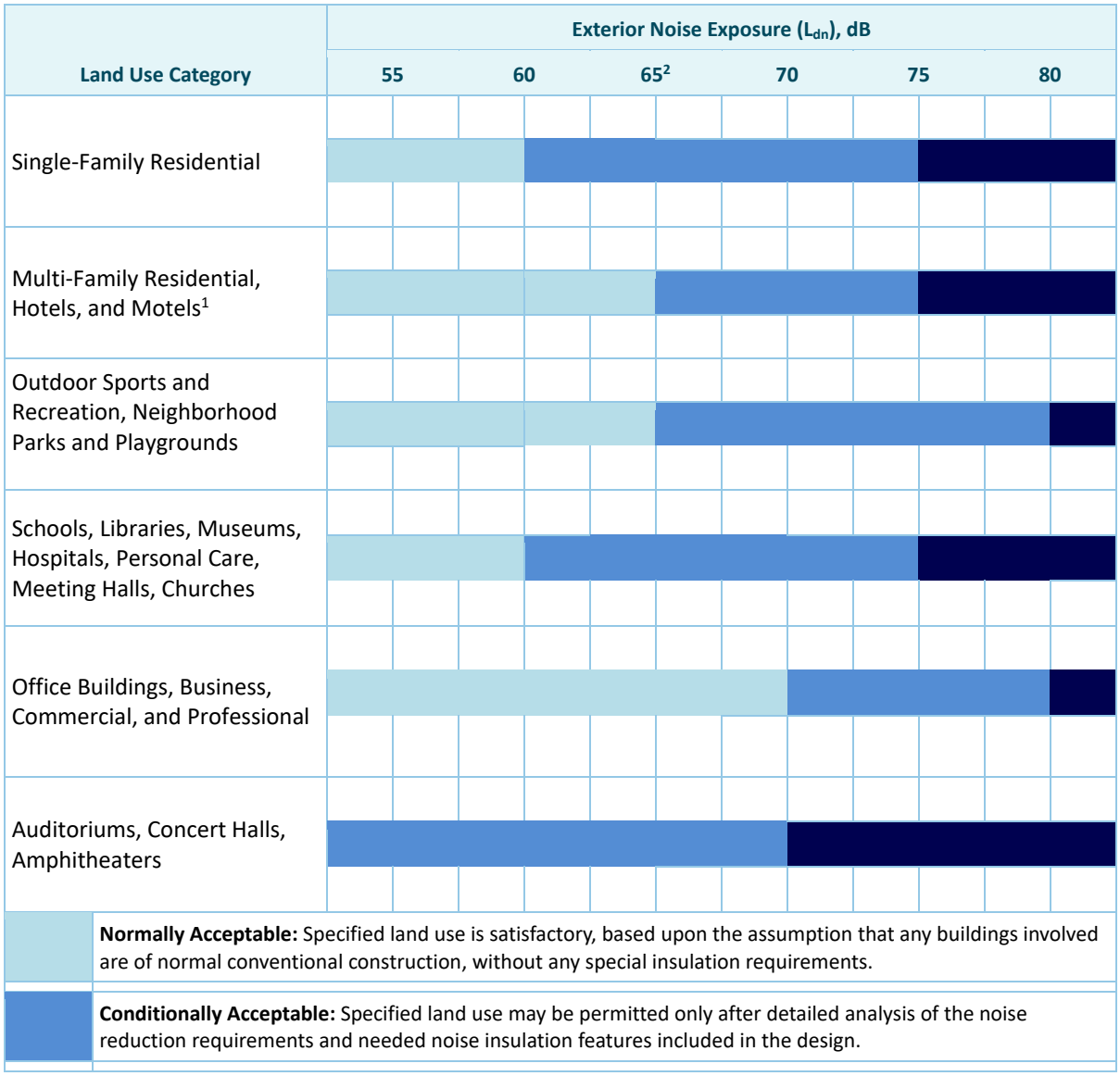
Action 9.1.1 Require the evaluation of noise mitigation measures for projects that would cause a substantial increase in noise.

Policy 9.2 Strive to reduce traffic noise levels in existing residential areas.

Action 9.2.1 Install quiet pavement surfaces for repaving projects, where feasible.

Action 9.2.2 Control vehicle-related noise.

Table 3.11-6: Land Use/Noise Compatibility



Land Use Category	Exterior Noise Exposure (L_{dn}), dB					
	55	60	65[2]	70	75	80
	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.					

Notes:
dBA = A-weighted decibel
L_{dn} = day/night average sound level
[1] Requires noise mitigation to reduce interior noise levels pursuant to Actions 8.2.3 and 8.2.4.
Source: City of Walnut Creek. 2006. Walnut Creek General Plan 2025. Chapter 6, Safety and Noise. Figure 8.

North Downtown Specific Plan

DSG 4.5 **Loading and service access:** Loading docks should be screened from the public right-of-way and adjacent properties to address visual and noise impacts. Service access and loading docks should be located as far as possible from pedestrian activities. Loading docks should be internal to the building envelope and equipped with closable doors, where feasible.

DSG 6.7 **Noise considerations for operable windows:** In the placement of operable windows, consider the potential for noise transfer between units.

DSG 6.8 **Sound-absorptive surfaces to limit reverberation:** At narrow courtyards and other spaces between buildings, provide absorptive surfaces in the form of landscaping and other materials to limit reverberation.

City of Walnut Creek Municipal Code

Pursuant to the City's discretion in determining applicable significance thresholds, construction noise impacts are evaluated based on compliance with the City's Noise Ordinance found in Chapter 6, Article 2 of the Municipal Code. This ordinance limits the permissible hours of noise-producing construction activities to non-holiday weekdays from 7:00 a.m. to 6:00 p.m.; construction activities are not permitted outside of these hours unless an exemption is permitted by the Chief of Code Enforcement or by the City Engineer.

3.11.5 - Thresholds of Significance

Utilizing the guidance in the CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to noise would be significant environmental effects, the following questions are analyzed and evaluated.

Would the proposed project:

a) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

b) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

c) Generation of excessive groundborne vibration or groundborne noise levels?

d) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

It should be noted that the significance criteria Impact (a), above, is from the Land Use and Planning section of the CEQA Guidelines Appendix G checklist questions. However, this question addresses impacts related to conflicts with land use plans, which would include project-related conflicts to the noise land use compatibility standards of the General Plan and Walnut Creek Municipal Code (Municipal Code). Therefore, these impacts are addressed in this section.

3.11.6 - Approach to Analysis

Traffic Noise Modeling Methodology

The level of traffic noise depends on the three primary factors: (1) the volume of the traffic, (2) the speed of the traffic, and (3) the number of trucks in the flow of traffic. Generally, the loudness of traffic noise is increased by heavier traffic volumes, higher speeds, and the greater number of trucks. Vehicle noise is a combination of the noise produced by the engine, exhaust, and tires. Because of the logarithmic nature of traffic noise levels, a doubling of the traffic volume (assuming that the speed and truck mix do not change) results in a noise level increase of 3 dBA. Based on the FHWA community noise assessment criteria, this change is “barely perceptible.” For reference, a doubling of perceived noise levels would require an increase of approximately 10 dBA.

The FHWA highway traffic noise prediction model (FHWA RD-77-108) was used to evaluate traffic-related noise conditions on the project site and in the vicinity. Traffic data used in the model were obtained from the TA prepared for the proposed project by W-Trans. The resultant noise levels were weighed and summed over a 24-hour period to determine the CNEL values. The FHWA-RD-77-108 Model arrived at a predicted noise level through a series of adjustments to the Reference Energy Mean Emission Level.

Adjustments were then made to this level to account for the roadway active width (i.e., the distance between the center of the outermost travel lanes on each side of the roadway); the total ADT; the percentage of ADT that flows during the day, evening, and night; the travel speed; the vehicle mix on the roadway; a percentage of the volume of automobiles, medium trucks, and heavy trucks; the roadway grade; the angle of view of the observer exposed to the roadway; and the site conditions (“hard” or “soft”) as they relate to the absorption of the ground, pavement, or landscaping. The model uses a typical vehicle mix for urban/suburban areas in California.

The model analyzed the noise impacts from the nearby roadways on the project site and in the vicinity, which consists of the area that has the potential to be impacted by the on-site noise sources

as well as traffic associated with the proposed project on the nearby roadways. Analyses of the roadways were based on a single-lane-equivalent noise source combining both directions of travel. A single-lane-equivalent noise source occurs when the vehicular traffic from all lanes is combined into a theoretical single-lane that has a width equal to the distance between the two outside lanes of a roadway, which provides almost identical results to analyzing each lane separately where elevation changes are minimal.

Stationary Noise Source Analysis Methodology

The proposed project would generate noise from parking lot activities, new exterior mechanical equipment sources, such as rooftop ventilation systems on proposed uses, and truck loading and unloading activities. To provide a conservative analysis, the highest end of the range of reference noise levels for these stationary noise sources was used to calculate the reasonable worst-case hourly average noise levels from each noise source.

Vibration Impact Analysis Methodology

The City of Walnut Creek does not have adopted criteria for construction or operational groundborne vibration impacts. Therefore, the City, in its discretion, has decided to utilize the FTA vibration impact criteria and modeling and analysis methodology to evaluate potential vibration impacts. The FTA has established industry-accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its Transit Noise and Vibration Impact Assessment document.[7] The FTA guidelines include thresholds for construction vibration impacts for various structural categories as shown in Table 3.11-7.

Table 3.11-7: Federal Transit Administration Construction Vibration Impact Criteria

Building Category	PPV (in/sec)	Approximate VdB
I. Reinforced Concrete, Steel, or Timber (no plaster)	0.5	102
II. Engineered Concrete and Masonry (no plaster)	0.3	98
III. Non-engineered Timber and Masonry Buildings	0.2	94
IV. Buildings Extremely Susceptible to Vibration Damage	0.12	90

Notes:
PPV = peak particle velocity
VdB = vibration in decibels
Source: Federal Transit Administration (FTA) 2018. Transit Noise and Vibration Impact Assessment Manual. September.

3.11.7 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

The 2019 NDSP EIR evaluated potential impacts that could occur with development as contemplated under the NDSP including those related to generating noise levels in excess of standards established in the Municipal Code Noise Ordinance (Chapter 6, Article 3), short-term (construction-related)

[7] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

groundborne vibration impacts, and substantial temporary or periodic increase in ambient noise levels. In addition, the 2019 NDSP EIR also evaluated the NDSP land use compatibility with the General Plan land use/noise compatibility standards summarized in Table 3.11-6, above. As described more fully below and therein, the 2019 NDSP EIR concluded that potential impacts related to land use/noise compatibility, groundborne vibration, and temporary increase in noise from construction activity would all be reduced to less than significant with the incorporation of mitigation. In addition, the 2019 NDSP EIR concluded there would be less than significant impacts with respect to substantial permanent increase in ambient noise levels without mitigation. Also, the 2019 NDSP EIR determined that there would be no impact with respect to public airports and public use airports as well as private airstrips. Refer to Section 4.5, Noise, in the 2019 NDSP EIR, pages 4.5-12 through 4.5-23. As described below, the conclusions of the 2019 NDSP EIR would not substantially change because of the proposed project.

Proposed Project Analysis and Conclusion

Noise Levels That Would Conflict with Any Land Use Plan, Policy, or Regulation

Impact NOI-1: **The proposed project may cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated any potential conflicts that would result from implementation of the NDSP with the City's land use/noise compatibility plan, policy or regulation including consideration of the City land use compatibility policies and standards identified in the General Plan. The 2019 NDSP EIR concluded future individual multi-family development projects under the NDSP could expose these sensitive land uses to interior noise levels from traffic noise sources that would exceed the normally acceptable land use/noise compatibility standards set forth in the General Plan (Table 3.11-6). Therefore, the analysis identified 2019 NDSP EIR Mitigation Measure (MM) NOI-1 requiring future development projects proposed under the NDSP prepare an acoustical analysis for all noise-sensitive projects located in an area with noise levels greater than 65 dBA L_{dn}, and that such projects be designed to maintain an interior standard of 50 dBA L_{dn} in bedrooms and 55 dBA L_{dn} in other rooms. The analysis concluded that, with implementation of 2019 NDSP EIR MM NOI-1, potential impacts related to conflicts with the City's interior and exterior land use/noise compatibility policies and standards would be reduced to less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given the nature of the proposed uses and that the project site is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to noise levels in terms of any conflict with the City's adopted land use/noise compatibility policies adopted for the purpose of avoiding or mitigating an environmental effect.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts in this regard (Appendix I).

Land Use Compatibility Standards

As noted above, for purposes of this analysis, the following threshold is utilized to evaluate this issue.

A significant impact would occur if the proposed project would conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect For new multi-family residential developments, environments with ambient noise levels ranging up to 65 dBA L_{dn} are considered "normally acceptable"; environments with ambient noise levels ranging from 65 dBA to 75 dBA L_{dn} dBA L_{dn} are considered "conditionally acceptable" for new multi-family residential development but only when a detailed analysis of noise reduction requirements and noise insulation features are included in the design to ensure compliance with the City's interior noise standards.

The City has determined, in its discretion, that Scenario 1 would be the reasonable worst-case scenario for purposes of evaluating potential traffic noise impacts related to land use/noise compatibility conflicts because it is the Scenario that would generate the highest average daily trips on average for roadway segments on the project site and in the vicinity and therefore would result in the highest project-related traffic noise levels. As identified in the existing noise levels discussion above, traffic noise is the primary noise source affecting the ambient noise environment on the project site and in the vicinity. The following analysis considers the reasonable worst-case traffic noise levels that could occur with implementation of Scenario 1 by modeling the project-related trip generation and comparing the resulting traffic noise levels to the applicable land use/noise compatibility standards.

The FHWA highway traffic noise prediction model (FHWA RD-77-108) was used to evaluate traffic-related noise conditions on the project site and in the vicinity. Traffic data used in the model was obtained from the TA. The resultant noise levels were weighed and summed over a 24-hour period to determine the L_{dn} values. The traffic noise modeling input and output files are included in Appendix I. The traffic noise modeling results for Near-Term and Cumulative year conditions, without and with the proposed project, are summarized in Table 3.11-8.

Table 3.11-8: Near-Term and Cumulative Modeled Traffic Noise Levels

Roadway Segment	L_{dn} (dBA) 50 feet from Centerline of Outermost Lane					
	Near-Term Without Project Conditions (L_{dn})	Near-Term Plus Project Conditions (L_{dn})	Increase Over Without Project Conditions (dBA)	Cumulative Without Project Conditions (L_{dn})	Cumulative Plus Project Conditions (L_{dn})	Increase Over Without Project Conditions (dBA)
North Main Street–Parkside Drive to Pine Street	64.2	64.4	0.2	65.5	65.6	0.1
North Main Street–Pine Street to Pringle Avenue	64.9	65.4	0.5	65.6	66.0	0.4

Roadway Segment	L_{dn} (dBA) 50 feet from Centerline of Outermost Lane					
	Near-Term Without Project Conditions (L_{dn})	Near-Term Plus Project Conditions (L_{dn})	Increase Over Without Project Conditions (dBA)	Cumulative Without Project Conditions (L_{dn})	Cumulative Plus Project Conditions (L_{dn})	Increase Over Without Project Conditions (dBA)
North Main Street–Pringle Avenue to Central Road	64.5	64.6	0.1	65.4	65.5	0.1
North Main Street–Central Road to Ygnacio Valley Road	64.9	65.0	0.1	66.0	66.1	0.1
North Broadway–Parkside Drive to Pine Street	61.2	61.6	0.4	62.2	62.5	0.3
North Broadway–Pine Street to Central Road	61.8	62.2	0.4	62.7	63.0	0.3
North Broadway–Central Road to Ygnacio Valley Road	62.1	63.2	1.1	63.6	64.4	0.8
Pine Street–North Main Street to North Broadway	54.8	55.6	0.8	55.1	55.8	0.7
Pine Street–North Broadway to North Civic Drive	56.2	57.0	0.8	56.9	57.6	0.7

Nots:
dBA = A-weighted decibel
L_{dn} = day-night average sound level
Source: FirstCarbon Solutions (FCS) 2022.

As shown in Table 3.11-8, traffic noise levels along relevant roadway segments would range from approximately 54.8 dBA to 66.1 dBA L_{dn} as measured at 50 feet from the centerline of the outermost lane with the addition of traffic associated with the proposed project. It should be noted that these projected traffic noise levels along these modeled roadway segments do not take into account any existing sound walls or terrain features that could reduce traffic noise levels at receiving land uses but rather conservatively assume a direct line-of-sight over a soft surface to the modeled traffic noise sources.

As noted above, the ultimate specific mix and allocation of uses sought by the applicant pursuant to the proposed amendments to the NDSP (and related conforming amendments to the General Plan and the Municipal Code) would be determined subsequent to the certification of the Draft SEIR at such time when a detailed specific development proposal is formally submitted to the City for consideration.[8]

[8] To ensure that all potential impacts are evaluated as mandated under CEQA, to the extent a specific individual development proposal involves discretionary approvals unless otherwise exempted, the City would be required to evaluate any such subsequent application to confirm whether it would trigger further environmental review pursuant to CEQA's requirements.

Development under Scenario 1 would permit auto sales, services, and office types of land use development. These uses equate most closely with the "Office Buildings, Business Commercial, and Professional" land use category of the City's land use compatibility standards (summarized in Table 3.11-6). The City's normally acceptable exterior noise level standard for these office type land use developments is up to 70 dBA L_{dn}. The highest modeled traffic noise levels shown in Table 3.11-8 would range up to 66 dBA L_{dn}, under Cumulative Plus Project traffic conditions, as measured at 50 feet from the centerline of the outermost travel lane. It can reasonably be assumed that development could occur closer than 50 feet from the centerline of the outermost travel lane. For example, development closer than 35 feet from the centerline of the outermost travel lane of these modeled roadway segments could be exposed to traffic noise levels in excess of 70 dBA L_{dn}, resulting in a significant impact that would require mitigation. Ambient noise levels in the range of 70 dBA to 80 dBA L_{dn} are considered conditionally acceptable for new office land use development, and such specified land uses may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design. Therefore, in compliance with MM NOI-1, which is required pursuant to 2019 NDSP EIR MM NOI-1, each specific individual development proposal would be required to demonstrate compliance with the City's applicable land use compatibility standards and applicable exterior and interior noise standards,.

Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 1 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

The verbatim text of the relevant 2019 NDSP EIR mitigation measure is provided below.

Mitigation Measures from the 2019 NDSP EIR

2019 NDSP EIR MM NOI-1 Acoustical Analysis

In order to comply with the City's noise and land use compatibility standards, prior to project approval, new development proposed under the Specific Plan shall require an acoustical analysis for all noise-sensitive projects located in an area with noise levels greater than 65 dBA Ldn. All new residential land uses shall be designed to maintain an interior standard of 50 dBA L_{dn} in bedrooms and 55 dBA L_{dn} in other rooms. Noise reduction measures to achieve this noise level could include forced air ventilation so that windows can remain closed and/or upgraded wall and window assemblies.

Mitigation Measures for the Proposed Project

For the proposed project, MM NOI-1 is required to implement the requirements of 2019 NDSP EIR MM NOI-1. Accordingly, the relevant applicant's compliance with MM NOI-1 shall constitute compliance with 2019 NDSP EIR MM NOI-1.

MM NOI-1 Site-Specific Acoustical Analysis

In order to comply with the City's applicable noise and land use compatibility standards and applicable exterior and interior noise standards, prior to issuance of the first building permit for a specific individual development proposal that would be constructed, the relevant applicant shall submit to the City a site-specific land use compatibility acoustical analysis that reasonably documents that the subject specific individual development shall be designed to maintain the applicable noise level performance standards as provided in the Walnut Creek General Plan. Noise reduction measures to achieve this noise level could include, but are not limited to, forced air ventilation so that windows can remain closed and/or upgraded wall and window assemblies.

Level of Significance After Mitigation

Less than significant with mitigation incorporated.

Substantial Noise Increase in Excess of Standards

Impact NOI-2: The proposed project may generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR considered applicable provisions of the General Plan, Municipal Code, and the existing noise environment in connection with its evaluation of whether development under the NDSP would result in a temporary or periodic increase in ambient noise (i.e., construction-related noise) levels in the NDSP area in excess of standards established in the City's General Plan or Municipal Code. This analysis concluded that construction-related noise would trigger the need for implementation of mitigation to reduce potential construction period noise impacts to less than significant levels.

With respect to operationally-related noise impacts, the 2019 NDSP EIR concluded that traffic-related noise resulting from implementation of the NDSP would be below the City's normally acceptable exterior noise level for residential and commercial land uses and would be below the significance criteria for noise level increases of 3 dBA; therefore, impacts related to permanent increase in ambient noise levels in excess of standards established in the General Plan or Municipal Code Noise Ordinance (Chapter 6, Article 3) or applicable standards of other agencies were less than significant. With respect to stationary source noise impacts that would occur during operation of development under the NDSP, the 2019 NDSP EIR did not establish a significance conclusion.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-

developed nature of the project site and given the nature of the proposed uses and that the project site is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to noise levels to conflict with an adopted land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

However, particularly because the proposed project contemplates an intensification of land uses on the project site as reflected in the proposed NDSP amendments, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts in this regard (Appendices I and J).

Construction

The City, in its discretion, evaluates construction noise impacts utilizing compliance with the City's Noise Ordinance found in Chapter 6, Article 2 of the Municipal Code as the applicable significance threshold. This ordinance limits the permissible hours of noise-producing construction activities to non-holiday weekdays from 7:00 a.m. to 6:00 p.m.; construction activities are not permitted outside of these hours unless an exemption is permitted by the Chief of Code Enforcement or by the City Engineer. For purposes of this analysis, a significant impact would occur if construction activities would result in a substantial temporary increase in ambient noise levels at any time outside of the City's identified permissible hours of construction. This threshold recognizes that construction noise will necessarily occur on a temporary basis, but by limiting it to permissible construction hours (primarily in the daytime), this helps to avoid annoyance or sleep disturbance of nearby sensitive receptors. Construction-related traffic noise increases are analyzed to determine if they would result in a perceptible increase in hourly or daily average traffic noise levels in the project vicinity.

Construction-related Traffic Noise

Noise from construction activities associated with the proposed project would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities. One type of short-term noise that could occur during project construction would result from an increase in traffic flow on local streets associated with the transport of workers, equipment, and materials to and from the project site. As discussed in more detail in Section 3.2, Air Quality, though the grading and ground disturbance for each Scenario would be similar, each Scenario would result in a different building footprint and size, which would result in different construction emissions resulting, in part, from construction trips. As explained in more detail in Appendix B, Scenario 2 would result in the greatest maximum annual construction emissions, and is, therefore, the reasonable worst-case for this impact criteria because it is assumed it would result in the greatest number of construction trips. The transport of workers and construction equipment and materials to the project site would incrementally increase noise levels on access roads leading to the site. Because workers and construction equipment would use existing routes, noise from passing trucks would be similar to existing vehicle-generated noise on these local roadways. Typically, a doubling of the ADT hourly volumes on a roadway segment is required to result in an increase of 3 dBA in traffic noise levels, which, as discussed in the characteristics of noise discussion above, is the lowest change that can be perceptible to the human ear in outdoor environments. Existing ADT on local roadways within the project site range from 2,800 to 25,700, as shown in Table 3.11-2. As shown in Section 3.2, Air Quality, the phase of construction that would

generate the highest total trips would be the grading phase, generating an estimated 31,972 total trips over a 20-day work period, resulting in approximately 1,600 average daily trips. Therefore, project-related construction trips would not double any of the existing ADT volumes along any roadway segment in the project vicinity. For this reason, short-term intermittent noise from construction trips would not result in a perceptible increase in hourly or daily average traffic noise levels in the project vicinity. Moreover, these construction trips would be required to occur only during permitted construction hours pursuant to the City's Municipal Code standards. Therefore, short-term construction-related noise impacts associated with the transportation of workers and equipment to the project site would be less than significant. Accordingly, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 2 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Construction Equipment Operation Noise

The second type of short-term noise is related to noise generated during construction on the project site. Construction is completed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on the project site and, therefore, the noise levels surrounding the project site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Table 3.11-9 lists typical construction equipment noise levels, based on a distance of 50 feet between the equipment and a noise receptor.

Table 3.11-9: Typical Construction Equipment Maximum Noise Levels, L_{max}

Type of Equipment	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Impact Pile Driver	95
Auger Drill Rig	85
Vibratory Pile Driver	95
Jackhammer	85
Pneumatic Tool	85
Pump	77
Scraper	85
Crane	85
Portable Generator	82
Roller	85
Bulldozer	85
Tractor	84
Front-End Loader	80
Backhoe	80
Excavator	85

Type of Equipment	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Grader	85
Air Compressor	80
Dump Truck	84
Concrete Mixer Truck	85
Pickup Truck	55

Notes:
dBA = A-weighted decibel
Source: Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook. August.

The site preparation phase, which includes excavation and grading of the project site, tends to generate the highest noise levels because the noisiest construction equipment is earthmoving equipment. Earthmoving equipment includes excavating machinery and compacting equipment, such as bulldozers, draglines, backhoes, front loaders, roller compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3 or 4 minutes at lower power settings.

Construction of the proposed project is expected to require the use of scrapers, bulldozers, water trucks, haul trucks, graders, and pickup trucks. Based on the information provided in Table 3.11-9, the maximum noise level generated by each scraper is assumed to be 85 dBA L_{max} at 50 feet from this equipment. Each bulldozer would also generate 85 dBA L_{max} at 50 feet. The maximum noise level generated by graders is approximately 85 dBA L_{max} at 50 feet. A characteristic of sound is that each doubling of sound sources with equal strength increases a sound level by 3 dBA. A reasonable worst-case analysis is to assume the operation of four of the loudest pieces of heavy construction equipment all operating simultaneously at full power equidistant from a single point (the acoustic center). If each piece of construction equipment operates at some distance from the other equipment, this reasonable worst-case combined noise level during this loudest phase of construction would result in a noise level of 90 dBA L_{max} at a distance of 50 feet from the acoustic center of a construction area. This would result in a reasonable worst-case hourly average of 86 dBA L_{eq}. The acoustic center reference is used because construction equipment must operate at some distance from one another on a project site and the combined noise level as measured at a point equidistant from the sources (acoustic center) would be the reasonable worst-case maximum noise level. The effect on sensitive receptors is evaluated below.

The closest residential land uses to the project site is the Brio Apartment multi-family residential property located at 161 North Civic Drive, approximately 130 feet southeast of the boundaries of Site C. At this distance, construction noise levels could range up to approximately 81 dBA L_{max}, with a relative reasonable worst-case hourly average of 77 dBA L_{eq} at this receptor as measured from the nearest acoustic center where heavy construction equipment could operate on Site C. These noise levels could occur temporarily under the reasonable worst-case scenario of multiple pieces of heavy

construction equipment operating simultaneously in relatively the same locations at the nearest project boundary for an hour period.

Construction of all Scenarios is anticipated to utilize similar construction equipment (see Table 3.11-9). Therefore, the construction equipment and related noise to operate that equipment would be similar for all Scenarios. In addition, as a conservative assumption, it was assumed that all construction could occur up to the project site boundaries. Therefore, each Scenario would result in a similar impact to the nearest off-site sensitive receptor. Because development could be phased such that on-site residences would be occupied during construction of nonresidential uses, the Scenario with the most potential on-site sensitive receptors is considered the reasonable worst case. Therefore, as described more fully in Appendix B, Scenario 3 would represent the reasonable worst-case scenario because it would include the most residential units, resulting in the most residents and the most potential sensitive receptors.

Construction noise would result in a temporary or periodic increase in ambient noise levels in the vicinity of the project site above levels existing without implementation of the proposed project. If this occurred outside of permitted construction hours (pursuant to the City's Municipal Code), then this would constitute a potentially significant impact. Accordingly, implementation of MM NOI-2a, which is required to comply with 2019 NDSP EIR MM NOI-3, would be implemented to reduce potential construction period noise impacts to less than significant levels. In addition to implementation of best management noise reduction practices, the measure requires, that construction activity would be restricted to daytime hours of 7:00 a.m. and 6:00 p.m. Monday through Friday (unless otherwise exempted pursuant to the City's Municipal Code), thus ensuring that construction noise would not result in substantial temporary or periodic noise increases because implementation of this mitigation would ensure that construction noise would adhere to the applicable construction hour standards.

With implementation of MM NOI-2a (which would constitute compliance with the 2019 NDSP EIR MM NOI-3), impacts from construction-related substantial noise increases would be reduced to less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Operation

Implementation of the proposed project would result in mobile and stationary operational noise sources.

Mobile Source Operational Noise Impacts

A significant impact would occur if implementation of the proposed project would result in a substantial increase in traffic noise levels compared with traffic noise levels existing without the proposed project. The City's adopted policies do not define what is a substantial increase in traffic noise levels. As noted in the characteristics of noise discussion, above, audible increases in noise levels generally refer to a change of 3 dBA or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. A change of 5 dBA is considered the

minimum readily perceptible change to the human ear in outdoor environments. Therefore, for purposes of this analysis, the City has elected, in its discretion, to utilize the following significance threshold: a 3 dBA or greater increase in traffic noise levels above the traffic noise levels that would exist without implementation of the proposed project would be considered a substantial permanent increase in traffic noise levels.

As described in more detail in Appendix B, to determine which Scenario would represent the reasonable worst case, this preliminary assessment considered whether mobile source noise could be different depending on the amount and nature of trips under each Scenario. Scenario 1 would result in the highest trip generation, which would represent the reasonable worst-case scenario with respect to mobile source operational noise impacts.

The traffic noise modeling results for Near-Term and Cumulative year conditions, without and with implementation of the proposed project, are summarized in Table 3.11-8. The highest traffic noise level increase with implementation of the proposed project would occur along North Broadway from Central Road to Ygnacio Valley Road under Near-Term Plus project conditions. Along this roadway segment, implementation of Scenario 1 would result in an increase of 1.1 dBA. This increase is well below a 3 dBA increase that would be considered a substantial permanent increase with implementation of Scenario 1. Therefore, the proposed project would have a less than significant impact on mobile source noise impacts during its operation. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 1 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Stationary Source Operational Noise Impacts

The 2019 NDSP EIR did not include a significance conclusion with respect to potential impacts related to new stationary noise sources that could result from development associated with implementation of the NDSP.

Therefore, for purposes of this analysis, a significant impact would occur if operational noise levels generated by stationary noise sources on the project site would result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance standards. The General Plan Policy 8-2 in Chapter 6, Safety and Noise, establishes the City's noise performance standard for stationary noise sources such as heating, ventilating, and air conditioning equipment. The performance standard set forth in Action 8.2.3 provides that for new multi-family residential projects and for the residential component of mixed-use development, a standard of 65 L_{dn} in outdoor areas, excluding balconies, shall be used. In addition, the performance standard set forth in Action 8.2.4 provides as follows: "[s]trive for a maximum interior noise levels at 45 L_{dn} in all new residential units."

For the purposes of this analysis, it is assumed that demonstration of meeting the exterior noise standard of 65 L_{dn} would ensure that the interior noise standard of 45 dBA L_{dn} would be met. This is

based on the combination of walls, doors, windows, and standard construction[9] in accordance with Title-24 Uniform Building Code (UBC) requirements for residential developments in northern California would provide a minimum of 25 dBA in exterior-to-interior noise reduction with windows closed. Therefore, exterior noise levels of 65 dBA L_{dn} or lower would be reduced to 40 dBA L_{dn} or lower in interior environments.

With respect to stationary sources, it is anticipated that the proposed project would generate noise from parking lot activities, new exterior mechanical equipment sources, such as rooftop ventilation systems on proposed uses, landscaping equipment, and truck loading and unloading activities. Moreover, it is assumed that the proposed project could involve phasing such that new on-site sensitive receptors (e.g., multi-family residential uses) could be located such that they would be impacted by stationary noise during project operations. Therefore, as discussed in more detail in Appendix B, the Scenario with the most potential on-site sensitive receptors is considered the reasonable worst case. Therefore, Scenario 3 would represent the reasonable worst-case scenario because it would include the most residential units, resulting in the most residents and the most potential sensitive receptors.

Typical parking lot activities include people conversing, doors shutting, and vehicles idling which generate noise levels ranging from approximately 60 dBA to 70 dBA L_{max} at 50 feet. Noise levels from typical rooftop unit mechanical ventilation equipment range from 50 dBA to 60 dBA L_{eq} at a distance of 25 feet. Typical landscaping equipment would be anticipated to generate noise levels ranging from approximately 60 dBA to 80 dBA L_{max} at 50 feet. Typical maximum noise levels from truck loading and unloading activity are 70 dBA to 80 dBA L_{max} as measured at 50 feet.

The closest existing residential land uses to the project site is the Brio Apartment multi-family residential property located at 161 North Civic Drive, approximately 130 feet southeast of the boundaries of Site C. At this distance, and conservatively assuming minimum setback requirements for mechanical ventilation equipment, parking, and truck loading areas, maximum noise levels from stationary noise sources associated with the development of Site C would range up to 71 dBA L_{max}. Moreover, it is assumed that the proposed project could involve phasing such that new on-site sensitive receptors (e.g., multi-family residential uses) could be located such that they would be impacted by stationary noise during project operations.

These noise levels could potentially exceed the City's 24-hour average exterior noise standard (excluding balconies) of 65 dBA L_{dn} if they were to occur over several hours throughout the day. This is a potentially significant impact.

[9] United States Environmental Protection Agency (EPA). Protective Noise Levels: Condensed Version of EPA Levels Document. 550/9-79-100. November. Website: https://nepis.epa.gov/Exe/ZyNET.exe/20012HG5.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1976+Thru+1980&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C76thru80%5CTxt%5C00000008%5C20012HG5.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL. Accessed February 17, 2023.

Implementation of MM NOI-2b, requiring preparation of a site-specific operational noise control plan prepared by a qualified acoustical consultant to address the identified interior and exterior performance standards, would ensure that stationary source operational noise impacts would be less than significant through implementation of appropriate and feasible noise reduction design and/or control measures implemented in connection with the issuance of building permits. This would ensure that stationary source operational noise impacts would not result in a substantial permanent increase in noise levels in excess of standards and impact would be less than significant with mitigation. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

The verbatim text of the relevant 2019 NDSP EIR mitigation measure is shown below.

Mitigation Measures from the 2019 NDSP EIR

2019 NDSP EIR MM NOI-3 Implement Noise Reduction Measures During Construction

The following standard measures to minimize construction noise impacts shall be implemented by all development projects proposed under the Specific Plan:

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers which are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Utilize "quiet" air compressors and other stationery noise sources where technology exists.
- When necessary, temporary noise control blanket barriers should shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
- Foundation pile holes should be pre-drilled to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler) and will

require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

- Ensure that all general construction-related activities are restricted to 7:00 a.m. and 6:00 p.m. Monday through Friday. No construction activities shall be permitted on Saturday, Sunday, or holidays.

Mitigation Measures for the Proposed Project

For the proposed project, MM NOI-2a is required to implement the requirements of 2019 NDSP EIR MM NOI-3. As noted above, compliance with the City's Municipal Code provisions related to construction hours would ensure that construction-related impacts would be less than significant. In addition, the City, in its discretion, has identified the other elements of 2019 NDSP EIR MM NOI-3 as improvement measures which would further reduce construction-related noise and for which the applicant has agreed to comply with in connection with each individual specific development proposal. Accordingly, the relevant applicant's compliance with MM NOI-2a shall constitute compliance with 2019 NDSP EIR MM NOI-3. In addition, the applicant's compliance with MM NIO-2b would ensure that potential stationary noise source impacts would be reduced to less than significant.

MM NOI-2a Implement Noise Reduction Measures During Construction

The following standard measures to minimize construction noise impacts shall be implemented by the relevant applicant in connection with each specific individual development proposal on the project site:

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers which are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Utilize "quiet" air compressors and other stationery noise sources where technology exists and is commercially available to obtain.
- When necessary, temporary noise control blanket barriers should shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
- Foundation pile holes should be pre-drilled to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler)

and will require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and included in the notice sent to neighbors regarding the construction schedule.

- Ensure that all general construction-related activities are restricted to 7:00 a.m. and 6:00 p.m. Monday through Friday, unless otherwise exempted pursuant to applicable provisions of the City's Municipal Code.
- A note shall be provided on grading and building plans indicating that, during grading and construction, the relevant applicant in connection with the subject specific individual development proposal on the project site shall be responsible for requiring contractors, to be periodically monitored via on-site inspection by the Community Development Department, to ensure compliance with the construction hour limitations imposed on the subject specific individual development proposal.

MM NOI-2b Implement Noise Reduction Measures to Control New Stationary Noise Sources

Each relevant applicant for a specific individual development proposal within the project site shall include the following standard measures to minimize stationary source noise impacts:

- If the subject specific individual development proposal would be located within 500 feet of on-site or off-site noise-sensitive land uses, such as multi-family residential land uses, then the relevant applicant shall submit a site-specific operational noise control plan, prepared by a qualified acoustical consultant, which identifies projected operational noise levels of the subject specific individual development proposal's stationary noise sources as measured at the nearest sensitive receptor(s). If a potential exceedance of the City's exterior and/or interior noise standard(s) is identified, then the plan shall identify specific control and/or design measures that would reduce the identified stationary noise source impacts to below the relevant City's noise performance standard(s). The plan shall be submitted to and reasonably approved by the City's Community Development Director prior to issuance of any building permits for the subject specific individual development proposal. Potential noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels, the use of insulated enclosures or roof parapets to shield noise sources, and locating stationary noise sources so that the proposed structure would shield the noise source from nearby sensitive receptors.

Level of Significance After Mitigation

Less than significant with mitigation incorporated.

Implementation of MM NOI-2a would limit construction activities to only those hours permitted under the City's Municipal Code and would also set forth improvement measures that would further

reduce construction noise; in so doing, construction-related impacts would be less-than-significant. Similarly, implementation of MM NOI-2b would ensure that applicable interior and exterior performance standards would be achieved via the site-specific analysis and mitigation requirements; this would reduce stationary source noise impacts to a less than significant level.

Groundborne Vibration/Noise Levels

Impact NOI-3: The proposed project may result in generation of excessive groundborne vibration or groundborne noise levels.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR considered applicable provisions of the General Plan as well as the applicable FTA thresholds in connection with its evaluation of whether development under the NDSP would result in any significant groundborne vibration or noise impacts. This analysis concluded that from an operational standpoint, there would not be significant impacts because no vehicular vibration associated with implementation of the NDSP would occur, and once constructed, development associated with the NDSP would not contain uses that would generate groundborne vibration, and the Bay Area Rapid Transit (BART) would not be considered a groundborne vibration source because it is on an elevated structure within the NDSP area and does not operate at-grade. However, the 2019 NDSP EIR also addressed construction-related impacts. It concluded that most construction activities would generate approximately 87 vibration in decibels (VdB) and would not result in any damage to buildings. But construction activities requiring pile driving activities would approach 104 VdB at 25 feet from structures, which would exceed the threshold for damage potential for typical residential structures of 94 VdB, thereby resulting in a significant impact. Thus, it identified feasible mitigation to address this impact, and concluded that implementation of 2019 NDSP EIR MM NOI-2, which requires the development of a vibration control plan for any project requiring pile driving within 100 feet of any structure, would be necessary to reduce impacts to a less than significant level.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given the nature of the proposed uses and that the project site is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to groundborne vibration or noise impacts.

However, particularly because the proposed project contemplates an intensification of land uses on the project site as reflected in the proposed NDSP amendments, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts in this regard (Appendix I).

Short-term Construction Vibration Impacts to On-site or Off-site Receptors

Construction activity can result in varying degrees of ground vibration depending on the equipment used on-site. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Buildings in the vicinity of a construction site respond

to these vibrations with varying results ranging from no perceptible effects at the lowest levels to slight damage at the highest levels. It is assumed that the proposed project could involve phasing such that new on-site sensitive receptors (e.g., multi-family residential uses) could be located such that they would be impacted by groundborne vibration during construction. Therefore, as described in more detail in Appendix B, the Scenario with the most potential on-site sensitive receptors is considered the reasonable worst case. Therefore, Scenario 3 would represent the reasonable worst-case scenario because it would include the most residential units, resulting in the most residents and the most potential sensitive receptors.

A significant construction-related impact would occur if existing structures at the project site or in the project vicinity would be exposed to groundborne vibration levels in excess of levels established by the FTA's Construction Vibration Impact Criteria for the listed type of structure, as shown in Table 3.11-7, above. For example, the construction vibration impact criteria for buildings of non-engineered timber and masonry construction is 94 VdB (0.2 inch per second (in/sec) peak particle velocity [PPV]).

Given the nature of the proposed project, it is reasonable to conclude that typical construction equipment consistent with Table 3.11-9 would be utilized during construction. It is reasonable to assume that impact pile drivers would be utilized, but if pre-drilling were employed, this would reduce the impacts thereof. Assuming they are used in the foundation construction phase of development, this would produce the greatest groundborne vibration levels. Consistent with the analysis set forth in the 2019 NDSP EIR, impact pile drivers produce groundborne vibration levels ranging up to 104 VdB (0.644 in/sec PPV) at 25 feet from the operating equipment. This level would exceed the FTA's Construction Vibration Impact Criteria of 94 VdB (0.2 in/sec PPV) for buildings of typical construction. In addition, large vibratory roller operations can generate groundborne vibration levels of up to 94 VdB (0.2010 in/sec PPV) at 25 feet. Therefore, this level would also potentially exceed the FTA's Construction Vibration Impact Criteria of 94 VdB (0.2 in/sec PPV) for buildings of typical construction.

At a distance of 60 feet, vibration levels from pile driving would attenuate through normal soil to be below the FTA's construction vibration impact criteria for buildings of non-engineered timber and masonry construction of 94 VdB (0.2 in/sec PPV). Also, at a distance of 30 feet, vibration levels from large vibratory roller operations would attenuate through normal soil to be below the FTA's construction vibration impact criteria for buildings of non-engineered timber and masonry construction. Therefore, conservative screening distances of 100 feet for pile driving and 50 feet for operation of other heavy construction equipment, such as large vibratory rollers, should be applied for future development projects. However, compliance with MM NOI-3 (which would satisfy requirements of 2019 NDSP EIR MM NOI-2) would ensure any construction-related groundborne vibration or groundborne noise level impacts would be reduced to less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Operational Vibration Impacts to On-Site or Off-site Receptors

It is assumed that the proposed project could involve phasing such that new on-site sensitive receptors (e.g., multi-family residential uses) could be located such that they would be impacted by groundborne vibration during operation. Therefore, the Scenario with the most potential on-site sensitive receptors is considered the reasonable worst case. Therefore, Scenario 3 would represent the reasonable worst-case scenario because it would include the most residential units, resulting in the most residents and the most potential sensitive receptors.

As noted in the methodology discussion, the City, in its discretion, has decided to utilize the FTA vibration impact criteria and modeling and analysis methodology to evaluate potential vibration impacts.

Implementation of the proposed project would not result in any permanent sources of vibration in the vicinity of the project site that could be perceptible by sensitive receptors without instruments at existing or future proposed sensitive land uses given the types of land uses contemplated as part of the proposed project. In addition, the streets in the vicinity of the project site are paved, smooth, and unlikely to cause significant groundborne vibration. Therefore, the operational groundborne vibration level impacts associated with implementation of Scenario 3 would be less than significant. The proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required in this regard, and impacts would remain less than significant.

Level of Significance Before Mitigation

Potentially significant impact (during construction).

Less than significant impact (during operation).

Mitigation Measures

The verbatim text of the relevant 2019 NDSP EIR mitigation measure is shown below.

Mitigation Measures from the 2019 NDSP EIR

2019 NDSP EIR MM NOI-2 Vibration Control Plan

Any projects associated with the Specific Plan that would require pile driving located within 100 feet of any structure shall develop a vibration control plan by the project applicant and approved by the City prior to initiating any pile driving activities. The plan shall be implemented before, during, and after pile driving activity. The plan shall consider all potential vibration-inducing activities that would occur and require implementation of sufficient measures to prevent exposure of nearby sensitive receptors to vibration levels in excess of the FTA threshold of 94 VdB (0.2 in/sec PPV). The plan shall identify minimum setback requirements for pile driving activities for the purpose of preventing damage to nearby structures and preventing negative human response. The setback requirements

shall be established based on the proposed construction activities and locations and the maximum allowable vibration levels identified for the site. Factors to be considered include the specific nature of the vibration producing activity, local soil conditions, and the fragility/resiliency of the nearby structures.

When the final schedule of pile driving activities has been determined, all sensitive receptors within 300 feet of pile driving activities shall be notified of dates in which these activities would take place.

Mitigation Measures for the Proposed Project

For the proposed project, MM NOI-3 is required to implement the requirements of 2019 NDSP EIR MM NOI-2. Accordingly, the relevant applicant's compliance with MM NOI-3 shall constitute compliance with 2019 NDSP EIR MM NOI-2.

MM NOI-3 Vibration Control Plan

For any individual development proposal on the project site that would require the use of impact pile drivers within 100 feet of any structure or the operation of large vibratory rollers or similar heavy construction equipment within 50 feet of any structure, the relevant applicant shall develop a vibration control plan that shall be approved by the City prior to initiating construction activities for the subject specific individual development proposal. The plan shall be implemented during all construction activity involving the use of impact pile driving equipment or operation of large vibratory rollers or similar heavy construction equipment, and shall incorporate sufficient measures to prevent exposure of nearby structures to vibration levels in excess of the Federal Transit Administration (FTA) vibration impact criteria; for example, the threshold of 94 VdB (0.2 in/sec peak particle velocity [PPV]) for structures of non-engineered timber and masonry construction. Factors to be considered include the specific nature of the vibration producing activity, local soil conditions, and the fragility/resiliency of the nearby structures.

Level of Significance After Mitigation

Less than significant with mitigation incorporated.

Implementation of MM NOI-3 would ensure that excessive groundborne vibration levels from demolition and construction activities is sufficiently mitigated to be below the applicable standard and therefore would be less than significant.

Excessive Noise Levels from Airport Activity

Impact NOI-4:	**The proposed project would not expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR considered the Contra Costa County Airport Land Use Compatibility Plan in connection with its evaluation of potential noise impacts associated with proximity to a private airstrip or public airport. In so doing, it noted that the Buchanan Field Airport, the airport located nearest to the NDSP area, is located approximately 4.8 miles north of NDSP area; and the John Muir Medical Center helipad is located approximately 1.1 miles east of the NDSP area boundaries. However, no portion of the NDSP area is within 55 dBA CNEL noise contours of the Buchanan Field Airport or of the John Muir Medical Center helipad, nor does any portion of the NDSP area lie within 2 miles of any private airfield. For the foregoing reasons, the 2019 NDSP EIR concluded there would be no impact in this regard.

Supplemental Analysis of the Proposed Project

The significance threshold for airport activity noise levels is whether the proposed project would expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport. The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given the nature of the proposed uses and that the project site is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to potential noise impacts associated with proximity to a private airstrip or public airport.

However, particularly because the proposed project contemplates an intensification of land uses on the project site as reflected in the proposed NDSP amendments, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts in this regard (Appendix I).

Given that all Scenarios would be developed on the same project site, they would be the same distance from the nearest private airstrip or public airport (i.e., Buchanan Field Airport or of the John Muir Medical Center helipad). Accordingly, potential impacts with respect to excessive noise levels from airport activity would be substantially the same across all Scenarios. Because Scenario 3 is assumed to result in the greatest impact for most of the environmental topics, to provide consistency in the analysis within the Draft SEIR, when a Scenario would result in substantially the same effects, this Draft SEIR evaluates impacts assuming development of Scenario 3, the scenario that is most often the “reasonable worst-case scenario.”

Buchanan Field Airport, the airport located nearest to the project site, is located approximately 5 miles from the project site; and the John Muir Medical Center helipad is located approximately 1 mile from the project site. Therefore, the proposed project would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, and thus would not expose people residing or working in the project vicinity to excessive noise levels. Therefore, the proposed project would not introduce

new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and the no impact conclusions in this regard would remain the same.

Level of Significance

No impact.

3.11.8 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

As noted in the 2019 NDSP EIR, the geographic context for the analysis of cumulative impacts related to noise includes the NDSP area.

With respect to potential cumulative construction-related noise and vibration impacts, the 2019 NDSP EIR identified that with implementation of 2019 NDSP EIR MMNOI-3 and the temporary nature of construction noise, implementation of the NDSP would not result in adverse construction noise impacts and would not have a cumulatively considerable contribution to the total noise environment in the region and would result in a less than significant cumulative impact.

With respect to potential cumulative operational-related noise impacts associated with consistency with applicable plans, the 2019 NDSP EIR did not identify a significant cumulative effect from traffic-related noise because the increase under Cumulative Plus Project conditions would result in a less than significant increase compared to conditions that would exist without the project. The analysis further concluded implementation of 2019 NDSP EIR MM NOI-1 would ensure that traffic noise would also not conflict with the City's land use/noise compatibility standards and implementation of the NDSP would result in a less than significant cumulative traffic noise impact under this threshold.

Supplemental Analysis of the Proposed Project

The geographic scope of the cumulative noise analysis is limited by the range of potential noise impacts. Noise impacts tend to be localized; therefore, noise impacts for traffic and stationary noise sources are limited to approximately 500 feet from the source.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of other cumulative development, could result in a cumulatively significant impact related to noise and vibration. This analysis then considers whether the incremental contribution of the impacts associated with the implementation of the proposed project would be cumulatively considerable. Both conditions must apply for a project's cumulative effects to rise to the level of significance.

Construction Noise

The City has elected, in its discretion, to utilize compliance with its Municipal Code provisions regarding construction hours as the significance threshold for a cumulative construction noise impact. Regarding potential cumulative construction noise impacts, it is possible there could be multiple cumulative projects being constructed at the same time the proposed project is under construction. However, every cumulative project would be required to adhere to applicable construction hour restrictions; in addition, it is reasonable to assume that cumulative projects would

also implement other site-specific improvement measures consistent with 2019 NDSP EIR MM NOI-3 to help further reduce construction-related noise, as would the proposed project. In addition, construction noise is typically localized and temporary in nature. For these reasons, construction-related cumulative noise impacts would be less than significant. Additionally, consistent with the impact conclusions in the 2019 NDSP EIR, the proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable given the temporary, localized nature of the proposed project's construction impacts coupled with implementation of MM NOI-2a. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Construction Groundborne Vibration and Noise

The significance threshold for a cumulative construction vibration impact would be a cumulative vibration impact in the cumulative geographic area that already experiences excessive vibration levels from construction activities based on applicable thresholds. Construction-related groundborne vibration impacts are very localized; therefore, only areas within approximately 50 feet of a construction site could potentially be affected by groundborne vibration resulting from construction activities. Regarding construction groundborne vibration and noise impacts, it is possible there could be multiple cumulative projects being constructed at the same time the proposed project is under construction. As discussed in the 2019 NDSP EIR, to the extent these construction activities required pile driving activities, this would approach 104 VdB at 25 feet from structures, which would exceed the FTA's vibration impact criteria for many types of structures. However, every cumulative development would be required to implement site-specific measures consistent with 2019 NDSP EIR MM NOI-2, requiring the development of a vibration control plan for potential construction-related vibration-inducing activities, as would the proposed project. In addition, construction-related groundborne vibration and noise is typically localized and temporary in nature. Therefore, construction-related cumulative groundborne vibration and noise impacts would be less than significant. Additionally, consistent with the impact conclusions in the 2019 NDSP EIR, the proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable given the temporary, localized nature of the proposed project's construction impacts coupled with implementation of relevant mitigation. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would be reduced to less than significant.

Operational Groundborne Vibration Impacts

The only cumulatively considerable contribution to groundborne vibration conditions in the project vicinity would result from introduction of new permanent sources of groundborne vibration to an existing impacted environment. As noted in the impact analysis above, there are no existing permanent sources of groundborne vibration in the project site and vicinity that would constitute a significant cumulative impact in this regard. In addition, implementation of the proposed project would not introduce any new permanent sources of groundborne vibration to the project site and vicinity. Therefore, implementation of the proposed project would not result in a cumulatively

considerable contribution to this already less than significant cumulative impact with respect to operational groundborne vibration conditions. As such, the proposed project, in conjunction with other cumulative projects, would result in a less than significant cumulative impact with respect to permanent sources of groundborne vibration.

Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would be less than significant.

Operational-Related Noise (Land Use Compatibility, Mobile Source, and Stationary Source)

The significance threshold for a cumulative traffic noise impact would be a substantial permanent increase in traffic noise levels along any roadway segment in the project site that already experiences noise levels in excess of normally acceptable standards for adjacent land uses. Consistent with the 2019 NDSP EIR, cumulative development, in addition to the proposed project, would not result in a significant cumulative impact with respect to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect or exceedance of any applicable standards. Every cumulative development, as well as the proposed project, would be required to either be located in an area where the existing ambient noise fell within "normally acceptable" levels; or it would be located in an area where the existing ambient noise fell within "conditionally acceptable" levels, with the subject development then being required to incorporate specific measures to reduce interior and exterior noise to meet identified performance standards. In addition, cumulative development, as well as the proposed project, would be required to comply with applicable design review and Building Code requirements directing the siting, design, and insulation of new development and would also be required to adhere to all other applicable noise policies and standards in the General Plan, NDSP, and Municipal Code. Additionally, consistent with the impact conclusions in the 2019 NDSP EIR, the proposed project's contribution to this already less than significant cumulative impact would not be cumulatively considerable given that it would similarly be required to ensure compliance with the foregoing applicable laws, regulations, standards, and policies and would also be required to implement MM NOI-1.

The largest potential project-related permanent noise increase would be from traffic-related noise. As is shown in Table 3.11-8, above, the greatest project-related traffic noise increase under Cumulative Conditions, compared to conditions without the addition of traffic associated with the proposed project, would be 0.8 dBA, which is well below the significant criteria of a perceptible noise level increase of 3 dBA or more. Therefore, project-related traffic noise levels would not result in a cumulatively considerable contribution to the noise environment in the project vicinity.

Therefore, the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significance effects under Scenario 1 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Noise Levels from Airport Activity

The significance threshold for airport activity noise levels is whether the proposed project would expose people to excessive aircraft noise levels in an area that already experiences airport activity noise levels that are in excess of normally acceptable land use/noise compatibility standards.

The location of the NDSP area is such that it is not within the vicinity of a private airstrip or an airport land use plan or within 2 miles of a public airport or public use airport; therefore, the proposed project, combined with other cumulative developments, would not result in a significant cumulative impact in this regard. As noted in the impact discussion above, the proposed project would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, and thus would not expose people residing or working in the project vicinity to excessive airport activity noise levels.

Therefore, the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significance effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

3.12 - Population and Housing

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports and other materials have been prepared to document the information necessary to make the North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes the existing setting with respect to population and housing and potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth in the 2019 NDSP EIR. The analysis in this section is based, in part, on the 2020 Census prepared by the United States Census Bureau and the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC).

No public comments were received during the Notice of Preparation (NOP) scoping period for this Draft SEIR related to population and housing.

3.12.1 - Scenario Evaluation

As noted in Chapter 2.0, Project Description, the Applicant is requesting that the City of Walnut Creek ("City") approve amendments to the North Downtown Specific Plan (NDSP) (along with conforming amendments to the Walnut Creek General Plan [General Plan] and Municipal Code to ensure consistency) as well as a development agreement in order to create a new Mixed-Use Special District that would allow for auto sales, service and ancillary uses as well as a range of additional potential, compatible uses such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific development proposal for the project site has been formally submitted to the City; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed project, this Draft Supplemental EIR considers three potential development scenarios that reflect a reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates [Site D], and an approximately 0.82-acre property [Site E], located adjacent to Site A). This analysis includes an evaluation of the entire site unless otherwise explicitly stated.

For purposes of the analysis set forth in this Section 3.12 (Population and Housing), the City and its CEQA consultant conducted a preliminary assessment of each of the potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) in order to determine the scenario that would result in the "reasonable worst-case" under each environmental topic area (see Appendix B, Comparative Summary of Potential Impacts). For the reasons set forth in Appendix B, it was determined that Scenario 3 (auto sales and service, office, and multi-family residential) would have

the greatest impact with regard to population and housing. Therefore, the analysis presented in this section analyzes population and housing impacts associated with the development of Scenario 3.[1]

3.12.2 - Environmental Setting

The existing conditions related to population and housing in the NDSP area, including the project site and vicinity, at the time the 2019 NDSP EIR was certified can be found in Section 4.9, Population, Employment, and Housing, (pages 4.9-1 through 4.9-9) of the 2019 NDSP EIR.

Population

San Francisco Bay Area

ABAG conducts long-term forecasts of population, households, and employment for the nine-county[2] San Francisco Bay Area (Bay Area) to project growth in the region. The Bay Area has experienced population growth over the past several decades, and that growth is expected to continue. The projection estimates that approximately 7,660,000 residents were living in the Bay Area in 2015.[3] ABAG and the MTC project that the Bay Area's population will grow by 2.7 million people to approximately 10.3 million people by 2050.[4]

Contra Costa County

The California Department of Finance (CDF) estimates that the total population of Contra Costa County was 1,161,324 as of January 1, 2021.[5] The CDF estimates that the County had an average household size of 2.82 persons per household.[6]

City of Walnut Creek

The City's population was estimated to be 70,566 as of January 1, 2021 by the CDF.[7]

Historic Population Growth

The City's population increased by 6,419 persons, or approximately 10 percent, between 2010 and 2021. It should be noted that the City's population peaked in 2019 at 70,755 and dropped from that peak in 2020. Table 3.12-1 summarizes the City's historic population growth between 2010 and 2021.

[1] As noted in Appendix B, Scenario 3 is the Scenario that has been determined to be the reasonable worst-case for most of the environmental topic areas.

[2] The Bay Area is defined as the nine counties that make up the region: Sonoma, Marin, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, and San Francisco.

[3] Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). 2021. Plan Bay Area 2050: Forecasting and Modeling Report, Table 8: Play Bay Area 2050 Baseline Forecast and Final Regional Growth Forecast. Website: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_Forecasting_Modeling_Report_October_2021.pdf. Accessed: February 28, 2022.

[4] Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). 2021. Plan Bay Area 2050: Forecasting and Modeling Report, Table 8: Play Bay Area 2050 Baseline Forecast and Final Regional Growth Forecast. Website: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_Forecasting_Modeling_Report_October_2021.pdf. Accessed: February 28, 2022.

[5] California Department of Finance (CDF). 2022. E-1 State/County Population Estimates with Annual Percent Change. May 2. Website: https://dof.ca.gov/forecasting/demographics/estimates-e1/. Accessed: January 6, 2023.

[6] California Department of Finance (CDF). 2022. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2022. May. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/. Accessed: January 5, 2023.

[7] California of Department of Finance. 2021. Table E-1 Cities, Counties, and the State Population Estimates with Annual Percent Change–January 1, 2020 and 2021. Website: https://www.dof.ca.gov/forecasting/demographics/estimates. Accessed: November 2, 2022

Table 3.12-1: Historic Population Growth

Year	Population
2010	64,173
2011	64,972
2012	65,737
2013	66,931
2014	67,517
2015	68,118
2016	69,635
2017	70,088
2018	70,254
2019	70,755
2020	70,592
2021	70,566
Change (2010-2021)	**6,419**
	10 percent

Sources:
California Department of Finance (CDF). 2021. Table 2: E-4 Population Estimates for Cities, Counties, and the State, 2011-2020, with 2010 census Benchmark. May 7. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-4-population-estimates-for-cities-counties-and-the-state-2011-2020-with-2010-census-benchmark-new/. Accessed: January 5, 2023.
California of Department of Finance (CDF). 2021. Table E-1 Cities, Counties, and the State Population Estimates with Annual Percent Change–January 1, 2020 and 2021. Website: https://www.dof.ca.gov/forecasting/demographics/estimates. Accessed: November 2, 2022

Housing

San Francisco Bay Area

During the 1990s, the Bay Area averaged an additional 18,700 units per year of new housing production.[8] Growth in the Bay Area's housing supply slowed down between 2010 and 2014 compared with previous decades, likely in part because of the effects of the Great Recession. Specifically, the Bay Area added an average of 9,600 units per year between 2010 and 2014, compared with an average of 23,200 units per year between 2000 and 2010. More recently, from 2010-2020, the Bay Area added an average of approximately 14,000 units per year.[9]

[8] Association of Bay Area Governments (ABAG). 2015. Executive Summary—State of the Region 2015: Economy, Population and Housing. Website: https://www.researchgate.net/publication/299483196_San_Francisco_Bay_Area_State_of_the_Region_Economy_Population_Housing_2015. Accessed March 10, 2022.

[9] California Department of Finance (CDF). 2021. Table 2: E-5 City/County Population and Housing Estimates. Website: https://dof.ca.gov/forecasting/demographics/estimates/estimates-e5-2010-2020/. Accessed July 7, 2022.

ABAG periodically develops Bay Area regional projections for population, households, and economic activity. These projections span four decades and include forecasts of 25 years into the future. ABAG calculates these projections based on a combination of economic relationships, policy development, and other factors. Based on ABAG projections for households from 2015 to 2050, the overall regional count of households is projected to grow from around 2.7 million households in 2015 to over 4 million households by 2050, or growth of 51.1 percent.[10] The California Department of Housing and Community Development (HCD) forecasts the needed development of 441,176 new housing units in the Bay Area region between 2023 and 2031.[11] According to ABAG, the majority of forecasted new housing units would fill the needs of projected household growth within the region.

Contra Costa County

The CDF provides historic housing growth estimates for Contra Costa County. As of January 1, 2021, there were 425,212 dwelling units in the County.[12]

City of Walnut Creek

The CDF also provides historic housing growth estimates for the City. The City's housing stock increased by almost 6 percent in the period between 2010 and 2021, as shown in Table 3.12-2. According to the most recent housing estimate for 2021, there were 34,526 dwelling units in the City. The City continued to experience an increase in housing units even as the City's population declined from its 2019 peak.

Table 3.12-2: City of Walnut Creek Historic Housing Unit Count

Year	Dwelling Units
2010	32,681
2011	32,832
2012	32,939
2013	32,984
2014	33,008
2015	33,038
2016	33,486
2017	33,606
2018	33,679
2019	33,920

[10] Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). 2021. Plan Bay Area 2050: Forecasting and Modeling Report. Website: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. Accessed March 10, 2022.

[11] Association of Bay Area Governments (ABAG). 2021. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031. December. Website: https://abag.ca.gov/sites/default/files/documents/2021-12/Final_RHNA_Allocation_Report_2023-2031-approved_0.pdf. Accessed March 10, 2022.

[12] California Department of Finance (CDF). 2022. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2022. May. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/. Accessed: January 5, 2023.

Year	Dwelling Units	
2020	33,969	
2021	34,526	
Net Change	**1,845**	**5.6 percent**

Source: California Department of Finance (CDF). 2021. Table 2: E-5 City/County Population and Housing Estimates. January 1. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/. Accessed: January 5, 2023.

Future Housing Needs

Per the 2023-2031 Regional Housing Need Allocation (RHNA), the City needs to build approximately 5,805 housing units at varying levels of affordability by 2031 in order to meet the housing needs of people at a range of income levels; refer to Table 3.12-3. The housing needs assessment portion of the Housing Element Update includes housing needs based on the current (2023-2031) RHNA minus the residential units approved or developed since the beginning of the planning period and what could be developed on vacant and underutilized land currently designated for residential development. Based on a preliminary evaluation of the capacity of existing sites zoned for residential development, there is a need to identify additional locations for future rezoning to allow for residential use, including sites suitable for both lower-income and market-rate housing to address the shortfall between the RHNA and the existing capacity. The housing needs assessment for the City of Walnut Creek is presented in Table 3.12-3.

Table 3.12-3: City of Walnut Creek Capacity Determination

RHNA Versus Existing Residential Capacity	Income Category				Total
	Number of Units–Very Low Income (<50 % of Area Median Income)	Number of Units–Low Income (50-80 % of Area Median Income)	Number of Units–Moderate Income (80-120 % of Area Median Income)	Number of Units–Above Moderate Income (>120 % of Area Median Income)	
RHNA-Walnut Creek	1,657	954	890	2,304	**5,805**
Alternatives Methods to Meet the RHNA (Credits)	28	165	129	1,380	1,702
Net RHNA (after credits are applied)	1,629	789	761	924	4,103
Determination of Adequate Sites (Existing Zoning [i.e., no zone change needed])	1,960	979	892	936	4,767
Surplus	**331**	**190**	**131**	**12**	**664**

RHNA Versus Existing Residential Capacity	Income Category				Total
	Number of Units–Very Low Income (<50 % of Area Median Income)	Number of Units–Low Income (50-80 % of Area Median Income)	Number of Units–Moderate Income (80-120 % of Area Median Income)	Number of Units–Above Moderate Income (>120 % of Area Median Income)	

Notes:
The City of Walnut Creek General Plan was submitted to the California Department of Housing and Community Development (HCD) on September 2, 2022. Subsequent to the receipt of any HCD and public comments, the Housing Element Update will be reviewed by the Walnut Creek Planning Commission and City Council for adoption.
Source: City of Walnut Creek. 2022. Draft 2023-2031 Housing Element. July.

As shown in Table 3.12-3, the City's share of regional housing for the 2023-2031 period is 5,805 dwelling units and the current inventory of land for production of housing, including sites with existing residential zoning, pipeline projects, and accessory dwelling units (ADUs), is 6,469 units. Therefore, the City has existing capacity to accommodate the RHNA.

Affordable Housing

San Francisco Bay Area

As noted above, HCD estimated the San Francisco Bay Area's projected housing need from 2023-2031 at 441,176 residential units. Of these, 180,334 need to be affordable to very low income and low income residents to meet RHNA obligations, as listed below:

- 114,442 units (25.9 percent) within the very low income level[13] (0–50 percent of Area Median Income [AMI]);
- 65,892 units (14.9 percent) within the low income level (51–80 percent of AMI);
- 72,715 units (16.5 percent) within the moderate income level (81–120 percent of AMI); and
- 188,130 units (42.6 percent) within the above-moderate-income level (more than 120 percent of AMI).

Contra Costa County

According to ABAG forecasts, the County's projected housing need from 2023-2031 is 49,043.

City of Walnut Creek

According to ABAG forecasts, the City's projected housing need from 2023-2031 is 5,805 residential units, 2,611 of which are affordable to very low income and low income residents, as shown in Table 3.12-3.[14]

[13] Extremely Low Income is included in the "Very Low" Income Category, of which it makes up 15 percent of the projected housing needs.

[14] Association of Bay Area Governments (ABAG). 2021. Final Regional Housing Need Allocation, 2015-2023, Appendix 7: Draft RHNA Allocations. December. Website: https://abag.ca.gov/sites/default/files/documents/2021-12/Final_RHNA_Allocation_Report_2023-2031-approved_0.pdf. Accessed September 19, 2022.

Employment

San Francisco Bay Area

The Bay Area region experienced a strong recovery since the 2007–2009 Great Recession, with job growth proceeding at a pace greater than that experienced by the State of California or the United States as a whole. By mid-2013, the Bay Area had regained all the jobs lost during the Great Recession; however, utilizing 2000 as a baseline year, the average rate of growth was closer to zero compared to the peak of the dot-com boom era.[15]

The Bay Area region's employment is projected to grow by 1.4 million jobs to just over 5.1 million jobs by 2050. Table 3.12-4 provides ABAG's projections for employment for the Bay Area region between 2025 and 2050.

Table 3.12-4: San Francisco Bay Area Employment Projections

Year	Employment Projection
2025	4,050,000
2030	4,530,000
2035	4,680,000
2040	4,850,000
2045	4,980,000
2050	5,110,000

Source: Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). 2021. Plan Bay Area 2050: Forecasting and Modeling Report, Table 8: Plan Bay Area 2050 Baseline Forecast and Final Regional Growth Forecast. Website: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_Forecasting_Modeling_Report_October_2021.pdf. Accessed: March 14, 2022.

Contra Costa County

In 2021, the California Employment Development Department (EDD) estimated 527,100 employed persons and 22,500 unemployed persons, for an unemployment rate of 4.1 percent within Contra Costa County.[16]

[15] Association of Bay Area Governments (ABAG). 2015. Executive Summary—State of the Region 2015: Economy, Population and Housing. Website: https://www.researchgate.net/publication/299483196_San_Francisco_Bay_Area_State_of_the_Region_Economy_Population_Housing_2015. Accessed March 14, 2022.

[16] California Employment Development Department (EDD). 2021. Contra Costa County Profile. December. Website: https://www.labormarketinfo.edd.ca.gov/cgi/databrowsing/localAreaProfileQSResults.asp?selectedarea=Contra+Costa+County&selectedindex=7&menuChoice=localAreaPro&state=true&geogArea=0604000013&countyName=. August. Accessed September 19, 2022.

City of Walnut Creek

The EDD estimated 33,900 employed persons and 900 unemployed persons for an unemployment rate of 2.5 percent within the City.[17] Walnut Creek's ratio of number of jobs to number of housing units is 1.6, with approximately 55,365 jobs[18] compared to 34,526 housing units.[19] The current ratio is on par with the average ratio within the Bay Area of 1.5.[20]

3.12.3 - Regulatory Framework

State

California Housing Element Law

The State Housing Element Law (Government Code Chapter 1143, Article 10.6, §§ 65580 and 65589) requires each city and county to adopt a general plan for future growth. This plan must include a housing element that identifies housing needs for all economic segments and provides opportunities for housing development to meet that need. The amount of housing that must be accounted for in a local housing element is determined through a process called the RHNA. In the RHNA process, the State gives each region a number representing the amount of housing needed based on existing need and expected population growth.

At the State level, HCD estimates the relative share of the State's anticipated population growth that would occur in each county in the State, based on CDF population projections and historic growth trends. Where there is a regional council of governments, as in the San Francisco Bay Area (in this case, the ABAG), HCD provides the regional housing need to the council. The council then assigns a share of the regional housing need to each of its cities and counties. The process of assigning shares provides cities and counties the opportunity to comment on the proposed allocations. HCD oversees the process to ensure that the council of governments distributes its share of the State's projected housing need.

Each city and county must update its general plan housing element on a regular basis pursuant to the requirements of Government Code Section 65580, *et seq.* Among other things, the housing element must incorporate policies and identify potential sites that would accommodate a city's or county's share of the regional housing need. Before adopting an update to its housing element, a city or county must submit the draft to HCD for review. HCD will advise the local jurisdiction whether its housing element complies with the provisions of California Housing Element Law. The regional councils of governments are required to assign regional housing shares to the cities and counties within their region on a similar schedule. At the beginning of each cycle, HCD provides population projections to the regional councils of governments, who then allocate shares to their cities and

[17] California Employment Development Department (EDD). 2022. Unemployment Rate. January. Website: https://www.labormarketinfo.edd.ca.gov/cgi/databrowsing/localAreaProfileQSMoreResult.asp?viewAll=&viewAllUS=&currentPage=770&currentPageUS=&sortUp=G.AREANAME&sortDown=&criteria=unemployment+rate&categoryType=employment&geogArea=0604000013&timeseries=&more=More+Areas%3DJanuary&menuChoice=localAreaPro&printerFriendly=&BackHistory=-157&goTOPageText=. Accessed September 19, 2022.

[18] City of Walnut Creek. 2022. City of Walnut Creek 2023-2031 Housing Element. July.

[19] California Department of Finance (CDF). 2021. Table 2: E-5 City/County Population and Housing Estimates. January 1. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/. Accessed: January 5, 2023.

[20] Association of Bay Area Governments (ABAG) | Metropolitan Transportation Commission (MTC). 2021. Plan Bay Area 2050. October.

counties. The shares of the regional need are allocated before the end of the cycle so that the cities and counties can amend their housing elements by the deadline.

Senate Bill 375

Senate Bill (SB) 375, adopted in October 2008, calls upon each of California's Metropolitan Planning Organizations (MPOs) to develop an integrated transportation, land use, and housing plan known as a Sustainable Communities Strategy (SCS). The SCS must demonstrate how the region will reduce greenhouse gas (GHG) emissions through long-range planning. SB 375 also requires the RHNA, which anticipates housing need for local jurisdictions, to conform to the SCS, which is an opportunity to advocate for increased access to and distribution of affordable housing across the region. Plan Bay Area 2050 is the SCS for the Bay Area.

Assembly Bill 2345

Assembly Bill (AB) 2345 (Increase Maximum Allowable Density): This assembly bill of 2020 revised the Density Bonus Law with respect to the requirements for developers of affordable and senior housing components receiving concessions and incentives as well as increasing the maximum density bonus available to developers.

Assembly Bill 1397

AB 1397 of 2017 amended the Government Code to strengthen the obligation for local agencies to identify and make available an adequate number of RHNA sites for all income levels in their housing elements. AB 1397 tightened requirements for the adequacy of sites, including nonvacant sites and sites included in a previous housing element, and requirements that identified sites have adequate infrastructure.[21]

2019 Housing Bills

Governor Gavin Newsom signed 18 bills in October 2019 to address the Statewide housing crisis.[22] The bills incentivize affordable housing, encourage ADU construction, and streamline permitting and approvals for residential development projects for the purpose of increasing housing supply and expediting the land use entitlement process. For example, consistent with these intentions and purposes, the Governor signed SB 113 by the Committee on Budget and Fiscal Review, which will enable the transfer of $331 million in State funds to the National Mortgage Special Deposit Fund and establishes the Legislature's intent to create a trust to manage these funds to provide an ongoing source of funding for borrower relief and legal aid to vulnerable homeowners and renters.

The Governor signed the following bills to remove barriers and boost housing production:

- SB 330 establishes the Housing Crisis Act of 2019, which will accelerate housing production in California by vesting rights earlier in the process, streamlining permitting and approval

[21] Public Interest Law Project. 2021. AB 1397-Housing Element Site Requirements. Website: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.pilpca.org/wp-content/uploads/2021/06/PILP-AB-1397-Summary-Housing-Element-Sites-2021-Update.pdf. Accessed: October 27, 2022.

[22] Office of Governor Gavin Newsom. 2019. Governor Gavin Newsom Signs 18 Bills to Boost Housing Production. October 9. Website: https://www.gov.ca.gov/2019/10/09/governor-gavin-newsom-signs-18-bills-to-boost-housing-production/. Accessed October 27, 2022.

processes, imposing specific timelines for response, ensuring "no net loss" in zoning capacity, and enabling the vesting into existing development impact fees.

- AB 1763 creates more affordable housing by giving 100 percent affordable housing developments an enhanced density bonus to encourage development.
- AB 116 removes the requirement for Enhanced Infrastructure Financing Districts to receive voter approval prior to issuing bonds.
- AB 1485 builds on existing environmental streamlining law and encourages moderate income housing production.
- AB 1255 requires cities and counties to report to the State an inventory of its surplus lands in urbanized areas. AB 1255 then requires the State to include this information in a digitized inventory of State surplus land sites.
- AB 1486 expands Surplus Land Act requirements for local agencies, requires local governments to include specified information relating to surplus lands in their housing elements and annual progress reports, and requires HCD to establish a database of surplus lands, as specified.
- SB 6 requires the State to create a public inventory of local sites suitable for residential development, along with State surplus lands.
- AB 1483 requires local jurisdictions to publicly share information about zoning ordinances, development standards, fees, exactions, and affordability requirements. AB 1483 also requires HCD to develop and update a 10-year housing data strategy.
- AB 1010 allows duly constituted governing bodies of a Native American reservation or Rancheria to become eligible applicants to participate in affordable housing programs.
- AB 1743 expands the properties that are exempt from community facility district taxes to include properties that qualify for the property tax welfare exemption and limits the ability of local agencies to reject housing projects because they qualify for the exemption.
- SB 196 enacts a new welfare exemption from property tax for property owned by a Community Land Trust and makes other changes regarding property tax assessments of property subject to contracts with Community Land Trusts.

2020 Housing Bills

In addition to the bills noted above, several new bills were adopted in 2020 to further address the ongoing housing crisis.

- AB 725 requires that at least 25 percent of a metropolitan jurisdiction's share of the regional housing need for moderate income housing be allocated to sites with zoning that allows at least four units of housing but no more than 100 units per acre of housing. AB 725 would require that at least 25 percent of a metropolitan jurisdiction's share of the regional housing need for above moderate-income housing be allocated to sites with zoning that allows at least four units of housing.

- AB 2345 increases the density bonus to developers who are willing to develop additional affordable units.
- AB 3308 allows school districts to utilize low income housing tax credits to develop affordable housing for teachers and other school employees on district-owned land.

2021 Housing Bills

In addition to the bills noted above, several new bills were adopted in 2021 to further address the ongoing housing crisis.

- SB 7 extends CEQA streamlining for qualifying environmental leadership development projects approved through 2025, thereby reinstating and expanding the former AB 900 streamlining process.
- SB 8 extends the provisions of SB 330, the Housing Crisis Act of 2019, from 2025 until 2030. It allows applicants who submit qualifying preliminary applications for housing developments prior to January 1, 2030, to utilize the protections of the Housing Crisis Act through January 1, 2034, with those applications subject only to the ordinances and policies in effect when the preliminary application is deemed complete, with limited exceptions. SB 8 clarifies that for purposes of the Housing Crisis Act, a "housing development project" may involve discretionary and/or ministerial approvals or construction of a single dwelling unit and adds demolition, relocation, and return rights.
- SB 9 requires, for qualifying parcels, ministerial approval of two-unit housing developments in single-family zoning districts and would allow single-family parcels to be subdivided into two lots.
- SB 10 allows local agencies to avoid CEQA review when upzoning parcels to allow up to 10 units per parcel, at a height specified by local ordinance, if the parcel is located in a qualifying transit-rich area or an urban infill site.
- SB 290 clarifies the State Density Bous Law to extend incentives to student housing projects.
- SB 478 prohibits local governments from establishing a floor area ratio (FAR) that is less than 1.0 for projects of three to seven units or less than 1.25 for projects consisting of eight to ten units. Those local governments also cannot deny a qualifying project solely based on the fact that the lot area does not satisfy the minimum lot size requirement.

Regional

State Assembly Bill 2853 (Regional Housing Needs Allocation)

AB 2853, signed into law in 1980, mandates all cities address their regional "fair share allocation" of housing needs in relation to income group within the Housing Element set forth in the relevant General Plan. ABAG determines the local fair share of regional housing taking into consideration a variety of factors, including market demand for housing, employment opportunities availability of suitable sites and public facilities based on local plans, commuting patterns with respect to differences between job creation and labor supply, type and tenure of housing, and the housing needs of farm workers.

Plan Bay Area 2050: A Vision for the Future

ABAG is the official comprehensive planning agency for the San Francisco Bay region, which is composed of the nine counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma and contains 101 jurisdictions. On October 21, 2021, ABAG and the MTC, which is the region's MPO, adopted Plan Bay Area 2050, the official regional long-range plan, charting a course for a Bay Area that is affordable, connected, diverse, healthy, and vibrant for all residents through 2050 and beyond.

Plan Bay Area 2050 connects the elements of housing, the economy, transportation, and the environment through 35 strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. In the short-term, the Plan identifies more than 80 specific actions for MTC, ABAG, and partner organizations to take over the next 5 years to make headway on each of the 35 strategies.[23]

Local

City of Walnut Creek

Walnut Creek General Plan 2025

The General Plan contains the following goals, policies, and actions related to population and housing:

Chapter 4: Built Environment

Goal 1 **Maintain the balance of open space and public and private land uses existing in Walnut Creek in 2005.**

Policy 1.1 Strive to maintain the balance of housing, commerce, and open space in the community.

Policy 1.2 Work to balance the number and types of jobs and the amount and kind of housing available in Walnut Creek.

Goal 3 **Encourage housing and commercial mixed-use development in selected locations that enhances pedestrian access and reduces traffic.**

Policy 3.1 Create opportunities for mixed-use developments.

Action 3.1.2 Require that office development in the Golden Triangle and new development in the Mixed Use–Residential land use categories provide housing components.

Walnut Creek 2023-2031 Housing Element

The City adopted the current Housing Element on September 16, 2014. The Housing Element describes how the City plans to meet the projected housing needs of all economic segments of the community and the City's fair-share allocation of regional housing needs. The Housing Element contains policies and programs that pertain to high-density urban infill housing, including what may

[23] Association of Bay Area Governments (ABAG). 2022. Plan Bay Area 2050.

occur in the Plan Area. The Housing Element also addresses the provision of housing for City residents, including affordable, mixed- use, and infill housing, and includes an analysis of whether the City has provided adequate sites to meet its RHNA obligations.

The City submitted the public draft 2023-2031 Housing Element in September 2022 for HCD review and comment. While the Housing Element Update has yet to be approved and adopted by the City at the time the NOP for this Draft SEIR was published, the following are relevant goals, policies, and programs from the Public Draft Housing Element Update for informational purposes .

Goal H-1 **To provide adequate housing sites and encourage the availability of housing types for all economic segments of the community consistent with the infrastructure and service capacities of the city.**

Policy H-1.2 The City shall encourage a mix of land uses and residential densities in the Downtown Core Area to increase the supply of housing.

Policy H-1.4 The City shall encourage housing and commercial mixed-use development in selected locations that enhances pedestrian access and reduces traffic, particularly in the Core Area, and near public transit.

Goal H-2 **To facilitate affordable housing opportunities.**

Policy H-2.1 The City shall assist in the development of extremely low-, very low-, low-, and moderate-income housing units to the extent financially feasible.

Policy H-2.4 The City shall require that relocation assistance be provided to low-income households when private redevelopment of land occurs, consistent with Ordinance No. 1747.

Policy H-2.11 The City shall facilitate the development of available sites with the best potential for development.

Goal H-7 **To encourage energy conservation and green building policies and practices in residential development.**

Policy H-7.1 The City shall encourage the incorporation of energy conservation design features in existing and future residential development.

Policy H-7.2 The City shall continue to promote sustainable housing practices that incorporate a “whole system” approach to siting, designing and construction housing that is integrated into the building site, consume less energy, water, and other resources, and are healthier, safer, more comfortable, and durable.

Policy H-7.4 The City shall continue to implement climate policies to reduce pollutants and greenhouse emissions, prepare for a climate resilient future, and further environmental justice in Walnut Creek.

Inclusionary Housing Ordinance

The City enacted an Inclusionary Housing Ordinance in 2004 to provide additional means to facilitate affordable housing, and revised the Ordinance in 2018 and performed two nexus studies to determine the impact of residential development on affordable housing.[24, 25] The purpose of the Inclusionary Housing Ordinance is to facilitate the development and availability of housing affordable to a broad range of households with varying income levels in the City. It is intended in part to implement State policy that declares that local governments have a responsibility to exercise their powers to facilitate the development of housing to adequately provide for the housing needs of all economic segments of the community, as stated in Government Code Section 65580. The goal of the Inclusionary Housing Ordinance is to have a minimum percentage of very-low, low-, and/or moderate- income units built within each new residential development or to provide funding for new development of housing affordable to lower income households. In 2018, the Inclusionary Housing Ordinance was amended in response to AB 1505, which confirmed cities' right to require inclusionary rental units without violating the Costa Hawkins act. The housing in lieu fee was also increased in late 2017.

Relocation Assistance Ordinance

The Relocation Assistance Ordinance applies to any development project that would result in the displacement of low-income persons. The purpose of the Relocation Assistance Ordinance is to mitigate the impact of development projects that would displace low-income tenants from their residences by requiring applicants to provide certain limited relocation assistance to such tenants.

Commercial Development Affordable Housing Fee

The Commercial Development Affordable Housing Fee is a jobs/housing linkage fee designed to facilitate affordable housing projects. The fee is applicable to net new commercial development space and partially funds the need for affordable housing created by the workforce of new commercial development; however, mixed-used projects composed of 65 percent residential square footage or more are exempt from this fee.

3.12.4 - Thresholds of Significance

Utilizing the guidance in the CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to population and housing would be significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

[24] Economic and Planning Systems. 2016. Nexus-Based Affordable Housing Fee Analysis for For-Sale Housing. March 23.
[25] Economic and Planning Systems. 2016. Nexus-Based Affordable Housing Fee Analysis for Rental Housing. March 23.

3.12.5 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

The 2019 NDSP EIR evaluated data, research, and growth projections from the 2015 United States Census Annual Estimate data, [26] the CDF,[27] ABAG projections 2013,[28] and the NDSP Existing Conditions Report (Existing Conditions Report).[29] Additionally, data, research, and growth projections specific to housing were taken from the 2015-2031 Housing Element[30] as well as input from City staff. The 2019 NDSP EIR concluded there would be less than significant impacts with respect to population growth because population growth associated with the NDSP was accounted for by the ABAG projections and would not substantially alter the location, distribution, or density of the population of the City. With respect to displacement of housing and/or people, impacts would be less than significant assuming adherence to applicable provisions of local laws, regulations and planning documents including the Relocation Assistance Ordinance, payment of the City's Commercial Development Affordable Housing fee, the NDSP (e.g., Policy 2.1 in Chapter 4, Development Standards), the General Plan, and the Walnut Creek Municipal Code (Municipal Code). No mitigation measures were required to reduce potential impacts to less than significant with respect to population and housing for the reasons set forth in the 2019 NDSP EIR. As described below, the conclusions of the 2019 NDSP EIR would not substantially change as a result of implementation of the proposed project.

Proposed Project Analysis and Conclusion

Population Growth

Impact POP-1:	**The proposed project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated data, research, and growth projections from the 2015 United States Census Annual Estimate data, [31] the CDF,[32] ABAG projections 2013,[33] and the NDSP Existing Conditions Report (Existing Conditions Report).[34] Additionally, data, research, and growth projections specific to housing were taken from the 2015-2031 Housing Element[35] as well as input from City staff with respect to whether implementation of the development contemplated under the NDSP would induce substantial unplanned population growth in an area, either directly or indirectly. The 2019 NDSP EIR concluded that development under the NDSP could result in additional residents as a result of the development of additional housing units, as well as population growth resulting from the creation of new jobs within the NDSP area over the next 20 years. However, it found that the

[26] U.S. Census Bureau. 2016. Annual Estimates of the Resident Population: April 1, 2020 to July 1, 2015. May.
[27] State of California. 2017. Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2011-2017, with 2010 Benchmark.
[28] Association of Bay Area Governments (ABAG). 2013. Projections 2013. December.
[29] Raimi + Associates. 2016. North Downtown Specific Plan Existing Conditions. October 19.
[30] City of Walnut Creek. 2014. 2015-2023 Housing Element. September.
[31] U.S. Census Bureau. 2016. Annual Estimates of the Resident Population: April 1, 2020 to July 1, 2015. May.
[32] State of California. 2017. Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2011-2017, with 2010 Benchmark.
[33] Association of Bay Area Governments (ABAG). 2013. Projections 2013. December.
[34] Raimi + Associates. 2016. North Downtown Specific Plan Existing Conditions. October 19.
[35] City of Walnut Creek. 2014. 2015-2023 Housing Element. September.

contemplated development would primarily consist of infill and transit-oriented development that would locate residential units and employment-generating uses near existing public transit facilities within developed areas of the City that are already served by existing infrastructure and services. Moreover, the 2019 NDSP EIR concluded that implementation of the NDSP would not result in substantial population growth within the City beyond that which was already planned, nor would it substantially alter the location, distribution, or density or intensity of the population of the City because population growth associated with the NDSP was already envisioned in the General Plan and is consistent with development set forth by ABAG. For the foregoing reasons, impacts in this regard were determined to be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already developed nature of the project site that has available, existing infrastructure, and further given that the proposed project contemplates an intensification of uses that is consistent with the planning vision set forth in the General Plan, it is not anticipated that the proposed project would induce substantial unplanned population growth in an area, either directly or indirectly.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts associated with any unplanned population growth, either directly or indirectly, as a result of the proposed project.

The 2020 Census includes an average household size of 2.18 persons for Walnut Creek.[36] Table 3.12-5 provides total estimated residents associated with Scenario 3 (which is the Scenario identified to reflect the reasonable worst-case for the reasons set forth in Appendix B).

Table 3.12-5: Average Household Size and Total Estimated Residents

Scenario	Average Household Size	Total Estimated Residents
Scenario 3 (658 multi-family units)	2.18 person/residential unit	1,435

Table 3.12-6 provides the net new employment projections for the proposed project,[37] which is projected to result in approximately 316 net new employees.

[36] United States Census Bureau. 2019. Quick Facts: Walnut Creek, California. Website: https://www.census.gov/quickfacts/fact/table/walnutcreekcitycalifornia/PST045219. Accessed November 4, 2021.

[37] Employment projections in the 2019 NDSP EIR were calculated using standard assumptions of one job per 500 square feet of retail space, one job per 250 square feet of office space, 0.9 jobs per hotel room, one job per 463 square feet of general light industrial, and one job per 600 square feet of auto retail or service.

Table 3.12-6: Employment Projections (Net)

Scenario	Development Potential	Employment Projection	Total Estimated Employees (Net New)
3	**Proposed Project**		
	Auto Sales and Service: 142,094	1 job/600 square feet	237
	Office: 40,546	1 job/250 square feet	163
	Multi-Family Residential: 658 dwelling units	—	—
		Total	400
	Existing Uses		
	Auto Sales and Service: 50,407	1 job/600 square feet	84
		Total	**316**

Notes:
The existing uses calculation does not include vacant buildings or parking lots.
Sources:
LSA. 2018. North Downtown Specific Plan Environmental Impact Report, page 3-24. June.
FirstCarbon Solutions (FCS) 2022.

As stated above and discussed in Appendix B, for the purposes of discussing the proposed project's potential environmental effects with respect to population and housing, Scenario 3 represents the reasonable worst-case scenario.

With respect to employment, it is assumed that the City's population increases during the typical workweek, which indicates that many people commute into the City from elsewhere to work. Because of high housing costs in Walnut Creek, many professionals that work within the City live outside of the City where homes are more affordable. Therefore, though the proposed project would result in employment opportunities, it is anticipated that many (if not most) of the employees associated with the proposed project would not relocate to the City. As shown above, the jobs to housing ratio is 1.6, which is on par with the average Bay Area jobs to housing ratio of 1.5. Though the proposed project would result in employment opportunities, it would represent the types of employment opportunities near transit envisioned by the NDSP and is not anticipated to negatively affect the existing jobs to housing ratio.

The General Plan estimated a total City population of 76,014 to 77,314 people by 2025.[38] As of 2021 the population of the City was 70,566,[39] indicating that the City has not yet reached the projected population. Therefore, the proposed project would be within the population growth projections

[38] City of Walnut Creek. 2005. Walnut Creek General Plan 2025 EIR, page 60. August 5.
[39] California of Department of Finance. 2021. Table E-1 Cities, Counties, and the State Population Estimates with Annual Percent Change–January 1, 2020 and 2021. Website: https://www.dof.ca.gov/forecasting/demographics/estimates/e-1/ Accessed: November 2, 2022.

included in the General Plan[40] and associated environmental documents and would not induce growth but would rather accommodate growth that was already envisioned in the City's projections. In addition, "the growth management policies [of the General Plan] do not restrict the rate or amount of residential development."[41] This statement further supports the increase in population that could occur with implementation of the proposed project.[42]

The potential for new residential units developed as part of the proposed project would enhance the City's housing stock. While the proposed project could result in the development of residential uses in a portion of the NDSP area where only nonresidential uses were previously contemplated, the potential increase would be consistent with the overall population projections and land use vision set forth in the General Plan. Furthermore, the proposed project would be infill and transit-oriented in nature and would locate residential units and employment opportunities near existing public transit facilities within already developed areas of the City that are served by existing services and infrastructure. Consistent with the 2019 NDSP EIR, the proposed project would not result in substantial population growth under Scenario 3 (or any other Scenario) within the City beyond what was previously planned, nor would it substantially alter the location, distribution, or density of the population of the City. The proposed project would also not induce substantial unplanned population growth indirectly since the proposed project does not involve the extension of roads or other significant infrastructure. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Housing Displacement/Replacement Housing

Impact POP-2:	**The proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated data, research, and growth projections specific to housing were taken from the 2015-2031 Housing Element[43] with respect to whether implementation of the development contemplated under the NDSP would displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. The 2019 NDSP EIR concluded that although implementation of the NDSP could potentially displace some existing housing through redevelopment, implementation of relevant General Plan and NDSP goals and policies and other applicable laws and regulations designed to support housing production would result in a net increase in housing, promote infill housing, provide relocation assistance to displaced low income tenants, and require construction or funding of affordable housing in connection with the

[40] Percent population growth projected for the proposed project with respect to General Plan projections: 76,014–70,566 = 5,488; (1,435/5,488) x 100 = 26.1 percent; 77,314–70,566 = 6,748; (1,435/6,748) X 100 = 21.3 percent.
[41] City of Walnut Creek. 2005. Walnut Creek General Plan 2025 EIR, page 77.
[42] LSA. 2018. North Downtown Specific Plan Environmental Impact Report, page 4.9-8. June.
[43] City of Walnut Creek. 2014. 2015-2023 Housing Element. September.

commercial, office, and residential development contemplated under the NDSP. For the foregoing reasons, the 2019 NDSP EIR found a less than significant impact with respect to displacement of people or housing.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already developed nature of the project site with only nonresidential uses, the proposed project would not displace any existing people or housing, and thus would not trigger the construction of replacement housing elsewhere.

Nevertheless, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review in this regard. The proposed project could result in the construction of up to 658 new residential units as part of Scenario 3, which, as noted above, reflects the reasonable worst-case for purposes of this analysis. The project site does not currently contain any residential structures; therefore, while it is assumed that the existing buildings on the project site would be demolished, implementation of the proposed project would not displace any existing housing units or residents, and no replacement housing would need to be constructed elsewhere. Consistent with the 2019 NDSP EIR, the proposed project would not necessitate the construction of replacement housing due to the displacement of people or housing. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

3.12.6 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

As noted in the 2019 NDSP EIR, cumulative impacts with respect to population and growth are less than significant. With respect to potential cumulative population and housing impacts, the 2019 NDSP EIR concluded that development under the NDSP would not result in substantial population growth beyond that which is already planned for by the City pursuant to its General Plan, and would not result in the displacement of a substantial number of people or housing units. The 2019 NDSP EIR found a less than significant cumulative impact related to population and housing. Moreover, the 2019 NDSP EIR concluded that implementation of the NDSP would not have a cumulatively considerable contribution to this already less than significant cumulative impact.

Supplemental Analysis of the Proposed Project

Similar to the cumulative analysis in the 2019 NDSP EIR, the appropriate geographic context for cumulative impacts for population and housing is the NDSP area because of the similarity in existing

conditions. Cumulative projects within the NDSP area consist of projects assumed under the 2019 NDSP EIR.

Consistent with the cumulative analysis set forth in the 2019 NDSP EIR, cumulative development within the NDSP would be consistent with the planned growth set forth in the General Plan and other regional population projections and would not result in displacement of a substantial number of people or housing units. Thus, consistent with the 2019 NDSP EIR, there would be a less than significant cumulative impact in this regard.

While the proposed project could result in increased population in a portion of the NDSP that was not previously contemplated for residential uses, the proposed potential increase in residential and employment uses would be consistent with the overall planning vision and population growth assumed for the City of Walnut Creek as a whole. The General Plan estimated a total City population of 76,014 to 77,314 people by 2025.[44] As of 2021 the population of the City was 70,566,[45] indicating that the City has not yet reached the projected population.[46] As discussed above under Impact POP-1, though the proposed project would result in employment opportunities, it is anticipated that many (if not most) of the employees associated with the proposed project would not relocate to the City. Moreover, the project site does not contain any existing residential units and thus no displacement of persons or housing would occur as a result of the project. Based on the foregoing, the proposed project would not make a cumulatively considerable contribution to the already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

[44] City of Walnut Creek. 2005. Walnut Creek General Plan 2025 EIR, page 60. August 5.

[45] California of Department of Finance. 2021. Table E-1 Cities, Counties, and the State Population Estimates with Annual Percent Change–January 1, 2020 and 2021. Website: https://www.dof.ca.gov/forecasting/demographics/estimates/e-1/ Accessed: November 2, 2022.

[46] Percent population growth projected for the proposed project with respect to General Plan projections: 76,014–70,566 = 5,488; (1,435/5,488) x 100 = 26.1 percent; 77,314–70,566 = 6,748; (1,435/6,748) X 100 = 21.3 percent.

3.13 - Public Services and Recreation

3.13.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports and other materials have been prepared to document the information necessary to make the North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes the existing setting with respect to public services and recreation and potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth the North Downtown Specific Plan (NDSP), North Downtown Specific Plan Environmental Impact Report (2019 NDSP EIR). The analysis set forth in this section is based, in part, on information from Contra Costa County Fire Protection District (CCCFPD), Walnut Creek Police Department (WCPD), Acalanes Unified High School District (AUHSD), Walnut Creek School District (WCSD), Central Contra Costa Sanitary District (Central San), and Republic Services.

No public comments were received during the Notice of Preparation (NOP) scoping period for this Draft SEIR related to public services and recreation.

3.13.2 - Scenario Evaluation

As noted in Chapter 2.0, Project Description, the Applicant is requesting that the City of Walnut Creek ("City") approve amendments to the NDSP (along with conforming amendments to the Walnut Creek General Plan [General Plan] and Municipal Code to ensure consistency), along with a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service, and ancillary uses as well as a range of additional potential, compatible uses such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific individual development proposal for the project site has been formally submitted to the City; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed project, this Draft SEIR considers three potential development scenarios that reflect a reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates [Site D], and an approximately 0.82-acre property [Site E], located adjacent to Site A). This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

For purposes of the analysis set forth in this Section 3.13, Public Services and Recreation, the City and its California Environmental Quality Act (CEQA) consultant conducted a preliminary assessment of each of the potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) in order to determine the Scenario that would result in the "reasonable worst-case" under each environmental topic area (see Appendix B, Comparative Summary of Potential Impacts). For the

reasons set forth in Appendix B, Scenario 3 (auto sales and service, office, and multi-family residential) would represent the reasonable worst-case scenario with respect to police and fire, libraries, parks and recreation, and schools. Therefore, the analysis presented in this section analyzes impacts to public services and recreation associated with the development of Scenario 3.[1]

3.13.3 - Environmental Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. Additional information about the existing conditions related to public services and recreation in the NDSP area, including the project site and vicinity, in place at the time the 2019 NDSP EIR was certified can be found in Section 4.10, Public Services and Recreation (pages 4.10-1 through 4.10-10 of the 2019 NDSP EIR).

Fire Protection and Emergency Medical Services

The CCCFPD provides fire protection and emergency medical services to the Cities of Walnut Creek, Concord, Clayton, Pleasant Hill, Martinez, Lafayette, Pittsburg, and Antioch, as well as the unincorporated areas of Saranap, Pacheco, and Bay Point. The CCCFPD's service area encompasses 300 square miles. The service population is approximately 700,000.

Fire Stations

The CCCFPD relies on the Contra Costa Regional Fire Communications Center (CCRFCC) to receive dispatch calls. The CCCFPD operates 25 stations that house a total of 22 engine and five truck companies. Table 3.13-1 summarizes the three fire stations closest to the project site.

The CCRFCC serves the CCCFPD, the Moraga/Orinda Fire District, the Rodeo/Hercules Fire District, the Pinole Fire Department, the Crockett-Carquinez Fire Department, and the El Cerrito/Kensington Fire Department. The CCRFCC handles over 230,000 telephone calls per year, with approximately 80,000 on 9-1-1 dispatch.[2] The 2018 CCCFPD Annual Report, the most recent report available, indicates that the CCCFPD responds to approximately 141,000 fire and EMS incidents annually.[3]

Table 3.13-1: Fire Station Summary

Station	Address	Distance From Project Site (approximate)
1	1330 Civic Drive, Walnut Creek	0.4 mile
2	2012 Geary Road, Pleasant Hill	2.1 miles
5	205 Boyd Road, Pleasant Hill	2.8 miles
Source: Contra Costa County Fire Protection District (CCCFPD) 2021.		

[1] As noted in Appendix B, Scenario 3 is the Scenario that has been determined to be the reasonable worst-case for most of the environmental topic areas.

[2] United Professional Firefighters of Contra Costa County. Contra Costa Regional Fire Communications Center (CCRFCC). Website: https://contracostafirefighters.org/ccrfcc. Accessed September 20, 2022.

[3] Contra Costa Fire Protection District. 2018. Annual Report 2018. Website: https://cccfpd.org/2018-annual-report/. Accessed September 20, 2022.

Police Protection

The WCPD provides law enforcement to the City of Walnut Creek including the project site. The WCPD is in City Hall at 1666 North Main Street and is approximately 0.5 mile south of the project site. Sworn personnel consists of 60 officers for patrol, 15 for the investigations bureau, three sworn administrators, and two professional standards managers. The professional staff consists of 13 dispatchers, 12 public safety officers, seven records technicians, three professional administrators, four supervisors/managers, one crime analyst, and one property technician.[4]

Schools

The WCSD and the AUHSD would serve the project site. Buena Vista Elementary, located at 2355 San Juan Avenue, is the nearest elementary school (kindergarten through grade five) to the project site and is located approximately 0.42 mile northwest of the site. Walnut Creek Intermediate School, located at 2425 Walnut Boulevard, is the only intermediate school in the WCSD and is located approximately 0.25 miles east of the project site. Las Lomas High School, part of the AUHSD, is the nearest high school to the project site and is located approximately 1.25 mile south of the project site. Current enrollment at the three schools is provided in Table 3.13-2. As a whole, the WCSD has the capacity for 3,976 students[5] and the AUHSD has a capacity for 6,831 students. According to AUHSD, Las Lomas High School is the school that would be affected by the proposed project, and, as of January 2022, it currently had an enrollment of 1,571 with a capacity of up to 1,944 high school students.[6]

Table 3.13-2: Enrollment at Walnut Creek School District and Acalanes Union High School District Schools

School	Grade Range	Enrollment (Approximately)			
		2017-2018	2018-2019	2019-2020	2020-2021
Buena Vista Elementary	K-5	480	488	502	481
Indian View Elementary	K-5	431	425	388	368
Murwood Elementary	K-5	398	377	416	396
Parkmead Elementary	K-5	472	470	474	460
Tice Creek	K-5	435	432	447	433
Walnut Heights Elementary	K-5	402	414	434	413
Walnut Creek Intermediate	6-8	1,103	1,084	1,078	1,040
Total		**3,721**	**3,690**	**3,739**	**3,591**
Las Lomas High School	9-12	1,577	1,630	1,661	1,609

[4] Walnut Creek Police Department. 2023. Mixed Use Special District Project: Walnut Creek Police Questionnaire. January 5.
[5] Walnut Creek School District (WCSD). 2018. Residential Development School Fee Justification Study.
[6] Bautista, Julie. Chief Business Official, Acalanes Union High School District. Personal communication: letter sent via email. January 3, 2022.

School	Grade Range	Enrollment (Approximately)			
		2017-2018	2018-2019	2019-2020	2020-2021

Sources:
Ed-Data Education Partnership. 2022. School Summary: Buena Vista Elementary. Website: https://www.ed-data.org/school/Contra-Costa/Walnut-Creek-Elementary/Buena-Vista-Elementary. Accessed: October 28, 2022.

Ed-Data Education Partnership. 2022. School Summary: Indian Valley Elementary. Website: https://www.ed-data.org/school/Contra-Costa/Walnut-Creek-Elementary/Indian-Valley-Elementary. Accessed: October 28, 2022.

Ed-Data Education Partnership. 2022. School Summary: Murwood Elementary. Website: https://www.ed-data.org/school/Contra-Costa/Walnut-Creek-Elementary/Murwood-Elementary. Accessed: October 28, 2022.

Ed-Data Education Partnership. 2022. School Summary: Parkmead Elementary. Website: https://www.ed-data.org/school/Contra-Costa/Walnut-Creek-Elementary/Parkmead-Elementary. Accessed: October 28, 2022.

Ed-Data Education Partnership. 2022. School Summary: Tice Creek Elementary. Website: https://www.ed-data.org/school/Contra-Costa/Walnut-Creek-Elementary/Tice-Creek. Accessed: October 28, 2022.

Ed-Data Education Partnership. 2022. School Summary: Walnut Heights Elementary. Website: https://www.ed-data.org/school/Contra-Costa/Walnut-Creek-Elementary/Walnut-Heights-Elementary. Accessed: October 28, 2022.

Ed-Data Education Partnership. 2022. School Summary: Walnut Creek Intermediate. Website: https://www.ed-data.org/school/Contra-Costa/Walnut-Creek-Elementary/Walnut-Creek-Intermediate. Accessed: October 28, 2022.

Ed-Data Education Partnership. 2022. School Summary: Las Lomas High. Website: https://www.ed-data.org/school/Contra-Costa/Acalanes-Union-High/Las-Lomas-High. Accessed: October 28, 2022.

Parks and Recreation

Civic Park, which includes approximately 16.7 acres of public playground, recreational courts, connections to the Iron Horse Trail, and a community center, is the nearest park to the project site located approximately 0.34 mile southeast. The nearest public recreation facility to the project site is the Walnut Creek Tennis Courts located approximately 1.45 miles northeast. The City manages over 3,000 acres of open space including Acalanes Ridge (202 acres of open space and 4 miles of trails), Lime Ridge (1,226 acres of open space and 25 miles of trails), Shell Ridge (1,420 acres of open space and 31 miles of trails), and Sugarloaf (177 acres of open space and group camping). The City's target ratio is 5 acres of parkland per 1,000 residents. In total, the City contains 3,000 acres of parks, open space, and recreational areas, providing approximately 45.5 acres of recreational acres per 1,000 residents. As of 2021, the population of the City was 70,566.[7] The City is currently exceeding its parkland ratio target as it provides a total of 411 acres of parkland, resulting in a parkland ratio of 5.8 acres per 1,000 residents.[8]

Libraries

The project site is located within the Contra Costa County Library System, which provides public library services to the unincorporated and incorporated areas of the County. Table 3.13-3 provides the name, address, and distance for the three libraries nearest the project site.

[7] California of Department of Finance. 2021. Table E-1 Cities, Counties, and the State Population Estimates with Annual Percent Change–January 1, 2020 and 2021. Website: https://www.dof.ca.gov/forecasting/demographics/estimates. Accessed: November 2, 2022.

[8] 411 acres of parkland /70,566 residents = .00582 acres of parkland/resident or 5.82 acres per 1,000 residents.

Table 3.13-3: Library Summary

Library	Address	Distance and direction from project site (approximate)
Walnut Creek Library	1644 North Broadway	0.53 mile south
Pleasant Hill Temporary Library	100 Gregory Lane	2.65 miles north
Lafayette Library	3491 Mount Diablo Boulevard	3.04 mile west

Source: Contra Costa County Library. 2021. Find a Location. Website: https://ccclib.bibliocommons.com/locations/?_ga=2.50742945.946254705.1634246767-218346008.1634246767. Accessed: October 14, 2021.

3.13.4 - Regulatory Framework

State

California Building Code

The State of California provides a minimum standard for building design through the California Building Standards Code (CBC), which is in Part 2 of Title 24 of the California Code of Regulations. The CBC is based on the 1997 Uniform Building Code but has been modified for California conditions; it is considered to reflect some of the most stringent standards in the nation. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local, City, and County building officials for compliance with the CBC. Typical fire safety requirements of the CBC include: the installation of sprinklers in all high-rise buildings; the establishment of fire-resistant standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

California Fire Code

The California Fire Code incorporates, by adoption, the International Fire Code of the International Code Council, with California amendments. This is the official Fire Code for the State and all political subdivisions. It is in Part 9 of Title 24 of the California Code of Regulations. The California Fire Code is revised and published every three years by the California Building Standards Commission,

California Health and Safety Code

California Health and Safety Code, Sections 13100–13135, establish the following policies related to fire protection:

- **Section 13100.1:** The functions of the office of the State Fire Marshall, including the California Department of Forestry and Fire Protection (CAL FIRE), shall be to foster, promote, and develop strategies to protect life and property against fire and panic.
- **Section 13104.6:** The Fire Marshall has the authority to require fire hazards to be removed in accordance with the law relating to removal or public nuisances on tax-deeded property.

California Senate Bill 50

Senate Bill (SB) 50 (funded by Proposition 1A, approved in 1998) limits the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new development and provides instead for a standardized developer fee. SB 50 generally provides for a 50/50 State and local school facilities funding match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether State funding is available, whether the school district is eligible for State funding and whether the school district meets certain additional criteria involving bonding capacity, year-round school, and percentage of movable classrooms in use.

SB 50 added the following language to Government Code Section 65996:

(b) The provisions of this chapter are hereby deemed to provide full and complete school facilities mitigation and, notwithstanding Section 65858, or Division 13 (commencing with Section 21000) of the Public Resources Code, or any other provision of state or local law, a state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization, as defined in Section 56021 or 56073, on the basis that school facilities are inadequate.

(c) For purposes of this section, "school facilities" means any school-related consideration relating to a school district's ability to accommodate enrollment.

(d) Nothing in this chapter shall be interpreted to limit or prohibit the ability of a local agency to utilize other methods to provide school facilities if these methods are not levied or imposed in connection with, or made a condition of, a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or a change in governmental organization or reorganization, as defined in Section 56021 or 56073. Nothing in this chapter shall be interpreted to limit or prohibit the assessment or reassessment of property in conjunction with ad valorum taxes, or the placement of a parcel on the secured roll in conjunction with qualified special taxes as that term is used in Section 50079.

California Government Code, Section 65995(b) and Education Code, Section 17620

SB 50 amended Section 65995 of the California Government Code, which contains limitations on Section 17620 of the Education Code, the statute that authorizes school districts to assess development fees within school district boundaries. Section 65995(b)(3) of the Government Code requires the maximum square footage assessment for development to be increased every 2 years, according to inflation adjustments. School districts may levy higher fees if they apply to the State and meet certain conditions.

Mitigation Fee Act

The Mitigation Fee Act requires any local agency establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put. The agency must also demonstrate a reasonable relationship between the fee and the

purpose for which it is charged, and between the fee and the type of development project on which it is to be levied.

On October 3, 2012, the mitigation fee charged to developers was established and approved by the AUHSD at $3.48 per square foot for residential development and $0.56 for commercial construction. An agreement between AUHSD and the WCSD, as well as the Moraga School District, Orinda School District and Lafayette School District, which are all elementary school districts within the AUHSD, will split the collected fees at 30 percent for the high school district and 70 percent for the elementary districts.[9]

Quimby Act

The Quimby Act of 1975 authorizes cities and counties to pass ordinances requiring developers to set aside land, donate conservation easements, or pay fees for park improvements. The Quimby Act sets a standard park space to population ratio of up to 3 acres of park space per 1,000 persons. Cities with a ratio of higher than 3 acres per 1,000 persons can set a standard of up to 5 acres per 1,000 persons for new development. The calculation of a city's park space to population ratio is based on a comparison of the population count of the last federal census to the amount of city-owned parkland.

Local

City of Walnut Creek

Walnut Creek General Plan

The following General Plan goals, policies, and actions relevant to public services are relevant to this analysis.

Chapter 2: Quality of Life

Goal 7 **Promote strong community support systems for families and individuals of all ages.**

Policy 7.3 Facilitate the provision of safe, affordable, high-quality childcare facilities and services to families who reside or work in Walnut Creek.

Action 7.3.4 Encourage developers to include childcare programs and/or facilities in large commercial and residential developments.

Action 7.3.5 Encourage the establishment of childcare centers near the Walnut Creek and Pleasant Hill BART stations.

Chapter 3: Natural Environment

Goal 6 **Acquire additional parklands.**

Policy 6.1 Plan park acquisitions and provide parkland and facilities adequate to support the city's recreational needs, activities, and programs.

[9] Acalanes Unified High School District. 2017. Annual Accounting of Developer Fees for the 2016-2017 Fiscal Year.

Action 6.1.1 Maintain 5 acres of parkland per 1,000 people.

Chapter 6: Safety and Noise

Goal 4 **Strive to prevent and reduce fire damage related to fire hazards.**

Policy 4.2 Work with the Contra Costa County Fire Protection District toward addressing fire response times and other fire-related issues inside the planning area.

Action 4.2.1 Require that all new development or redevelopment plans be submitted to the fire district for review.

Goal 5 **Promote public safety.**

Policy 5.2 Maintain a response time of less than 5 minutes for emergency calls and for other calls less than 20 minutes, 95 percent of the time.

Policy 5.5 Seek ways to reduce police service demands through project design enhancements.

Action 5.5.2 Submit all discretionary permits to the Police Department for analysis of and recommendations to reduce crime.

North Downtown Specific Plan

Chapter 6 of the NDSP addresses infrastructure, which includes a discussion of police and fire services. The NDSP does not include specific policies with respect to police and fire. The NDSP notes that additional police and fire stations are not expected to be needed in the NDSP area with implementation of the NDSP.

Walnut Creek Municipal Code Parkland Dedication

Section 10-1.602 of the City's Municipal Code requires new residential subdivisions to either dedicate land or pay an in-lieu fee for parks or recreational purposes. Fees in lieu of land dedication are based upon the average estimated fair market value of land, which would otherwise be required to be dedicated according to the City's formula for dedication of land. The City requires both a dedication of land and a payment of an in-lieu fee for subdivisions of over 50 lots, or a condominium project, stock cooperative, or community apartment project with more than 50 dwelling units.

3.13.5 - Thresholds of Significance

Utilizing the guidance in the CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to public services and recreation are significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

> . . . result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order

to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

b) Police protection?

c) Schools?

d) Parks?

e) Other public facilities (i.e., library facilities)?

f) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

g) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

3.13.6 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

As described more fully therein and below, the 2019 NDSP EIR programmatically evaluated the potential public services and recreation impacts that could result from implementation of the contemplated development under the NDSP. It did not identify the need to provide new or physical altered government facilities or the need for new or physically altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives with respect to fire and police protection, schools, park and recreation facilities, and other public facilities. This determination was based, in part, on the conclusion that development under the NDSP would be required to adhere to applicable federal, state, and local laws and regulations, including the CBC and California Fire Code and would also be mandated to pay applicable impact and in lieu fees pursuant to the Mitigation Fee Act, the Quimby Act, and the Walnut Creek Municipal Code (Municipal Code) Parkland Dedication, Section 10-1.602 of the Municipal Code (refer to Section 4.10, Public Services and Recreation, of the 2019 NDSP EIR; pages 4.10-5 to 4.10-10). Accordingly, the 2019 NDSP EIR found that there would be a less than significant impact in this regard, and thus no mitigation measures were required with respect to public services and recreation. As described below, the conclusions of the 2019 NDSP EIR would not substantially change because of the proposed project.

Proposed Project Analysis and Conclusion

Fire Protection

Impact PUB-1:	**The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated the General Plan and information provided by CCCFPD with respect to potential impacts related to fire protection and emergency medical service and concluded that growth projected as part of implementation of the NDSP could increase the number and frequency of calls for service; however, response times for many calls from within the NDSP area would be expected to fall within the CCCFPD's response time goal of five minutes because Fire Station No. 1 is located within the NDSP area. Moreover, Action 4.2.1 in Chapter 6, Safety and Noise, of the General Plan requires review by the CCCFPD of all new development or redevelopment to help ensure adequate fire protection and emergency medical service can be provided, and this review would also ensure conformance with applicable provisions of the California Building Code (CBC) and California Fire Code (included in the CBC). Finally, the 2019 NDSP EIR concluded that the need for expanded or new fire facilities would be project-specific, and any new or expanded fire facilities would involve obtaining the necessary approvals and completing any required environmental review pursuant to CEQA. Based on the foregoing, the 2019 NDSP EIR found that implementation of the NDSP would have a less than significant impact with respect to the need for new or altered fire protection facilities.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area and near existing fire protection facilities, it is not anticipated that the proposed project would have a substantial adverse effect with respect to fire protection and emergency medical services.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to fire protection and emergency medical services. As explained more fully in Appendix B, Scenario 3 would represent the reasonable worst-case scenario with respect to fire protection services, and thus is the Scenario evaluated in this analysis.

Development of the proposed project would result in an increase in population, employment, and building space, which would result in an increased demand for fire services. The nearest Fire Station, Station No. 1, at 1330 Civic Drive, is approximately 0.4 mile south of the project site. As provided in the 2018 CCCFPD Annual report, the most recent report available, the CCCFPD averaged 4 minutes and 38 seconds, which exceeds the 5 minute response time goal set by the General Plan (Policy 5.2 in Chapter 6, Safety and Noise).[10] Though the proposed project would likely increase calls for service to a certain extent given the increase in residential and non-residential population, because the project site is within an urbanized environment with existing uses that are currently adequately

[10] Contra Costa Fire Protection District. 2018. Annual Report 2018. Website: https://cccfpd.org/2018-annual-report/. Accessed September 20, 2022.

served by the CCCFPD from a fire station less than 0.5 mile from the project site, it is not anticipated that it would require the need for new or expanded facilities.

Furthermore, consistent with the 2019 NDSP EIR, all individual specific development proposal(s) submitted in connection with development of the project site would be required to comply with all applicable laws, regulations, plans and policies including, among others, Action 4.2.1 in Chapter 6, Safety and Noise, of the General Plan, which requires review by the CCCFPD of all new development or redevelopment to confirm conformance with applicable provisions of the CBC, which includes the California Fire Code (Part 9 of the CBC). For example, this review would ensure each specific individual development proposal follows standards for fire safety such as fire flow requirements for buildings, fire hydrant location and distribution criteria, automated sprinkler systems, and fire-resistant building materials. Moreover, each Applicant for an individual specific development proposal on the project site would be required to pay applicable development impact fees to ensure a proportionate fair share contribution toward any future fire protection facilities needed to serve the CCCFPD service area. Consistent with the 2019 NDSP EIR, by adhering to applicable laws and regulations, including applicable provisions in the CBC, General Plan, and Municipal Code, the proposed project would not create the need for new or altered fire protection facilities. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Police Protection

Impact PUB-2:	**The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated information from the General Plan, WCPD, and the Bay Area Rapid Transit (BART) Police Department with respect to potential impacts associated with providing police protection to the development contemplated in the NDSP and concluded that growth projected as part of implementation of the NDSP could increase the demand for police and public safety services and lead to increased levels of reported crimes within the NDSP area. However, the 2019 NDSP EIR found that as development associated with the implementation of the NDSP is completed over time, WCPD would be able to maintain a similar ratio of sworn police officers to residents and would continue to provide adequate police services to the NDSP area given the number of sworn officers and anticipated residents and employees associated with implementation of the NDSP. In addition, the 2019 NDSP EIR found that the need for expanded or new police facilities would be project-specific, and any new or expanded police facilities would require permitting and review in accordance with CEQA. Based on the foregoing, the 2019 NDSP EIR found that the NDSP would have a less than significant impact with respect to the need for new or altered police protection facilities.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area and near existing police protection facilities, it is not anticipated that the proposed project would have a substantial adverse effect with respect to police protection.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to police protection. As explained more fully in Appendix B, Scenario 3 would represent the reasonable worst-case scenario with respect to police protection services, and thus is the Scenario evaluated in this analysis. Consistent with the 2019 NDSP EIR, development of the proposed project would result in an increase in population, employment, and building space, which would result in an increased demand for police services from WCPD. The project site is located about 0.5 mile from the WCPD at North Main Street; assuming that response calls originated from the WCPD and involved emergency calls, response would be less than one minute to the project site. Policy 5.2 in Chapter 6, Safety and Noise, in the General Plan sets forth a response time goal of less than 5 minutes for emergency calls and less than 20 minutes for other calls, 95 percent of the time. Based on the most recent information available as of this writing, the WCPD maintained average response times to Priority 1 (emergency) calls of between 3 minutes and 38 seconds and 4 minutes and 16 seconds, an average response time for Priority 2 (urgent, but not an emergency) and Priority 3 (all other calls) calls of below 7 minutes between 2017 and 2021, as shown in Table 3.13-4, which is meeting the response time goals.[11]

Table 3.13-4: Walnut Creek Police Department Dispatch Calls and Priority 1, 2, and 3 Response Times

Year	Phone Calls into Dispatch	Dispatched Calls for Service	Average Response Time–Priority 1 (Emergency) Call	Average Response Time–Priority 2 (Urgent) Call	Average Response Time–Priority 3 (Urgent) Call
2017	84,940	42,374	03:38	5:08	6:27
2018	85,857	42,124	04:04	5:11	6:37
2019	80,418	42,277	03:42	5:23	6:15
2020	73,968	31,808	3:58	4:59	6:09
2021	Not Available	Not Available	4:16	4:54	6:03

Sources:
Walnut Creek Police Department. 2022. Policies and Transparency Information. Website: https://www.walnut-creek.org/departments/public-safety/police/policies-and-transparency-information. Accessed September 20, 2022.
Walnut Creek Police Department. 2023. Mixed Use Special District Project: Walnut Creek Police Questionnaire. January 5.

[11] Walnut Creek Police Department. 2022. Policies and Transparency Information. Website: https://www.walnut-creek.org/departments/public-safety/police/policies-and-transparency-information. Accessed September 20, 2022.

Potential challenges the proposed project may present include noise transferring from one use of a building (a bustling restaurant/bar or store) to a residential dwelling. In addition, calls associated with the multi-family residential use (i.e., civil disputes and thefts) could result in additional calls for service. Though the proposed project would likely increase calls for service to a certain degree, because the project site is within an urbanized environment with existing uses that are currently adequately served by the WCPD from a police station about 0.5 mile from the site, it is not anticipated that it would require the need for new or expanded facilities.[12] As such, it is not expected that the proposed project would substantially impair the ability to maintain the above-referenced response time goal or increase the use of existing police protection facilities such that substantial physical deterioration, alteration, or expansion of these facilities would be required, thereby triggering environmental impacts. Moreover, each Applicant for an individual specific development proposal on the project site would be required to pay applicable development impact fees for police protection to ensure a proportionate fair share contribution toward any future police facilities and equipment to serve additional demands for police services in Walnut Creek.

Consistent with the 2019 NDSP EIR, an adequate police response time to serve the proposed project can be maintained without triggering the need for new or expanded police facilities; moreover, payment of applicable development impact fees for police protection would help to ensure that adequate response times could be maintained throughout WCPD's service area. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Schools

Impact PUB-3:	**The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated information provided by the WCSD and AUHSD with respect to potential impacts associated with schools in connection with the development contemplated in the NDSP and concluded that growth projected as part of implementation of the NDSP could generate new students in both the WCSD and AUHSD, possibly requiring the expansion of school facilities. However, the 2019 NDSP EIR concluded that any such development under the NDSP would be subject to the Mitigation Fee Act. The payment of such fees is deemed to fully mitigate the impacts of new development on school facilities, pursuant to California Government Code Section 65995. Moreover, the 2019 NDSP EIR noted that the need for any new or expanded school facilities would

[12] Walnut Creek Police Department. 2023. Mixed Use Special District Project: Walnut Creek Police Questionnaire. January 5.

require permitting and review in accordance with CEQA. Based on the foregoing, the 2019 NDSP EIR concluded that the NDSP would have a less than significant impact with respect to the need for new or altered school facilities.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area and near existing school facilities and would be required to pay applicable school fees, it is not anticipated that the proposed project would have a substantial adverse effect with respect to schools.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to schools.

As explained more fully in Appendix B, Scenario 3 would represent the reasonable worst-case scenario with respect to schools, and thus is the Scenario evaluated in this analysis. The project site is located within the WCSD (grades K–8) and AUHSD (grades 9–12). Applying a generation rate of 0.2 for kindergarten through eighth grade students for every residential unit and a generation rate of 0.17 for high school students for every residential unit,[13] development under Scenario 3 would be expected to generate approximately 132 students in kindergarten through eighth grade and 112 high school (9-12 grade) students.[14,15] Elementary school-age residents of the project site would likely attend Buena Vista Elementary, located approximately 0.42 mile northwest of the project site. Since 2017, Buena Vista Elementary had a peak enrollment of 502 students in the 2019 to 2020 school year (see Table 3.13-2). It is assumed that middle school-age residents would attend Walnut Creek Intermediate, located approximately 0.25 miles east of the project site, which had a peak enrollment of 1,103 students in the 2017-2018 school year (see Table 3.13-2). As shown in Table 3.13-2, since 2017, the peak enrollment year for WCSD was the 2019-2020 school year with a total of 3,739 students. As of 2018, the most recently available data, WCSD has a capacity for approximately 3,976 students.[16] Therefore, it is anticipated that WCSD would have the capacity to accommodate the additional elementary and middle school aged students associated with the proposed project.

AUHSD has a current enrollment of 5,436 and a capacity for 6,831 students.[17] AUHSD confirmed that high school students would be expected to attend Las Lomas High School, located approximately 1.25 mile south of the project site. Its current enrollment is 1,571 with a capacity of 1,944

[13] While Scenario 3 would involve the development of some nonresidential uses as well, it is reasonable to conclude these types of uses would generate only nominal, if any, additional demand for school services. Therefore, only residential uses are utilized in this analysis to determine the proposed project's anticipated school demand.

[14] For planning purposes, the Walnut Creek School District (WCSD) recommends using a rate of 0.2 students per dwelling unit to estimate enrollment increase for new development for kindergarten, elementary, and middle school (0.2 X 658 units = 131.6 students) and the Acalanes Unified High School District (AUHSD) recommends using a rate of 0.17 students for high school (0.17 x 658 units = 111.86 students).

[15] City of Walnut Creek. 2018. North Downtown Specific Plan Public Review Draft Environmental Impact Report: Chapter 10, Public Services and Recreation. June.

[16] Walnut Creek School District (WCSD). 2018. Residential Development School Fee Justification Study.

[17] Bautista, Julie. Chief Business Official, Acalanes Union High School District. Personal communication: letter sent via email. January 3, 2022.

students.[18] Therefore, Las Lomas High School would have the capacity to accommodate the additional high school students from the proposed project, and AUHSD confirmed there would be no potential challenges associated with the proposed project for enrollment up to their capacity.[19]

As such, it is expected there would be sufficient school capacity to accommodate the proposed project and no new or expanded school facilities would be triggered thereby. As noted below, pursuant to state law, payment of the applicable school fees by each Applicant in connection with its individual specific development proposal constitutes full and complete mitigation under the law. Pursuant to Government Code Section 65995, payment of adopted applicable school fees is considered "full and complete mitigation" for impacts to school facilities, and local governments are prohibited from assessing additional fees or exactions for school impacts.[20]

Consistent with the 2019 NDSP EIR, with payment of applicable school fees pursuant to state law, the proposed project would not create a need to construct new or expand existing school facilities. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Parks

Impact PUB-4:	**The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated information provided by Walnut Creek Recreation the WCSD, and the AUHSD with respect to potential impacts associated with providing parks in connection with development contemplated in the NDSP and found that growth projected as part of implementation of the NDSP could increase the use of parks; and that if no parkland was created by 2040, the City would provide approximately 4.25 acres per 1,000 residents, below the established minimum of 5 acres per 1,000 residents. However, the 2019 NDSP EIR concluded that continued implementation of the parkland dedication requirements established in Title 10, Chapter 12 of Municipal Code would ensure that additional parkland is provided as development under the NDSP occurs in the City over

[18] Bautista, Julie. Chief Business Official, Acalanes Union High School District. Personal communication: letter sent via email. January 3, 2022.
[19] Ibid.
[20] California Legislative Information. 2016. Chapter 4.9. Payment of Fees, Charges, Dedications, or Other Requirements Against a Development Project [65995-65998). Website: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65995. Accessed October 12, 2021.

time to serve existing and future residents. Based on the foregoing, it concluded that the NDSP would have a less than significant impact with respect to the need for new or altered park facilities.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area and near existing park facilities and would be required to pay applicable parkland in lieu fees, it is not anticipated that the proposed project would have a substantial adverse effect with respect to parks.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to parks. As explained more fully in Appendix B, Scenario 3 would represent the reasonable worst-case scenario with respect to parks, and thus is the Scenario evaluated in this analysis.

Because the proposed project does not include the construction of public parks, each Applicant for a specific individual development proposal would be required to pay the applicable in lieu fee for park and recreational purposes to the City pursuant to Title 10, Chapter 12 of the Municipal Code and the state Quimby Act. For the foregoing reasons, with the payment of applicable in lieu fees, the proposed project would not create a need to construct new or expand existing park facilities in order to meet performance objectives. Any new or expanded park facilities built by the City as part of its broader capital improvement program would be required to obtain the necessary approvals and complete any required environmental review pursuant to CEQA. Consistent with the 2019 NDSP EIR, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Need for New or Altered Library Facilities

Impact PUB-5:	**The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities (i.e., library facilities).**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR did not evaluate the need for any new or expanded library facilities.

Supplemental Analysis of the Proposed Project

As explained more fully in Appendix B, Scenario 3 would represent the reasonable worst-case scenario with respect to library facilities, and thus is the Scenario evaluated in this analysis. The project site is located within the Contra Costa County Library System, which provides public library services to the unincorporated and incorporated areas of the County. Libraries near the project site are provided in Table 3.13-3. The General Plan does not include a specific standard or goal for the provision of library services. The Contra Costa County Library Strategic Plan Progress Report provides a review of goals and objectives the Contra Costa County Library System has set for itself. The report did not indicate the need for new library facilities.[21]

Residents and employees associated with the proposed project would represent a nominal increase compared with the existing County population of approximately 1.1 million residents served by the Contra Costa County Library System. The proposed project's estimated increase in persons would represent an increase of less than 1 percent relative to the existing residents served by the Contra Costa County Library System. With adequate relevant library system capacity, the proposed project would not create a need to construct new or expand existing library facilities under Scenario 3 (or any other Scenario). Therefore, impacts related to need for new or altered public library facilities would be less than significant.

Level of Significance

Less than significant impact.

Increased Use of Existing Parks

Impact PUB-6:	**The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR did not provide an analysis of the impacts of implementation of the NDSP on existing neighborhood and regional parks. Please refer to Impact PUB-3 for the analysis provided in the 2019 NDSP EIR with regard to the need to construct new or expanded existing park facilities to meet performance objectives.

Supplemental Analysis of the Proposed Project

As explained more fully in Appendix B, Scenario 3 would represent the reasonable worst-case scenario with respect to increasing the use of existing parks, and thus is the Scenario evaluated in this analysis.

[21] Contra Costa County Library. 2021. Contra Costa County Library Strategic Plan. Website: https://ccclib.org/wp-content/uploads/sites/72/2021/09/ADM-Strategic-Plan-Progress-Report.final-2021E.pdf. Accessed September 26, 2022.

The City has over 3,000 acres of parks, open space, and recreational areas, providing approximately 45.5 acres per 1,000 population.[22] As of 2021, the population of the City was 70,566.[23] The City is currently exceeding its parkland ratio target as it provides a total of 411 acres of parkland, resulting in a parkland ratio of 5.8 acres per 1,000 residents.[24] The proposed project does not include the construction of neighborhood serving or regional public parks.

The nearest public park to the project site is Civic Park, which includes approximately 16.7 acres of playground, recreational courts, connections to the Iron Horse Trail and a community center, and is located approximately 0.34 miles southeast. As noted above, the City operates 16 local community parks, totaling 411 acres, as well as over 3,000 acres of open space and a municipal golf course. The WCSD and AUHSD also provide joint recreational facilities for public use. Given the wide range of existing proximate parks and recreational facilities available to the residents of the proposed project as well as other project users, it is reasonable to conclude that the recreational needs of the proposed project would be dispersed across the existing neighborhood serving or regional parks parkland and thus would not result in an increased use that would cause substantial physical deterioration of existing neighborhood and regional parks or other recreational facilities. The proposed project includes the construction and dedication of a public trail easement on Site A, which would facilitate enhanced pedestrian and bicycle connectivity and encourage the use of alternative modes of transportation.

Because the proposed project does not include the construction of new parks or other public recreational facilities (other than the public trail on Site A), each Applicant for an individual specific development proposal would be required to pay the applicable in lieu fee for park and recreational purposes to the City pursuant to Title 10, Chapter 12 of the Municipal Code. Based on the foregoing, impacts related to potential increased use and physical deterioration of existing parks and recreational facilities would be less than significant under Scenario 3 (or any other Scenario).

Level of Significance

Less than significant impact.

Recreational Facilities—Physical Effect on Environment

Impact PUB-7: **The proposed project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR considered the potential impacts associated with the construction of expansion of recreational facilities as part of the implementation of the NDSP and concluded that continued implementation of the parkland dedication requirements established in Title 10, Chapter 12 of Municipal Code would ensure that additional parkland is provided to serve existing and future residents as development occurs in the City. It concluded that the NDSP would have a less than

[22] City of Walnut Creek. 2017. City of Walnut Creek General Plan 2025.

[23] California of Department of Finance. 2021. Table E-1 Cities, Counties, and the State Population Estimates with Annual Percent Change–January 1, 2020 and 2021. Website: https://www.dof.ca.gov/forecasting/demographics/estimates. Accessed November 2, 2022.

[24] 411 acres of parkland/70,566 residents = .00582 acres of parkland/resident or 5.82 acres per 1,000 residents.

significant impact with respect to the expansion of recreational facilities that would have an adverse effect on the environment.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area and near existing park, open space, and recreational facilities and each Applicant for an individual specific development proposal would be required to pay applicable parkland in lieu fees, and because the proposed project does not involve the construction or expansion of any significant recreational facilities (beyond potential on-site private amenities typical of the type of multi-family residential development contemplated and the public trail improvements on Site A), it is not anticipated that the proposed project would have a substantial adverse effect in this regard.

This analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to the construction or expansion of recreational facilities. As explained more fully in Appendix B, Scenario 3 would represent the reasonable worst-case scenario with respect to the expansion of recreational facilities. An individual specific development proposal has not been submitted to the City; however, for purposes of this analysis, it is assumed that the multi-family residential component of Scenario 3 would involve certain on-site, private recreational amenities typical of this type of development to serve the proposed project. The proposed project also would involve the construction and dedication of a public trail easement on Site A, which would facilitate pedestrian and bicycle connectivity and encourage use of alternative modes of transportation. Beyond these typical private amenities and public trail improvements, the proposed project would not involve the construction or expansion of any park or recreational facilities, and therefore would not have an adverse physical effect on the environment in this regard. As described in Impact PUB-4, because the proposed project does not include the construction of parks, each Applicant in connection with an individual specific development proposal would be required to pay the applicable in lieu fee for park and recreational purposes to the City pursuant to Title 10, Chapter 12 of the Municipal Code and the state Quimby Act. Consistent with the 2019 NDSP EIR, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

3.13.7 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

As noted in the NDSP EIR, the geographic scope for cumulative impacts for public services and recreation is the NDSP area because this is an area defined by the City that would be similarly served

by public services. The 2019 NDSP EIR evaluated whether implementation of the NDSP, along with other cumulative development, would result in a significant cumulative effect with respect to fire protection, police protection, schools, parks and recreation. It concluded that while demand for public services would increase in the cumulative context, there would not be a significant cumulative impact in this regard because service providers would regularly review the growth in population and new projects to identify any resultant need for additional staffing. The 2019 NDSP EIR also concluded that implementation of the NDSP would not have a cumulatively considerable contribution to this already less than significant cumulative impact.

Supplemental Analysis of the Proposed Project

Consistent with the cumulative analysis in the 2019 NDSP EIR, the appropriate geographic context for cumulative impacts for public services is the NDSP area because of the similarity in existing conditions. Cumulative projects within the NDSP area consist of projects assumed under the 2019 NDSP EIR.

Consistent with the 2019 NDSP EIR, the proposed project, combined with other cumulative development, would result in an increase in a demand for public services including fire protection and emergency services, police protection, schools, libraries, and park and recreational facilities. However, the proposed project, as well as other cumulative development in the NDSP area, would be in an already-urbanized area with ready access to the foregoing public facilities that are well-established in the Walnut Creek community. Moreover, consistent with the cumulative analysis set forth in the 2019 NDSP EIR, it is reasonable to assume that service providers would regularly review the needs of their users within their respective service areas and plan accordingly from a capital improvement as well as operation and maintenance perspective, and that such master planning efforts would help to ensure sufficient availability of public services for the growth in population associated with the proposed project, as well as other cumulative development. In addition, consistent with applicable policies and plans, it is reasonable to assume that service providers would identify whether and to what extent a specific proposal triggered the need for additional staffing or facilities. Cumulative projects would similarly be required to pay applicable development impact and in lieu fees, and any new or expanded facilities that are built to provide public services would be required to obtain the necessary approvals and complete any required environmental review pursuant to CEQA. The foregoing would ensure there would be less than significant cumulative impacts in this regard. Moreover, the foregoing would further ensure that the proposed project, which would be located in close proximity to ample public services with capacity to serve its residents and other users would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

3.14 - Transportation

3.14.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports, studies, and other materials have been prepared to document the information necessary to make the certified North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes the existing setting as well as the relevant regulatory framework with respect to transportation and potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth in the 2019 NDSP EIR. The analysis in this section is based, in part, on the Transportation Analysis (TA) prepared by W-Trans, which can be found in Appendix J.[1]

The following comments were received during the Notice of Preparation (NOP) scoping period for this Draft Supplemental EIR (Draft SEIR) related to transportation:

- Request to complete a Vehicle Miles Traveled (VMT) analysis and provide justification for project exemption from VMT analysis, if applicable;
- Requests for a schematic illustration of walking, biking, and automobile conditions at the project site and study area roadways and an evaluation of primary and secondary effects of the proposed project on pedestrians, bicyclists, travelers with disabilities, and transit performance;
- Requests for completion of a Transportation Demand Management (TDM) program and examples of mitigation strategies; and
- Request to include a discussion of transportation impact fees.

3.14.2 - Scenario Evaluation

As noted in Chapter 2, Project Description, the applicant is requesting that the City approve amendments to the NDSP (along with conforming amendments to the Walnut Creek General Plan [General Plan] and Municipal Code to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service and ancillary uses as well as a range of additional potential compatible uses such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific individual development proposal for the project site has been formally submitted to the City; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed project, this Draft SEIR considers three potential development scenarios (as described further below) that reflect a

[1] W-Trans. 2022. CEQA Only Transportation Analysis for the Walnut Creek North Downtown Specific Plan Supplemental EIR. November 29.

reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates [Site D], and an approximately 0.82-acre property [Site E] located adjacent to Site A). This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

For purposes of the analysis set forth in this Section 3.14, Transportation, the City and its CEQA consultant conducted a preliminary assessment of each of the potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) in order to determine the scenario that would result in the "reasonable worst-case" under each environmental topic area (see Appendix B, Comparative Summary of Potential Impacts). For the reasons set forth in Appendix B, it was determined that the relative impact of each of Scenario would be substantially the same. Because Scenario 3 (auto sales and service, office, and multi-family residential) is assumed to result in the greatest impact for most of the environmental topics (see further discussion under Category 3 in Appendix B), to provide consistency in the analysis within the Draft SEIR, when a Scenario would result in substantially the same effects, this Draft SEIR evaluates impacts assuming development of Scenario 3, the Scenario that is most often the "reasonable worst-case scenario." Therefore, impacts with respect to transportation are evaluated assuming development of Scenario 3.

3.14.3 - Environmental Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. Additional information about the existing conditions related to transportation in the North Downtown Specific Plan (NDSP) area, including the project site and vicinity, at the time of certification of the 2019 NDSP EIR can be found at pages 4.2-1 through 4.2-76 the 2019 NDSP EIR.

Study Area

The study area varies depending on the topic. For pedestrian trips, it consists of all streets within 0.5-mile of the project site that would lie along primary routes of pedestrian travel, or those leading to nearby generators or attractors of pedestrians. For bicycle trips, it consists of all streets within 1 mile of the project site that would lie along primary routes of bicycle travel.

For the safety and non-CEQA related operational analyses, the study area, developed in consultation with City staff, consists of the project frontage and the following intersections:[2]

1. North Main Street/San Luis Road
2. North Main Street/Penniman Way
3. Penniman Way/Lawrence Way-Interstate 680 (I-680) North Ramp
4. Hillside Avenue/SR-24 West On-Ramp
5. Parkside Drive/Hillside Avenue

[2] This list of intersections was determined in consultation with the City of Walnut Creek transportation engineer.

6. Parkside Drive/Buena Vista Avenue
7. Parkside Drive/San Juan Avenue
8. Parkside Drive/Riviera Avenue
9. North Main Street/Parkside Drive
10. Parkside Drive/Lawrence Way
11. North Broadway/Parkside Drive
12. North Civic Drive/Parkside Drive
13. North Main Street/North California Boulevard-Lawrence Way
14. North Broadway/Pine Street
15. North Civic Drive/Pine Street
16. North California Boulevard/Pringle Avenue
17. North Main Street/Pringle Avenue
18. North Main Street/Central Road
19. North Broadway/Central Road

In addition to the study intersections, the non-CEQA operational analysis also includes the segment of Ygnacio Valley Road between Interstate -680 (I-680) and Oak Grove Road, as well as the I-680 and State Route (SR) 24 freeways and ramps near the study area.

Study Intersections

North Main Street/San Luis Road is a signalized intersection with crosswalks on all four legs and curb ramps at all corners. The left turns on North Main Street have protected phasing, and the approaches on San Luis Road have permitted left-turn phasing. There is a bicycle lane on North Main Street in the northbound direction, and there are shared lane markings on San Luis Road that are intended to increase awareness to motorists and bicyclists that bicycles are permitted in the vehicle lane and that all roadway users share the road.

North Main Street/Penniman Way is a signalized tee intersection with crosswalks across the south and east legs. The left-turn movement on the northbound approach has protected phasing and provides U-turn access (there is no westbound departure to receive a left turn).

Penniman Way/Lawrence Way-I-680 North On-Ramp is a four-legged signalized intersection with split phasing for all three approaches. There are curb ramps and a crosswalk for the south leg of Lawrence Way. The north leg serves departures only, providing access to I-680 North.

Hillside Avenue/SR-24 West On-Ramp is a three-legged uncontrolled intersection with crosswalks and curb ramps on the north and east legs and shared lane markings on Hillside Avenue. The east leg provides access to SR-24 West.

Parkside Drive/Hillside Avenue is four-way stop-controlled intersection. The south leg has a crosswalk and curb ramps, and there are shared lane markings on the south and east legs.

Parkside Drive/Buena Vista Avenue is a four-legged stop-controlled intersection. All legs include crosswalks and curb ramps, and there are shared lane markings on the west, east, and north legs.

Parkside Drive/San Juan Avenue is a Y-shaped stop-controlled intersection with crosswalks and curb ramps on all three legs and shared lane markings on the two Parkside Drive legs.

Parkside Drive/Riviera Avenue is a four-legged intersection with Riviera Avenue stop-controlled and Parkside Drive uncontrolled. There are crosswalks and curb ramps on the south and east legs and shared lane markings on the west and south legs.

North Main Street/Parkside Drive is a four-way signalized intersection with protected left-turn phasing in all four directions. There are curb ramps and crosswalks for all legs.

Parkside Drive/Lawrence Way is a signalized intersection with three legs, including the one-way outbound north leg. The signal operates with two phases, including one each for the westbound through and eastbound left-turn movements while the eastbound through movement is uncontrolled. There are curb ramps and a crosswalk on the north leg.

North Broadway/Parkside Drive is a signalized tee intersection with a protected left turn in the westbound direction. The south and east legs have crosswalks and curb ramps, and there are southbound shared lane markings and a northbound bicycle lane on North Broadway.

North Civic Drive/Parkside Drive is a three-legged intersection with signal control. There are crosswalks and curb ramps for all legs and protected left-turn phasing in the northbound direction.

North Main Street/North California Boulevard-Lawrence Way is a signalized intersection where North California Boulevard intersects North Main Street from the southwest and Lawrence Way and Pine Street are one-way outbound to the northeast and east, respectively. There are crosswalks and curb ramps on the south, east, and northeast legs. The signal phasing alternates between the North California Boulevard approach and both North Main Street approaches.

North Broadway/Pine Street is four-way stop-controlled intersection, with crosswalks and curb ramps on all legs. On North Broadway, there is a northbound bicycle lane and shared lane markings in the southbound direction.

North Civic Drive/Pine Street is a three-legged intersection with signal controls. There are crosswalks and curb ramps on all legs and protected northbound left-turn phasing.

North California Boulevard/Pringle Avenue is a four-way signalized intersection. Crosswalks and curb ramps exist on all legs and there are protected left-turn phases on North California Boulevard. There are bicycle lanes in both directions on the south leg.

North Main Street/Pringle Avenue is a four-way signalized intersection with permitted left-turn phasing in all directions. All legs have crosswalks and curb ramps.

North Main Street/Central Road is a three-legged intersection with stop control on Central Road and no intersection controls on North Main Street. There are a crosswalk and curb ramps on the east leg (Central Road).

North Broadway/Central Road is a three-legged intersection with stop controls on the Central Road leg and no controls on the North Broadway legs. The west leg (Central Road) has curb ramps and a crosswalk, and there are shared lane markings in the southbound direction and bicycle lanes in the northbound direction on North Broadway.

The locations of the study intersections are shown in Exhibit 3.14-1, and the existing lane configurations and controls are shown in Exhibit 3.14-2.

Study Roadway

Ygnacio Valley Road is a Route of Regional Significance as defined by the Contra Costa Transportation Authority (CCTA) that traverses Walnut Creek between I-680 and Oak Grove Road. In the study area, Ygnacio Valley Road has three vehicle lanes and sidewalks on both sides. The speed limit ranges from 30 miles per hour (mph) near I-680 to 45 mph near Oak Grove Road. Signage is posted allowing bicyclists to ride on the sidewalk along the majority of the corridor.

Study Freeways

SR-24 predominately runs east–west, connecting Walnut Creek, Lafayette, Orinda, and Oakland. The freeway has four or five travel lanes in each direction with a posted speed limit of 65 mph. According to most recent pre-COVID pandemic Average Annual Daily Traffic (AADT) volume data available from the California Department of Transportation (Caltrans), the segment of SR-24 within the study area had an average volume of approximately 210,000 vehicles per day in 2017.

I-680 predominately runs north–south, connecting Walnut Creek north to Fairfield and south to San José. The freeway has four to six travel lanes in each direction in the study area, with a posted speed limit of 65 mph and a high occupancy toll (express) lane in the southbound direction. In the study area, I-680 had an AADT of 262,500 vehicles per day in 2017.

Existing Public Transit Service and Facilities

Regional and local fixed-route bus transit service is provided by Contra Costa County through County Connection, Solano Transportation Authority through Soltrans, and Livermore Amador Valley Transit Authority through Wheels. These bus services connect to regional Bay Area Rapid Transit (BART) stations, as well as the Martinez Amtrak and Pleasanton Altamont Corridor Express (ACE) train stations.

Bus stops in downtown Walnut Creek provide a connection between local and regional transit services and the project site as summarized in Table 3.14-1. The nearest bus stops are at Pringle Avenue/North Main Street for Route 4; North Main Street/Parkside Drive for Routes 9 and 98X; Ygnacio Valley Road/Civic Drive for Routes 1, 92X, 93X, and 301; North Civic Drive/Ygnacio Valley Road for Routes 14 and 311; and the Walnut Creek BART station for all other routes. All routes other than Route 92X stop at the Walnut Creek BART station.

Table 3.14-1: Existing Transit Routes

TC Transit Routes					
Transit Agency Route	Distance to Stop (mile)[1] (approx.)	Service			
		Days of Operation	Time	Frequency	Connection
County Connection					
Route 1	0.21	Weekdays	6:00 a.m.–8:00 p.m.	60 min	Rossmoor/Shadelands to Walnut Creek BART
Route 4	0.05	Weekdays Weekends	7:00 a.m.–8:30 p.m. 9:30 a.m.–6:45 p.m.	20 min 20 min	Broadway Plaza to Walnut Creek BART
Route 5	0.33	Weekdays	5:45 a.m.–7:00 p.m.	40 min	Creekside to Walnut Creek BART
Route 9	0.18	Weekdays	6:00 a.m.–9:30 p.m.	60 min	Diablo Valley College to Walnut Creek BART
Route 14	0.28	Weekdays	5:30 a.m.–9:30 p.m.	30 min	Concord to Walnut Creek BART
Route 21	0.33	Weekdays	5:30 a.m.–9:30 a.m.	30-60 min	San Ramon to Walnut Creek BART
Route 92X	0.21	Weekdays	5:30 a.m.–7:30 a.m. 3:30 p.m.–7:45 p.m.	60 min	Walnut Creek to Danville, San Ramon, and Pleasanton ACE Station
Route 93X	0.21	Weekdays	5:00 a.m.–7:30 a.m. 4:00 p.m.–8:00 p.m.	20-50 min	Antioch to Walnut Creek BART
Route 95X	0.33	Weekdays	6:00 a.m.–8:45 a.m. 3:15 p.m.–7:15 p.m.	30 min	San Ramon to Walnut Creek BART
Route 96X	0.33	Weekdays	6:15 a.m.–9:30 a.m. 3:00 p.m.–7:30 p.m.	30 min	San Ramon to Walnut Creek BART
Route 98X	0.18	Weekdays	5:45 a.m.–7:30 p.m.	30-60 min	Martinez to Walnut Creek BART
Route 301	0.21	Weekends	8:30 a.m.–6:30 p.m.	60 min	John Muir to Walnut Creek BART
Route 311	0.28	Weekends	8:30 a.m.–8:30 p.m.	60 min	Concord BART to Walnut Creek BART
Route 321	0.33	Weekends	7:15 a.m.–9:30 p.m.	60 min	San Ramon to Walnut Creek BART
Bay Area Rapid Transit (BART)					
Yellow	0.33	Weekdays Saturdays Sundays	4:45 a.m.–1:45 a.m. 5:45 a.m.–1:45 a.m. 7:15 a.m.–10:45 p.m.	15-30 min 15-30 min 30 min	Antioch to San Francisco International Airport (SFO)

TC Transit Routes					
Transit Agency Route	Distance to Stop (mile)[1] (approx.)	Service			
		Days of Operation	Time	Frequency	Connection
Soltrans					
Route Y	0.33	Weekdays Weekends	5:30 a.m.–11:30 p.m. 6:20 a.m.–9:50 p.m.	90-100 min 100-130 min	Vallejo to Walnut Creek BART
Wheels					
Route 70X[2]	0.33	Weekdays	5:40 a.m.–8:50 p.m. 4:00 a.m.–7:10 p.m.	30 min 30 min	Dublin/Pleasanton BART to Walnut Creek BART

Notes:
[1] Defined as the shortest walking distance between the project site and the nearest bus stop.
[2] Temporarily suspended due to COVID-19 service reductions.
Source: W-Trans. 2022. CEQA Only Transportation Analysis for the Walnut Creek North Downtown Specific Plan Supplemental EIR. November 29.

Two bicycles can be carried on most County Connection, Soltrans, and Wheels buses. Bicycle rack space is on a first-come, first-served basis. Riders are allowed to bring bicycles onto BART if the BART car is not crowded. Bicycles are not allowed in the first car of the train or the first three cars during commute hours. There are designated bicycle priority spaces in each BART car.

LINK Paratransit is designed to serve the needs of individuals within the City and the greater Contra Costa County area who are unable to travel independently. This service operates in all areas of central Contra Costa County that are no more than 1.5 miles from a bus stop or train station.

Bicycle Facilities

In the Caltrans Highway Design Manual (HDM)[3] classifies bikeways into four categories:

- **Class I Multiuse Path**–a completely separated right-of-way for the exclusive use of bicycles and pedestrians with cross flows of motorized traffic minimized.
- **Class II Bike Lane**–a striped and signed lane for one-way bike travel on a street or highway.
- **Class III Bike Route**–signing only for shared use with motor vehicles within the same travel lane on a street or highway.
- **Class IV Bikeway**–also known as a separated bikeway, a Class IV Bikeway is for the exclusive use of bicycles and includes a separation between the bikeway and the motor vehicle traffic lane. The separation may include, but is not limited to, grade separation, flexible posts, inflexible physical barriers, or on-street parking.

Class I, II, and III facilities are present throughout the study area, including the Class I Iron Horse Regional Trail and bicycle lanes on North California Boulevard, North Main Street, and North

[3] California Department of Transportation (Caltrans). 2017. California Department of Transportation Highway Design Manual: 6th Edition.

Broadway. It is noted that bicyclists are allowed to ride on the sidewalk on certain portions of Ygnacio Valley Road. Bicyclists ride in the roadway alongside vehicle traffic on all other roads in the study area. Table 3.14-2 summarizes the existing bicycle facilities in the project vicinity, as contained in the City of Walnut Creek Bicycle Plan (Bicycle Plan) and NDSP.[4] Exhibit 3.14-3 depicts the existing bicycle lanes within and adjacent to the NDSP area.

Table 3.14-2: Existing Bicycle Facility Summary

Facility	Class	Length (miles) (approx.)	Begin Point	End Point
Iron Horse Regional Trail*	I	2.8	Walden Road	Danville Boulevard
North California Boulevard	II	0.8	Pringle Avenue	Olympic Boulevard
North Main Street	II	0.7	Geary Road	San Luis Road
North Broadway	II/III	0.3	Parkside Drive	Ygnacio Valley Road
Buena Vista Avenue	III	0.6	San Luis Road	Parkside Drive
Hillside Avenue	III	0.2	Parkside Drive	I-680
Parkside Drive	III	0.2	Buena Vista Avenue	Riviera Avenue
Riviera Avenue	III	0.3	Parkside Drive	Pringle Avenue
San Luis Road	III	0.9	Conejo Way	North Main Street
Ygnacio Valley Road	III	2.1	I-680	San Carlos Drive

Notes:
Only the portion within the City of Walnut Creek is noted.
Sources:
City of Walnut Creek. 2011. City of Walnut Creek Bicycle Plan
City of Walnut Creek. 2019. North Downtown Specific Plan. October 15.

Pedestrian Facilities

Pedestrian facilities include sidewalks, crosswalks, pedestrian signal phases, curb ramps, curb extensions, and various streetscape amenities such as lighting, benches, etc. In general, a network of sidewalks, crosswalks, pedestrian signals, and curb ramps provide access for pedestrians in the vicinity of the project site.

Vehicle Miles Traveled

In approving Senate Bill (SB) 743 in 2018, the California State Legislature directed the Governor's Office of Planning and Research (OPR) to develop guidelines for assessing transportation impacts based on VMT. In response to SB 743, CEQA and its implementing guidelines (CEQA Guidelines) were significantly amended regarding the methods by which lead agencies are to evaluate a project's transportation impacts for purposes of CEQA review. As described in CEQA Guidelines Section 15064.3(a):

[4] City of Walnut Creek. 2011. City of Walnut Creek Bicycle Plan.

> Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project's effect on automobile delay shall not constitute a significant environmental impact.

This section of the CEQA Guidelines continues to set forth the criteria for analyzing transportation impacts. In October 2020 (i.e., after the adoption of the NDSP and certification of the 2019 NDSP EIR), the City adopted VMT thresholds of significance and local criteria for VMT analysis in Resolution No. 20-70 (Resolution).[5] The Resolution defines the following project types and metrics:

- **Residential**–Use the Home-based VMT per resident;
- **Employment (e.g., office)**–Use the Home-to-work "commute" VMT per employee;
- **Regional-serving (e.g., retail)**–Based on the Total VMT per service population;
- **Mixed-use projects**–Assess each component individually, or base it on the dominant use; and
- **Non-standard projects**–Analyze each component per the metrics above, such as for hospitals using VMT per employee pursuant to the above metric for employees and VMT for patients using the regional-serving metric above.

Vehicle Access

Vehicle access is currently provided to Site A by two driveways off North Broadway, to Site B by a driveway off North Broadway, and to Site C by a driveway off North Broadway. Access is provided to Site D from a driveway off North Broadway, and to Site E from a driveway off Pine Street.

Level of Service

State law has changed with respect to how transportation-related impacts may be addressed under CEQA. Traditionally, lead agencies used Level of Service (LOS) to assess the significance of development impacts, with greater levels of congestion considered to be more significant than lesser levels. Mitigation measures typically took the form of capacity-increasing improvements, which often had their own environmental impacts (e.g., to biological and cultural resources). Depending on circumstances, and an agency's tolerance for congestion (e.g., as reflected in its general plan), projects being evaluated that would result in intersections being at LOS D, E, or F often represented significant environmental effects under CEQA. In 2013, however, the Legislature passed legislation with the intent of ultimately doing away with LOS as a basis for environmental analysis under CEQA. Enacted as part of SB 743, Public Resources Code Section 21099, subdivision (b)(1), directed the OPR to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed CEQA Guidelines addressing "criteria for determining the significance of transportation impacts of projects within transit priority areas. Those criteria shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. In developing the criteria, [OPR] shall recommend potential metrics to

[5] City of Walnut Creek. 2020. Resolution No. 20-70: A Resolution of the City Council of the City of Walnut Creek Adoption "Vehicle Miles Traveled" Thresholds of Significance and Local Criteria for Purposes of Analyzing Transportation Impacts Under the California Environmental Quality Act. October.

measure transportation impacts that may include, but are not limited to, VMT, VMT per capita, automobile trip generation rates, or automobile trips generated. The office may also establish criteria for models used to analyze transportation impacts to ensure the models are accurate, reliable, and consistent with the intent of this section."

Understanding how the local roadway network functions from an engineering standpoint is still useful to local land use agencies to monitor traffic flow, identify safety issues, establish fees, plan circulation infrastructure, and manage congestion in terms of implementing their respective general plans. However, for the purposes of evaluating environmental impacts under CEQA, the new regulations have removed congestion (i.e., LOS analysis) from the range of required subjects analyzed within CEQA documents.

While not required by CEQA, a LOS operational evaluation is required by the General Plan; a separate report including a LOS operational analysis has been prepared to aid the City in its consideration of the proposed project.

3.14.4 - Regulatory Framework

Federal

Intersection Channelization Design Guide

The Intersection Channelization Design Guide,[6] prepared by the Transportation Research Board and adopted in 1985, is based on a review of state design manuals, interviews with design and traffic engineers, review of numerous channelization drawings, and operational studies and provides guidance with respect to intersection channelization design.

State

Assembly Bill 1358

Assembly Bill (AB) 1358, also known as the California Complete Streets Act of 2008, requires cities and counties to include "Complete Streets" policies in their general plans. These policies address the safe accommodation of all users, including bicyclists, pedestrians, motorists, public transit vehicles and riders, children, the elderly, and the disabled. These policies can apply to new streets as well as the redesign of corridors.

Senate Bill 375

Senate Bill (SB) 375 provides guidance regarding reducing emissions from cars and light trucks. There are four major components to SB 375. First, SB 375 requires regional greenhouse gas (GHG) emission targets. These targets must be updated every 8 years in conjunction with the revision schedule of the housing and transportation elements of local general plans. Second, Metropolitan Planning Organizations (MPOs) are required to create a Sustainable Communities Strategy (SCS) that provides a plan for helping to achieve regional targets. Third, SB 375 requires housing elements and transportation plans to be synchronized on 8-year schedules. Finally, MPOs must use transportation and air emissions modeling techniques that are consistent with the guidelines prepared by the

[6] Transportation Research Board National Research Council. 1985. Intersection Channelization Design Guide, Report No. 279.

California Transportation Commission. The applicable SCS for the nine-county Bay Area Region is Plan Bay Area 2050, which was adopted in 2021 by the Association of Bay Area Governments (ABAG)/Metropolitan Transportation Commission (ABAG/MTC).

Senate Bill 743

Passed in 2013, SB 743 changes the focus of transportation impact analysis in CEQA Guidelines from measuring impacts to drivers to measuring the impact of driving. The change was made to replace LOS (delay-based impacts) with VMT (distance-based impacts). This shift in transportation impact focus is intended to better align transportation impact analysis and mitigation outcomes with the State's goals to reduce GHG emissions, encourage infill development, and improve public health through development of multimodal transportation networks. LOS or other delay metrics may still be used to evaluate the impact of projects on drivers in a non-CEQA context as part of land use entitlement review and impact fee programs.

In December 2018, the Natural Resources Agency finalized updates to Section 15064.3 of the CEQA Guidelines, including the incorporation of SB 743 provisions. The changes to the CEQA Guidelines were approved by the Office of Administrative Law and, as of July 1, 2020, and are in effect Statewide.

To help aid lead agencies with SB 743 implementation, OPR produced the Technical Advisory on Evaluating Transportation Impacts in CEQA[7] that provides guidance about the variety of implementation questions lead agencies face with respect to shifting to a VMT metric. Key guidance from this document includes the following:

- VMT is the most appropriate metric to evaluate a project's transportation impact.
- OPR recommends tour- and trip-based travel models to estimate VMT but ultimately defers to local agencies to determine the appropriate tools.
- OPR recommends measuring VMT for residential and office projects on a "per rate" basis.
- OPR recommends that a per resident or per employee VMT that is 15 percent below that of existing development may be a reasonable threshold. In other words, a residential or office project that generates VMT per resident or employee that is more than 85 percent of the regional VMT average could result in a significant impact. OPR notes that this threshold is supported by evidence that connects this level of reduction to the State's emissions goals.
- OPR recommends that where a project replaces existing VMT-generating land uses, if the replacement leads to a net overall decrease in VMT, the project would lead to a less than significant transportation impact. If the project leads to a net overall increase in VMT, then the thresholds described above should apply.
- Lead agencies have the discretion to set or apply their own significance thresholds.

[7] Governor's Office of Planning and Research (OPR). 2018. Technical Advisory: On Evaluating Transportation Impacts in CEQA. December.

Caltrans Construction and Safety Requirements

Caltrans issued the VMT-Focused Transportation Impact Study Guide (TISG) in May 2020,[8] providing the process by which Caltrans will review and assess VMT impacts of land development projects that are within Caltrans' jurisdiction. The TISG generally aligns with the guidance in the OPR Technical Advisory.

Caltrans also issued the Transportation Analysis Framework (TAF) in September 2020,[9] which details the methodology for calculating induced travel demand for capacity-increasing transportation projects on the State Highway System. In addition, Caltrans issued the Transportation Analysis Under CEQA[10] guidance in September 2020, which describes significance determinations for capacity-increasing projects on the State Highway System.

Caltrans also issued Traffic Safety Bulletin 20-02-R1: Interim Local Development Intergovernmental Review Safety Review Practitioner Guidance in December 2020,[11] describing the methods with which Caltrans will assess the safety impacts of projects on the Caltrans-owned and operated network. This guidance states that Caltrans will provide its safety assessment to lead agencies for inclusion in environmental documents to the extent required under CEQA.

Finally, Caltrans has adopted procedures to oversee construction activities on and around its facilities. The Caltrans Construction Manual[12] describes best practices for construction activities, including personnel and equipment safety requirements, temporary traffic control, signage, and other requirements aimed at reducing construction-related hazards and constructing projects safely and efficiently. Any work proposed on Caltrans facilities would be required to abide by these requirements.

Contra Costa Transportation Authority Congestion Management Program and Central Contra Costa Action Plan

The CCTA serves as the Congestion Management Agency (CMA) for Contra Costa County. As required by State law, CCTA must prepare a Congestion Management Program (CMP) that outlines strategies for managing the transportation network. The CCTA is responsible for updating the CMP every two years; it is also responsible for adopting and updating a Priority Development Area (PDA) strategy, and the CCTA helps develop regional plans and allocates regional funding.

Local

As described above, while not required by CEQA, some of the policies listed below would support a non-CEQA LOS operational evaluation; therefore, a separate report reflecting this LOS analysis for the proposed project identifying applicable improvements has been prepared by the City's transportation consultant (W-Trans) for the City's consideration prior to approval of the proposed project.

[8] California Department of Transportation (Caltrans). 2020. Vehicle Miles Traveled-focused Transportation Impact Study Guide. May 20.
[9] California Department of Transportation (Caltrans). 2020. Transportation Analysis Framework: Evaluating Transportation Impacts of State Highway System Project, First Edition. September.
[10] California Department of Transportation (Caltrans). 2020. Transportation Analysis Under CEQA, First Edition. September.
[11] California Department of Transportation (Caltrans). 2020. Traffic Safety Bulletin 20-02-R1: Interim Local Development Intergovernmental Review Safety Review Practitioners Guidance. December 18.
[12] California Department of Transportation (Caltrans). 2022. Construction Manual, 2021 Edition.

City of Walnut Creek

City of Walnut Creek General Plan

Principle: Downtown: Walnut Creek will provide for a vibrant downtown community that encourages people to gather in a compact, pedestrian-friendly environment and successfully combines a unique mix of businesses, culture, and a variety of housing. Walnut Creek will continue to support development that adds positively to this mix. Additionally, the City will promote an accessible downtown that provides parking near stores and services and is connected both to transit and to safe, friendly pedestrian and bicycle routes.

Principle: Circulation: The City seeks to provide for a convenient flow of people, goods, and services by managing traffic congestion and by working with regional agencies to address regional transportation issues. The City encourages housing opportunities near jobs, businesses oriented to the street, and the creation of a pleasant walking environment.

Principle: Accessibility: The City recognizes the importance of accessibility to various destinations in and around the City, including for those who do not drive. The City will look at ways to improve accessibility and transit alternatives.

Chapter 2, Quality of Life

Goal 8 Make Walnut Creek a community accessible to all.

Action 8.1.2 As part of the City's Project review processes, consider the needs of persons of all abilities.

Goal 11 Promote a healthy community.

Policy 11.2 Promote health and fitness for all members of the community through healthy community design.

Action 11.2.1 Encourage pedestrian- and bike-friendly development and redevelopment that encourages physical activity.

Chapter 3, Natural Environment and Public Spaces

Goal 7 Provide publicly accessible outdoor spaces in the Core Area.

Policy 7.2 Encourage the development of, maintenance of, and connectivity between high-quality public spaces in the Core Area.

Policy 7.3 In conjunction with Core Area commercial and residential development and redevelopment, offer incentives for creating and maintaining public spaces, including pocket parks and plazas.

Action 7.2.1 Define, design, and complete a network of public walkways and small public spaces in the Core Area.

Chapter 4, Built Environment

Goal 10 Coordinate the location, intensity, and mix of land uses with transportation resources.

Policy 11.1 Require that commercial projects comply with the City's performance standards for fire, police, parks, water, flood control, and sanitary sewer facilities.

Policy 11.2 Implement Measure C and plan for the implementation of Measure J.

Action 11.2.1 Demonstrate compliance with all components of the Measure C (1988) and Measure J (2004) Growth Management Program.

Action 11.2.2 At a minimum, comply with the Measure C adopted standards for Level of Service at intersections along Basic Routes.

Policy 11.3 Require that new development pay its share of costs associated with growth.

Action 11.3.1 Implement TRANSPAC's Regional Transportation Mitigation Program with respect to new regional development and its impacts on Walnut Creek roadways.

Action 11.3.2 Assess a traffic impact fee on new development.

Action 11.3.3 Apply the Transportation Authority's travel demand model (as updated from time to time) in analyzing developments that exceed Measure J thresholds.

Goal 12 Make more efficient use of the regional and subregional transportation system.

Policy 12.1 Promote the use of carpools and vanpools.

Action 12.1.3 Encourage Transportation Demand Management (TDM) programs in new development.

Policy 12.2 Support infill and redevelopment in existing urban areas.

Goal 19 Enhance the urban design quality of the Core Area and its subareas.

Policy 19.2 Improve directional signage for pedestrians and vehicles in the Core Area.

Chapter 5, Transportation

Goal 3 Maintain a transportation network that provides mobility for all ages and abilities and for all areas of the community.

Policy 3.1 Maintain the Level of Service standards for roadways shown in Figure 2 [of the General Plan] for the City's transportation network (see Chapter 4, Action 11.2.2 in the NDSP).

Goal 6 Provide a safe and attractive walking environment accessible to all.

Policy 6.1 Provide safe and attractive pedestrian routes along arterials and collectors leading to schools, along arterials or collectors that carry high traffic volumes, on all downtown streets, along major streets leading to the downtown, and on all streets leading to transit facilities.

Policy 6.2 Require full-frontage curb and sidewalk improvements in all commercial areas.

Policy 6.4 Facilitate use of public sidewalks and walkways throughout the City.

Goal 7 Increase transit ridership and service to employment, schools, shopping, and recreation.

Policy 7.3 Link high-density residential developments, schools, employment centers, and shopping areas via transit.

Policy 7.5 Develop a comprehensive plan with CCTA to install public transit amenities such as benches, passenger shelters and walkways.

Action 7.5.4 Require, where appropriate, that new developments provide transit amenities as a condition of project approval.

Goal 8 Serve as a model for other cities by providing a comprehensive TDM program that strives to decrease the use of the automobile and reduce peak-period traffic congestion.

Policy 8.2 Seek new and innovative methods and programs that address peak-period congestion.

Policy 8.3 Manage employee parking supply and demand in all commercial areas.

Policy 8.5 Link high-density residential developments, employment centers, and shopping areas via transit, bikeways, and walkways.

Goal 9 Promote a pedestrian-friendly downtown.

Policy 9.1 Balance the needs of drivers with downtown's pedestrian scale and existing and proposed transit and bicycle access.

Action 9.2.1 Convert selected streets to temporary pedestrian-only use on a regularly scheduled basis.

Policy 9.3 Promote pedestrian safety in the downtown area.

Action 9.3.1 In new development, encourage mid-block walkways from street to street.

Goal 10 Promote safe bicycling to and through downtown.

Policy 10.1 Link existing and planned bikeways in and through downtown.

Goal 12 Provide convenient and adequate parking.

Policy 12.1 Balance the need for convenient parking access with potential negative impacts on traffic and pedestrian flow.

Action 12.1.1 Manage the supply, location, and demand for downtown parking.

Policy 12.2 Promote a wide variety of public and private parking options.

Action 12.2.1 Provide short-term parking.

Action 12.2.4 Implement "park once and walk" facilities and programs from centralized public parking locations in the Pedestrian Retail District.

Goal 13 Provide convenient and adequate loading facilities in the Core Area.

The City of Walnut Creek Bicycle Plan

The 2011 Walnut Creek Bicycle Master Plan (Bicycle Master Plan) outlines objectives, describes existing conditions with respect to bicycle facilities within the City, provides a needs assessment, details the proposed bicycle network, provides an assessment of the Bicycle Master Plan's consistency with other relevant plans and policies, and describes the implementation and funding plan for the proposed network. The Bicycle Master Plan has four objectives: (1) Maintenance; (2) Education, Enforcement and Safety; (3) Promotion; and (4) Design. The Bicycle Master Plan contains the following goals, policies, and actions that are relevant to this analysis:

Policy 7 Create an efficient network of bike facilities that help support bicycle use as a viable mode of transportation.

Policy 8 Improve existing roadways to accommodate new or upgraded bicycle facilities.

Policy 9 Improve bicycle facilities to achieve safe, efficient connectivity while minimizing impacts to users of other transportation modes.

Action 9.1 Integrate new bike facilities when designing new or modifying existing roadways, where possible.

The City of Walnut Creek Pedestrian Master Plan

The Walnut Creek Pedestrian Master Plan (PMP) was adopted in September 2016 and provides a comprehensive framework for pedestrian facilities and programs. The PMP includes six key elements: (1) Policy Framework; (2) Existing Conditions; (3) Pedestrian Improvement Concepts; (4) Support Programs; (5) Implementation Plan; and (6) Crosswalk Improvement Guidelines. The following goals, policies, and actions are relevant to this analysis:

PMP Goal 1 Provide a citywide walking network that facilities pedestrian travel.

Policy 1.4 Consistent with "Complete Streets" principles, incorporate pedestrian improvements where feasible in transportation investments such as street-widening and new development projects.

Action 1.4.7 Pursue grant funding and coordinate inter-agency programs to improve pedestrian connectivity.

PMP Goal 2 Improve pedestrian safety.

Policy 2.1 Promote the safety of bicyclists, pedestrians, and equestrians (this policy corresponds to General Plan Policy 2.3 in Chapter 5)

Policy 2.3 Incorporate pedestrian improvements to help meet the safety and accessibility needs of seniors and people with disabilities.

Action 2.3.1 Reduce motor-vehicle collisions involving pedestrians by prioritizing pedestrian improvements at all crosswalks and intersections and especially at crosswalks and intersections with a past record of pedestrian fatalities.

Action 2.3.2 Routinely implement the Crosswalk Policy to guide the installation, enhancement, and removal of crosswalks citywide.

PMP Goal 4 Maintain the Pedestrian Retail District and Core Area as premier walking environments.

Action 4.5.1 Develop guidelines for roadways, alleys, paseos and mid-block cut-throughs to provide more public space for pedestrians.

City of Walnut Creek 10-year Capital Investment Program

The 10-year Capital Investment Program (CIP) reflects capital project needs beyond the City's 2-year budget cycle, including projects that planned but are not yet fully funded. The CIP helps City staff plan and identify future needs. Capital investment projects are categorized as asset management projects, which preserve the value of the City's prior capital investments, or as transportation projects, which may include street construction or reconstruction, bridge repair or replacement, traffic management improvements, signal improvements, pedestrian accessibility, and bicycle facility upgrades. In addition, discretionary capital projects refer to significant improvements to existing City infrastructure or new City assets. The highlighted CIP projects that are relevant to this analysis are listed below.

- **Roadway Maintenance**–Pavement management represents the largest single expenditure in the CIP. Approximately $4.7 million per 2-year cycle goes toward maintaining the City's 218 miles of streets.
- **Ygnacio Valley Road Capacity Improvements**–The CIP contains several projects to improve traffic flow on the arterial, such as left-turn lanes and intersection improvements. Ygnacio Valley Road Capacity Improvements are funded by Traffic Impact Fees.

- **Pedestrian Improvements**–The City has initiated an on-going effort to provide pedestrian improvements throughout the City, including curb ramps, bulb-outs, signing, striping, lighting, line of sight, advanced warning, layout and alignment modifications.

North Downtown Specific Plan

Goals

Multimodal Transportation. To support and expand existing transit, bicycle and pedestrian transportation to manage traffic congestion, serve a diverse population, and build a resilient local transportation system.

Build on North Main Street/YVR Specific Plan. To expand upon the mobility concepts of the North Main Street/Ygnacio Valley Road (NMS/YVR) Specific Plan, which was adopted in 2002 prior to the arrival of denser and more urbanized residential development in areas in and near the NMS/YVR Specific Plan Area.

Reinvestment in Transportation Infrastructure. To direct and facilitate reinvestment and redevelopment within this portion of the Core Area of the City and to identify new infrastructure improvements needed to expand access to a broad range of transportation options, including walking, bicycling, and transit.

Non-vehicular Connections. To identify where optimal non-vehicular transportation connections should occur and create and implement land use policies that take full advantage of the Plan Area's proximity to the Walnut Creek BART station and the traditional downtown.

City of Walnut Creek Transportation Impact Analysis Guidelines

The City of Walnut Creek Transportation Impact Analysis Guidelines (City's TIA Guidelines)[13] include the following significance standards for project impacts on bicycle, pedestrian, or transit facilities. The City has prepared updates to the guidelines released in June 2021. However, at the time of publication of the NOP for this Draft SEIR, those updated guidelines had not yet been adopted. Therefore, the existing TIA Guidelines (2014) are utilized in this analysis. Pursuant to those guidelines, a significant impact would occur if a project:

- Significantly disrupts an existing bicycle, pedestrian, or transit facility, including the continuity of bicycle and pedestrian flow along bikeways and sidewalks, and access to transit stops by patrons and transit vehicles.
- Interferes with the implementation of a planned bicycle, pedestrian, or transit facility that is included in the City's General Plan, Bicycle Master Plan, or Pedestrian Master Plan.

Fire Safety Ordinances

The Subdivision Ordinance, Chapter 9-19, Ordinance No. 2019-37, of the Municipal Code (Municipal Code) adopts the 2019 California Fire Code, with jurisdiction amendments, which establish standards for roadway dimensions, subdivision layout, and public improvements needed to protect public safety. In addition, all new developments are reviewed by City departments for their potential

[13] City of Walnut Creek. 2014. City of Walnut Creek Transportation Impact Analysis Guidelines. September.

effects on public safety, and conditions of approval are attached to minimize such effects and inspections are conducted to ensure proper installation.

3.14.5 - Thresholds of Significance

According to CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to transportation would be significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

a) Conflict with a program plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

d) Result in inadequate emergency access?

Specific Thresholds of Significance

To analyze the proposed project's potential environmental impacts under the foregoing significance thresholds, the City, in its discretion, has established thresholds related to traffic circulation, bicycle and pedestrian circulation, transit service, VMT, design feature hazards, and emergency access. Relevant information in support of these thresholds can be found in the General Plan, the NDSP, the City's TIA Guidelines, the Resolution,[14] the California Manual on Uniform Traffic Control Devices,[15] Municipal Code Section 9-19.01, and Contra Costa County Fire Protection District's Ordinance No. 2019-37 (Ordinance No. 2019-37). The relevant regulatory framework is provided above. These specific thresholds of significance are described in more detail below and additional information is provided in the attached TA.

Transit Facilities, Bicycle Facilities, and Pedestrian Facilities

As noted above, the City's TIA Guidelines include the following significance thresholds for determining whether a project would have a significant impact on bicycle, pedestrian, or transit facilities. A significant impact would occur if a project:

- Significantly disrupts an existing bicycle, pedestrian, or transit facility, including the continuity of bicycle and pedestrian flow along bikeways and sidewalks and access to transit stops by patrons and transit vehicles.

[14] City of Walnut Creek. 2020. Resolution No. 20-70: A Resolution of the City Council of the City of Walnut Creek Adoption "Vehicle Miles Traveled" Thresholds of Significance and Local Criteria for Purposes of Analyzing Transportation Impacts Under the California Environmental Quality Act. October.

[15] California Department of Transportation (Caltrans). 2021. California Manual on Uniform Traffic Control Devices for Streets and Highways Revision 6.

- Interferes with the implementation of a planned bicycle, pedestrian, or transit facility that is included in the General Plan, Bicycle Master Plan,[16] or Pedestrian Master Plan.[17]

Vehicle Miles of Travel

The Resolution[18] defines the following thresholds of significance regarding VMT, which are utilized in this analysis:

- **Residential**–Home-based VMT is higher than 85 percent of the existing Countywide average;
- **Employment** (e.g., office)–Home-work VMT is higher than 85 percent of the existing nine-county Bay Area average;
- **Regional-serving** (e.g., retail)–VMT per service population is higher than 85 percent of the existing Countywide average;
- **Mixed-use projects**–Thresholds are per the component land uses above or the dominant use; and
- **Non-standard projects**–Thresholds are per each component as measured against the above thresholds.

The Resolution[19] defines a variety of screening thresholds; projects that meet such thresholds are exempt from the requirement to include a full VMT analysis as the impact to VMT would be presumed to be less than significant. Such screened out projects include those fulfilling at least one of the following conditions:

- Any project that is exempt from CEQA.
- Projects with less than 10,000 square feet of nonresidential space, or 20 or fewer residential units, or otherwise generating less than 836 VMT per day.
- Retail uses smaller than 30,000 square feet and without a drive-through component.
- Projects located within a transit priority area, which includes areas within 0.5-mile of a BART station. Provided, however, this exemption does not apply to projects that:
  - Have a floor area ratio (FAR) of less than 0.75;
  - Include parking in excess of City requirements;
  - Are not consistent with applicable SCS;[20] or
  - Result in a net reduction of multi-family units.

[16] City of Walnut Creek. 2011. City of Walnut Creek Bicycle Plan. August.
[17] City of Walnut Creek. 2016. City of Walnut Creek Pedestrian Master Plan. September.
[18] City of Walnut Creek. 2020. Resolution No. 20-70: A Resolution of the City Council of the City of Walnut Creek Adoption "Vehicle Miles Traveled" Thresholds of Significance and Local Criteria for Purposes of Analyzing Transportation Impacts Under the California Environmental Quality Act. October.
[19] City of Walnut Creek. 2020. Resolution No. 20-70: A Resolution of the City Council of the City of Walnut Creek Adoption "Vehicle Miles Traveled" Thresholds of Significance and Local Criteria for Purposes of Analyzing Transportation Impacts Under the California Environmental Quality Act. October.
[20] For the City of Walnut Creek, the relevant SCS document is the Plan Bay Area 2050, Association of Bay Area Governments and Metropolitan Transportation Commission, May 2021.

- Residential projects within areas that have existing residential VMT more than 85 percent below the existing Countywide average and employment projects within areas with employee VMT more than 85 percent below the existing regional average.
- Residential projects that would provide 100 percent affordable housing.

Design Feature Hazards

The City's TIA Guidelines specify the following regarding queueing:

> Recommendations should be provided for 95th percentile queues under existing or future conditions that exceed the available queue storage capacity at locations where the resulting spillover into through traffic lanes or upstream intersections would cause a substantial hazard. Queue lengths exceeding available storage lengths in the NDSP area are not typically considered significant impacts because the prevailing low speeds of traffic would not result in a substantial hazard related to queue spillover conditions.

Consistent with the above guidelines and in the absence of adopted specific thresholds, the following criteria was developed in consultant with City staff and applied to this analysis to evaluate potential queueing impacts. The proposed project's impact would be considered significant if it caused either of the following:

1. Where the proposed project causes the 95th percentile queue length to exceed the available storage, *and* the proposed project adds trips that increased the queue length by 25 feet or more, *then* the resulting spillover into through traffic lanes or upstream intersections would cause a substantial hazard.
2. Where the 95th percentile queue length exceeds the available storage without the proposed project, *if* the project-added trips increase the queue length by 25 feet or more, the resulting spillover into through traffic lanes or upstream intersections would cause a substantial hazard. The collision history at such locations should also be reviewed to identify any existing trends that could be exacerbated by the addition of project-generated traffic.

Together, the foregoing criteria prescribe that a significant impact would occur if a queue was contained within a turn lane without the project, but (1) the addition of traffic associated with the proposed project would increase the back of queue to extend outside of the turn lane and into the adjacent through lane, and (2) this increase in queue length would be 25 feet or more. Or, if the queue would already extend past the turn lane and into the through lane without the proposed project, then a significant impact would occur if the increase in stacking distance was 25 feet or more. The collision history review also assists in pinpointing crash trends that may be exacerbated by project-related traffic but would not bear on the determination of potential impacts with regard to the City's queuing thresholds of significance.

The General Plan includes Policy 3.3 to "[p]romote maximum operational capacity and efficiency on arterials and collectors," which includes North Main Street and North Broadway adjacent to the project site.

The California Manual on Uniform Traffic Control Devises provides guidance on when a traffic signal should be considered for uncontrolled intersections for safety purposes.

Emergency Access

The Municipal Code Chapter 9-19.01 adopts the 2019 California Fire Code as the standard for the City, adopts the amendments prescribed by the Contra Costa County Fire Protection District's Ordinance No. 2019-37, and adds a specification regarding turning radii.

Pursuant to the applicable provisions of the Municipal Code, Ordinance No. 2019-37, and California Fire Code, a fire access road is required to be provided within 150 feet of all exterior building walls unless an exemption is granted, which needs to have a minimum unobstructed width of 20 feet, a minimum inside turn radius of 25 feet, and a minimum outside turn radius of 45 feet. Any fire access road longer than 150 feet requires a turnaround. Provided, however, the requirement for a fire access road can be exempted (or the 150-foot distance increased) through approval from the Fire Code Official for a building that is equipped throughout with an automatic fire sprinkler system.

3.14.6 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

The 2019 NDSP EIR was certified prior to revisions in CEQA that shifted the transportation focus from LOS to VMT, and therefore the 2019 NDSP EIR does not contain a detailed VMT requirement pursuant to SB 743, which went into effect July 1, 2020. Accordingly, the City had not established VMT thresholds of significance pursuant to SB 743 prior to the certification of the 2019 NDSP EIR, and, while the 2019 NDSP EIR did include VMT results (see Table 4.2.BB in the 2019 NDSP EIR), the 2019 NDSP EIR did not include a significance conclusion with respect to VMT.

As discussed above, pursuant to SB 743, a project's effect on automobile delay (i.e., LOS) shall not constitute a significant environmental impact for purposes of CEQA. Therefore, the significant impacts associated with LOS as analyzed in the 2019 NDSP EIR are not considered in this Draft SEIR.[21]

The 2019 NDSP EIR relied, in part, upon the Transportation Impact Assessment prepared by Fehr & Peers in July 2016. As explained more fully therein, the 2019 NDSP EIR evaluated the potential transportation-related impacts that would occur as a result of development under the NDSP, and found there would be less than significant impacts with respect to any conflicts with a program, plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities; it also determined there would be less than significant impacts with respect to any safety hazards, emergency access, and cumulative impacts (aside from those cumulative impacts associated with LOS, which, for the reasons described above, will not be analyzed in this Draft SEIR).

The impact conclusions in the 2019 NDSP EIR were based, in part, on the assumption that development under the NDSP would be required to adhere to all applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the General Plan and Walnut

[21] As explained more fully in the TIA, a non-CEQA operational analysis, which takes into account LOS considerations, has been prepared as well; this information will be considered by the decision-makers outside of the CEQA context.

Creek Municipal Code (Municipal Code) (refer to Section 4.2, Transportation, of the 2019 NDSP EIR; pages 4.2-71 to 4.2-75).

Proposed Project Analysis and Conclusions

Potential Conflicts with a Program, Plan, Ordinance, or Policy Addressing the Circulation System

Impact TRANS-1: The proposed project would not conflict with a program, plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR reviewed the Transportation Impact Assessment prepared by Fehr & Peers in July 2016, the General Plan, and the NDSP with respect to whether development under the NDSP would conflict with a program, plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities, which was adopted for the purpose of mitigating environmental impacts. Based on this analysis, the 2019 NDSP EIR determined there would be less than significant impacts with respect to any conflicts with a program, plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

With respect to pedestrian facilities, the 2019 NDSP EIR concluded that, with the implementation of improvements included in the NDSP (such as providing shared use paths and completion of sidewalks), implementation of the NDSP would not conflict with adopted transportation policies, plans, or programs regarding pedestrian facilities or otherwise significantly impair utilization of such facilities. As discussed in the 2019 NDSP EIR, implementation of the NDSP was anticipated to result in about 1,390 new daily walking and bicycle trips, with the majority of the expected trips to be walking trips as opposed to a total of about 620 walking and bicycling trips anticipated without the implementation of the NDSP. The pedestrian improvements and increased pedestrian trips under the NDSP would be consistent with goals, policies, and actions within the General Plan, such as Action 11.2.1 in Chapter 2, Quality of Life and Policies 3.1, 6.1, 6.2, 6.4, 8.5, 9.1, and 9.3, in Chapter 5, Transportation. The pedestrian improvements and increased pedestrian trips would also be in line with PMP Goal 1 and Policy 1.4, PMP Goal 2, and Policies 2.1 and 2.3, and the project goals within the NDSP, listed in the Regulatory Framework section, above.

Regarding public transit, the 2019 NDSP EIR concluded that implementation of the NDSP would result in an increase in transit ridership. This increased ridership could cause the CCTA to consider route adjustments to better serve the increased demand. The increased ridership and potential route adjustments would be consistent with the City's goals and policies in Chapter 5, Transportation, of the General Plan, including Goal 7 and Policies 7.3 and 7.5, and would assist the City in its implementation of its Complete Streets vision for roadways within the NDSP area. Based on the foregoing, the 2019 NDSP EIR concluded BART and bus ridership projections were consistent with the General Plan and NDSP, and implementation under the NDSP would result in less than significant impacts with respect to performance and safety of transit facilities.

With respect to bicycle facilities, the 2019 NDSP EIR concluded that, with the implementation of improvements included in the NDSP (such as additional bicycle lanes and signage identifying bicycle infrastructure), implementation of the NDSP would not conflict with adopted transportation policies, plans, or programs regarding bicycle facilities or otherwise significantly impair utilization of such facilities. As discussed in the 2019 NDSP EIR, implementation of the NDSP was anticipated to result in a total of about 1,390 new daily walking and bicycle trips, with the majority of the expected trips to be walking trips, as opposed to a total of approximately 620 walking and bicycling trips anticipated without the implementation of the NDSP. The bicycle infrastructure improvements and increased bicycle trips under the NDSP would be consistent with goals, policies, and actions within the General Plan that are intended to facilitate the increased use of alternative modes of transportation, including bicycles, such as Action 11.2.1 in Chapter 2, Quality of Life and Policies 8.5, 10.1 and in Chapter 5, Transportation. The bicycle improvements and increased bicycle trips would also be in line with Bicycle Master Plan Policies 7, 8, and 9, and Action 9.1, and the project goals within the NDSP, listed in the Regulatory Framework section, above.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, which is within the NDSP area and thus within a PDA, near BART and other existing and planned facilities, along with the proposed uses, it is not anticipated that the proposed project would conflict with a program, plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities, which was adopted for the purpose of mitigating environmental impacts.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to any potential conflicts with a program, plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Public Transit

Given the intensification of land uses near the Walnut Creek BART station and other major transit facilities, it is anticipated that the proposed project would increase demand for transit to a certain degree consistent with typical expectations and objectives of urban, infill, mixed use projects located near transit hubs. It is reasonable to conclude that the demand for transit that would be generated by the proposed project would be generally spread across the 17 transit lines within 0.5-mile from the project site (see Table 3.14-1), which would be consistent with the long-term transit vision of this Core Downtown area. A 0.5-mile distance from transit is largely viewed as an acceptable walking distance to reach available transit facilities. Therefore, several existing transit stops are within walking distance of the project site. Additionally, the proposed project would incorporate a public trail on a portion of Site A as a project design feature in a manner consistent with the applicable NDSP policies (as amended). This would further enhance connectivity and appeal of the multitude of nearby transit services. CCCTA has been made aware of the proposed project by the City and had not

provided any comments to the City at time of publication of the Draft SEIR.[22,23] Furthermore, transit operators periodically assess service parameters and adjust service as needed in response to changes in demand for service and other factors, such as funding. Therefore, given the current transit services (i.e., Walnut Creek BART station and several bus lines and stops) within walking distance of the project site, transit facilitates serving the proposed project would be adequate.

Furthermore, the nature of the proposed project would facilitate the achievement of various General Plan goals and policies, such as Goal 7 and Policies 7.3 and 7.5 in Chapter 5, Transportation, and NDSP goals and policies that are intended to encourage the use of public transit (See Section 3.10, Land Use and Planning, for further detail regarding plan and policy consistency).

For the foregoing reasons, the proposed project would not conflict with a program, plan, ordinance, or policy addressing transit and impacts in this regard would be less than significant.

Bicycle Facilities

Existing bicycle facilities serving the project site are generally adequate. For example, there is both a Class II Bicycle Lane and Class III Bicycle Route on North Broadway between Parkside Drive and Ygnacio Valley Road, adjacent to the project site. In addition, there is a Class III Bicycle Route on Ygnacio Valley Road from I-680 to San Carlos Drive, and the segment within the NDSP area is approximately 600 feet south of the project site. The existing bicycle routes also provide connectivity because the routes on North Broadway connect to the route on Ygnacio Valley Road, which ultimately connects to the Iron Horse Trail, which is Class I Multiuse Path, approximately 0.10 mile to the east of the project site. Therefore, existing bicycle facilities within the NDSP area, provided in Table 3.14-2, are expected to provide adequate access for bicyclists traveling to and from the project site and would be enhanced upon the City's completion of planned facilities as part of implementation of the City's CIP.

As detailed above in the Regulatory Framework, the General Plan and the NDSP, because the proposed project would provide uses that would be accessible via existing bicycle facilities and would increase usage of those existing facilities, the proposed project would be consistent with goals, policies, and actions within the General Plan, such as Action 11.2.1 in Chapter 2, Quality of Life and Policy 8.5 in Chapter 5, Transportation. The bicycle improvements and increased bicycle trips would also be in line with Bicycle Master Plan Policy 7, and the project goals within the NDSP, listed in the Regulatory Framework section, above. The proposed project has been designed to support these policies, as further discussed in Section 3.10, Land Use and Planning.

Bicycle Storage

The NDSP specifies a bicycle parking requirement for new developments of 10 percent of vehicle parking required for commercial uses, and, for multi-family residential uses, the requirement per bedroom or studio unit includes 0.05 short-term bicycle parking spaces and 0.50 long-term spaces. At least one short-term and one long-term space is required for all projects. One shower and four

[22] Avelar, Donald. Chief Service Scheduler, County Connection. Personal communication: response to Request Letter sent via email. July 2, 2021.

[23] Avelar, Donald. Chief Service Scheduler, County Connection. Personal communication: response to Request Letter sent via email. November 22, 2022.

clothing lockers per 25 bicycle spaces are required for all commercial uses with at least 25 bicycle spaces. The vehicle parking requirements are provided in Impact TRANS-2 and would need to satisfied by the proposed project. The bicycle parking requirements for the proposed project (based on assumed land uses under Scenario 3) are summarized in Table 3.14-3.

Table 3.14-3: Bicycle Parking Requirements

Type of Bicycle Parking	Commercial	Residential Short-Term	Residential Long-Term
Scenario 3	(auto sales and service, office, and multi-family residential)	(auto sales and service, office, and multi-family residential)	(auto sales and service, office, and multi-family residential)
Rate	10% of Vehicle Spaces	0.05 per Unit	0.50 per Unit
Units (Vehicle Spaces or Beds)	462 vehicle spaces required	658 units	658 units
Bicycle Spaces Required	46	33	329
Showers (1 per 25 Commercial Bicycle Spaces)	2	–	–
Clothing Lockers (4 per 25 Commercial Bicycle Spaces)	8	–	–

Sources:
City of Walnut Creek. 2011. City of Walnut Creek Bicycle Plan.
City of Walnut Creek. 2019. North Downtown Specific Plan. October 15.

As noted above, the ultimate specific mix and allocation of uses pursued by the applicant pursuant to the proposed amendments to the NDSP (and related conforming amendments to the General Plan and the Municipal Code) would be determined subsequent to the certification of the SEIR at such time when detailed specific individual development proposal(s) are formally submitted to the City for consideration.[24] In all circumstances, bicycle parking spaces would be required in accordance with applicable provisions of the NDSP and Municipal Code.

Additionally, the proposed project would incorporate a public trail that could accommodate both pedestrians and bicyclists, on a portion of Site A as a project design feature in a manner consistent with the applicable General Plan and NDSP policies (as amended). This would further enhance bicycle connectivity throughout the NDSP area and provide bicycle infrastructure within the project site for the benefit of project users and the broader community.

Furthermore, the nature of the proposed project would facilitate the achievement of various General Plan and NDSP goals and policies that are intended to encourage the use of alternative

[24] To ensure that all potential impacts are evaluated as mandated under CEQA, to the extent a specific individual development proposal involves discretionary approval(s), unless otherwise determined to be exempt, the City would be required to evaluate any such subsequent application to confirm whether it would result in any new or more severe environmental effects as compared to what has been evaluated and disclosed in the SEIR.

modes of transportation including bicycling (See Section 3.10, Land Use and Planning, for further detail).

For the foregoing reasons, the proposed project would not conflict with a program, plan, ordinance, or policy addressing bicycle facilities and impacts in this regard would be less than significant.

Pedestrian Facilities

As detailed above in the updated Regulatory Framework, the General Plan and the NDSP contain goals, policies, and actions designed to encourage pedestrian and bicycle connectivity and use of alternative modes of transportation. Much of the NDSP area (including the project site) is considered a high demand pedestrian zone, and thus the NDSP reflects the City's desire to create an efficient, safe, and continuous network of bike and pedestrian facilities that help support these alternative modes of transportation.

The General Plan envisions safe pedestrian infrastructure, which includes sidewalks in urban areas that can serve a multitude of users, including the elderly and those with disabilities.

The NDSP (1) envisions east–west connections to provide a diverse network of blocks, streets, and pathways and (2) incorporates a number of goals to improve the pedestrian experience, public space, aesthetics, and design quality by, among other things, encouraging active ground-floor uses and frontages to support pedestrian activity.

For example, the NDSP includes Circulation Network Policy MB 1.3 "Mid-block paths. Provide new connections, including mid-block paths, to break up large blocks and provide more options for pedestrian and bicyclists." This is consistent with Action 9.3.1 in Chapter 5, Transportation, of the General Plan which states that "in new development, encourage mid-block walkways from street to street."

Pedestrian facilities include sidewalks, crosswalks, pedestrian signal phases, curb ramps, curb extensions, and various streetscape amenities such as lighting, benches, etc. In general, a network of sidewalks, crosswalks, pedestrian signals, and curb ramps provide adequate access for pedestrians in the NDSP area and in the vicinity of the project site. Therefore, existing pedestrian facilities serving the project site are generally adequate.

The proposed project incorporates a public trail on a portion of Site A as a project design feature, in a manner consistent with the relevant General Plan and NDSP policies (as amended) and to facilitate use of alternative modes of travel and pedestrian connectivity. Furthermore, the nature of the proposed project, including its location on an urban infill site within the Core downtown area, near Walnut Creek BART station, complimentary commercial mixed uses, ample amenities, and existing pedestrian infrastructure, would facilitate the achievement of various General Plan and NDSP goals and policies that are intended to encourage the use of alternative modes of transportation including pedestrian activity (See Section 3.10, Land Use and Planning, for further detail).

Thus, there would be no conflict in this regard and therefore impacts with respect to pedestrian facilities would be less than significant.

Overall

Based on the foregoing, the proposed project would not conflict with a program plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities, which was adopted for purposes of mitigating an environmental impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under any Scenario 3 (or any other Scenario). No additional analysis is required, and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Vehicle Miles Traveled

Impact TRANS-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Conclusions in the 2019 NDSP EIR

As noted above, the City adopted its VMT thresholds of significance after the certification of the 2019 NDSP EIR; therefore, the 2019 NDSP EIR did not include a significance conclusion with respect to VMT.

Supplemental Analysis of the Proposed Project

Current case law is unsettled regarding whether a new VMT analysis is required when tiering from a previously certified EIR that did not explicitly address VMT impacts pursuant to SB 743. However, most CEQA practitioners agree that the recent addition of the VMT requirement to the CEQA Guidelines does not require a supplemental VMT analysis when tiering off an otherwise valid certified EIR.

Unless this Draft SEIR concludes that there would be a significant effect that was "not adequately addressed" in the 2019 NDSP EIR, a VMT-specific threshold would not need to be included in this Draft SEIR, based on among other things, the following:

(1) New CEQA requirements only apply prospectively. A specific VMT analysis was not required when the 2019 NDSP EIR was certified (it came into effect July 1, 2020) and therefore would not be needed for a Draft SEIR now (*see, e.g.*, *A Local & Regional Monitor v. City of Los Angeles* [1993] 12 Cal.App.4th 1773, 1801); and

(2) VMT is information that was known or should have been known when the 2019 NDSP EIR was certified and would not constitute new information triggering supplemental environmental review.

Nevertheless, the City has elected, in its discretion, to evaluate potential VMT impacts in this Draft SEIR even though the City has determined, in its discretion, that a VMT analysis is not required as part of the environmental review in this circumstance.

The City of Walnut Creek Citywide TDM Requirements (Citywide TDM Requirements), which sets forth standards for CEQA review with respect to VMT[25] include VMT screening maps that show VMT per employee compared to the regional average, and VMT per resident compared to the Countywide average, including Transportation Analysis Zones (TAZs) split into TAZs with 85 percent or less of the regional or Countywide average, between 85 and 100 percent of the average, and those that are above average VMT. The project site is split across TAZ 20205 and 20206, which are collectively bound by Parkside Drive, North Civic Drive, Ygnacio Valley Road, and North Main Street (Exhibits 3.14-4a and 3.14-4b). Both TAZs are depicted as having VMT equal to or less than 85 percent of the regional or Countywide average for employees and residents, respectively. As described more fully in Appendix B, this means that Scenario 1 and Scenario 3 would be exempted (or screened out) from the need to conduct a detailed VMT analysis based on the screening for projects in areas with VMT 85 percent or less of the regional or Countywide average, as Scenario 1 and Scenario 3 consist entirely of residential and/or employment uses.

Because Scenario 2 includes a hotel use, additional analysis is required for this Scenario. The Citywide TDM Requirements depict a half-mile radius around the Walnut Creek BART station. The Walnut Creek station radius covers the project site, which means that the proposed project would be exempt (or screened out), assuming the exceptions to the exemption, outlined in the Specific Thresholds of Significance, above, do not apply. For the proposed project, given the development parameters incorporated (utilizing those assumed for Scenario 2), the FAR would be at least 0.75 and no excess parking over what is required by the Municipal Code would be provided, which would be a condition of approval to be confirmed during project approval. The proposed project would also comply with Plan Bay Area 2050 because it is identified as being located within an established PDA in which transit-oriented infill development in proximity to the Walnut Creek BART station would be involved (see Section 3.10, Land Use and Planning for additional information about project consistency with Plan Bay Area 2050). Additionally, the proposed project would not result in a reduction of multi-family housing because no housing currently exists on-site.

Therefore, because impacts to VMT would be presumed to be less than significant for Scenario 1, Scenario 2, and Scenario 3, impacts in this regard would be substantially the same for all Scenarios. Because Scenario 3 is assumed to result in the greatest impact for most of the environmental topics, to provide consistency in the analysis within the Draft SEIR, when a Scenario would result in substantially the same effects, this Draft SEIR evaluates impacts assuming development of Scenario 3, the scenario that is most often the "reasonable worst-case scenario." Therefore, this analysis evaluated project impacts assuming development of Scenario 3.

For the reasons noted above, the proposed project would be exempted from a VMT analysis pursuant to the City's VMT screening criterion as described in more detail above. Therefore, impacts related to VMT would be less than significant under Scenario 3 (or any other Scenario).

Level of Significance

Less than significant impact.

[25] City of Walnut Creek. 2021. Citywide TDM Requirements. October.

Roadway Safety Hazards

Impact TRANS-3: The proposed project may substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated the potential for development under the NDSP to substantially increase hazards due to a geometric design or incompatible uses and concluded that individual development projects and roadway improvements constructed as part of implementation of the NDSP would be designed to conform to City code requirements and would be reviewed by City planning and engingeering staff prior to final design approval. Moreover, the nature of the development proposed under the NDSP, which is focused on urbanized, mixed use projects would fit well within the already-urbanized land use fabric of the Core Downtown area and thus, hazards created as a result of incompatible uses like farm equipment would be unlikely. For the foregoing reasons, the 2019 NDSP EIR determined that implementation of the NDSP would not substantially increase hazards due to design features or incompatible uses, and therefore, impacts in this regard would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the project site is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to a substantial increase in hazards due to design features or incompatible uses.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to the potential to substantially increase hazards due to design features or incompatible uses, as explained more fully in the TA (Appendix J) and below.

As explained in more detail in Appendix B, the relative impact of each Scenario with respect to site distance, vehicle access, and queueing would be substantially the same across all Scenarios because the project site is already developed and would be accessed off the same streets as existing conditions regardless of the final design and allocation of various land uses resulting in similar safety hazards across all Scenarios. In addition, because the proposed project would be located in the same location under all Scenarios; would involve the maximum development across the project site from an intensity/density perspective; and would be required to adhere to all applicable standards and requirements with respect to emergency access, impacts in this regard would be substantially the same for all Scenarios. Because Scenario 3 is assumed to result in the greatest impact for most of the environmental topics, to provide consistency in the analysis within the Draft SEIR, when a Scenario would result in substantially the same effects, this Draft SEIR evaluates impacts assuming development of Scenario 3, the Scenario that is most often the “reasonable worst-case scenario.”

Therefore, impacts with respect to roadway safety hazards and emergency access are evaluated assuming development of Scenario 3.

Sight Distance

With respect to vehicular access, Site A would be accessed via one driveway off North Main Street and another driveway off North Broadway. Sites B and C would each be accessed from a driveway off North Broadway. Access to Site D would be provided from a driveway off North Broadway and to Site E from a driveway off Pine Street.

Sight distances along North Main Street and North Broadway at the proposed project driveways were evaluated based on sight distance criteria contained in the HDM published by Caltrans. The recommended sight distances for approaches on a major street to driveways and private street intersections are based on stopping sight distance with approach travel speed used as the basis for determining the recommended sight distance. Although sight distance requirements are not technically applicable to urban driveways, the stopping sight distance criterion for private street intersections was applied for evaluation purposes.

The posted speed limit on North Broadway is 25 miles per hour (mph), which translates to a recommended minimum stopping sight distance of 150 feet. Speeds on North Broadway were checked through an informal speed survey using a speed radar gun to estimate the critical speed of traffic during the midday when volumes are lower and speeds are not constrained. The "critical speed" is defined as the speed at or below which 85 percent of drivers are observed to be traveling. Based on this informal study, the critical speed of drivers on North Broadway was determined to be 25 mph, matching the speed limit and requiring 150 feet of sight distance. Based on a review of field conditions, sight lines extend more than 150 feet in both directions from each of the proposed project driveways on North Broadway.

The posted speed limit on North Main Street is 30 mph, requiring a minimum of 200 feet of stopping sight distance. However, the critical speed was measured at 37 mph, which requires between 250 and 300 feet of sight distance. Sight lines in excess of 300 feet were observed between the existing driveway off North Main Street, currently providing access to Site A, and northbound traffic on North Main Street (oncoming from the left of a driver departing the driveway).

Sight lines toward southbound traffic (to the right of a driver leaving the driveway) were not measured as the raised median prevents access to or from the southbound direction on North Main Street. The TA concluded that adequate site distance would be available for all proposed project driveways under Scenario 3 (or any other Scenario), resulting in less than significant impacts. See TA, Appendix J, for further details in this regard.

Vehicle Access

The need for a right-turn lane or taper on North Main Street into the proposed project driveway at Site A was evaluated based on criteria contained in the Intersection Channelization Design Guide.[26] A right-turn lane would consist of a lane installed to the right of the travel lane and would be a

[26] Transportation Research Board National Research Council. 1985. Intersection Channelization Design Guide, Report No. 279.

minimum of 10 feet wide, plus a shoulder where the travel lane is not adjacent to a curb. A right-turn taper is a shoulder area that gets progressively wider as the motorist approaches the driveway. Both improvements are meant to provide an area for motorists turning right to move out of the traffic lane without impeding through traffic. The warrants were evaluated using Near-Term volumes[27] with project traffic from implementation of Scenario 3. See Appendix J for further details in this regard.

Right-Turn Lane

A right-turn lane would be warranted for the proposed project under Near-Term PM peak-hour traffic volumes. Under AM peak-hour traffic volumes, a right-turn taper would be warranted with the proposed project's traffic volumes. However, as a right-turn lane would be warranted under PM peak-hour traffic volumes, the need for a right-turn lane governs. The turn lane warrant calculations are in Appendix J.

Left-Turn Lane

The need for a left-turn lane into the proposed project driveway at Site A from North Main Street was not assessed as there is a raised median preventing access. Instead, drivers heading southbound on North Main Street toward Site A would need to proceed to the signal at North Main Street/Pringle Avenue and complete a U-turn movement. The need for turn lanes on North Broadway were not considered due to the slower speeds and lower traffic volumes compared to North Main Street, the frequency of driveways, and local (versus through) nature of trips made along the portion of North Broadway in the vicinity of the project site as observed in the field.

Overall

Given the high volumes and speeds on North Main Street, the inbound traffic volume into Site A presents a potential hazard and therefore, a potentially significant impact. For the reasons described above, a right-turn lane into Site A from North Main Street would be warranted. Installation of a right-turn lane into Site A would provide a space for drivers to decelerate and turn into the project site.

As noted above, the ultimate specific mix and allocation of uses pursued by the applicant pursuant to the proposed amendments to the NDSP (and related conforming amendments to the General Plan and the Municipal Code) would be determined subsequent to the certification of the SEIR at such time when a detailed specific individual development proposal is formally submitted to the City for consideration.[28] Therefore, the specific lanes and lane improvements at the proposed driveways would be determined upon review of each specific individual development proposal as required by Mitigation Measure (MM) TRANS-3. However, as discussed above, Scenario 3 represents a reasonable worst-case scenario. Therefore, regardless of the nature of the specific individual development proposal pursued by the applicant, it would result in similar to or less impacts than analyzed here, and any potentially significant impacts would be mitigated with incorporation of MM

[27] Near-Term volumes represent traffic conditions of the street network assuming under-construction and approved projects within the study area are operational.

[28] To ensure that all potential impacts are evaluated as mandated under CEQA, to the extent a specific individual development proposal involves discretionary approvals, then unless otherwise exempted, the City would be required to evaluate any such subsequent application to confirm whether it would result in any new or more severe environmental effects as compared those evaluated and disclosed in this SEIR.

TRANS-3. Moreover, to the extent a specific individual development proposal would involve a lower overall amount of development and/or a different allocation of uses as compared to Scenario 3, then the relevant applicant would have the ability to demonstrate, by submitting a sensitivity analysis prepared by a qualified transportation engineer to the City's traffic engineer for review and reasonable approval, that a right-turn lane on North Main Street into Site A is no longer warranted. Therefore, with respect to potential roadway safety hazards related to site access, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Queueing

The projected maximum queues in turn pockets at the study intersections were determined using the SIMTRAFFIC application of the Synchro analysis software and by averaging the maximum projected queue for each of 10 runs. See TA, Appendix J, for further details in this regard.

Near-Term

Summarized in Table 3.14-4 are the predicted queue lengths for the various turn pockets in the study area under Near-Term conditions without project traffic and with project traffic, including anticipated traffic volumes generated by the implementation of Scenario 3. Copies of the SIMTRAFFIC projections are contained in Appendix J.

Table 3.14-4: Near-Term Maximum Left-Turn Queues Exceeding Available Storage Without and With Project Traffic Assuming Scenario 3 Development

Study Intersection Movement	Available Storage	Maximum Queues			
		AM Peak-hour		PM Peak-hour	
		NP	auto sales and service, office, multi-family residential	NP	auto sales and service, office, multi-family residential
1. North Main Street/San Luis Road					
Eastbound Left-Turn	100	88	94	85	85
Eastbound Right-Turn	95	*122*	*125*	56	58
Westbound Left-Turn	40	33	33	*50*	*47*
Westbound Right-Turn	40	22	24	*51*	*50*
Northbound Left-Turn	150	143	*150*	*177*	*172*
Northbound Right-Turn	125	13	14	40	50
Southbound Left-Turn	190	24	29	41	48
Southbound Right-Turn	140	*208*	*205*	75	76
2. North Main Street/Penniman Way					
Northbound U-Turn	150	74	79	77	80

Study Intersection Movement	Available Storage	Maximum Queues			
		AM Peak-hour		PM Peak-hour	
		NP	auto sales and service, office, multi-family residential	NP	auto sales and service, office, multi-family residential
3. Penniman Way/Lawrence Way-I-680 North					
Westbound Right-Turn	30	20	22	12	11
7. Parkside Drive/San Juan Avenue					
Westbound Right-Turn	75	*90*	*89*	*85*	71
8. Parkside Drive/Riviera Avenue					
Northbound Right-Turn	75	*82*	*77*	*122*	*117*
9. North Main Street/Parkside Drive					
Eastbound Through-Right	170	*202*	*198*	*212*	*214*
Westbound Left-Turn	200	92	83	53	75
Northbound Left-Turn	260	69	97	*355*	*372*
Southbound Left-Turn	200	*275*	*272*	*245*	*268*
10. Parkside Drive/Lawrence Way					
Eastbound Left-Turn	125	75	78	84	80
11. North Broadway/Parkside Drive					
Westbound Left-Turn	165	101	101	108	97
Northbound Right-Turn	100	*109*	*108*	*167*	*164*
12. North Civic Drive/Parkside Drive					
Eastbound Left-Turn	210	71	74	173	178
Northbound Right-Turn	170	*212*	*207*	*219*	*206*
13. North Main Street/North California Boulevard-Lawrence Way					
Northeast Bound Through/Right	**300**	**82**	**78**	**264**	***350***
15. North Civic Drive/Pine Street					
Eastbound Right-Turn	70	55	57	*80*	*80*
Northbound Left-Turn	170	158	150	112	96
16. North California Boulevard/Pringle Avenue					
Westbound Right-Turn	70	45	33	68	60
Northbound Left-Turn	170	140	146	*194*	*216*
Southbound Left-Turn	200	121	128	153	134
17. North Main Street/Pringle Avenue					
Eastbound Right-Turn	50	*84*	*79*	*93*	*96*
Northbound Left-Turn	40	*72*	*71*	*77*	*79*

Study Intersection Movement	Available Storage	Maximum Queues			
		AM Peak-hour		PM Peak-hour	
		NP	auto sales and service, office, multi-family residential	NP	auto sales and service, office, multi-family residential
Southbound Left-Turn	35	*43*	*53*	*69*	*71*
18. North Main Street/Central Road					
Southbound Left-Turn	50	*66*	*65*	*67*	*63*

Notes:
NP = No Project
Italicized text = queue length exceeds available storage.
Bold text = queue deficiency resulting from the addition of project traffic.
Maximum Queue based on the average of the maximum value from 10 SIMTRAFFIC runs; all distances are measured in feet.
Source: W-Trans. 2022. CEQA Only Transportation Analysis for the Walnut Creek North Downtown Specific Plan Supplemental EIR. November 29.

For several locations and time periods, the addition of traffic associated with the implementation of the proposed project, assuming Scenario 3 development as noted above, is shown to result in a decrease to maximum queue length. In reviewing the microsimulation software, it was determined that this result can occur when intersections are near or at capacity because of the interactions between different traffic patterns. For example, additional through traffic may block drivers wishing to enter a dedicated turn lane. This would result in a decrease to the estimated turn lane queue length as these drivers wait in the through lane. Likewise, increased congestion at an upstream intersection may meter how many vehicles reach a downstream intersection, reducing calculated queue lengths.

There were several instances where the addition of traffic associated with the implementation of the proposed project would increase queue lengths from within available storage to slightly greater than capacity, but the total increase would be less than 25 feet. For example, at North Main Street/San Luis Road (Intersection No. 1), the addition of traffic associated with the implementation of the proposed project to Near-Term volumes during the morning peak-hour would increase the 143-foot queue in the 150-foot northbound left-turn lane to 150 feet under Scenario 3. Per the City's thresholds provided above, because these increases are less than 25 feet, there would be a less than significant impact at this location.

The northeast bound shared through/right-turn lane at North Main Street/North California Boulevard-Lawrence Way (Intersection No. 13) is 300 feet long and would have a stacking distance of 264 feet during the PM peak-hour under Near-Term volumes without traffic associated with implementation of the proposed project added. This would be increased to 350 feet with traffic associated with the implementation of the proposed project, which is a potentially significant impact. Eliminating the two on-street parking spaces between this added lane and the Residence Inn turnout would increase the lane distance to greater than 350 feet and reduce this impact. There were no collisions reported in the vicinity of the end of this added lane during the study period.

For the proposed project, turn lane extension could be implemented at the following intersection to accommodate the queues for traffic associated with implementation of the proposed project:

- **North Main Street/North California Boulevard-Lawrence Way (Intersection No. 13)**-extend the north eastbound through/right-turn lane from 300 feet to 350 feet.

As noted above, the ultimate specific mix and allocation of uses pursued by the applicant pursuant to the proposed amendments to the NDSP (and related conforming amendments to the General Plan and the Municipal Code) would be determined subsequent to the certification of the SEIR at such time when a detailed specific individual development proposal is formally submitted to the City for consideration.[29] Therefore, the specific lane improvements needed to accommodate queue lengths would be determined upon the completion of a sensitivity study completed by the applicant as confirmed by the Public Works Department and review of each specific individual development proposal as required by MM TRANS-3. However, as discussed above, Scenario 3 represents a reasonable worst-case scenario. Therefore, regardless of the specific individual development proposal pursued by the applicant, it would result in similar or less impacts than analyzed here and any potentially significant impacts would be mitigated. Therefore, with respect to potential roadway safety hazards caused by queue lengths under Near-Term conditions, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Cumulative

The queue lengths anticipated under Cumulative conditions without project traffic and with anticipated traffic volumes generated by the implementation of the proposed project, assuming Scenario 3 development as noted above, are summarized in Table 3.14-5.

Table 3.14-5: Cumulative Maximum Left-Turn Queues Exceeding Available Storage Without and With Project Traffic Assuming Scenario 3 Development

Study Intersection Movement	Available Storage	Maximum Queues			
		AM Peak-hour		PM Peak-hour	
		NP	auto sales and service, office, multi-family residential	NP	auto sales and service, office, multi-family residential
1. North Main Street/San Luis Road					
Eastbound Left-Turn	100	*103*	99	*109*	*104*
Eastbound Right-Turn	95	*115*	*123*	*137*	*140*
Westbound Left-Turn	40	29	29	*65*	*69*
Westbound Right-Turn	40	21	24	*53*	*52*

[29] To ensure that all potential impacts are evaluated as mandated under CEQA, to the extent a specific individual development proposal involves discretionary approvals, then unless otherwise exempted, the City would be required to evaluate any such subsequent application to confirm whether it would result in any new or more severe environmental effects compared to those evaluated and disclosed in this SEIR.

Study Intersection Movement	Available Storage	Maximum Queues			
		AM Peak-hour		PM Peak-hour	
		NP	auto sales and service, office, multi-family residential	NP	auto sales and service, office, multi-family residential
Northbound Left-Turn	150	147	*155*	*194*	*199*
Northbound Right-Turn	125	15	18	58	58
Southbound Left-Turn	190	45	50	*214*	*225*
Southbound Right-Turn	140	*207*	*210*	*221*	*222*
2. North Main Street/Penniman Way					
Northbound U-Turn	150	68	78	93	100
3. Penniman Way/Lawrence Way-I-680 North					
Westbound Right-Turn	30	21	20	13	16
7. Parkside Drive/San Juan Avenue					
Westbound Right-Turn	75	*111*	*130*	49	54
8. Parkside Drive/Riviera Avenue					
Northbound Right-Turn	75	*95*	*94*	*105*	*107*
9. North Main Street/Parkside Drive					
Eastbound Through-Right	170	*214*	*208*	*234*	*237*
Westbound Left-Turn	200	134	152	43	42
Northbound Left-Turn	260	97	212	*343*	*352*
Southbound Left-Turn	200	*262*	*269*	*252*	*250*
10. Parkside Drive/Lawrence Way					
Eastbound Left-Turn	125	106	109	80	85
11. North Broadway/Parkside Drive					
Westbound Left-Turn	165	106	97	120	116
Northbound Right-Turn	100	*134*	*135*	*172*	*164*
12. North Civic Drive/Parkside Drive					
Eastbound Left-Turn	210	79	79	200	205
Northbound Right-Turn	170	*222*	*217*	*228*	*219*
13. North Main Street/North California Boulevard-Lawrence Way					
Northeastbound Through/Right	**300**	**139**	**137**	***302***	***333***
15. North Civic Drive/Pine Street					
Eastbound Right-Turn	70	59	65	*92*	*94*
Northbound Left-Turn	170	161	164	*217*	*210*

Study Intersection Movement	Available Storage	Maximum Queues			
		AM Peak-hour		PM Peak-hour	
		NP	auto sales and service, office, multi-family residential	NP	auto sales and service, office, multi-family residential
16. North California Boulevard/Pringle Avenue					
Westbound Right-Turn	70	48	48	70	64
Northbound Left-Turn	170	138	155	*223*	*220*
Southbound Left-Turn	200	113	113	151	138
17. North Main Street/Pringle Avenue					
Eastbound Right-Turn	50	*80*	*79*	*94*	*96*
Northbound Left-Turn	40	*74*	*75*	*77*	*76*
Southbound Left-Turn	35	*50*	*55*	*67*	*73*
18. North Main Street/Central Road					
Southbound Left-Turn	50	*75*	*72*	*67*	*57*

Notes:
NP = No Project
Italicized text = queue length exceeds available storage.
Bold text = queue deficiency resulting from the addition of project traffic.
Maximum Queue based on the average of the maximum value from 10 SIMTRAFFIC runs; all distances are measured in feet.
Source: W-Trans. 2022. CEQA Only Transportation Analysis for the Walnut Creek North Downtown Specific Plan Supplemental EIR. November 29.

As shown in Table 3.14-5, there are several intersections where the queue length would exceed the capacity. However, per the City's thresholds provided above, because these increases are less than 25 feet, there would be a less than significant impact at those locations.

The northeast bound shared through/right-turn lane at North Main Street/North California Boulevard-Lawrence Way (Intersection No. 13) is 300 feet long and would have a stacking distance of 302 feet during the PM peak-hour under Cumulative volumes without traffic associated with implementation of the proposed project added. This would be increased to 333 feet with traffic associated with the implementation of the proposed project, which is a potentially significant impact. Eliminating the two on-street parking spaces between this added lane and the Residence Inn turnout would increase the lane distance to greater than 350 feet and reduce this impact. There were no collisions reported in the vicinity of the end of this added lane during the study period (see Appendix J for additional details with respect to collision history). For the proposed project, turn lane extension could be implemented at the following intersection to accommodate the queues for traffic associated with implementation of the proposed project:

- **North Main Street/North California Boulevard-Lawrence Way (Intersection No. 13)**-extend the north eastbound through/right-turn lane from 300 feet to 350 feet.

As noted above, the ultimate specific mix and allocation of uses pursued by the applicant pursuant to the proposed amendments to the NDSP (and related conforming amendments to the General Plan and the Municipal Code) would be determined subsequent to the certification of the SEIR at such time when a detailed specific individual development proposal is formally submitted to the City for consideration.[30] Therefore, the specific lane improvements needed to accommodate queue lengths would be determined upon the completion of a sensitivity study completed by the applicant as confirmed by the Public Works Department and review of each specific individual development proposal as required by MM TRANS-3. However, as discussed above, Scenario 3 represents a reasonable worst-case scenario. Therefore, regardless of the specific individual development proposal pursued by the applicant, it would result in similar or less impacts than analyzed here and any potentially significant impacts would be mitigated. Therefore, with respect to potential roadway safety hazards caused by queue lengths under Cumulative conditions, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed effects under Scenario 3 (or any other Scenario) that could not be fully mitigated to reach a less than significant conclusion.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM TRANS-3 Construction of Turn Lanes and Turn Lane Extensions to Accommodate Project Access and Queue Lengths

Prior to issuance of a building permit for any specific individual development application, the City Transportation Engineer shall review the subject project plans and confirm the necessary improvements (e.g., turn lanes and/or extension thereof) referenced in the Supplemental Environmental Impact Report as reasonably determined necessary to meet the applicable site distance and queuing criteria contained in the Intersection Channelization Design Guide. The relevant applicant shall implement the foregoing lane improvements in connection with the subject specific individual development proposal to facilitate adequate site access prior to the issuance of occupancy permits for the relevant application.

Provided, however, to the extent a specific individual development proposal would involve a lower overall amount of development and/or a different allocation of uses as compared to Scenario 3 evaluated in the Transportation Analysis (Appendix J), then the relevant applicant shall have the ability to demonstrate, by submitting a sensitivity analysis prepared by a qualified transportation engineer to the City's Transportation Engineer for review and reasonable approval to confirm that the foregoing improvements (e.g., turn lanes and/or extension thereof) are not necessary to meet the applicable site distance and queuing criteria contained in the

[30] To ensure that all potential impacts are evaluated as mandated under CEQA, to the extent a specific individual development proposal involves discretionary approvals, then the City would be required to evaluate any such subsequent application to confirm whether it would result in any new or more severe environmental effects as compared to those evaluated and disclosed in this SEIR.

Intersection Channelization Design Guide. If the sensitivity analysis confirms that no such improvement(s) are warranted, then no further mitigation shall be required.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Emergency Access

Impact TRANS-4: The proposed project would not result in inadequate emergency access.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated whether development under the NDSP would result in inadequate emergency access and concluded that individual development projects and roadway improvements constructed as part of implementation of the NDSP would create multimodal improvements that would improve comfort, convenience, and mobility, primarily for bicyclists, pedestrians, and transit vehicles. It also concluded that because all development applications would undergo the City's comprehensive development review process to ensure site emergency access would meet the City's standards. For the foregoing reasons, the 2019 NDSP EIR concluded that implementation of the NDSP would not result in inadquate emergency access and impacts would be less than significant in this regard.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the project site is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to emergency access.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to emergency access, as explained more fully in the TA (Appendix J) and below.

Adequacy of Emergency Access

The curb-to-curb distance between North Main Street and North Broadway spanning Site A is approximately 790 feet. As this is greater than 300 feet (a 150-foot reach from each street), a fire access road would be required to access all exterior building walls. Similarly, Sites B and C are approximately 400 feet from North Broadway to the east edges of these sites. Therefore, Sites A, B, and C could generally be considered as too large for fire engines to fully access each site from North Main Street or North Broadway. However, this is not always the case since the requirement for a fire access road can be exempted under applicable laws and regulations through approval from the Fire Code Official, provided the building(s) at issue are equipped throughout with an automatic fire sprinkler system.

The City Transportation Engineer would review project plans to determine compliance with the Municipal Code Chapter 9-19, Ordinance No. 2019-37 and California Fire Code.

As concluded in the TA, the addition of project traffic to existing or future traffic volumes would minimally impact emergency response times within the NDSP area because the proposed project would result in negligible increases to control delay that could be alleviated through signal retiming. In addition, City maintained traffic signal systems are equipped with optical priority detectors which would enable emergency vehicle operators to call a green phase regardless of traffic volumes (refer to Appendix J for further discussion). Furthermore, the proposed project would be located near major transportation corridors and other ample infrastructure consistent with the urban nature of the project site and other portions of the NDSP area, which is reasonably assumed to be available in the event of an emergency.

Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects associated with emergency access under Scenario 3 (or any other Scenario). No additional analysis is required, and impacts would remain less than significant.

Level of Significance

Less than significant impact.

3.14.7 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

As noted in the 2019 NDSP EIR, the cumulative analysis includes a cumulative analysis without implementation of the NDSP, which includes cumulative growth forecasts for the year 2040 (which is based on regional traffic growth and full buildout of the General Plan and all pipeline projects) and cumulative with implementation of the NDSP, which is the cumulative traffic forecasts plus traffic generated by full buildout of the NDSP and all pipeline projects. These forecasts were prepared using the Contra Costa Countywide Travel Demand Model, in conjunction with the Main Street trip generation model.

The 2019 NDSP EIR concluded that the combination of development under the NDSP, combined with other past, present, and reasonably probable future projects adjacent to and in close proximity to the NDSP area, would not be expected to result in a significant cumulative impact to conflicts with a program plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities; it also determined a less than significant cumulative impact with respect to any safety hazards and emergency access. There were cumulative impacts associated with LOS. However, for the reasons described above, those are not discussed in detail in this SEIR. These impact conclusions were based, in part, on the assumption that development under the NDSP would be required to adhere to all applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the General Plan and Municipal Code. The 2019 NDSP EIR concluded implementation of the NDSP would not have a cumulatively considerable contribution to this already less than significant cumulative impact.

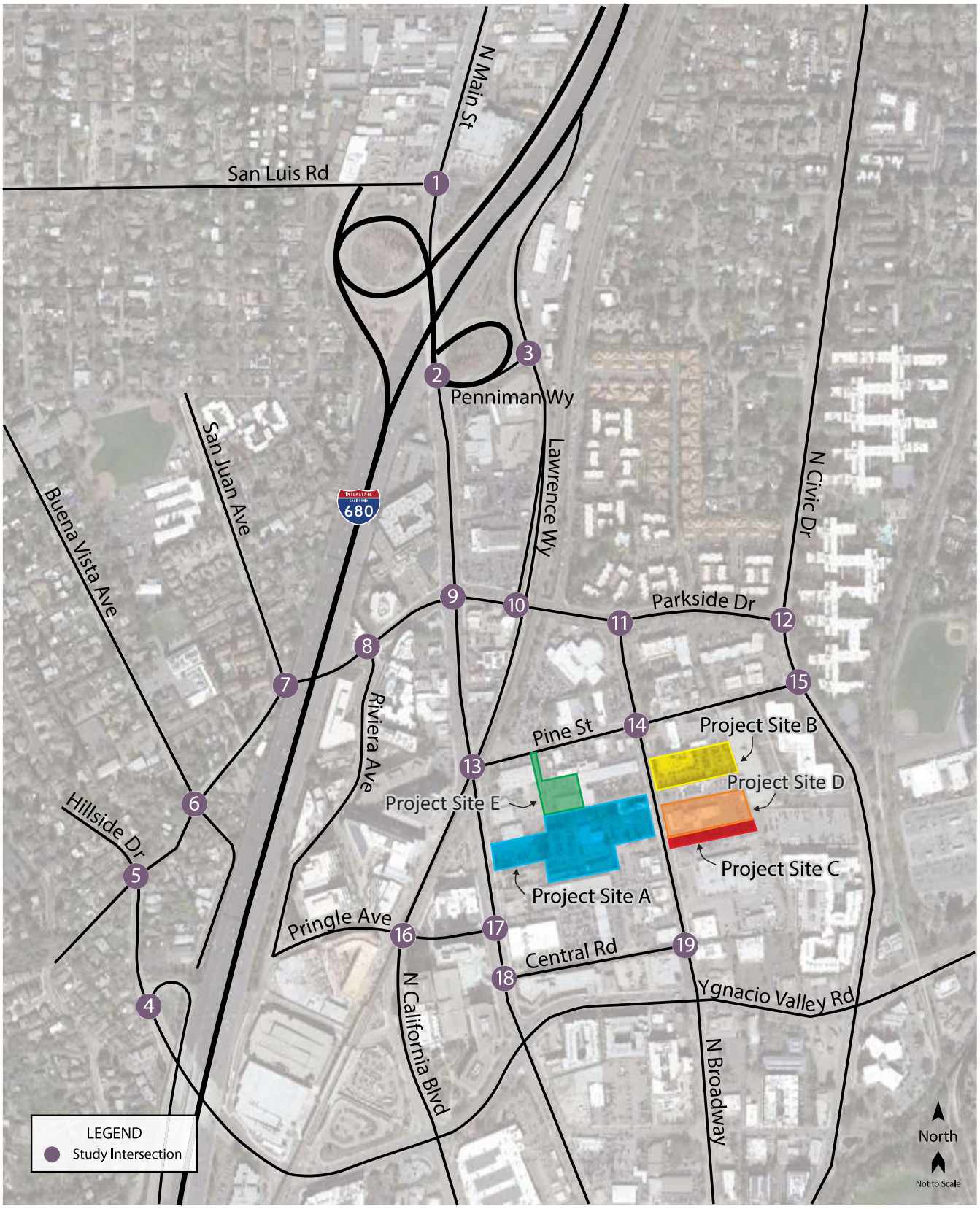
Supplemental Analysis of the Proposed Project

Consistent with the cumulative analysis in the 2019 NDSP EIR, the appropriate geographic context for cumulative impacts for transportation-related impacts is the NDSP area. Cumulative projects within the NDSP area consist of projects assumed under the 2019 NDSP EIR.

As explained more fully above and in the TA, impacts of the proposed project combined with other cumulative development have been evaluated, with feasible mitigation identified where required. Based on the foregoing, there would not be any significant cumulative transportation-related impacts. Moreover, each individual development project within the NDSP area would be governed by the relevant provisions of the NDSP, General Plan, and the Municipal Code. For example, the General Plan sets forth transit-supportive goals and policies, including Goal 7 of Chapter 5, Transportation, which would increase transit ridership and service to employment, schools, shopping, and recreation, and associated policies 7.3 and 7.5. The NDSP includes substantial improvements to pedestrian and bicycle infrastructure, which would ensure adequate facilities are developed, and cumulative projects would provide right-of-way for the development of this infrastructure and contribute their fair share to the development of these facilities. All cumulative future development projects would undergo a VMT analysis and, for those projects that do not automatically screen out, would be required to provide TDM measures pursuant to the Resolution.[31] With respect to roadway safety hazards and emergency access, all cumulative projects would be designed to conform to applicable City code requirements and would be reviewed by City planning and engineering staff prior to final design approval. In addition, cumulative development within the NDSP area would be required to demonstrate consistency with applicable provisions of the General Plan, NDSP, and other applicable codes, ordinances, and policies. The foregoing would ensure that any impacts that would contribute to this already less than significant cumulative impact would not be cumulatively considerable and thus, would be less than significant.

Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and the cumulative impact in this regard would remain less than significant.

[31] City of Walnut Creek. 2020. Resolution No. 20-70: A Resolution of the City Council of the City of Walnut Creek Adoption "Vehicle Miles Traveled" Thresholds of Significance and Local Criteria for Purposes of Analyzing Transportation Impacts Under the California Environmental Quality Act. October.



Source: W-Trans, 01/2022.

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Exhibit 3.14-1
Location of Study Intersections

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Source: W-Trans, 01/2022.

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Exhibit 3.14-2
Existing Lane Configurations

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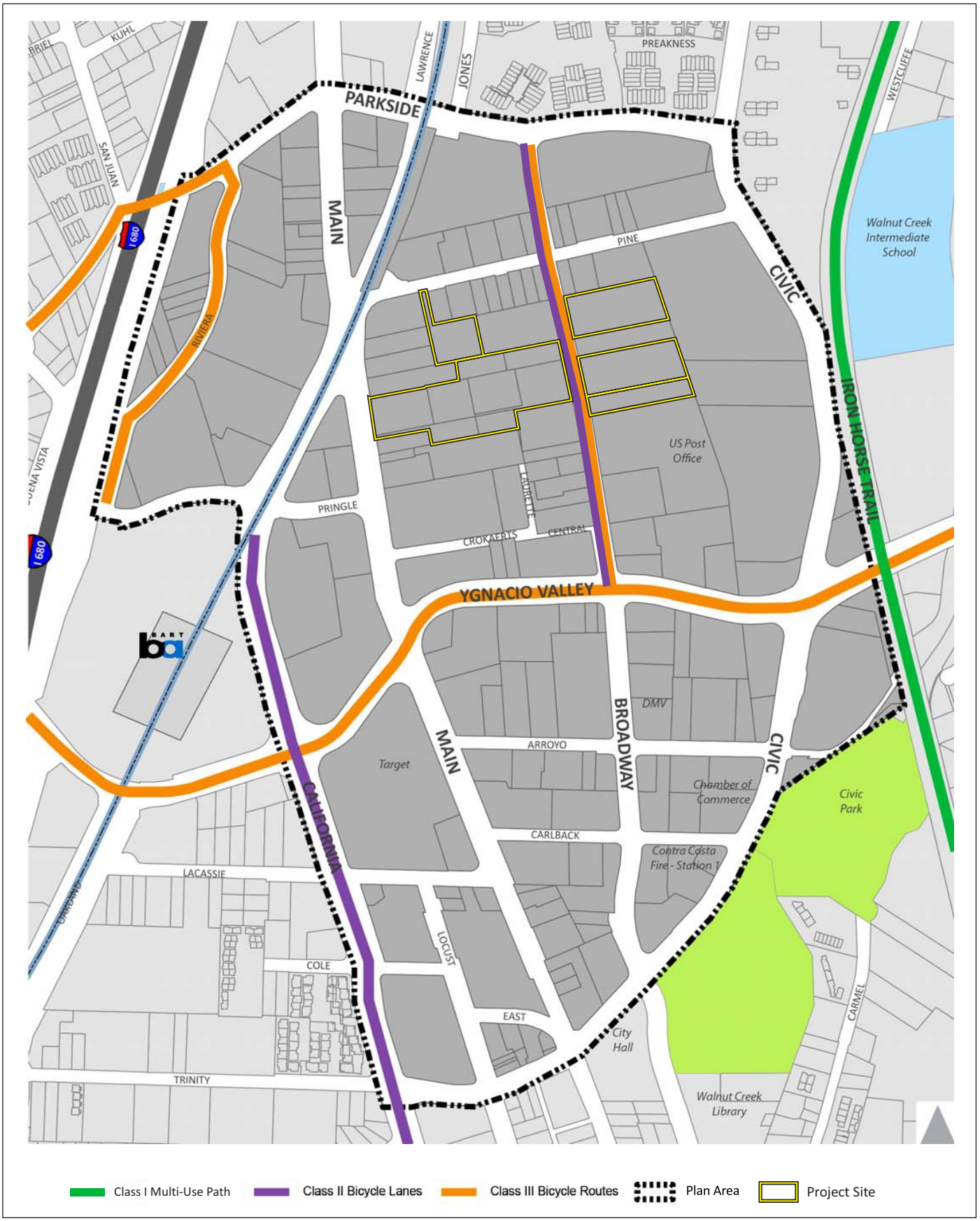
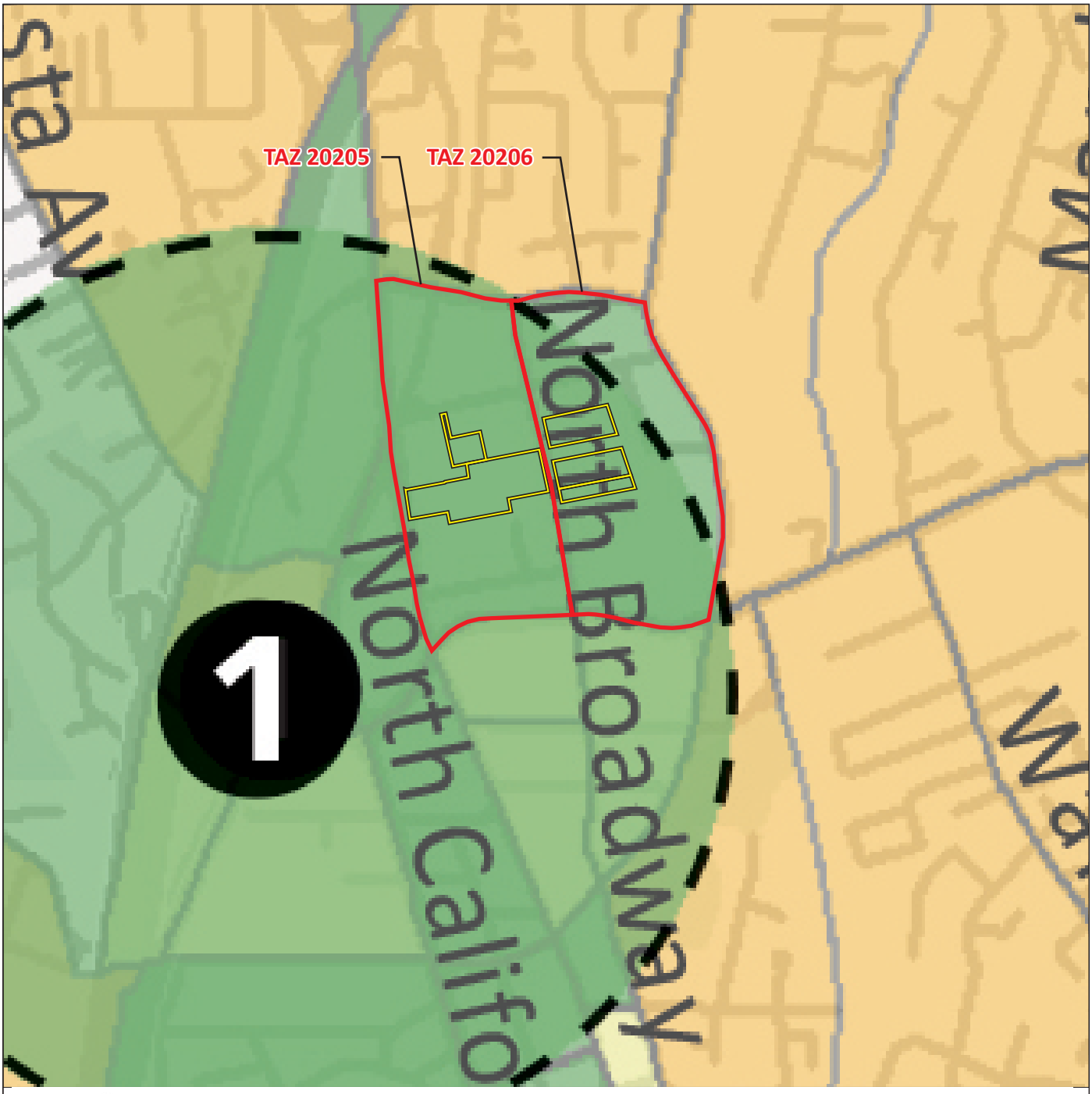


Exhibit 3.14-3
North Downtown Specific Plan Area
Existing Bicycle Facilities

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Legend

Data from Contra Costa County Travel Demand Model

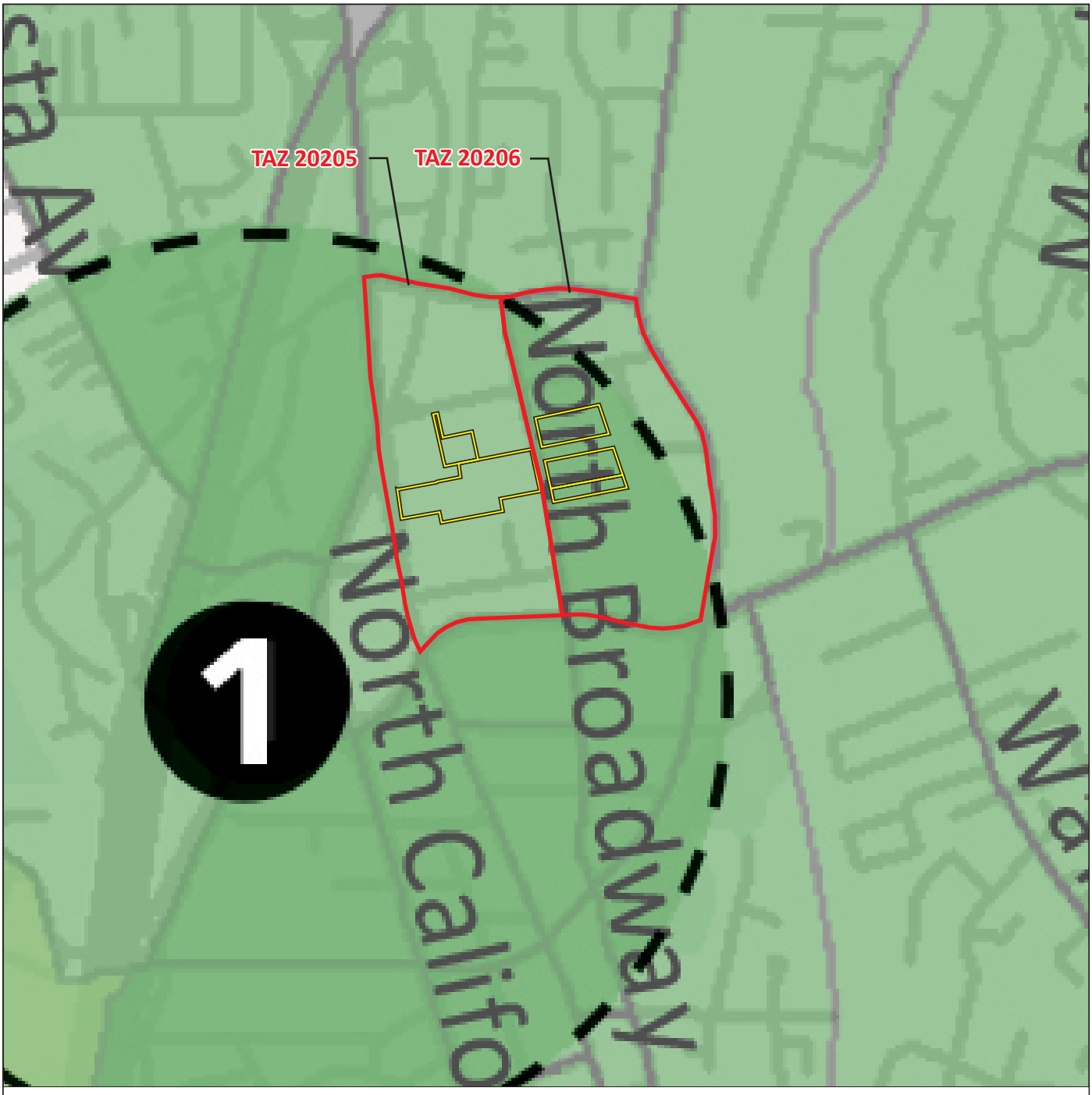
- 85% or less than regional/ countywide average
- Between 85% and 100% of regional/countywide average
- Above average
- 1 Walnut Creek BART
- ½-mile station buffer
- Project Site

*These values were calculated using the 2020 base year if the August 2020 version of the Contra Costa County Transportation Authority (CCTA) travel demand model. This model incorporates 'Big Data' to account for inter-model trips. **These values should be updated with new baseline CCTA model information as it becomes available.**

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Exhibit 3.14-4a
Home-Based VMT per Employee

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Legend

Data from Contra Costa County Travel Demand Model

- 85% or less than regional/ countywide average
- Between 85% and 100% of regional/countywide average
- Above average
- 1 Walnut Creek BART
- ½-mile station buffer
- Project Site

*These values were calculated using the 2020 base year if the August 2020 version of the Contra Costa County Transportation Authority (CCTA) travel demand model. This model incorporates 'Big Data' to account for inter-model trips. **These values should be updated with new baseline CCTA model information as it becomes available.**

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Exhibit 3.14-4b
Home-Based VMT per Resident

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3.15 - Utilities and Service Systems

3.15.1 - Introduction

This Draft Supplemental Environmental Impact Report (Draft SEIR) and attached supporting technical reports, studies, and other materials have been prepared to document the information necessary to make the certified North Downtown Specific Plan EIR (2019 NDSP EIR) (State Clearinghouse No. 2018012020) prepared for the City, and certified by the City Council on October 15, 2019, adequate to address the potential environmental impacts of the proposed project and to provide additional environmental analysis where appropriate to ensure full disclosure of impacts as required under the California Environmental Quality Act (CEQA). This section describes the existing setting with respect to utilities and service systems and potential effects from implementation of the proposed project on the project site and its surrounding area as compared to the evaluation set forth in the 2019 NDSP EIR. The analysis in this section is based, in part, on the Water Supply Assessment (WSA) for Toyota Walnut Creek Mixed Use Special District Project prepared by Balance Hydrologics and approved by East Bay Municipal Utility District (EBMUD),[1] as well as information provided by Central Contra Costa Sanitary District (Central San), EBMUD 2020 Urban Water Management Plan (2020 UWMP),[2] the City of Walnut Creek (City), California Department of Resources Recycling and Recovery (CalRecycle), Central Contra Costa Solid Waste Authority (RecycleSmart), and a Conceptual Hydrology Analysis prepared by Kier and Wright. The WSA is included in Appendix K. The Conceptual Hydrology Analysis prepared is provided in Appendix H. The following comments were received during the Notice of Preparation (NOP) scoping period for this Draft Supplemental EIR (Draft SEIR) related to utilities and service systems:

- Request that EBMUD be consulted about the need for a WSA;
- Notice of the EBMUD requirements the proposed project would be required to adhere to; and
- Request that City includes compliance with Assembly Bill (AB) 325[3] as a Condition of Approval.

3.15.2 - Scenario Evaluation

As noted in Chapter 2, Project Description, the Applicant is requesting that the City approve amendments to the NDSP (along with conforming amendments to the Walnut Creek General Plan [General Plan] and Municipal Code to ensure consistency) as well as a development agreement in order to create a new Mixed Use Special District that would allow for auto sales, service and ancillary uses as well as a range of other potential compatible additional uses such as commercial office, hotel, and/or multi-family residential. At this time, no application for a specific individual development proposal for the project site has been formally submitted to the City; therefore, the final specific allocation and mix of uses is not currently known. Accordingly, for purposes of evaluating the potential impacts that could result if the City approves the proposed project, this Draft SEIR considers three potential development scenarios (as defined further below) that reflect a

[1] East Bay Municipal Utility District (EMBUD) approved the Water Supply Assessment (WSA) during a Board of Directors meeting on February 28, 2023.
[2] East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan (UWMP).
[3] AB 325, which amended the Business and Professions Code, applies to self-storage facilities and is not applicable to the proposed project.

reasonable mix and allocation of uses that could occur under the proposed amendments to determine which one would reflect the reasonable worst-case scenario for each environmental topic area. For purposes of this analysis, the project site refers to all sites that could potentially undergo redevelopment as part of the proposed project (i.e., collectively, Sites A, B, and C, as well as the existing 1.42-acre site where Toyota Walnut Creek presently operates [Site D], and an approximately 0.82-acre property [Site E], located adjacent to Site A). This analysis includes an evaluation of the entire project site unless otherwise explicitly stated.

For purposes of the analysis set forth in this section, the City and its California Environmental Quality Act (CEQA) consultant conducted a preliminary assessment of each of the potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) in order to determine the Scenario that would result in the "reasonable worst-case scenario" under each environmental topic area (see Appendix B, Comparative Summary of Potential Impacts). For the reasons set forth in Appendix B, it was determined that Scenario 3, (auto sales and service, office, and multi-family residential) would have the greatest impact with regard to water, sewer, stormwater, energy, and telecommunications facilities and Scenario 1 (auto sales and service and office) would have the greatest impact with respect to solid waste. Therefore, the following impact areas are evaluated assuming development of Scenario 3, except for solid waste (which is evaluated assuming development of Scenario 1).

3.15.3 - Environmental Setting

Following is information about the existing environmental setting as of the date the NOP for this Draft SEIR was published. For additional information regarding the existing conditions related to utilities and service systems in the North Downtown Specific Plan (NDSP) area that were in place at the time the 2019 NDSP EIR was certified, this can be found in Section 4.11, Utilities and Service Systems (pages 4.11-1 through 4.11-11) of the 2019 NDSP EIR.

Water

The project site is in the existing service area of EBMUD, which is an independent public utility agency governed by an elected seven-member board of directors. EBMUD provides potable water supply and distribution to a 332-square-mile service area in Alameda and Contra Costa Counties with a population of 1.4 million. The service area stretches from Crockett to the north, southward to San Lorenzo and portions of Hayward (encompassing the major cities of Oakland and Berkeley), eastward from San Francisco Bay to Walnut Creek, and south through the San Ramon Valley (including Alamo, Danville, and San Ramon).

According to the 2020 UWMP,[4] EBMUD delivered between 150 and 170 million gallons of water per day (mgd) to customers in the region between 2015 and 2020.[5]

[4] East Bay Municipal Utility District (EBMUD) prepared and adopted a 2020 Urban Water Management (2020 UWMP) that projects water supply and demand within its service area through 2050.

[5] East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan, Figure 3-1: EBMUD Water Accounts and Total Demand.

Water Treatment Facilities

The Walnut Creek Water Treatment Plant, which serves the project site along with other areas of the City, has the second largest output of the water treatment facilities within the EBMUD system with a maximum capacity of 115 mgd.[6] All water delivered to customers goes through the following steps: (1) aeration; (2) coagulation; (3) flocculation; (4) sedimentation; (5) filtration; (6) disinfection; (7) fluoridation; and (8) corrosion control.[7]

Distribution System

Most of the water mains in the NDSP area, including the project site, range from 6- to 12-inches in diameter. Four major water mains are located within the southern portion of the NDSP area, including: a 24-inch main in Carlback Avenue from North Main Street, a 48-inch main that travels along North California Boulevard from Civic Drive north and proceeds west on Ygnacio Valley Road, an 84-inch water main that travels on North California Boulevard from Lacassie Avenue through Parkside Drive, and a 69-inch main that travels from North California Boulevard (starting from the 48-inch main traveling east on Lacassie Avenue and Carlback Avenue) and turns south along the Iron Horse Trail past the NDSP area.

The project site is currently served by the 12-inch water main in North Main Street and an 8-inch water main in North Broadway.

Water Supply

The City obtains its water supply from EBMUD and, for a small portion of the City, from Contra Costa Water District (CCWD). The project site is located within the EBMUD service area and therefore the WSA evaluated impacts to EBMUD's supply and demand projections based on information from and consistent with EBMUD's 2020 UWMP. EBMUD has a variety of water supply sources that are generated outside of the City limits. Table 3.15-1 summarizes EBMUD's current sources of water, and the following sections detail the water supply.

Table 3.15-1: East Bay Municipal Utility District Current Sources of Water Supply

Source	Contracted Volume/Capacity (mgd)	Contracted Volume/Capacity (AFY)
Mokelumne River[1]	325	364,047
East Bay Watershed Runoff[2]	23	25,763
Emergency Standby[3]	135	151,670
USBR Central Valley Project Supply[4]	119	133,000
EBMUD Recycled Water[5]	13	364,047

Notes:
AFY = acre-feet per year
EBMUD = East Bay Municipal Utility District
mgd = million gallons per day

[6] Raimi + Associates. 2016. North Downtown Specific Plan Existing Conditions Report. October 19.
[7] East Bay Municipal Utility District (EBMUD). 2021. Water Treatment. Website: https://www.ebmud.com/water/about-your-water/water-quality/water-treatment/.

Source	Contracted Volume/Capacity (mgd)	Contracted Volume/Capacity (AFY)

USBR = United States Bureau of Reclamation
UWMP = Urban Water Management Plan

Adopted from the 2020 UWMP

[1] EBMUD water rights allow for up to a maximum 325 mgd per year.
[2] Local watershed runoff are stored in terminal reservoirs and vary depending on hydrological conditions. 23 mgd is the average supply during a normal hydrologic year.
[3] Terminal reservoir storage provides approximately 6 months of emergency standby reserve. 151,670 acre-feet reflects the reservoir system's total capacity.
[4] The USBR contract provides up to 133,000 acre-feet in a qualifying drought year, not to exceed 165,000 acre-feet over three consecutive drought years.
[5] EBMUD's 2019 Recycled Water Master Plan includes a goal of generating 20 mgd of recycled water by 2040. However, the 2020 UWMP projects 13 mgd of recycled water for forecasting through 2050. While recycled water is part of EBMUD's total supply, it is not available in the vicinity of the proposed project and would not be used as water supply for the proposed project.

Source: Balance Hydrologics. 2022. Water Supply Assessment for Toyota Walnut Creek Mixed Use Special District Project.

Mokelumne River

EBMUD-owned Pardee and Camanche Dams on the Mokelumne River are operated together to provide flow releases for a variety of different water uses including agriculture, fisheries, hydropower, recreation, and municipal and industrial uses. Pardee Dam is primarily used for EBMUD municipal water and power generation. Municipal water is transported from Pardee Dam to EBMUD's service area through the Mokelumne Aqueduct, which terminates in the City. Municipal water is then transported throughout EBMUD's service area through water treatment plants, terminal reservoirs, and the Lafayette Aqueduct.

Camanche Dam provides water releases for fisheries, recreation, and other water uses. The 1998 Joint Settlement Agreement among EBMUD, United States Fish and Wildlife Service, and California Department of Fish and Wildlife provides in-stream flow releases below Camanche Dam to sustain and enhance spawning and rearing fisheries habitat. EBMUD has water rights for up to a maximum of 325 mgd. Actual water available in any given year depends on Mokelumne River runoff and other water rights. Therefore, there is less supply during single-dry and multi-dry year periods, as discussed further in the WSA.

East Bay Watershed Runoff and Emergency Standby

EBMUD has five terminal reservoirs: Briones, Chabot, Lafayette, San Pablo, and Upper San Leandro Reservoirs. These five terminal reservoirs store runoff from local East Bay area watersheds and supplement the Mokelumne River water supply. The terminal reservoirs provide a total capacity of 151,670 acre-feet of storage, a portion of which is retained as emergency reserve storage (6-month supply) in the case of outages or failure of the Mokelumne supply aqueduct system. On average in a normal water year, local East Bay runoff provides EBMUD with 23 mdg.

United State Bureau of Reclamation Central Valley Project

During drought years, local watershed runoff and Mokelumne River flows are supplemented with water from the United States Bureau of Reclamation's (USBR) Central Valley Project. EBMUD's 1970 contract with USBR allowed for water delivery from the American River. This contract was amended in 2000 to create a joint water supply intake from the Sacramento River (in lieu of water from the

American River) through the construction of the Freeport Project. In 2006, the Long-Term Renewal contract provided for 133,000 acre-feet of water for a single qualifying drought year, not to exceed a total of 165,000 acre-feet in three consecutive drought years. Qualifying years are determined by EBMUD monthly water supply forecasting starting March 1 through May 1. When forecasts project Mokelumne water supply to be below 500,000 acre-feet on September 30, EBMUD qualifies to activate its USBR contract. In 2020, EBMUD updated its contract with USBR, replacing the Long-Term Renewal contract (set to expire in 2046) with a permanent repayment contract via the 2016 Water Infrastructure Improvements for the Nation Act.

Recycled Water

EBMUD has been using recycled water for irrigation projects and in-plant processes since the 1970s. In 2020, EBMUD provided an estimated 8.3 mgd of recycled water to a variety of customers. EBMUD has policies in place to encourage use of recycled water. Policies require customers to use non-potable water for non-domestic purposes when the necessary quality and quantity are available at a reasonable cost and not harmful to public health or the environment. However, EBMUD does not have existing recycled water infrastructure in the City of Walnut Creek and has not identified a need to extend such services. Accordingly, based on available information, EBMUD does not have plans to extend such infrastructure into Walnut Creek in the future. Therefore, the WSA assumed recycled water would not serve the proposed project.

Existing Water Demand

As explained in more detail in the WSA, the existing development on the project site, which consists mostly of parking lots and buildings associated with Toyota Walnut Creek automotive sales, service and ancillary uses, currently uses a total of approximately 2.9 acre-feet per year (AFY) or approximately 2,589 gallons per day (GPD).[8]

Wastewater

Central San provides wastewater collection and treatment to the City, including the project site.

Collection System

Central San's sewer collection infrastructure consists of approximately 1,500 miles of underground pipe and 19 pumping stations. Wastewater flows from Walnut Creek are conveyed north to the Central San Wastewater Treatment Plant (WWTP) in Martinez. The project site is currently served by the 6-inch sanitary sewer main in North Main Street and an 8-inch sanitary sewer main in North Broadway.

Treatment Plant

Central San treats sewage at its treatment plant in Martinez, located at the intersection of Interstate 680 (I-680) and State Route (SR) 4. The treatment plant has a dry weather effluent discharge limit of 54 mgd and wet weather flow of 240 mgd. The WWTP treats an average dry weather flow of 35 mgd, which means there is currently approximately 19 mgd of 54 mgd flow of remaining capacity.[9] It is conservatively assumed that the existing development on the project site, which consists mostly of

[8] Balance Hydrologics. 2022. Water Supply Assessment for Toyota Walnut Creek Mixed Use Special District Project, Table 4.
[9] Central Contra Costa Sanitary District (Central San). 2021. Fiscal Year 2020-21 Optimizations Program Annual Report.

parking lots and buildings associated with Toyota Walnut Creek automotive sales, service and ancillary uses, currently generates approximately 2,589 GPD of effluent.[10]

Storm Drainage

The City owns and maintains drainage facilities within the City limits. Stormwater from the project site drains into Walnut Creek via existing City stormwater drainage systems. Specifically, runoff from the project site sheet flows into the municipal storm drainage facilities within North Broadway.

Solid Waste

Central Contra Costa Solid Waste Authority (RecycleSmart) is a joint powers agency that oversees solid waste management to the incorporated cities and towns of Danville, Lafayette, Moraga, Orinda, Walnut Creek, and nearby unincorporated areas of Contra Costa County. RecycleSmart contracts with Republic Services to provide solid waste collection and disposal services for residents and businesses within the NDSP area, including the project site. Pursuant to State Law Senate Bill (SB) 1016, Walnut Creek targets a disposal rate of 4.7 pounds per person per day.[11] The 2019 disposal rate for Walnut Creek exceeds this target, at 4.0 pounds per person per day. However, the Draft SEIR conservatively assumes a solid waste disposal rate of 4.7 pounds per person per day. Using this assumption, the existing development on the project site, which consists mostly of parking lots and buildings associated with Toyota Walnut Creek automotive sales, service and ancillary uses, currently generates approximately 358 pounds of solid waste per day.

Landfills

Non-hazardous solid waste is taken to the Contra Costa Transfer and Recovery Station in Martinez, which has a maximum daily permitted[12] throughput of 1,900 tons.[13] Solid waste is then taken to the Keller Canyon Landfill with a maximum daily permitted throughput of 3,500 tons and a remaining capacity of 63.40 million cubic yards. The landfill is currently permitted to operate until December 31, 2050.[14]

Electric Power and Natural Gas

Pacific Gas and Electric Company (PG&E) and Marin Clean Energy (MCE) provide electrical and gas services to Walnut Creek, including the project site. A 100-foot-wide easement for overhead electrical transmission lines crosses the NDSP area in the southwest–northeast direction across the southern portion of the NDSP area. A 12 kilovolt (kV) electrical distribution system is primarily underground throughout the NDSP area with overhead lines in some areas. There is a high-pressure

[10] Though it can be expected that only some (but not all) of the domestic water would be discharged to the City's municipal wastewater system, it was conservatively assumed that all domestic water would be discharged to the City's municipal wastewater system as effluent.

[11] Central Contra Costa County Solid Waste Authority (RecycleSmart). Annual Diversion Report for Calendar Year 2019: Agenda Item No. 4, Table 1. Website: https://www.recyclesmart.org/filebrowser/download/4900371. Accessed December 6, 2021.

[12] Permitted throughput is the maximum permitted amount of waste a landfill can accommodate and dispose of in one day. This figure is established in the current solid waste facilities permit issued by the Integrated Waste Management Board.

[13] California Department of Resources Recycling and Recovery (CalRecycle). 2019. SWIS Facility/Site Activity Details, Contra Costa TS and Recovery (07-AA-0027). Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/4402?siteID=223. Accessed November 23, 2021.

[14] California Department of Resources and Recycling and Recover (CalRecycle). 2019. Keller Canyon Landfill (07-AA-0032). Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/4407?siteID=228. Accessed November 23, 2021.

gas distribution system in the NDSP area. Crossing the NDSP area is PG&E's Natural Gas Line 191, which is a major transmission line that serves most of the East Bay Area from Orinda through Antioch. Additionally, there is a 10-inch Kinder Morgan fuel line that runs along the eastern side of the NDSP area within the Iron Horse Trail easement.[15]

There are PG&E vaults and utility boxes within North Main Street that currently provide electricity to the project site.

Telecommunications

AT&T's conduit is largely concentrated on Locust Street and North Main Street, while Comcast's conduit is mainly focused on North California Boulevard, Ygnacio Valley Road, and Civic Drive. AT&T and Comcast serve as telecommunications providers to Walnut Creek, including the project site. There are telephone boxes on North Main Street.

3.15.4 - Regulatory Framework

Federal

Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) of 1974 gave the United States Environmental Protection Agency (EPA) the authority to set standards for contaminants in drinking water supplies. The EPA was required to establish primary regulations for the control of contaminants that affected public health and secondary regulations for compounds that affect the taste, odor, and aesthetics of drinking water. Under the provisions of SDWA, the California Department of Health Services (DHS) has the primary enforcement responsibility. Title 22 of the California Administrative Code establishes DHS authority, and stipulates State drinking water quality and monitoring standards.

Clean Water Act (National Pollutant Discharge Elimination System)

Treated wastewater is closely regulated for health and environmental concerns and is included in the National Pollutant Discharge Elimination System (NPDES) program. The San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB) regulates operations and discharges from sewage systems through the NPDES permit re-issued on November 19, 2015. The permit provides a uniform standard for wastewater and stormwater discharges for the counties and agencies surrounding the San Francisco Bay. The City is mandated to comply with the NPDES Permit by State and federal laws and regulations.

Energy Policy Act of 1992

The Federal Energy Regulatory Commission (FERC) regulates the transmission and sale of electricity in interstate commerce (including interstate gas pipelines that serve California), licensing of hydroelectric projects, and oversight of related environmental matters. As part of the license application process, environmental analysis pursuant to the National Environment Policy Act (NEPA) must be conducted. FERC acts under the legal authority of the Federal Power Act of 1935, the Public Utility Regulatory Policies, and the Energy Act of 1992, in addition to several other federal acts. The

[15] Raimi + Associates. 2016. North Downtown Specific Plan Existing Conditions Report. October 19.

Energy Act of 1992 addresses energy efficiency, energy conservation and energy management, natural gas imports and exports, and alternative fuels (including as used in motor vehicles). It amended parts of the Federal Power Act of 1935.

Title 40 of the Code of Federal Regulations

Title 40 of the Code of Federal Regulations, Part 258 (Resource Conservation and Recovery Act [RCRA], Subtitle D), contains regulations for municipal solid waste landfills and requires states to implement their own permitting programs incorporating the federal landfill criteria.

State

California Urban Water Management Planning Act

The Urban Water Management Planning Act (California Water Code §§ 10610–10656) requires that all urban water suppliers with at least 3,000 customers prepare UWMPs and update them every 5 years. The Urban Water Management Planning Act requires that UWMPs include a description of water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions. Specifically, UWMPs must:

- Provide current and projected population, climate, and other demographic factors affecting the supplier's water management planning;
- Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier;
- Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage;
- Describe plans to supplement or replace that source with alternative sources or water demand management measures;
- Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis (associated with systems that use surface water);
- Quantify past and current water use;
- Provide a description of the supplier's water demand management measures, including a schedule of implementation, programs to measure effectiveness of measures, and anticipated water demand reductions associated with the measures; and
- Assess the water supply reliability.

California Health and Safety Code

Section 64562 of the California Health and Safety Code establishes water supply requirements for service connections to public water systems. Before additional service connections can be permitted, enough water must be available to the public water system from its water sources and distribution reservoirs to adequately, dependably, and safely meet the total requirements of all water users under maximum-demand conditions.

Assembly Bill 715

Assembly Bill (AB) 715, enacted in 2007, requires that any toilet or urinal sold or installed in California on or after January 1, 2014, cannot have a flush rating exceeding 1.28 and 0.5 gallons per flush, respectively. AB 715 superseded the State's previous standards for toilet and urinal water use set in 1991 of 1.6 and 1.0 gallons per flush, respectively. On April 8, 2015, in response to the Governor's Emergency Drought Response Executive Order (Executive Order B-29-15), the California Energy Commission approved new standards for urinals requiring that they not consume more than 0.125 gallons per flush, 75 percent less than the standard set by AB 715.

Water Conservation Act of 2009

The Water Conservation Act of 2009 (SB X7-7) requires all water suppliers to increase water use efficiency. The legislation set an overall goal of reducing per capita water by 20 percent by 2020 in each water district. Effective in 2016, urban retail water suppliers who do not meet the water conservation requirements established by this bill are not eligible for State water grants or loans.

Senate Bill 610 and 221

SB 610, codified as Sections 10910-10915 of the California Water Code, requires local water providers to conduct a WSA for a variety of projects including those proposing: over 500 housing units; 250,000 square feet of commercial office space (or more than 1,000 employees); a shopping center or business establishment with over 500,000 square feet (or more than 1,000 employees); a proposed hotel or motel, or both, having more than 500 rooms; a mixed-use project that includes one or more of the foregoing projects; or equivalent usage. Issuance of a WSA determination by the local water supplier for a proposed project verifies that the supplier has previously considered a proposed project in its UWMP and/or otherwise has adequate capacity to serve the project at issue in addition to its existing service commitments and other planned uses.

SB 221 establishes consultation and analysis requirements related to water supply planning for residential subdivisions including more than 500 dwelling units. Written verification by the water supplier that sufficient water is available for the project at issue is required as a condition of approval of the final subdivision map.

California Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The Porter-Cologne Act sets forth the obligations of the California State Water Resources Control Board (State Water Board) and the nine RWQCBs, which engage in several water quality functions in their respective regions and regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. The San Francisco Bay RWQCB is responsible for the City.

California Model Water Efficient Landscape Ordinance

The Model Water Efficient Landscape Ordinance (MWELO or Ordinance) was adopted by the Office of Administrative Law in September 2009 and requires local agencies to implement water-efficiency measures as part of their review of landscaping plans. Local agencies can either adopt the MWELO or incorporate provisions of the Ordinance into code requirements for landscaping. Drought Executive Order of April 1, 2015 (Executive Order B-29-15) directed DWR to update the State's MWELO through expedited regulation. The California Water Commission approved the revised Ordinance on July 15, 2015.

New development projects that include landscape areas of 500 square feet or more are subject to the Ordinance. This applies to residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review. The previous landscape size threshold for new development projects ranged from 2,500 square feet to 5,000 square feet. The size threshold for existing landscapes that are being rehabilitated has not changed, remaining at 2,500 square feet. Only rehabilitated landscapes that are associated with a building or landscape permit, plan check, or design review are subject to the Ordinance. The Municipal Code Section 10-2.3.1101 states that development shall comply with the State of California MWELO.

California Health and Safety Code

Section 64562 of the California Health and Safety Code establishes water supply requirements for service connections to public water systems. Before additional service connections can be permitted, enough water must be available to the public water system from its water sources and distribution reservoirs to meet the total requirements of all water users adequately, dependably, and safely under maximum-demand conditions.

Senate Bill 407

SB 407, enacted in 2009, mandates that all existing buildings in California come up to current State plumbing fixture standards within this decade. This law establishes requirements that residential and commercial property built and available for use on or before January 1, 1994, replace plumbing fixtures that are not water conserving, defined as "noncompliant plumbing fixtures." This law also requires a seller or transferor of single-family residential property show to the purchaser or transferee, in writing, the specified requirements for replacing plumbing fixtures and whether the real property includes noncompliant plumbing. Similar disclosure requirements went into effect for multi-family and commercial transactions on January 1, 2019. SB 837, passed in 2011, reinforces the disclosure requirement by amending the statutorily required transfer disclosure statement to include disclosure about whether the property follows SB 407 requirements.

Title 22 of California Code of Regulations

Title 22 regulates the use of reclaimed wastewater (recycled water) and sets forth water quality standards related thereto. In most cases, only disinfected tertiary water may be used on food crops where recycled water would encounter the edible portion of a crop. Disinfected secondary treatment may be used for food crops where the edible portion is produced below ground and will not encounter secondary effluent. Lesser levels of treatment are required for other types of crops, such as orchards, vineyards, and fiber crops.

General Waste Discharge Requirement

On May 2, 2006, the State Water Board adopted a General Waste Discharge Requirement (Order No. 2006-0003) for all publicly owned sanitary sewer collection systems in California with more than one mile of sewer pipe. The Order provides a consistent Statewide approach to reducing sanitary sewer overflows by requiring public sewer system operators to take all feasible steps to control the volume of waste discharged into the system, to prevent sanitary sewer waste from entering the storm sewer system, and to develop a Sewer System Management Plan (SSMP). The General Waste Discharge Requirement also requires that storm sewer overflows be reported to the State Water Board using an online reporting system. The State Water Board delegated authority to its nine RWQCBs to enforce these requirements.

Assembly Bill 341

The purpose of AB 341 is to reduce greenhouse gas (GHG) emissions by diverting commercial solid waste to recycling efforts and to expand the opportunity for additional recycling services and recycling manufacturing facilities in California. In addition to Mandatory Commercial Recycling, AB 341 sets a Statewide goal for 75 percent disposal reduction by the year 2020.

California Integrated Waste Management Act, Assembly Bill 939

AB 939 (Public Resources Code [PRC] § 41780) requires cities and counties to prepare Integrated Waste Management Plans and to divert 50 percent of solid waste from landfills beginning in calendar year 2000 and each year thereafter. AB 939 also requires cities and counties to prepare Source Reduction and Recycling Elements as part of the Integrated Waste Management Plan (IWMP). These elements are designed to develop recycling services to achieve diversion goals, stimulate local recycling in manufacturing, and stimulate the purchase of recycled products.

Senate Bill 1016

SB 1016 builds on AB 939 compliance requirements by requiring that the 50 percent solid waste diversion be measured in terms of per capita disposal expressed as pounds per person per day. The new per capita disposal and goal measurement system moves the emphasis from an estimated diversion measurement number to using an actual disposal measurement number as a factor. Every year CalRecycle calculates each jurisdiction's per capita (per resident and per employee) disposal rates and reviews jurisdiction compliance on a case-by-case basis. Jurisdictions are not compared to other jurisdictions or the Statewide average but compared to their own 50 percent per capita disposal target.

Senate Bill 1383

SB 1383 was signed in September 2016 to reduce emissions of short-lived climate pollutants. As it pertains to CalRecycle, SB 1383 establishes targets to achieve a 50 percent reduction in the level of the Statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of

currently disposed edible food[16] is recovered for human consumption by 2025.[17] SB 1383 further supports California's efforts to achieve the Statewide 75 percent recycling goal by 2020 established in AB 341.

California Public Utilities Commission

The California Public Utilities Commission (CPUC) regulates privately owned telecommunication, electric, natural gas, water, railroad, rail transit, and passenger transportation companies. It is the responsibility of the CPUC to (1) assure California utility customer safety, reliable utility service at reasonable rates; (2) protect utility customers from fraud; and (3) promote a healthy California economy. The Public Utilities Code, adopted by the legislature, defines the jurisdiction of the CPUC.

California Code of Regulations Title 24

Part 6 (Energy Efficiency Standards for Residential and Nonresidential Buildings)

California Code of Regulations Title 24 Part 6 (California's Energy Efficiency Standards for Residential and Nonresidential Buildings) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy-efficient technologies and methods and are now considered some of the most stringent in the nation. Energy-efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2019 Building Energy Efficiency Standards went into effect on January 1, 2020.[18] The 2022 Building Energy Efficiency Standards are scheduled to go into effect on January 1, 2023.[19]

Part 11 (California Green Building Standards Code)

California Code of Regulations Title 24, Part 11, is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went into effect January 1, 2011. The code is updated on a regular basis with requirements that are now considered some of the most stringent in the nation, with the most recent update consisting of the 2019 California Green Building Standards Code (CALGreen) that became effective January 1, 2020.[20] Local jurisdictions are permitted to adopt more stringent requirements, as State law provides methods for local enhancements. The code recognizes that many jurisdictions have existing construction and demolition ordinances and defers to them as the ruling guidance if they provide a minimum 50 percent waste diversion requirement. The code also provides exemptions for areas not served by construction and demolition recycling infrastructure. The California Building Standards Code (CBC) provides the minimum standard that

[16] According to CalRecyle's Food Recovery Questions and Answers regarding SB 1383, the regulations require commercial edible food generators, such as a grocery store, to donate the maximum amount of their edible food that would otherwise be disposed of.

[17] California Department of Resources Recycling and Recovery (CalRecycle). 2022. Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reductions. Website: https://www.calrecycle.ca.gov/Climate/SLCP/. Accessed October 19, 2022.

[18] California Energy Commission (CEC). 2022. 2019 Building Energy Efficiency Standards. Website: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency. Accessed October 19, 2022.

[19] California Energy Commission (CEC). 2022. 2022 Building Energy Efficiency Standards. Website: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency. Accessed October 19, 2022.

[20] International Code Council, Inc. 2022. 2019 California Green Building Standards Code. Website: https://codes.iccsafe.org/content/CGBC2019P4. Accessed October 19, 2022.

buildings must meet to be certified for occupancy, which is enforced by the local building or planning departments with jurisdiction over the building.

Solid Waste Reuse and Recycling Act

The Solid Waste Reuse and Recycling Access Act requires areas in development projects to be set aside for collecting and loading recyclable materials. The Solid Waste Reuse and Recycling Access Act required CalRecycle to develop a model ordinance for adoption by any local agency relating to adequate areas for collection and loading of recyclable materials as part of development projects. Local agencies are required to adopt the model or an ordinance of their own to govern adequate areas in development projects for collection and loading of recyclable materials.

Regional

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan helping to chart the course for the future of the nine-county San Francisco Bay Area. Plan Bay Area 2050 focuses on four key elements: housing, the economy, transportation and the environment, and identifies a path to help make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. The environment chapter (Chapter 5) specifically references long-term regional strategies and goals surrounding water and energy, among other topics.

East Bay Municipal Utility District's Regulations Governing Service

The EBMUD's Regulations Governing Service provides regulations for new customers in support of water conservation to help ensure water supply for the next generation. Applicants requesting water service are required to supply plumbing and landscaping plans for review and approval from EBMUD's Water Conservation Division. Specifically, Section 29, "Water Use Restrictions" promotes efficient water use by EBMUD customers and prohibits certain uses of potable water and Section 31 "Water Efficiency Requirements" identifies the types of water efficiency requirements (i.e., maximum flow rates for flow control devices) for water service.[21]

Local

The following describes local laws, regulations, and planning documents concerning utilities, including the General Plan and the Construction Debris Ordinance.

City of Walnut Creek

City of Walnut Creek General Plan

The General Plan contains the following goals, policies, and actions concerning utilities and service systems that are relevant to this analysis.

Chapter 4: Built Environment

Goal 29 Promote Water Conservation.

[21] East Bay Municipal Utility District (EBMUD). 2023. Regulations. Website: https://www.ebmud.com/customers/new-meter-installation/regulations. Accessed: February 27, 2023.

Policy 29.2 Promote water conservation throughout the community.

Action 29.2.4 Follow existing standards and guidelines for water-conserving landscaping, and encourage the planting of native and drought-tolerant plants.

Goal 30 Meet or exceed State goals for source reduction and waste diversion.

Policy 30.2 Promote source reduction and recycling throughout the community.

Action 30.2.7 Require the recycling of construction waste for all City and private projects.

Chapter 6: Safety and Noise

Goal 7 Work with water districts to ensure safe and adequate water supplies for the Planning Area.

Policy 7.1 Work with water agencies to serve the Planning Area's growing number of residents and employees.

Action 7.1.1 Work with water agencies and the fire district to ensure the availability of an adequate water supply, particularly during peakload periods, to serve firefighting needs.

North Downtown Specific Plan

Development Standards and Guidelines

DSG 4.21 **Sustainable features:** Public spaces should be designed to incorporate sustainable stormwater features and associated educational signage that can enhance the sustainability and aesthetics of the space, such as permeable paving and raingardens, while maintaining its primary function as a social gathering space.

DSG 4.41 **Health and sustainability:** On-site landscaping should be designed to incorporate best practices in health and sustainability, such as the following:

- Native and/or drought-tolerant plantings
- Water conservation and efficient irrigation
- Use of recycled water for landscaping
- Edible plantings, gardens, and fruit trees
- Stormwater retention areas

DSG 4.42 **Design of sustainable stormwater features:** The following are key concepts for stormwater management:

- Projects should use permeable pavement materials for streets, sidewalks, parking lots and driveways, when possible; and minimize the amount of impervious paved areas dedicated to surface parking.

- Projects should employ green infrastructure strategies to detain (e.g., green roofs), filter (e.g., bioswales), retain (e.g., rain gardens) or capture and reuse (e.g., cistern) stormwater runoff.
- New development should plan for adequate space to accommodate sustainable stormwater features. These spaces should be accessible for periodic inspection and maintenance.

DSG 5.10 **Sustainable design:** sustainable design features such as rooftop photovoltaic generation and passive solar water heating are encouraged.

DSG 5.11 **Sustainable roof:** Solar reflective roofing and green roofs are encouraged to reduce overall building energy use and manage stormwater runoff.

DSG 5.25 **Underground utilities:** All new utilities and utility connections shall be placed underground, unless otherwise prohibited by the utility (e.g., water backflow prevention device that must be placed above ground).

DSG 5.26 **Integrated design of utilities:** Any above-ground utilities, trash receptacles and enclosures, transformers, or other ground-based equipment should be screened or integrated within the building architecture. When this is not possible, these ancillary features may be located in freestanding enclosures compatible with the development's architecture style. They should not be located within the front setback area, along mid-block pedestrian connections, within 50 feet of a street corner, within the public right-of-way, or in other locations that will diminish the pedestrian environment.

Mobility

MB 1.14 **Stormwater features:** Incorporate sustainable stormwater features in the street designs.

Infrastructure

IF 1.1 **Adequate facilities:** In coordination with the East Bay Municipal Utility District (EBMUD), Central Contra Costa Sanitary District (Central San), and the City's Public Works Department, ensure that new development in the Plan Area has adequate water, sanitary sewer, and stormwater drainage.

IF 1.2 **Sustainable stormwater management:** Incorporate sustainable stormwater management features in new development and public improvements, including bio-swales, permeable pavers, rainwater collection systems, and other features to manage stormwater runoff.

IF 1.3 **Timing of upgrades:** Ideally, all infrastructure improvements should occur before roadway, bicycle, and pedestrian improvements to avoid multiple periods of construction.

IF 1.4 **Reclaimed water system:** Utilize recycled water for landscaping of public areas along with other non-potable applications as they come available through Central San and EBMUD.

IF 1.5 **Energy providers:** Require new development to coordinate with the appropriate agency to provide electric and gas service to the proposed site.

IF 1.6 **Energy savings and Infrastructure:** Support the application of renewable energy technologies and sustainable energy sources to promote energy conservation. When installing new public energy infrastructure, use energy efficient models and systems whenever possible, incorporating new technologies as they become available.

IF 1.7 **Telecommunications:** encourage new development to accommodate current telecommunication technologies.

Construction Debris Ordinance

The City's Construction Debris Ordinance requires that projects equal to or greater than $50,000 in value, 1,000 square feet or greater in construction or renovation floor area, or 300 square feet or greater in demolition surface area, must divert 50 percent of their recyclable construction and demolition debris. The Ordinance requires each project to prepare and implement a Waste Management Plan, which includes the estimated volume of reusable and recyclable construction and demolition debris, the vendor or facility proposed to collect or receive the diverted materials, and the estimated volume of the residual debris that will be disposed of rather than reused or recycled. Additionally, within 30 days after the completion of any covered project, the permit holder is required to submit a Waste Management Report that proves that the covered has met the diversion requirement.

3.15.5 - Thresholds of Significance

Utilizing the guidance in the CEQA Guidelines Appendix G Environmental Checklist, and as analyzed in the 2019 NDSP EIR, to determine whether the proposed project's impacts to utilities and service systems would be significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage facilities, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

e) Comply with federal, State, and local statutes and regulations related to solid waste?

3.15.6 - Project Impacts and Mitigation Measures

Summary of 2019 NDSP EIR

The 2019 NDSP EIR evaluated the potential impacts with respect to water, wastewater, stormwater, and telecommunication facilities, water supply, wastewater treatment capacity, landfill capacity and solid waste reduction goals consistency, solid waste regulations consistency that could occur with implementation of the NDSP, and concluded there would be less than significant impacts in this regard with adherence to applicable federal, State, and local laws and regulations as well as relevant provisions of the NDSP, Walnut Creek General Plan, and Municipal Code (refer to Section 4.11, Utilities and Service Systems, of the 2019 NDSP EIR, pages 4.11-9 to 4.11-11). No mitigation measures were required to reduce potential impacts to less than significant for utilities and service systems. As described below, the conclusions of the 2019 NDSP EIR would not substantially change because of the proposed project.

Proposed Project Analysis and Conclusion

Water, Wastewater, Stormwater, Electric Power, Natural Gas, and Telecommunication Facilities

Impact UTIL-1:	**The proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.**

Water Supply and Infrastructure

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR utilized information from EBMUD's 2016 UWMP to evaluate potential NDSP impacts. With respect to new or expanded water infrastructure, the 2019 NDSP EIR noted there were specific upgrades to be made to water supply infrastructure, which would include upsizing approximately 7,000 linear feet of existing 6-inch mains to 8-inch mains. These upgrades would be the responsibility of the developer at the time a development is constructed. Project-specific environmental impacts of constructing new or expanded water infrastructure would be evaluated at the time specific developments undergo CEQA review. With respect to water supply, the 2019 NDSP EIR determined that once EBMUD completed several supply projects, which were already underway at the time of the 2019 NDSP EIR, EBMUD would have sufficient water supply during normal, single dry, and multiple dry year scenarios to serve development contemplated under the NDSP along with other existing and planned uses. As part of that analysis, EBMUD confirmed there were no known capacity or condition issues within the existing water system in the NDSP area. Furthermore, the 2019 NDSP EIR concluded that all future development projects under the NDSP would be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including, among others, goals, policies, and actions provided in Chapter 4, Built Environment, of the General

Plan, including, but not limited to, Goal 29, Policy 29.2, and Action 29.2.4, which would help reduce water consumption. Based on the foregoing, the 2019 NDSP EIR concluded that implementation of the development contemplated under the NDSP would result in less than significant impacts with respect to water supply and infrastructure.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area and EBMUD's existing service area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to water supply and infrastructure.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to water supply and infrastructure, as explained more fully below and in Appendix K.

As noted in the 2019 NDSP EIR, WSAs are required for individual projects that meet the criteria of a project as defined by SB 610. As described above, no specific individual development application for the project site has been formally submitted to the City to date; therefore, the final specific allocation and mix of uses is not currently known. As explained more fully in Appendix B, this analysis evaluates Scenario 3 as the reasonable worst-case scenario; the parameters of Scenario 3 meet the definition of a project under SB 610 and therefore a WSA was prepared and approved for the proposed project. EMBUD approved the Water Supply Assessment (WSA) during a Board of Directors meeting on February 28, 2023. The Board of Directors agenda, Board Action, and City of Walnut Creek's formal request for consultation regarding preparation of a WSA are provided in Appendix K. As described in the WSA, and as summarized in the comparative analysis of scenarios included in Appendix B, multi-family residential uses would generate the most potable water demand, as compared to other potential uses contemplated by the proposed project.

As described in more detail in Impact UTIL-2 and the WSA, EBMUD's total projected water supplies available system-wide during normal, single dry, and multiple dry years during a 20-year projection are sufficient to meet the projected water demand associated with the proposed project in addition to EBMUD's existing and other planned future uses. Therefore, the proposed project would not trigger the need for new or expanded water supply.

With respect to water conveyance, as described above, the project site is currently served by a 12-inch water main in North Main Street and an 8-inch water main in North Broadway. Therefore, the project site is within EBMUD's existing service area near existing facilities already served by EBMUD. Final design of operational conveyance features would be confirmed as part of the site specific project review pursuant to applicable EBMUD standards and requirements.[22]

[22] Rehnstrom, David. Division Manager, East Bay Municipal Utility District (EMBUD). Personal communication: email. January 5, 2023.

Additionally, consistent with the 2019 NDSP EIR, the proposed project would be required to adhere to all applicable federal, State and local laws and regulations, including AB 715 and SB 407, which sets standards with respect to plumbing, Water Conservation Act of 2009, which requires the reduction of per capita water usage, Municipal Code Section 10-2.3.1101, which requires compliance with the State of California MWELO and water conservation through water efficient landscaping methods, programs, and standards, including goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan, including, but not limited to, Goal 29, Policy 29.2, and Action 29.2.4,which would help to reduce water consumption and thus further limit the need for the expansion of existing facilities or the construction of new water facilities. Therefore, based on the foregoing and consistent with the 2019 NDSP EIR, the proposed project would result in less than significant impacts with respect to water supply and facilities. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Wastewater

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated information provided by Central San with respect to wastewater facilities and determined that wastewater within the NDSP area would be treated at the Central San Treatment Facility in Martinez, located at the intersection of I-680 and SR-4.[23] The NDSP identified specific upgrades to be made to the wastewater supply infrastructure in the NDSP area for adequate service provision of future developments within the NDSP area, including the following (as shown in Table 6.2 in the NDSP):

- Upsizing approximately 2,750 linear feet of existing wastewater mains to 8-inch mains;
- Replacing approximately 570 linear feet of 6-inch wastewater mains;
- Replacing approximately 2,100 linear feet of 8-inch wastewater mains; and
- Replacing approximately 250 linear feet of 10-inch wastewater mains.

The 2019 NDSP EIR assumed that project-specific environmental impacts of constructing new or expanded wastewater infrastructure would be evaluated pursuant to CEQA at the time the relevant infrastructure projects were triggered. With respect to wastewater treatment, the 2019 NDSP EIR determined that the WWTP would have adequate capacity to serve development consistent with the NDSP. The 2019 NDSP EIR concluded that with the specific upgrades made to the wastewater supply infrastructure as mentioned above and as further described in the NDSP, future development under the NDSP could be adequately served and would result in a less than significant impact on wastewater infrastructure.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-

[23] Central Contra Costa Sanitary District (Central San). 2017. Comprehensive Wastewater Master Plan Technical Executive Summary. June.

developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area and Central San's existing service area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to wastewater facilities.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to wastewater facilities, as explained more fully below.

Wastewater from the proposed project would be conveyed to the Central San Treatment Facility in compliance with applicable requirements and standards established by the San Francisco Bay RWQCB and under applicable laws and regulations. As described under Impact UTIL-3, Central San's existing treatment facilities are sufficient to serve the proposed project.

The 2017 Comprehensive Wastewater Master Plan (2017 Master Plan) also identifies and describes Central San's collection system including gravity sewer pipes, force mains, pumping station, and manholes. The 2017 Master Plan also identifies and describes Central San's anticipated capacity increases, treatment process upgrades, and infrastructure needs required to accommodate the existing and anticipated future growth within the Central San service area, which includes the project site. The 2017 Master Plan determined that the existing facilities comply with applicable regulatory requirements and have sufficient capacity to handle projected average wastewater flows through to 2035, and also identified construction upgrades to existing facilities to serve the level of growth anticipated in the Central San service area, which are included in the Capital Improvement Plan, as provided in Chapter 10 of the 2017 Master Plan. Upgrades relevant to the NDSP area (including the project site), such as the rebuilding of undersized wastewater mains, are planned for and already included in the Central San's Capital Improvement Plan, which is funded by capital improvement fees.[24,25]

It was conservatively assumed that all domestic water would ultimately be discharged to Central San's wastewater system, and, therefore, for purposes of this analysis, it is assumed the proposed project would generate approximately 119,806 gallons of wastewater per day.

With respect to wastewater conveyance, as described above, the project site is currently served by the 6-inch sanitary sewer main in North Main Street and an 8-inch sanitary sewer main in North Broadway. As confirmed by Central San, the proposed project would not require expansion or upsizing of this existing wastewater collection infrastructure.[26]

Moreover, the proposed project would be required to pay applicable fees, including capital improvement fees, where triggered, which would contribute toward the already planned upgrades so that Central San would continue to have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing and other planned future commitments within its service area.[27] Based on the foregoing, impacts related to wastewater treatment capacity

[24] Central Contra Costa Sanitary District (Central San). 2017. Comprehensive Wastewater Master Plan Executive Summary. June.
[25] Central Contra Costa Sanitary District (Central San). 2017. Comprehensive Wastewater Master Plan. June.
[26] Leavitt, Russ. Engineering Assistant III, Central Contra Costa Sanitary District. Personal communication: email. December 7, 2022.
[27] Leavitt, Russ. Engineering Assistant III, Central Contra Costa Sanitary District. Personal communication: email. May 4, 2021.

and collection facilities would be less than significant consistent with the analysis in the 2019 NDSP EIR. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Stormwater Drainage

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR utilized applicable provisions of the General Plan and Municipal Code in conducting its analysis with respect to stormwater facilities and determined that development consistent with the NDSP could increase stormwater runoff volumes. However, because the NDSP area is composed primarily of impervious surfaces (structures, paving, and concrete), the 2019 NDSP EIR confirmed that new development would not significantly increase the overall quantity of impervious surfaces and the stormwater runoff quantities were not expected to increase, and therefore, it was not anticipated that upgrades to the existing storm drainage system would be required. Moreover, the 2019 NDSP EIR noted that any development project that would disturb more than 1 acre of land or create or replace 10,000 square feet or more of impervious surface would be regulated under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, NPDES No. CAS000002 (Construction General Permit)[28] and the San Francisco Bay RWQCB Municipal Regional Stormwater (MRP) NPDES Permit, Order No. R2-2015-0049, NPDES Permit No. CAS612008, adopted October 14, 2009.[29] Furthermore, all future development projects consistent with the NDSP, including those that would disturb less than 1 acre of land or replace less than 10,000 square feet of impervious surface, would be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan, including, but not limited, to Goal 32, Policy 32.1, Actions 32.1.1, 32.1.2, 32.1.4, and 32.1.5, Policy 32.2, Policy 32.3, Actions 32.3.1 and 32.3.2, Policy 32.4, and Title 9, Chapter 9 of the Municipal Code (including Section 9.16-105 that requires a stormwater control plan be prepared for new development projects subject to MRP requirements to ensure that post-development stormwater flow rates would not substantially exceed predevelopment rates). With adherence to the foregoing laws, regulations, programs, the 2019 NDSP EIR concluded that impacts to stormwater drainage infrastructure would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of

[28] California State Water Resources Control Board (State Water Board). 2009. Division of Water Quality. Construction General Permit Fact Sheet. 2009-0009-DWQ amended by 2010-0014-DWQ and 2012-0006-DWQ.

[29] San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB). 2015. San Francisco Bay RWQCB Municipal Regional Stormwater (MRP) NPDES Permit, Order No. R2-2015-0049, NPDES Permit No. CAS612008. November 19.

the NDSP area and served by existing City stormwater facilities, it is not anticipated that the proposed project would have a substantial adverse effect with respect to stormwater facilities.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to stormwater facilities, as explained more fully below and in Appendix H.

As discussed in more detail in Section 3.9, Hydrology and Water Quality, the proposed project would result in a slight increase in on-site impervious surfaces compared with existing conditions. Also, because the proposed project would disturb more than 1 acre of land and would replace 10,000 square feet or more of impervious surfaces, consistent with the 2019 NDSP EIR, the proposed project would be required to adhere to the applicable provisions of the Construction General Permit, which would require preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and the MRP. Consistent with the 2019 NDSP EIR, the proposed project would also be required to adhere to applicable policies in the General Plan (including, but not limited to, Policy 32.1, Actions 32.1.1, 32.1.2, 32.1.4, and 32.1.5, Policy 32.2, Policy 32.3, Actions 32.3.1 and 32.3.2, and Policy 32.4) and Section 9.16-105 of the Municipal Code, which require a stormwater control plan for each new development that is subject to MRP requirements be submitted and approved to address both construction and post-construction. In addition, the proposed project would be required to adhere to all other applicable requirements and standards including the incorporation of Best Management Practices (BMPs) and Low Impact Development (LIDs) to comply with applicable C.3 requirements and the City's Stormwater Management and Discharge Control Ordinance.

Specifically, the proposed project would be required to install an on-site storm drainage system that adheres to all applicable design criteria, standards and other requirements under applicable laws and regulations to prevent flooding on- and off-site during construction and operation. For example, inlets would capture surface runoff, where it would enter an underground piping system that would convey stormwater to on-site basins. The basins would be designed to promote percolation into the soil and would release runoff into the municipal drainage system. In accordance with the MRP, the proposed project would be required to implement LID stormwater management methods into the on-site storm drainage system consisting, for example, of rainwater harvesting and use, infiltration, evapotranspiration, or biotreatment. Collectively, these and/or similar types of measures would serve to slow, reduce, and meter the volume of runoff leaving the project site in accordance with applicable standards (e.g., post-development flows being equal to or less than predevelopment flows) and would ensure that downstream storm drainage facilities would not be inundated with project-related stormwater. As detailed more fully in Appendix H, the conceptual analysis conducted in connection with this Draft SEIR concluded that the proposed project's predevelopment peak runoff, approximately 20.42 cubic feet per second (cfs), would be reduced to a peak runoff rate of approximately 18.05 cfs under project conditions.[30] Therefore, stormwater would be detained and released at a rate no greater than the predevelopment condition pursuant to applicable laws and regulations, which would ensure that the existing infrastructure could handle post-development flows and thus no new stormwater facilities would need to be built to serve the proposed project.

[30] Kier and Wright. 2021. Toyota Walnut Creek-Conceptual Hydrology Analysis. December 6.

Given the location of existing stormwater infrastructure, it is anticipated that connections thereto would occur either on-site or within the adjacent existing public right-of-way.

Based on the foregoing and consistent with the 2019 NDSP EIR, adherence to applicable laws, regulations, programs and policies would result in less than significant impacts related to the need for relocation or construction of new or expanded stormwater drainage facilities. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Energy

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated information provided by PG&E with respect to electric power and natural gas facilities. Because compliance with Policy IF 1.5 requires any increase in electrical or gas loads to be approved by PG&E or the appropriate agency to ensure electrical or natural gas demand would be managed to match existing and any planned supply, the 2019 NDSP EIR concluded that development consistent with the NDSP would not result in a significant increase in electrical or gas demand. This resulted in a less than significant impact on electric power and natural gas facilities.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area; and because it would be fully electric (except for any emergency generator(s) and/or emergency fire pump apparatus required under applicable laws and regulations) and served by existing electric power, it is not anticipated that the proposed project would have a substantial adverse effect with respect to electric power and would not have any impact on natural gas.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to electric power, as explained more fully below.

The project site is currently served with electric power by both MCE and PG&E, and the proposed project would continue to be served with electricity service provided by both PG&E and MCE. As described more fully in Section 3.5, Energy, of this Draft SEIR, the proposed project would generate electric service demand in the amount of approximately 13,716,394 kWh. Moreover, the project Applicant has voluntarily agreed to prohibit the use of any natural gas. The proposed project's buildings would be designed and constructed in accordance with then-current Tier 2 CALGreen energy efficiency standards of Title 24. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For example, the Title 24 Lighting Power Density requirements define the maximum wattage of lighting that can be used in a building based on its square footage. Title 24 standards, widely

regarded as the most advanced and stringent energy efficiency standards in the nation, would help reduce the amount of electricity required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation. Moreover, the proposed project would be required to comply with Policy IF 1.5, which mandates that any increase in electrical loads be approved by PG&E or the appropriate agency to ensure electrical demand would be managed to match existing and any planned supply. Finally, as noted above, the proposed project would be required to adhere to the then-current Tier 2 CALGreen energy efficiency standards of Title 24. For these reasons, it is not anticipated that the proposed project would result in a significant increase in electrical demand. Furthermore, because buildings have become more energy efficient over time, and because the proposed project would replace existing buildings with buildings that are more energy efficient, this would further ensure no significant impacts in this regard. Therefore, based on the foregoing and consistent with the 2019 NDSP EIR, the proposed project is not anticipated to result in a significant increase in electrical demand such that new or relocated facilities would be required.

Based on the foregoing and consistent with the 2019 NDSP EIR, the proposed project would result in less than significant impacts with respect to the construction or relocation of electric power facilities. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Telecommunications

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR utilized available information on local telecommunications networks to evaluate potential impacts of development under the NDSP with respect to telecommunications facilities. Because compliance with Policy IF 1.7 encourages new development to accommodate current telecommunication technologies, the 2019 NDSP EIR confirmed that development consistent with the NDSP would not result in a significant increase in demand for telecommunications such that existing facilities would need to be relocated or expanded or new facilities would need to be constructed. This resulted in a less than significant impact on telecommunications facilities.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area and served by existing telecommunication facilities, it is not anticipated that the proposed project would have a substantial adverse effect with respect to telecommunication facilities.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to telecommunication facilities, as explained more fully below.

There are existing telecommunications facilities located on the project site, and the NDSP contemplated a robust amount of development within the NDSP area given its proximity to transit. For example, AT&T and Comcast are two telecommunications service providers that currently serve the project site and other portions of the NDSP area. Additionally, there are Master License Agreements between the City and small cell service providers covering the area. While the proposed project would increase the demand for these facilities to a certain extent given the proposed intensification of uses on the project site, because the project site is within an urban area and it is already being served by these providers, it is anticipated that sufficient telecommunications facilities can readily be extended, as needed, to serve the proposed project; no new telecommunication facilities would be required nor would any existing facilities need to be relocated or expanded to serve the proposed project. Therefore, based on the foregoing and consistent with the 2019 NDSP EIR, impacts related to the need for relocation or construction of new or expanded telecommunications facilities would be less than significant. Thus, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Water Supply

Impact UTIL-2:	**There would be sufficient water supplies available from EBMUD to serve the proposed project and reasonably foreseeable future development during normal, dry, and multiple dry years.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated information from the EBMUD's 2016 UWMP and concluded that under normal and single dry years, there would be sufficient water supply to serve the EBMUD's projected demand through to 2040. However, under a multiple dry year scenario of three consecutive drought years, there would be a projected shortfall in 2040 of approximately 48,000 acre-feet. Nevertheless, the2019 NDSP EIR determined that once EBMUD completed several supply projects, which were already underway at the time of the 2019 NDSP EIR, EBMUD would have sufficient water supply during normal, single dry, and multiple dry year scenarios to serve development contemplated under the NDSP as well as EBMUD's other existing and planned uses. In connection with the 2019 NDSP EIR and the contemplated development under the NDSP, EBMUD confirmed there were no known capacity or condition issues within the existing water system in the NDSP area. Moreover, all future development projects under the NDSP would be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan, including, but not limited to, Goal 29, Policy 29.2, and Action 29.2.4, which would help reduce water consumption. Based on the foregoing, the 2019 NDSP EIR concluded that impacts to water supply would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area and EBMUD's service area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to water supplies.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to water supplies, as explained more fully below and in the WSA (Appendix K).

As explained more fully in the WSA and also in Appendix B of the Draft SEIR, Scenario 3 has been determined to be the most impactful from a CEQA perspective in terms of potential water supply impacts and thus is the development scenario evaluated in detail in the Draft SEIR for this environmental topic area. Therefore, for purposes of this analysis, it is conservatively assumed that the proposed project would use up to a total of 137 AFY of potable water (134 AFY more than the existing on-site water usage); because no recycled water is available or planned for the City of Walnut Creek, this analysis assumes that the proposed project's entire demand would be served by potable water.

As detailed further in the WSA, the water demand factors used to estimate demand for the proposed project were calculated using factors from Appendix C: 2040 Demand Study (Demand Study) of EBMUD's Water Supply Management Program 2040, which utilizes water demand rates from 2005.[31] These water demands are likely conservatively high, as newer developments tend to include (and, pursuant to applicable local and State laws and regulations, are often required to have) higher efficiency standards and water conservation mandates than those that were used in older developments, including, among others, features such as low-irrigation landscaping and low-flow plumbing fixtures. For example, the City encourages the use of EBMUD rebate programs for water conservation in residential and commercial settings. Residential rebates include lawn conversion, irrigation upgrade, flowmeters, greywater, water saving devices, mulch, and compost rebates and coupons. In a commercial setting, EBMUD provides landscape water use evaluations, equipment inspections, training, recommendations, water budget, and lawn conversion and irrigation equipment rebates. Additionally, SB 407/Civil Code Section 1101.5 provides guidance for multi-family residential properties and commercial buildings built or redeveloped after January 2014. For example, the foregoing provides that when the building area is increased by 10 percent, or the construction is more than $150,000, plumbing fixtures should be updated to water saving plumbing fixtures. Given these factors, the proposed project's actual water demand would likely be lower than the demand provided in the WSA and this Draft SEIR. However, as noted above, for purposes of a conservative analysis, this WSA utilizes demand factors consistent with EBMUD projections.

This analysis evaluates the projected water demand associated with the proposed project in the context of EBMUD's system-wide projected water availability during normal, single dry, and multiple

[31] East Bay Municipal Utility District (EBMUD). 2012. Water Supply Management Program 2040, Appendix C: 2040 Demand Study.

dry years over a 30-year period, in addition to EBMUD's existing and other planned future uses. Projected system-wide water demand for EBMUD ranges from 207,003 AFY in 2020 to 243,967 AFY in 2050. The basis for the 2020 UWMP system-wide water demand projections are detailed in the Demand Study which calculates water demand for regions of the EBMUD service area, including the "Walnut Creek area" where the project site is located. High-density mixed-use growth, such as the uses proposed as part of the proposed project, are included in the Demand Study and are also corroborated in the General Plan and the NDSP. Specifically, the Demand Study anticipated an increase in total demand of 688 AFY for the Walnut Creek area by 2030 (the year of peak forecasted demand for that area); this is approximately 554 AFY more than the maximum water demand associated with the proposed project (which is approximately 134 AFY, as explained further below).

As detailed more fully in the WSA, the proposed project is estimated to increase water use at the project site by up to 134 AFY of water, which is well within the expected range of increased water demand (estimated to be a total of approximately 688 AFY increase) in the Walnut Creek area by 2030 (the assumed date of buildout, as detailed in the Demand Study). Because the project site is an already-developed infill site located within EBMUD's existing service area and is in an urbanized area in the core Downtown near public transit where intensification of development has long been anticipated, it is reasonable to conclude that a portion, if not all, of the proposed project's water usage is accounted for in the Demand Study.

The 2020 UWMP concluded that EBMUD has sufficient supply to meet demand from its existing and planned uses within its service area under the normal- and single-dry-year scenarios through at least 2050. Although potential supply shortages were identified for the multi-year-drought scenario beginning in about 2035, EBMUD was and continues to work to diversify its supply portfolio to adapt to these potential constraints, including investigating potential groundwater recharge/extraction and banking options, water transfer agreements, and other regional partnerships. By pursuing these projects in tandem, EBMUD anticipates that the projected shortages would be minimized.

A comparison of projected water demands in current and past UWMP documents shows that long-term actual water usage is generally less than projected demand, especially during a normal year scenario, and thus suggests there is flexibility within the EBMUD's system-wide projections. Additionally, in general, demand projections tend to decrease as UWMPs are updated every 5 years, which suggests these projections tend to be conservative in nature (as is appropriate for this type of planning study) or may also simply be a result of lower-than-anticipated regional growth rates. As described above and further detailed in the WSA, the proposed project's anticipated demand is already accounted for in EBMUD's projections. These conservative system-wide demand projections provide an additional buffer to ensure that all of the proposed project's anticipated water demand is appropriately accounted for in the relevant EBMUD demand projections. Based on the foregoing, it has been determined that the water demands for the proposed project are well within the range of conservatism inherent in EBMUD's projections.

Furthermore, the proposed redevelopment and intensification of the project site as contemplated by the proposed project would be considered consistent with well-established smart urban growth elements including opportunities to develop water-efficient high-density multi-family residential units, along with other mixed uses, centrally located near public transit and mixed-use commercial areas.

In summary, EBMUD's total projected water supplies available during normal, single-dry and multiple-dry water years during a 20-year projection are sufficient to meet the projected water demand associated with the proposed project, in addition to EBMUD's existing and planned future uses, including agricultural and manufacturing uses. The project site is located within EBMUD's existing service area and is in an urbanized area near public transit where intensification of urban development has long been anticipated. The WSA concludes that water demand associated with the proposed project would not significantly constrain EBMUD's supply over the long-term and can be assumed to be accounted for in the EBMUD demand projections with room for additional development by other entities based on the factors below:

- The proposed project's water demand projections are conservative in that the analysis utilizes EBMUD's 2005 base year demand factors (which do not account for recent improvements and State and local mandates in water use efficiency and required water conservation). Thus, the water use factors used for this analysis can be assumed to be conservatively high water use estimates for new development.
- The proposed project's maximum anticipated water demand (134 AFY) is well within the projected total demand increase for the Walnut Creek area (688 AFY) that was calculated as part of the Demand Study. Because the EBMUD system-wide demand projections are based on the calculations in the Demand Study, it is reasonable to conclude that the proposed project's anticipated water demands are accounted for in the system-wide demand projections in the 2020 UWMP.
- Comparison of forecasted water demand from current and past UWMP documents demonstrate that water demand projections for a given year tend to decrease as UWMPs are updated. This supports the reasonable conclusion that EBMUD's system-wide supply and demand projections are conservatively high or simply reflect lower-than-anticipated regional growth rates.[32] These conservative system-wide demand projections provide an additional buffer to ensure that all of the proposed project's anticipated water demand is appropriately accounted for in the relevant EBMUD demand projections.

In addition, the proposed project would be subject to the applicable regulations of the EBMUD's Regulations Governing Service. The proposed project would also be required to comply with other legally mandated water conservation requirements, such as the State of California MWELO, as enforced by Municipal Code Section 10-2.3.1101.

Therefore, the proposed project would not result in insufficient water supplies to serve the proposed project and other existing and reasonably foreseeable future development during normal, dry, and multiple dry years. Additionally, consistent with the 2019 NDSP EIR, the proposed project would be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including goals, policies, and actions provided in Chapter 4, Built Environment, of the General Plan, including, but not limited to, Goal 29, Policy 29.2, and Action 29.2.4, which would help to further reduce water consumption. Therefore, the proposed project would not introduce new significant

[32] In this case, use of conservatively high demand projections for the UWMP is appropriate and reasonable to identify potential future supply constraints. This comparison demonstrates the potential magnitude of this conservatism and how that amount relates to the proposed water demand associated with the proposed project.

environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Wastewater Treatment Capacity

Impact UTIL-3:	**The proposed project would result in a determination by the wastewater treatment provider which serves or may serve the project site that it has adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated information provided by Central San with respect to wastewater treatment and potential impacts that could result due to implementation of the NDSP. Wastewater within the NDSP area is treated at the Central San WWTP.[33] Full buildout of the NDSP would generate a wastewater discharge of approximately 2.40 mgd. The 2019 NDSP EIR concluded that the Central San WWTP would have adequate capacity to treat this additional wastewater and would have adequate capacity to serve the NDSP's projected demand in addition to the provider's existing and other planned future commitments. Based on the foregoing, the 2019 NDSP EIR concluded that impacts would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area and Central San's service area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to wastewater treatment.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to wastewater treatment, as explained more fully below.

As described in the WSA and as summarized in the comparative analysis of scenarios included in Appendix B, Scenario 3 would result in the highest estimated demand for water at approximately 119,806 GPD. Furthermore, it was conservatively assumed that all domestic water would ultimately be discharged to the wastewater systems, resulting in an estimated daily sewer discharge of approximately 119,806 GPD (or 0.12 mgd), equal to the anticipated water demand.

[33] Central Contra Costa Sanitary District (Central San). 2017. Comprehensive Wastewater Master Plan Technical Executive Summary. June.

As documented in recent correspondence from Central San, the current discharge permit for the Central San WWTP allows an average dry weather flow discharge rate of 53.8 mgd and the average dry weather flow rate in 2021 was 29.5 mgd.[34] The remaining treatment capacity is therefore 24.3 mgd, and Central San anticipates the remaining capacity would be sufficient to serve its service area (including the project site) for at least the next two decades.[35]

The proposed project is estimated to result in approximately 0.12 mgd of sewer discharge, accounting for less than 1 percent of the remaining capacity of 24.3 mgd. Therefore, as confirmed by Central San, it would have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

Landfill Capacity and Solid Waste Reduction Goals Consistency

Impact UTIL-4:	**The proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated the General Plan and information provided by the CCCSWA with respect to landfill capacity and potential impacts that could result due to implementation of the NDSP. It concluded that solid waste from development under the NDSP would be transferred to the Keller Canyon Landfill, via the Contra Costa Transfer and Recovery Station. The 2019 NDSP EIR concluded that buildout of the NDSP could reduce the permitted daily throughput at Keller Canyon by approximately 7.6 tons or only 0.22 percent. The 2019 NDSP EIR considered that the development projects under the NDSP would be required to divert 50 percent of construction and demolition debris and prepare and implement a Waste Management Plan (WMP) pursuant to all applicable federal and State laws and regulations, and would be required to adhere to other applicable programs, requirements and standards, including goals, policies, and actions provided in Chapter 4, Built Environment, including, but not limited to, Goal 30, Policy 30.2, and Action 30.2.7, of the General Plan that requires recycling of construction waste for all private projects. Based on the foregoing, the 2019 NDSP EIR concluded that development associated with the NDSP would have a less than significant impact related to solid waste.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the

[34] Leavitt, Russ. Engineering Assistant III, Central Contra Costa Sanitary District (Central San). Personal communication: email. December 7, 2022.

[35] Leavitt, Russ. Engineering Assistant III, Central Contra Costa Sanitary District (Central San). Personal communication: email. May 4, 2021.

same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to solid waste.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to solid waste, as explained more fully below.

As summarized in the comparative analysis of scenarios included in Appendix B, the estimated generation of solid waste for Scenario 1 would result in the highest generation of solid waste for both the construction and operation phases of the proposed project. Therefore, for the purposes of discussion of the project's potential environmental effects, Scenario 1 presents the reasonable worst-case scenario. Table 3.15-2 provides the construction and demolition solid waste generation estimate for the proposed project.

Table 3.15-2: Construction and Demolition Solid Waste Generation Estimate for Proposed Project

Activity	Waste Generation Rate	Square Feet	Total Estimated Solid Waste Generation[1]		
			Pounds	Tons	Cubic Yards
Demolition	Demolition calculations are taken from the Demolition Debris Calculations sheet provided as part of Appendix C.	—	29,190,000	14,595	54,056
Construction	Residential 4.38 pounds/square feet	—	—	—	—
	Nonresidential: 3.89 pounds/square feet	655,588	2,550,237	1,275	4,723
Total			**31,740,237**	**15,870**	**58,779**

Notes:
[1] Numbers are rounded to the nearest whole number.
It was assumed that auto sales, service, and auxiliary uses would fall under the nonresidential waste category and the multi-family residential uses (of which there would be none under Scenario 1) would fall under the residential waste category for purposes of estimating construction and demolition solid waste.
1 ton = 2,000 pounds
1 ton = 1.4 cubic yards
Sources:
United States Environmental Protection Agency (EPA). 1998. Characterization of Building-Related Construction and Demolition Debris in the United States.
FirstCarbon Solutions (FCS). 2022.

For purposes of a conservative analysis, the values in Table 3.15-2 do not take into account the mitigating aspects of applicable laws and regulations that would further reduce the amount of demolition and construction solid waste that would occur as a part of the proposed project. For example, Section 5-3.6 of the City's Construction Debris Recycling Ordinance requires that 65 percent of the construction and demolition debris must be diverted and a WMP must be prepared and implemented during project operation. Consistent with the 2019 NDSP, the proposed project would be required to adhere to the foregoing Municipal Code requirements. In addition, the

proposed project would also be required to comply with all other applicable laws, regulations, policies, and programs such as Goal 30, Policy 30.2, and Action 30.2.7 of Chapter 4, Built Environment, of the General Plan, which would require recycling of construction waste for all private projects. For the foregoing reasons, it is reasonable to assume that the values provided in Table 3.15-2 overstate the recycling and construction debris that would result from the proposed project, and thus this analysis is considered conservative.

With respect to solid waste that would be generated by the proposed project during operation, the following methodology was utilized for purposes of this analysis. Pursuant to State Law SB 1016, Walnut Creek targets a disposal rate of 4.7 pounds per person per day.[36] The 2019 disposal rate for Walnut Creek exceeds this target, with the City's disposal rate being 4.0 pounds per person per day. Nevertheless, the Draft SEIR conservatively assumes an operational solid waste disposal rate of 4.7 pounds per person per day. Based on this rate, the proposed project is estimated to generate approximately 2,650 cubic yards of solid waste annually at buildout during operation. Similar to the estimated demolition and construction debris, the foregoing figures do not take into account diversion factors. For example, Republic Services provides recycling and green waste collection to customers. Aluminum, glass, plastic, paper, cardboard, and organic waste are collected and diverted from the waste stream. These diversion services would be available to the proposed project to facilitate diversion efforts. Therefore, this analysis likely overstates the amount of operational-related debris and is thus considered conservative.

Given that the proposed project may be constructed in phases, this analysis conservatively assumes that construction and demolition and operation could overlap for a portion of the construction of the proposed project. Therefore, as a conservative estimate, the total anticipated construction and demolition debris, approximately 58,779 cubic yards, has been added to the estimated first annual solid waste generation amount of 2,650 cubic yards for a total maximum solid waste generation of 61,429 cubic yards. The Keller Canyon Landfill has a remaining capacity of 63.40 million cubic yards and, thus, the proposed project would represent only approximately less than 0.1 percent of the remaining capacity. Therefore, the Keller Canyon Landfill would be able to accommodate the solid waste generated by the proposed project.

Based on the foregoing, the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, impacts with respect to landfill capacity and solid waste reduction goals consistency during construction and demolition and operation would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 1 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

[36] Central Contra Costa County Solid Waste Authority (RecycleSmart). Annual Diversion Report for Calendar Year 2019: Agenda Item No. 4, Table 1. Website: https://www.recyclesmart.org/filebrowser/download/4900371. Accessed December 6, 2021.

Level of Significance

Less than significant impact.

Solid Waste Regulations Consistency

Impact UTIL-5:	**The proposed project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.**

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated the General Plan and information provided by RecycleSmart with respect to compliance with federal, State, and local management and reduction statutes and regulations related to solid waste and potential impacts that could result due to implementation of the NDSP. The 2019 NDSP EIR concluded that because the development implemented under the NDSP would be required to comply with all applicable federal, State, and local management and reduction statutes and regulations related to solid waste through diversion of construction and demolition debris including, among others, Section 5-3.6 of the City's Construction Debris Recycling Ordinance and Goal 30, Policy 30.2, and Action 30.2.7 of the General Plan, impacts with respect to compliance with solid waste laws and regulations would be less than significant.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a substantial adverse effect with respect to compliance with solid waste laws and regulations.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to compliance with solid waste laws and regulations, as explained more fully below.

Consistent with the analysis in the 2019 NDSP EIR, Section 5-3.6 of the City's Construction Debris Recycling Ordinance requires that 65 percent of the construction and demolition debris must be diverted and a WMP must be prepared and implemented during project operation. The proposed project would be required to adhere to the foregoing through the preparation and implementation of a site-specific WMP in connection with specific individual development proposal(s), which would include: (1) the estimated volume of reusable and recyclable construction and demolition debris, (2) the vendor or facility proposed to collect or receive the diverted materials, and (3) the estimated volume of the residual debris that would be disposed of rather than reused or recycled. Compliance with the City's Construction Debris Recycling Ordinance would ensure compliance with the Integrated Waste Management Act by ensuring project construction waste is transferred to facilities that can adequately recycle solid waste.

Regarding operational-related impacts, the proposed project would also be required to comply with SB 1016. As of 2019, at a rate of 4.0 pounds per person per day, the City was exceeding its 4.7

pounds per person per day target imposed by state law.[37] For example, although the proposed project's demand was based on the more conservative assumption of 4.7 pounds per day target, it is reasonable to assume that the proposed project would take advantage of various diversion efforts offered, as described above, which other developments within Walnut Creek have utilized.

The proposed project would be required to comply with applicable federal, State, and local management and reduction statutes and regulations related to solid waste, including, but not limited to, the existing Construction Debris Recycling Ordinance, SB 1016, Integrated Waste Management Act, and adherence to Goal 30, Policy 30.2, and Action 30.2.7 of the General Plan; therefore, impacts would be less than significant. Accordingly, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 1 (or any other Scenario). No additional analysis is required and impacts in this regard would remain less than significant.

Level of Significance

Less than significant impact.

3.15.7 - Cumulative Impacts

Conclusions in the 2019 NDSP EIR

As noted in the 2019 NDSP EIR, the geographic scope of the cumulative analysis is the service area of utility service providers: EBMUD and CCWD for potable water, Central San for wastewater, the City for storm drainage, and RecycleSmart for solid waste. With respect to potential cumulative impacts on utilities and service systems, the 2019 NDSP EIR noted that the broader relevant services areas, which included the NDSP area, were largely developed with a wide mix of uses and were in an urbanized area with established public transit where intensification of development has long been anticipated. As explained more fully in the 2019 NDSP EIR, cumulative development occurring within the relevant geographical area would not result in significant adverse cumulative impacts to the physical capacity, service levels, or funding available because demand projections for these utilities and service systems have taken Citywide growth (including growth occurring within the NDSP area) into consideration and planned accordingly with respect to infrastructure and improvements that could accommodate cumulative growth. Additionally, cumulative development has been and would continue to be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including goals, policies, and actions discussed above. These laws, regulations, programs, and standards are prescribed by zoning and other laws and regulations governing development and would be enforced through the building permit process or as otherwise provided, which would ensure that cumulative impacts would be less than significant in this regard. Moreover, all cumulative developments would be required to demonstrate that sufficient capacity is available and provided by existing infrastructure prior to project approval or would be required to construct or pay the identified fair share toward any needed upgrades if existing systems are insufficient. Therefore, cumulative impacts to utilities would be less than significant. For the foregoing reasons,

[37] Central Contra Costa County Solid Waste Authority (RecycleSmart). Annual Diversion Report for Calendar Year 2019: Agenda Item No. 4, Table 1. Website: https://www.recyclesmart.org/filebrowser/download/4900371. Accessed December 6, 2021.

the 2019 NDSP EIR concluded that development under the NDSP would not have a cumulatively considerable contribution to this already less than significant cumulative impact.

Supplemental Analysis of the Proposed Project

Similar to the cumulative analysis in the 2019 NDSP EIR, the appropriate geographic context for cumulative impacts for utilities and service systems is the respective service area of the relevant utility service providers.

Consistent with the cumulative analysis set forth in the 2019 NDSP EIR, cumulative development, in combination with implementation of the proposed project, would result in an increase of demand on service and utility providers within their respective service areas. However, cumulative development occurring within the relevant geographical area, combined with the proposed project, would not result in significant adverse cumulative impacts to the physical capacity, service levels, or funding available because demand projections for these utilities and service systems have taken Citywide growth into consideration and planned accordingly with respect to infrastructure and improvements that can accommodate cumulative growth. For example, EBMUD has adopted a 2020 UWMP that forecasted increases in water demand through to 2040 based on future population and water usage projections; Central San has an adopted 2017 Master Plan that forecasted increases in wastewater service demand to 2035 in its service area. Additionally, cumulative development has been and would continue to be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including goals, policies, and actions discussed above, and would be required to demonstrate that sufficient capacity is available and provided by existing infrastructure prior to project approval or would be required to construct or pay the identified fair share toward any needed upgrades if existing systems are insufficient. For these reasons, with respect to cumulative utility and service system impacts, there would be a less than significant impact in this regard.

Moreover, with respect to the proposed project's contribution to this already less than significant impact, consistent with the cumulative analysis set forth in the 2019 NDSP EIR, as described above, the proposed project would not have a cumulatively considerable contribution. While development and growth in the City under the proposed project would result in an increased demand on utilities and service systems as described above, each applicable utility and service system has enough existing and/or already-planned capacity to adequately serve the proposed project (see Impact UTIL-1 though UTIL-5). Furthermore, as noted above, the proposed project would be required to adhere to all applicable federal and state laws and regulations, programs, and standards, including goals, policies, and actions described above. The foregoing would further ensure that the proposed project would not make a cumulatively considerable contribution to this already less than significant cumulative impact. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under any Scenario. No additional analysis is required and the cumulative impact in this regard would remain less than significant.

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CHAPTER 4: EFFECTS FOUND NOT TO BE SIGNIFICANT

4.1 - Introduction

This chapter is based, in part, on the Walnut Creek Mixed Use Special District Project Draft Supplemental Environmental Impact Report (Draft SEIR) Notice of Preparation (NOP), dated June 8, 2021, contained in Appendix A of this Draft SEIR. The NOP was prepared to identify the potentially significant effects of the proposed project and was circulated for public review between June 8, 2021, and July 8, 2021. During the NOP scoping period, certain impacts (Agriculture and Forestry Resources, Mineral Resources, and Wildfire) were identified as being anticipated to be less than significant given the nature of the various project components and the project site. Furthermore, in preparing this Draft SEIR, certain impacts have been determined to be less than significant in accordance with applicable provisions of the California Environmental Quality Act (CEQA) as detailed more fully herein and based on substantial evidence in the record.

Accordingly, this chapter provides a brief description of effects found not to be significant or less than significant, based on the NOP, NOP public comments received, as well as more detailed analysis conducted as part of the Draft SEIR preparation process.

As noted above, no NOP public comments were received during the NOP scoping period related to the following topics: Mineral Resources, Agriculture and Forestry Resources, and Wildfire. Further information and analysis is set forth below as to the basis for concluding that the foregoing environmental topical areas would not result in any significant impacts. This chapter is limited to entire topical areas found to have no impact or to be less than significant. In some instances, throughout this Draft SEIR, specific impacts that were found to be less than significant are nonetheless included in the Draft SEIR topical sections (Sections 3.1 through 3.15) for purposes of clarity and to facilitate the readers' understanding of the overall environmental impact within the topical area.

4.2 - Effects Found not to be Significant

For purposes of the analysis set forth in this chapter, the City of Walnut Creek ("City") and its CEQA consultant conducted a preliminary assessment of each of the potential development scenarios (referred to herein as Scenarios 1, 2 and 3, respectively) in order to determine the scenario that would result in the "reasonable worst-case scenario" under each environmental topic area (see Appendix B, Comparative Summary of Potential Impacts). For the reasons set forth in Appendix B, it was determined that the relative impact of each of the Scenarios with regard to Mineral Resources, Agriculture and Forestry Resources, and Wildfire would be similar across all Scenarios. Because Scenario 3 (auto sales and service, office, and multi-family residential) is assumed to result in the greatest impact for most of the environmental topic areas (see further discussion under Category 3 in Appendix B), to help ensure project description stability and facilitate accuracy and consistency in the analysis within the Draft SEIR, when a Scenario would result in substantially the same effects, this Draft SEIR evaluates impacts assuming development of Scenario 3, the scenario that is most

often the "reasonable worst-case scenario." Therefore, the following impact areas are evaluated assuming development of Scenario 3.

4.2.1 - Agriculture and Forestry Resources

Conversion of Important Farmland

Conclusions in the 2019 NDSP EIR

The North Downtown Specific Plan Environmental Impact Report (2019 NDSP EIR) evaluated information provided by the Walnut Creek General Plan (General Plan) and the California Department of Conservation's (DOC) Farmland Mapping and Monitoring Program for impacts relating to conversion of designated Prime Farmland, Farmland of Statewide Importance, or Unique Farmland (Important Farmland), into other nonagricultural uses, resulting in the loss of any potential Important Farmland. The 2019 NDSP EIR concluded that the North Downtown Specific Plan (NDSP) area is designated as Urban and Built-Up Land by the DOC. Therefore, there would be no impact to the project site in regard to conversion of Important Farmland to nonagricultural uses.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area (which is designated as Urban and Built-Up Land), it is not anticipated that the proposed project would have a substantial adverse effect with respect to conversion of any Important Farmland to nonagricultural uses.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to the potential conversion of any Important Farmland to nonagricultural uses, as explained more fully below.

The project site is occupied by existing urban uses and is in an already urbanized area within the North Downtown portion of the City. No agricultural land exists on the project site. The site is mapped as "Urban and Built-Up Land" by the by the California Department of Conservation Farmland Mapping and Monitoring Program,[1] a non-Important Farmland designation. As such, the proposed project would not convert Important Farmland to nonagricultural use. No impact would occur. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required in this regard, and the no impact conclusion would remain the same.

[1] California Department of Conservation. 2016. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/dlrp/ciff/. Accessed November 12, 2021.

Williamson Act Contracts and Agricultural Zoning

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated information provided by the General Plan and the DOC Farmland Mapping and Monitoring Program for impacts relating to potential conflicts with existing zoning for agricultural use or Williamson Act contracts. The 2019 NDSP EIR found that there was no agricultural zoning or Williamson Act contracts active on the project site, and therefore concluded no impact would occur.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a conflict with existing zoning for agricultural use or a Williamson Act Contract.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to conflicts with existing zoning for agricultural use or a Williamson Act Contract, as explained more fully below.

As noted above, the project site is occupied by existing urban uses and is located in an already urbanized area within the North Downtown portion of the City. No agricultural land exists on or adjacent to the project site. As such, it is not eligible for and is not subject to a Williamson Act Contract, nor are any lands adjacent thereto.[2] The project site is designated as "Auto Sales and Service" by the General Plan and "Auto Sales and Custom Manufacturing" by the NDSP, and zoned "Auto Sales and Custom Manufacturing." As such, the proposed project would not conflict with an active Williamson Act Contract or agricultural zoning. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and the no impact conclusion in this regard would remain the same.

Forest/Timberland Zoning

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated information provided by the General Plan and information provided by the DOC regarding impacts relating to potential conflicts with existing zoning for forests or timberland and found that the NDSP area is occupied and surrounded by existing urban uses and development, and that no forest or timberland zoning in the City of Walnut Creek. Additionally, the NDSP area is designated as "Automobile Sales and Service" and other urban land use designations by the General Plan and the zoning and does not involve any forest or timberland zoning. Therefore, the 2019 NDSP EIR found that there would be no impact regarding forest and timberland zoning conflicts.

[2] Contra Costa County. 2016. 2016 Agricultural Preserves Map. Website: https://www.contracosta.ca.gov/DocumentCenter/View/882/Map-of-Properties-Under-Contract?bidId=. Accessed: November 12, 2021.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would have a conflict with any existing zoning for forest and timberland.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to conflicts with any existing zoning for forest and timberland zoning conflicts, as explained more fully below.

The project site is occupied by existing urban uses and is in an already urbanized area within the North Downtown portion of the City. For purposes of this environmental topical area, "forest land" is defined by Public Resources Code Section 12220(g); "timberland" is defined by Public Resources Code Section 4526; and timberland zoned for Timberland Production is defined by Government Code Section 51104(g). No forest land, timberland, or timberland zoned for Timberland Production exists on the project site. The project site is designated as "Auto Sales and Service" by the General Plan and "Auto Sales and Custom Manufacturing" by the NDSP, and zoned "Auto Sales and Custom Manufacturing." As such, the proposed project would not conflict with forest/timberland zoning. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and the no impact conclusion in this regard would remain the same.

Conversion of Forestland

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated information provided by the General Plan and information provided by the DOC regarding the potential for implementation of the NDSP to conflict with existing zoning, or cause rezoning of, forest land, or timberland zoned Timberland Production and concluded that because there is no forestland within the NDSP area, implementation of the NDSP would not convert forestland or timberland to non-forest use, and no impact would occur.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would conflict with existing zoning, or cause rezoning of, forest land, or timberland zoned Timberland Production.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to conflicts with existing zoning for forest land, or timberland zoned Timberland Production, as explained more fully below.

The project site is occupied by existing urban uses and is in an already urbanized area within the North Downtown portion of the City. As noted above, no forest land or timberland exists on the project site. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and the no impact conclusion in this regard would remain the same.

Pressures to Convert Agricultural or Forest Land

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated information provided by the General Plan and information provided by the DOC regarding the potential for implementation of the NDSP to involve other change to the existing environment which, due to their location or nature, could result in conversion of farmland or forest land to non-agricultural or non-forest use. As noted above, the 2019 NDSP EIR concluded that the NDSP area is located within a developed urban area in the City and is occupied by existing urban land uses. Additionally, there is no agricultural or forest zoning within the NDSP area. Therefore, the 2019 NDSP EIR concluded that implementation of the NDSP would not create pressures to convert agricultural or forest land to nonagricultural or non-forest use, and no impact would occur.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would not create pressures to convert agricultural or forest land to nonagricultural or non-forest use.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to creating pressures to convert agricultural or forest land to nonagricultural or non-forest use, as explained more fully below.

The project site is occupied by existing urban uses and is in an already urbanized area within the North Downtown portion of the City; surrounding uses are also urban in nature. No agricultural land or forest land exists on the project site or within the vicinity of the project site. As such, the proposed project would not create pressures to convert agricultural or forest land to nonagricultural or non-forest use. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and the no impact conclusion in this regard would remain the same.

4.2.2 - Mineral Resources

Loss of Minerals of Statewide or Local Importance

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated information provided by the City and the California Geological Survey regarding the impact of the NDSP on the loss of minerals of Statewide or local importance. The 2019 NDSP EIR determined that the NDSP area is located in a developed urban area in the City and mineral exploration and extraction is not performed in the project vicinity. In addition, the 2019 NDSP EIR found that there are no natural gas, oil, or geothermal resources located in or adjacent to the NDSP area. Therefore, it concluded that implementation of the NDSP would not result in a mineral resources impact.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already-developed nature of the project site, the proposed uses, and given that the proposed project is within the boundaries of the NDSP area, it is not anticipated that the proposed project would result in the loss of availability of a known mineral resource with value to a region or residents of the State or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts with respect to loss of minerals of Statewide of local importance, as explained more fully below.

There are no mineral resource recovery sites on the project site or in the vicinity of the project site. A Mineral Resource Zones and Resources Sectors map prepared by the California Geological Survey indicates that the project site is in an area that does not contain any known mineral deposits of significance.[3] Furthermore, based on available information, the project site does not contain any known mineral resources, and there are no mines on or in the project vicinity.[4] The already-developed urbanized site is designated as "Auto Sales and Service" by the General Plan and "Auto Sales and Custom Manufacturing" by the NDSP, and zoned "Auto Sales and Custom Manufacturing." Therefore, the proposed project would not result in the loss of availability of a known mineral resource of value to the region and residents of the State and would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other plan. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required, and the no impact conclusion in this regard would remain the same.

[3] California Geological Survey Division of Mines and Geology. 1983. Mineral Resource Zones and Resource Sectors Contra Costa County.

[4] California Department of Conservation. 2016. Division of Mine Reclamation Mines Online. Website: https://maps.conservation.ca.gov/mol/index.html. Accessed November 12, 2021.

4.2.3 - Wildfire

Conclusions in the 2019 NDSP EIR

Effective December 28, 2018, CEQA and its implementing guidelines (CEQA Guidelines) were significantly amended, and, as part of this update, Wildfire was included as its own section. The 2019 NDSP EIR was prepared prior to the adoption of the updated CEQA Guidelines and did not provide a separate Wildfire section. This presents a summary of the information provided in the 2019 NDSP EIR with respect to wildfire.

The 2019 NDSP EIR evaluated mapping by the California Department of Forestry and Fire Protection (CAL FIRE), as provided in the General Plan, with respect to the impacts associated with development under the NDSP potentially exposing people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. As part of this analysis, the 2019 NDSP EIR concluded that the NDSP area is within an area of high threat to people from wildland fire.[5] However, the 2019 NDSP EIR area concluded the NDSP area is in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires. In addition, future development projects within the NDSP area would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to applicable goals and policies of the General Plan (including, but not limited to, Goal 4, Policies 4.1 and 4.2, and Actions 4.2.1, 4.2.2, 4.2.3, and 4.2.4 of Chapter 6, Safety and Noise Elements). Therefore, the 2019 NDSP EIR concluded that because of the foregoing reasons, development under NDSP would result in less than significant impacts with respect to wildland fires.

Supplemental Analysis of the Proposed Project

Impairment of an Emergency Response Plan or Emergency Evacuation Plan

The project site is occupied by existing urban uses and is in an already urbanized area within the North Downtown portion of the City. The Walnut Creek Emergency Management Plan (EMP) serves as the foundation for disaster response and recovery operations for the City. It determines how resources should be allocated in response to emergencies, from preparation through recovery. The General Plan, Chapter 6: Safety and Noise, Actions 6.1.1 and 6.1.2 require that the EMP and a list and map of evacuation routes be regularly reviewed and updated so that changes would be made when necessary.[6,7] Additionally, the EMP states that the City of Walnut Creek's Risk, Safety, and Emergency Preparedness Manager coordinates and schedules training and exercise of the EMP, which includes various exercises that test wildfire emergency response and City evacuation with consideration to the City's existing development at the time of the exercise.[8] The project site is located near Interstate 680 (I-680) traveling in the north–south direction to the west, and Ygnacio Valley Road to the south traveling in the east–west direction. The I-680 also splits into the east and west directions approximately 1 mile south of the project site. Under the EMP,[9] evacuation is advised to occur through the most reasonable safe exits out of the City. Therefore, the project site would be expected to evacuate along I-680 and Ygnacio Valley Road in the event of an evacuation. Therefore,

[5] City of Walnut Creek. 2006. City of Walnut Creek General Plan 2025, Chapter 6, Safety and Noise. April 4.
[6] City of Walnut Creek. 2006. Walnut Creek General Plan 2025. April 4.
[7] City of Walnut Creek. 2005. Walnut Creek General Plan 2025 EIR. August 5.
[8] City of Walnut Creek. 2020. Emergency Management Plan. January.
[9] City of Walnut Creek. 2020. City of Walnut Creek Emergency Management Plan, Version 1.0. January.

the proposed project would be accordingly incorporated into the City's emergency response and evacuation plans. Thus, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would be less than significant.

Uncontrolled Wildfire or Wildfire Pollution due to Slope, Prevailing Winds, or Other Factors

As noted above, the project site is occupied by existing urban uses and is in an already urbanized area within the North Downtown portion of the City. The project site is surrounded by other urbanized uses on relatively flat areas lacking in woodlands or vegetation that could provide fuel load for wildfire, or steep slopes that could cause fire to spread more rapidly. The project site is surrounded by other features that would provide fuel breaks in the event of a fire, such as I-680, Ygnacio Valley Road, North Civic Drive, and Parkside Drive. The closest open space area, Acalanes Ridge Open Space, is located approximately 0.66 mile southwest of the project site across from I-680. According to CAL FIRE, the project site is not located in a State Responsibility Area (SRA) or a Local Responsibility Area (LRA) Fire Hazard Severity Zone.[10] The nearest LRA Fire Hazard Severity Zone is located approximately 1 mile west of the project site and is designated as a Very High Fire Hazard Severity Zone.[11]

The Bay Area Air Quality Management District (BAAQMD) monitors the Bay Area's air quality at several stations, and the closest station to the project site is in the City of Concord, approximately 2.85 miles to the northeast. The average wind speed at this station varied from month to month and ranged from 7 to 16 miles per hour (mph) in 2020.[12] Given that the project site is not located on or near steep terrain surrounded by natural vegetation, is surrounded by urban uses, and does not consistently experience high winds, the project site would not be prone to wildfires. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would be less than significant.

Installation or Maintenance of Infrastructure Exacerbating Fire Risk

Compliance with applicable State and local plans, laws and regulations would help to further decrease the risk of impacts related to wildland fire hazards. Among others, General Plan Policy 4.2 and Action 4.2.1 of Chapter 6, Safety and Noise, call for coordination with the Contra Costa County Fire Protection District (CCCFPD) to help ensure adequate fire response times and require all new development plans be submitted to the CCCFPD for review. Furthermore, as indicated in Section 3.13, Public Services and Recreation, the proposed project would be adequately served in terms of fire protection services by the CCCFPD. Finally, the proposed project would be required to comply with applicable provisions of the California Fire Code such as those regarding emergency access and types of building materials. The project site is in an urban area surrounded by existing roadways. The proposed project would not require the installation of new firebreaks, because it is in an urban area

[10] California Department of Forestry and Fire Protection (CAL FIRE). 2007. Contra Costa County Fire Hazard Severity Zone in State Responsibility Area. Website: https://egis.fire.ca.gov/FHSZ/. Accessed November 12, 2021.

[11] Ibid.

[12] Bay Area Air Quality Management District (BAAQMD). 2019. Meteorology Data. Website: https://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/met?date=2020-11-12&id=203&view=monthly&style=chart. Accessed November 12, 2021.

surrounded by existing development with little natural vegetation and existing roadways that would serve as fuel breaks. The proposed project would not require emergency water sources, because potable water is currently provided by the East Bay Municipal Utility District (EBMUD), which has adequate water supplies available to serve the proposed project and other existing and planned future uses during normal, dry, and multiple dry years (see Section 3.15, Utilities and Service Systems, and Appendix K, Water Supply Assessment). New electrical power on and connecting to the project site would be installed underground to the extent required by applicable laws and regulations in accordance with applicable provisions of the California Building Standards Code, Uniform Fire Code, and General Plan Policy 18.5 of Chapter 4, Built Environment, thereby further helping to minimize potential ignition and related fire risk above ground. Finally, given their nature and scope, proposed off-site roadway improvements, such as frontage sidewalks, driveway curbs, and gutter improvements, would not exacerbate any fire risk. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would be less than significant.

Flooding and Landslide Hazards Due To Post-fire Slope Instability/Drainage Changes

The project site is not located on or near steep slopes susceptible to landslides or downstream flooding. The project site has also not been affected by previous wildfires that could have resulted in drainage changes or loss of vegetation. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required and impacts in this regard would be less than significant.

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CHAPTER 5: OTHER CEQA CONSIDERATIONS

California Environmental Quality Act (CEQA) Guidelines Section 15126 requires that all phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation. As part of this analysis, the Draft Supplemental Environmental Impact Report (Draft SEIR) must also identify (1) significant environmental effects of the proposed project; (2) significant environmental effects which cannot be avoided if the proposed project is implemented; (3) significant irreversible environmental changes which would be involved in the proposed project should it be implemented; (4) growth-inducing impact of the proposed project; (5) mitigation measures proposed to minimize the significant effects; and (6) alternatives to the proposed project.

Accordingly, this chapter provides a discussion of other CEQA-mandated topics, including any significant unavoidable impacts, growth inducement, and/or any significant irreversible environmental changes which could occur if the proposed project were implemented. Chapter 3, Environmental Impact Analysis, describes the significant environmental effects of the proposed project and provides feasible mitigation measures proposed to minimize significant effects. Chapter 6, Alternatives to the Proposed Project, discusses a reasonable range of potentially feasible alternatives to the proposed project.

5.1 - Significant Unavoidable Impacts

Conclusions in the 2019 NDSP EIR

The 2019 North Downtown Specific Plan (NDSP) EIR concluded that implementation of the NDSP would result in the following significant and unavoidable impacts:

- Implementation of the NDSP could result in the Level of Service (LOS) at the Penniman Way/Lawrence Way/I-680 Northbound On-Ramp intersection to fall to LOS F in the PM peak-hour.
- Implementation of the NDSP could reduce the average travel speed on eastbound Ygnacio Valley Road from 15.9 mph to 14.6 mph in the PM peak-hour.
- Implementation of the NDSP could add traffic to freeway segments that currently operate below the Caltrans standard or are projected to operate below the standard without NDSP traffic and under Cumulative No Project conditions.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already developed nature of the project site, which is already served by existing infrastructure, and further given that the proposed project contemplates an intensification of uses that is generally consistent with the overall land use vision and planning assumptions set forth in the Walnut Creek General Plan (General Plan) and as detailed more fully in the relevant chapters in this Draft SEIR, the proposed project would not result in significant unavoidable impacts.

This analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential significant unavoidable impacts resulting from the proposed project.

The significant unavoidable impacts resulting from the implementation of the NDSP as disclosed in the 2019 NDSP EIR were related to LOS. As discussed in Section 3.14, Transportation, pursuant to Senate Bill (SB) 743, a project's effect on automobile delay (i.e., LOS) shall not constitute a significant environmental impact for purposes of CEQA. Therefore, the significant impacts associated with LOS impacts as analyzed in the 2019 NDSP EIR are not considered in this Draft SEIR.[1]

CEQA Guidelines Section 15126.2(a), (c) requires an EIR to identify and focus on the significant environmental effects of the proposed project, including effects that cannot be avoided if the proposed project were implemented. Based on the analysis contained in this Draft SEIR, the City of Walnut Creek has determined that the proposed project would not result in any significant and unavoidable impacts.

5.2 - Growth-inducing Impacts

There are two types of growth-inducing impacts that a project may have: direct and indirect. To assess the potential for the proposed project to result in growth-inducing impacts, this Draft SEIR must evaluate project characteristics that may encourage and/or facilitate activities that individually or cumulatively may affect the environment (CEQA Guidelines § 15126.2(e)).

CEQA, as interpreted by the City, provides that a significant growth-inducing impact may result if the proposed project would:

- Induce substantial population growth in an area (for example, by proposing new homes and commercial or industrial businesses beyond the land use density/intensity envisioned in the General Plan);
- Substantially alter the planned location, distribution, density, or growth rate of the population of an area; or
- Include extensions of roads or other infrastructure not assumed in the General Plan or adopted Capital Improvements Project list, when such infrastructure exceeds the needs of the project and could accommodate other future developments.

Therefore, this analysis evaluates whether the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Direct growth-inducing impacts occur when the development of a project imposes new burdens on a community by directly inducing unplanned population growth, or by leading to the construction of additional developments in the same area. Increases in the population may tax existing community service facilities, requiring construction of new or expanded facilities that could cause significant environmental effects. Also included in this category are projects that remove physical obstacles to population growth (such as a new road into an undeveloped area or a

[1] As explained more fully in the TIA, a non-CEQA operational analysis, which takes into account LOS considerations, has been prepared as well; this information will be considered by the decision-makers outside of the CEQA context.

wastewater treatment plant with excess capacity that could allow additional development in the service area). Construction of these types of infrastructure projects cannot be considered isolated from the development they facilitate and serve, which could significantly affect the environment, either individually or cumulatively. Projects that physically remove obstacles to growth, or projects that indirectly induce growth may provide a catalyst for future unrelated development in an area such as a new residential community that requires additional commercial uses to support residents.

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR evaluated data, research, and growth projections from the 2015 United States Census Annual Estimate data,[2] the CDF,[3] ABAG projections 2013,[4] and the NDSP Existing Conditions Report (Existing Conditions Report).[5] Additionally, data, research, and growth projections specific to housing were taken from the 2015-2031 Housing Element[6] and input from City staff with respect to whether implementation of the development contemplated under the NDSP would induce substantial unplanned population growth in an area, either directly or indirectly. It concluded that development under the NDSP would directly induce population and employment growth within the NDSP area and result in the intensification of commercial and residential uses within the NDSP area. However, the 2019 NDSP EIR concluded that the NDSP includes policies and development standards that would encourage primarily infill and transit-oriented development and would locate residential units and employment-generating uses near existing public transit facilities within already developed areas of the City served by existing infrastructure and services. Development of residential and mixed-use land uses within the vicinity of transit represents an environmentally-sound method for accommodating population growth while reducing sprawl, and the 2019 NDSP EIR concluded that implementation of the NDSP would not induce uncontrolled or unplanned growth within the NDSP area or the immediate vicinity.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already developed nature of the project site that has available, existing infrastructure, and further given that the proposed project contemplates an intensification of uses that is generally consistent with the overall land use vision and planning assumptions set forth in the General Plan, it is not anticipated that the proposed project would induce substantial unplanned population growth in an area, either directly or indirectly.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts associated with any unplanned population growth, either directly or indirectly, as a result of the proposed project.

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[2] U.S. Census Bureau. 2016. Annual Estimates of the Resident Population: April 1, 2020, to July 1, 2015. May.
[3] State of California. 2017. Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2011-2017, with 2010 Benchmark.
[4] Association of Bay Area Governments (ABAG). 2013. Projections 2013. December.
[5] Raimi + Associates. 2016. North Downtown Specific Plan Existing Conditions. October 19.
[6] City of Walnut Creek. 2014. 2015-2023 Housing Element. September.

Direct Population Growth

Development of the proposed project could directly induce growth in the City resulting from the development of new residences and from employment associated with nonresidential uses (such as auto sales and service and office). With respect to employment, it is assumed that the City's population increases during the typical workweek, indicating that many people commute into the City from elsewhere to work. Because of high housing costs in Walnut Creek, many professionals that work within the City must live outside of the City where homes are cheaper. Therefore, though the proposed project would result in employment opportunities, it is anticipated that many (if not most) of the employees associated with the proposed project would not relocate to the City. As discussed in more detail in Appendix B, because Scenario 3 would result in the most residents, it would represent the reasonable worst-case scenario with respect to direct population growth.

As discussed in Section 3.12, Population and Housing, the jobs to housing ratio within the City is 1.6, which is on par with the average Bay Area jobs to housing ratio of 1.5. Though the proposed project would result in employment opportunities, it would represent the types of employment opportunities near transit envisioned by the NDSP and is not anticipated to negatively affect the existing jobs to housing ratio.

As of 2021, the population of the City was 70,566.[7] The General Plan estimated a total City population of 76,014 to 77,314 people by 2025,[8] indicating that the City has not yet reached the projected population. Therefore, the proposed project would be within the population growth projections included in the General Plan[9] and associated environmental documents and would not induce growth but would rather accommodate growth that was already envisioned in the City's projections. In addition, "the growth management policies [of the General Plan] do not restrict the rate or amount of residential development."[10] Therefore, these housing units and employment opportunities and associated population growth projections were already assumed in the General Plan and the associated environmental documents.

The potential for new residential units developed as part of the proposed project would enhance the City's housing stock. The proposed project would be infill and transit-oriented development and would locate residential units and employment opportunities near existing public transit facilities and major transportation corridors within already developed areas of the City. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required in this regard and impacts would remain less than significant.

Indirect Population Growth

Indirect population growth occurs when a project creates upsized infrastructure (such as new roads and utility infrastructure) that could lead to additional unplanned growth. The project site has been

[7] California of Department of Finance. 2021. Table E-1 Cities, Counties, and the State Population Estimates with Annual Percent Change–January 1, 2020 and 2021. Website: https://www.dof.ca.gov/forecasting/demographics/estimates/e-1/ Accessed: November 2, 2022.

[8] City of Walnut Creek. 2005. Walnut Creek General Plan 2025 EIR, page 60. August 5.

[9] Percent population growth projected for the proposed project with respect to General Plan projections: 76,014–70,566 = 5,488; (1,435/5,488) x 100 = 26.1 percent; 77,314–70,566 = 6,748; (1,435/6,748) X 100 = 21.3 percent.

[10] City of Walnut Creek. 2005. Walnut Creek General Plan 2025 EIR, page 77.

developed since the 1950s and is located within the NDSP area, an urbanized area of the City. It is served with urban infrastructure and utilities including potable water, sewer, storm drainage, electricity, and natural gas, and the proposed project involves the more efficient utilization of land through the intensification of uses on an already developed site.

For the foregoing reasons, the proposed project would not: result in direct or indirect unplanned growth, negatively alter the existing jobs/housing balance, be inconsistent with the General Plan or relevant City infrastructure plans, or otherwise remove a barrier of growth through the extension of infrastructure or utilities to an unserved area. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other Scenario). No additional analysis is required in this regard and impacts would remain less than significant.

5.3 - Significant Irreversible Environmental Changes

As mandated by CEQA Guidelines Section 15126.2(d), this Draft SEIR must evaluate and identify any significant irreversible environmental changes that would result from implementation of the proposed project. Primary impacts and particularly, secondary impacts (such as a highway improvement that would provide access to a previously inaccessible area) generally commit future generations to similar uses. Specifically, such an irreversible environmental change would occur if:

- The proposed project would involve a large commitment of nonrenewable resources, which makes removal or nonuse thereafter unlikely;
- Irreversible damage can result from environmental accidents associated with the proposed project; and
- Any irretrievable commitment of resources that is not justified (e.g., the proposed project results in the wasteful use of energy). (Refer to Section 3.6, Energy, which addresses this topic in accordance with CEQA Guidelines Appendix F.)

Conclusions in the 2019 NDSP EIR

The 2019 NDSP EIR concluded that implementation of the NDSP would not result in the inefficient use of nonrenewable energy sources. It also concluded that although development associated with the NDSP would commit future generations to more intense development, it would benefit the City and region by providing needed housing, jobs, and transit-oriented development within an existing urban area, representing an environmental sound method for accommodating population growth and reducing sprawl. The 2019 NDSP EIR concluded that, while unlikely, if a major hazardous waste release would occur as a result of implementation of the NDSP, it would constitute a significant irreversible change from an environmental action. However, compliance with mitigation measures as provided in the 2019 NDSP EIR, General Plan policies and actions, and Conditions of Approval identified within the 2019 NDSP EIR would reduce all such irreversible or nearly irreversible effects to less than significant levels.

Supplemental Analysis of the Proposed Project

The proposed amendments to the NDSP (along with conforming amendments to the General Plan and Municipal Code to ensure consistency) (along with a development agreement to vest development rights related thereto) would not change or expand the geographical boundaries of the previous analysis; therefore, development under the proposed project would occur in the same locations previously identified in the 2019 NDSP EIR. Because of the urbanized and already developed nature of the project site that has available, existing infrastructure, and further given that the proposed project contemplates an intensification of uses that is generally consistent with the overall land use vision and planning assumptions set forth in the General Plan, it is not anticipated that the proposed project would result in significant irreversible environmental changes.

However, this analysis augments the evaluation set forth in the 2019 NDSP EIR by providing further site-specific review of potential impacts associated with significant irreversible environmental changes associated with the proposed project.

The proposed project consists of the development of new, infill mixed uses on a site that currently supports automobile sales and service and ancillary uses. The project site is within an urbanized area of the City and is designated and zoned for automotive sales and service and ancillary uses.

Stringent construction and demolition debris recycling practices consistent with applicable laws and regulations, which would be imposed on the proposed project, would be expected to facilitate the recovery and reuse of building materials such as concrete, lumber, and steel and would help to limit disposal of these materials, some of which are nonrenewable.

The Applicant has voluntarily agreed to prohibit the use of natural gas during the operation of the proposed project. In addition, new buildings would be required to adhere to the latest adopted edition of the California Building Standards Code (typically viewed as the most stringent requirements in the nation), which includes several standards that would significantly reduce energy demand, water consumption, wastewater generation, and solid waste generation, which would then collectively reduce the demand for resources. This would result in the emission and generation of less pollution and effluent and would lessen the severity of any corresponding environmental effects. Although the proposed project would result in an irretrievable commitment of nonrenewable resources to a certain extent, the commitment of these resources would be typical of this type of urban, transit-oriented, infill mixed-use development and would not be significantly inefficient, unnecessary, or wasteful.

The proposed project is within walking distance of the Walnut Creek Bay Area Rapid Transit (BART) station and the Iron Horse Trail. The proposed project is in the NDSP area, a major employment, entertainment, and retail/restaurant node. Moreover, the Applicant is proposing to provide public trail improvements on a portion of the project site to enhance opportunities for pedestrian/bicycle connectivity and use of alternative modes of transportation. Overall, the proposed project would be expected to result in less consumption of resources than a comparable project at the urban edge. By locating the proposed project in an already-urbanized area that is served by public transit and existing infrastructure and services, this transit-oriented development helps to reduce Vehicle Miles Traveled (VMT) and the concomitant reduction in fossil fuel reliance and greenhouse gas emissions.

While unlikely, if a major hazardous waste release would occur as a result of implementation of the proposed project, it would constitute a significant irreversible change from an environmental action. However, compliance with mitigation measures as provided in this Draft SEIR, and General Plan and NDSP policies and actions, identified within the Draft SEIR, would reduce all such irreversible or nearly irreversible effects to less than significant levels.

Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under Scenario 3 (or any other scenario). No additional analysis is required in this regard and impacts would be reduced to less than significant.

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CHAPTER 6: ALTERNATIVES TO THE PROPOSED PROJECT

6.1 - Introduction

The following section contains a comparative impact assessment of a reasonable range of potentially feasible alternatives to the proposed project. The primary purpose of an alternatives analysis under the California Environmental Quality Act (CEQA) is to provide the decision-makers, other interested organizations, and the public with a reasonable number of potentially feasible project alternatives that could attain most of the basic project objectives, while avoiding or reducing any of the proposed project's significant adverse environmental effects. Important considerations for this alternatives analysis are noted below and are incorporated herein pursuant to CEQA Guidelines Section 15126.6).However, as demonstrated by the administrative record for the proposed project, all impacts are less than significant or can be mitigated to below a level of significance; therefore, the proposed project does not have any significant unavoidable impacts. Findings rejecting alternatives are required only if one or more significant environmental effects would not be avoided or substantially lessened by mitigation measures. When approving a project, the City of Walnut Creek (City), as the lead agency, need not make findings rejecting the alternatives described in the Draft Supplemental Environmental Impact Report (Draft SEIR) where all of the proposed project's significant impacts will be avoided or substantially lessened by project design features and/or mitigation measures. (*See Laurel Hills Homeowners Assn v. City Council* (1978) 83 Cal.App.3rd 515 [if mitigation measures substantially lessen a project's significant environmental effects, the lead agency may approve the project without making findings on the feasibility of the EIR's project alternatives]; *see also Stevens v. City of Glendale* (1981) 125 Cal.App.3rd 986, 996; *No Slo Transit, Inc. v. City of Long Beach* (1987) 197 Cal.App.3rd 241].) Thus, if the City finds that all of the proposed project's significant adverse effects will be avoided or substantially lessened by project design features or mitigation measures, it need not make findings that environmentally superior alternatives are infeasible. (*See Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477; *Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362, 373; *Kings County Farm Bureau v City of Hanford* (1990) 221 Cal.App.3rd 692.).

An EIR must describe a reasonable range of alternatives to the proposed project, or to its location, that would feasibly attain most of the project's basic objectives while reducing or avoiding any of its significant effects. The discussion of alternatives is subject to a rule of reason and the scope of alternatives to be analyzed must be evaluated on the facts of each case. Accordingly, analysis of the following three alternatives to the proposed project is provided for discussion purposes and to allow the decision-makers to consider the proposed project in light of hypothetical alternative development options, thereby promoting CEQA's purpose as an information disclosure statute. This analysis is guided by the following considerations set forth under CEQA Guidelines Section 15126.6:

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives;

- Infeasibility; or
- Inability to avoid significant environmental effects.

6.2 - No Significant Unavoidable Impacts

The proposed project was analyzed for potentially significant impacts related to each of the environmental issues discussed in Sections 3.1 through 3.15 of this Draft SEIR. The results of the analysis demonstrate, based on substantial evidence in the record, that the proposed project would not result in any significant and unavoidable impacts.

6.3 - Alternatives to the Proposed Project

For discussion purposes, this Draft SEIR presents a reasonable range of potentially feasible alternatives to the proposed project for analysis and evaluation of their comparative merits, pursuant to CEQA Guidelines Section 15126.6, for the reasons discussed above. Where a project does not include any significant and unavoidable impacts and the potential impacts associated with a project are less than significant or can all be reduced to below a level of significance with the incorporation of mitigation, the analysis properly considers alternatives that would also reduce or eliminate those less than significant with mitigation impacts. CEQA Guidelines Section 15126.6(a) states that an EIR need not evaluate every conceivable alternative to a project.

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are potentially feasible and, therefore, merit in-depth consideration, and which are clearly infeasible. Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (CEQA Guidelines, § 15126.6(f)(3)).

The following analysis is provided for each alternative to allow a meaningful comparison with the proposed project for informational purposes.

As discussed in Section 4, Effects Found Not to Be Significant, the proposed project would result in no impact to the following topic areas:

- Agricultural and Forestry
- Mineral Resources
- Wildfire

The proposed project would result in less than significant impacts for the following environmental topic areas:

- Aesthetics
- Energy
- Land Use and Planning
- Population and Housing
- Public Services and Recreation
- Utilities and Service Systems

The proposed project would result in less than significant impacts with mitigation incorporated for the following environmental topic areas:

- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Transportation

The three alternatives to the proposed project analyzed in this section are as follows:

- **No Project, No Build Alternative (Alternative 1):** Under the No Project, No Build Alternative, the proposed project would not be constructed. For the purposes of this alternatives analysis, it is assumed that the existing automotive services, sales, and ancillary uses would remain, the existing vacant buildings would remain vacant, and the surface parking lots would remain and no other alternative, land use activities would occur.
- **No Project, No Mixed Use Special District Alternative (Alternative 2):** Under this Alternative, the existing Toyota Walnut Creek Dealership office on Site D and automotive service on Site E would remain operational. The North Downtown Specific Plan (NDSP) would not be amended to introduce a Mixed Use Special District on Sites A, B, and C. Instead, Sites A, B, and C would retain their existing General Plan, NDSP, and zoning designations of Automobile Sales/Service and Custom Manufacturing (AS-CM). Under this existing land use and zoning designation, auto sales, service, and ancillary uses are permitted by right. Therefore, this alternative assumes Sites A, B, and C would be built out to their maximum allowed floor area ratio (FAR) of 1.5/1.8 with a total square footage of 447,841. Table 6-1 provides the maximum allowable FAR and assumed redeveloped square footage per site along with the maximum height. Similar to the proposed project, it is anticipated that this alternative would incorporate the construction and dedication of public trail improvements on a portion of Site A.

Table 6-1: No Project, No Mixed Use Special District Alternative Summary

Site	Assessor's Parcel Number	Acreage/Square footage (approx.)	Maximum Allowable FAR	Square footage (approx.)	Maximum Height (Feet)
2100 North Main Street (Site A)[1]	173-131-042	0.41/ 17,860	1.5	26,790	35
	173-131-043	0.36/ 15,682	1.5	23,523	35
	173-131-055	0.75/32,670	1.8	58,806	50
	173-131-056	0.57/ 24,829	1.8	44,692	50
	173-131-057	0.40/17,424	1.8	31,363	50

Site	Assessor's Parcel Number	Acreage/Square footage (approx.)	Maximum Allowable FAR	Square footage (approx.)	Maximum Height (Feet)
	173-131-060	0.28/12,197	1.8	21,955	50
	173-131-062	0.64/27,878	1.8	50,180	50
	173-131-063	0.68/ 29,621	1.8	53,318	50
	Site A Subtotal	*4.09/178,160*	—	*310,627*	—
2150 North Broadway (Site B)	173-134-003	1.40/60,984	1.5	91,476	35
2100 North Broadway (Site C)	173-142-001	0.70/30,492	1.5	45,738	35
			Total	447,841	—

Notes:
[1] Site A also includes the following addresses: 2131 North Broadway, 2090 North Main Street, 2087 North Main Street. Site A and these addresses are all identified as 2100 North Main Street in this Draft SEIR for ease of readability.
Source: Toyota Walnut Creek 2021.

The existing NDSP does include a discretionary process for development where a project could be constructed up to a maximum of 2.5/2.8 FAR if additional community benefits are provided by the development subject to a separate Community Benefit Agreement process under the Municipal Code.[1,2] However, for the following reasons, this alternative does not assume this additional "bonus" FAR: those community benefit options are voluntary; approval of development bonuses are discretionary rather than by right; evaluating this alternative assuming community benefits could result in an overstatement of environmental impacts; and it would not present a meaningful alternatives analysis as required under CEQA.

- **Reduced Density/Intensity Alternative (Alternative 3):** Generally, consistent with the 2019 NDSP EIR, which assumed approximately 40 percent to half the amount of development identified for the NDSP, this alternative assumes a 40 percent reduction to the proposed project. Development assumptions associated with a 40 percent reduction in buildout. This alternative would comply with the same development standards as the proposed project. Similar to the proposed project, it is anticipated that this alternative would incorporate the construction and dedication of public trail improvements on a portion of Site A.

These three alternatives to the proposed project are analyzed in the following section. The analyses compare the proposed project to each individual project alternative. In several cases, the description

[1] Under the existing NDSP, the FAR for the project site can be increased to 2.5/2.8 with the provision of additional community benefits pursuant to Chapter 4, Section 2, Community Benefits of the NDSP. This "bonus FAR" is achieved through a specified process set forth in the NDSP.
[2] City of Walnut Creek. 2019. City of Walnut Creek North Downtown Specific Plan, Figure 4.1: Base Intensity and Building Height, page 60. October 15.

of the level of impact may be the same under each alternative when compared with the relevant CEQA Thresholds of Significance (i.e., both the proposed project and the alternative would result in a less than significant impact). The actual degree of impact may be slightly different between the proposed project and a specific alternative, and this relative difference is the basis for a conclusion of greater or lesser impacts.

6.4 - Project Objectives

As stated in Section 2, Project Description, the objectives of the proposed project are as follows:

1. Promote positive economic growth and new capital investment by supporting and enhancing the short- and long-term economic viability of automotive sales, service and ancillary uses within the NDSP by encouraging financially feasible mixed use redevelopment including the potential for new residential units to enhance the City's housing stock, the creation of new job-generating uses including potential hotel uses, and the expansion of the tax base through new sales tax generating uses.
2. Facilitate the realization of the vision of the NDSP by transitioning existing auto-oriented, underutilized commercial parcels into thoughtfully designed, higher-density, higher-intensity mixed use developments near public transit, thereby encouraging transit-oriented development near transit nodes.
3. Maximize the use of existing infrastructure by efficiently redeveloping existing infill properties within the Walnut Creek city limits currently served by urban services and utilities to higher and better uses.
4. Preserve the tax base by facilitating the continuation and enhancement of Applicant's auto sales activities and new potential hotel, office, and/or multi-family residential uses.
5. Respond to changing economic trends by maximizing opportunities to update and expand automotive business while also retaining sufficient flexibility from a land use planning standpoint including the potential for compatible hotel, office, and/or multi-family residential uses.
6. Reduce the heat island effect by replacing existing asphalt surface parking lots with minimal existing landscaping with modern structures constructed from high albedo building materials and ample landscaping.
7. Develop well-designed, visually appealing contemporary commercial and potential multi-family residential uses within the North Downtown area.

6.5 - Alternative 1—No Project, No Build Alternative

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a "No Project Alternative," which is intended to allow decision-makers to compare the impacts of approving the project with the impacts of not approving the project. In cases where the project constitutes a land development project, the No Project Alternative is the "circumstance under which the project does not proceed." For many projects, the No Project Alternative represents a "No Development" scenario, in which the project site remains in its existing condition and no development occurs for the foreseeable future.

However, CEQA Guidelines Section 15126.6(e)(3)(B) establishes that "[i]f disapproval of the project under consideration would result in predictable actions by others such as the proposal of some other project, this 'no project' consequence should be discussed."

In this case, the project site is currently used for automotive sales, service and, ancillary uses with vacant buildings and surface parking lots. Therefore, the No Project, No Build Alternative consists of the continuation of these land use activities for the foreseeable future.

6.5.1 - Impact Analysis

The No Project, No Build Alternative, because no development would occur and thus no physical changes to the environment would result, would avoid the proposed project's less than significant impacts with mitigation, as well as the need to implement any mitigation measures associated with air quality, biological resources, cultural resources and tribal cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, and transportation.

The No Project, No Build Alternative would also avoid the proposed project's less than significant impacts associated with aesthetics, land use and planning, population and housing, and utilities and service systems.

However, with respect to public services and recreation, the vacant buildings would pose the potential need for regular police service and potential fire protection services to protect against the potential for vandalism, use by transients, and continuing hazards related to deteriorating conditions common in vacant buildings. Still, because the existing buildings on-site would continue to be vacant, this alternative would likely result in fewer calls for service in comparison with the proposed project and would therefore result in reduced impacts compared to the proposed project with respect to public services and recreation. However, under both circumstances, impacts would be less than significant.

Under the No Project, No Build Alternative, the existing structures, which may contain lead-based paint (LBP) and asbestos-containing material (ACM), would remain. Because no development would occur under the No Project, No Build Alternative, none of the existing buildings (including the vacant buildings) would be demolished, and any potential LBP and ACM would not have the opportunity to be released so no exposure to these materials due to a release would occur. Any exposure for employees or visitors to the project site to LBP and ACM would be similar to existing conditions.

As discussed in Section 3.8, Hazardous Materials, and analyzed in the Phase I Environmental Site Assessment (Phase I ESA) prepared by Engeo on December 2, 2021,[3] the project site contains hazardous materials including two Recognized Environmental Conditions (RECs) and one controlled REC as well as other potential environmental concerns not considered RECs. APN 173-131-042 included a 550-gallon tank of unknown content, which was removed in 1998. Sampling for hazardous materials (such as benzene and chloroform), which is included as mitigation required under the proposed project would not be completed under the No Project, No Build Alternative.

[3] Engeo Incorporated. 2021. Toyota Walnut Creek Development. December.

Four USTs were removed from APNs 173-131-055 and 173-131-062 in 1989 and disposed of off-site. CCCHSD and the RWQCB concurred that no further monitoring, investigation, or remedial action was required based on the current land use of automotive repair facilities in letters dated October 31, 1996,[4] and December 2, 1996, respectively.[5] The RWQCB concurrence letter indicated that corrective action should be reviewed if the land use changes. Because the No Project, No Build Alternative would not include land use changes, no soil gas, groundwater, or soil assessment or remediation would occur. However, given no development and associated ground disturbance would occur, it is anticipated any potentially contaminated soil or groundwater would not be released, and exposure to hazardous materials would be similar to existing conditions.

If the existing vacant structures were to remain without further activity, they would ultimately deteriorate to ruin. Hazardous conditions related to continued degradation of the structures, and the potential for transients to utilize the vacant buildings, would exacerbate such future blight conditions, and urban design requirements would not be met. Therefore, the No Project, No Build Alternative would result in greater impacts related to hazards and hazardous materials in comparison with the proposed project; however, these impacts would be less than significant under both circumstances.

6.5.2 - Conclusion

Except for hazards and hazardous materials, the No Project, No Build Alternative would avoid all the proposed project's less than significant impacts and less than significant impacts with mitigation described in Sections 3.1 through 3.15 and would also avoid the need to implement any mitigation measures. The No Project, No Build Alternative would result in greater impacts than the proposed project associated with hazards and hazardous materials (because of continuing degradation of structures and associated safety hazards); however, this impact would remain less than significant.

The No Project, No Build Alternative would not meet any of the project objectives at all or to the same extent as the proposed project because the project site would not be developed with the mix of uses as described in Section 2, Project Description. For example, the existing automotive sales, services, and ancillary system uses would remain as well as the vacant buildings and surface parking lots. As such, the No Project, No Build Alternative would not meet Project Objective No. 1 because it would not result in mixed use development that could provide new residential units assisting the City in enhancing its housing stock, nor would it create new job-generating uses, or expand the tax base because no new development generating additional tax revenue would occur on-site. It would not meet Project Objectives No. 2 or No. 3 because it would not reuse underutilized parcels or redevelop existing infill properties. It would partially meet Objective No. 4 because it would preserve the existing tax base by facilitating the continuation of the Applicant's auto sales activities, but it would not result in a wider range of sales tax generating uses that would preserve the tax base into the future. The No Project, No Build Alternative would not meet Project Objective No. 5 because it would not maximize opportunities to update and expand the existing auto sales and custom

[4] Contra Costa County Health Services Department. 1996. Request for Concurrence for Closure 2100 North Main Street, Walnut Creek, California. October 31.

[5] San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB). 1996. Underground Storage Tank Case, 2100 North Main Street, Walnut Creek, Contra Costa County. December 2.

manufacturing land use while also retaining sufficient flexibility from a land use planning standpoint to allow for other new, compatible uses. Because the existing surface parking lots and existing building materials would remain, the No Project, No Build Alternative would not meet Project Objectives No. 6 or No. 7.

6.6 - Alternative 2—No Project, No Mixed Use Special District Alternative

6.6.1 - Impact Analysis

As noted above, CEQA requires that an EIR analyze a "no project" alternative (CEQA Guidelines § 15126.6(e)). In addition to the No Project, No Build Alternative (where existing conditions remain in place with no development assumed), another type of alternative to be considered includes an evaluation of what could reasonably be expected in the foreseeable future if the proposed project is not approved, based on current land use plans/designations/zoning and consistent with available infrastructure and community services.

Aesthetics

As noted in Section 3.1, Aesthetics, Scenario 3 is assumed to be the reasonable worst-case with respect to aesthetics, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to scenic vistas, scenic resources, existing visual character and quality of public views of the project site and its surrounding, lighting and glare, and cumulative impacts would be less than significant.

This alternative would result in the development of Sites A, B, and C to a maximum of 1.5/1.8 FAR, as shown in Table 6-1. Assuming full buildout of the project site, this alternative would be developed at a lower density than the proposed project (the proposed project would be developed at 2.5/2.8 FAR by right). Because this alternative would be located in the same location, would be subject to the same NDSP development standards and design guidelines and policies, and would adhere to the applicable laws and regulations included in the Zoning Ordinance and applicable provisions of the City's design review process, this alternative would result in similar less than significant impacts to scenic vistas, scenic resources, visual character, nighttime lighting, and daytime glare either on-site or off-site compared to the proposed project. Impacts would be less than significant with respect to scenic vistas, scenic resources, the existing visual character, and quality of public views of the project site, lighting and glare, and cumulative impacts. Therefore, this alternative would result in similar impacts related to aesthetics, light, and glare as compared to the proposed project.

Air Quality

The reasonable worst-case scenario by significance criteria for the proposed project is summarized in Table 6-2. Section 3.2, Air Quality, provides additional information regarding the reasonable worst-case scenario assumed for the proposed project.

Table 6-2: Reasonable Worst-Case Per Environmental Topic Area for Air Quality

Environmental Topic Area	Reasonable Worst-Case Scenario
Consistency with Air Quality Plan	Scenario 2 (auto sales and service, office, multi-family residential, and hotel)
Cumulative Criteria Pollutant Emissions (during construction)	Scenario 2 (auto sales and service, office, multi-family residential, and hotel)
Cumulative Criteria Pollutant Emissions (during operation)	Scenario 2 (auto sales and service, office, multi-family residential, and hotel)
Sensitive Receptors Exposure to Pollutant Concentrations	Scenario 2 (auto sales and service, office, multi-family residential, and hotel)
Objectionable Odors Exposure (during construction)	Scenario 3 (auto sales and service, office, and multi-family residential)
Objectionable Odors Exposure (during operation)	Scenario 3 (auto sales and service, office, and multi-family residential)

As noted in Section 3.2, Air Quality, the proposed project's impacts related to air quality would be less than significant with respect to exposure to objectionable odors during construction and operation. The proposed project's impacts related to consistency with an air quality plan would be less than significant with mitigation incorporated. Impacts related to criteria pollutant emissions would be less than significant with mitigation for construction and less than significant for operations. The proposed project's impacts related to sensitive receptors' exposure to toxic air contaminant concentrations would be less than significant with mitigation; cumulative impacts would also be less than significant with mitigation.

This alternative would be developed on the same site as the proposed project, and this alternative would result in a similar construction footprint as the proposed project (which assumes lots would be fully built out). Given the substantially similar buildout and similar construction footprint, it would be subject to the same applicable laws, regulations, policies, and mitigation measures detailed in this Draft SEIR (aside from MM AIR-3b for reasons explained in more detail below) and emissions would not markedly vary between the proposed project and this alternative. It would therefore result in a less than significant impact with respect to exposure to objectionable odors during construction and operation, similar to the proposed project. Impacts would similarly be less than significant with mitigation with respect to criteria pollutant emissions for construction and less than significant for operations. Cumulative impacts would also be less than significant with mitigation. Further, similar to the proposed project, impacts would be less than significant with mitigation with respect to consistency with an air quality plan and sensitive receptors exposure to pollutant concentrations.

However, because this alternative would not include on-site sensitive receptors (i.e., residents) during construction, MM AIR-3b would not be required, resulting in a lesser impact than the proposed project. Nevertheless, the ultimate impact conclusions of less than significant would be the same under both circumstances.

Biological Resources

As noted in Section 3.3, Biological Resources, Scenario 3 is assumed to be the reasonable worst-case with respect to biological resources, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project would result in no impacts with respect to sensitive and natural communities or riparian habitat, fish and wildlife movement corridors, or wetlands and jurisdictional features, and would not conflict with an adopted Habitat Conservation Plan. The proposed project would also result in less than significant impacts with respect to conflict with local policies or ordinances and cumulative impacts. The proposed project's impacts related to special-status wildlife species would be reduced to less than significant with mitigation incorporated.

This alternative would occur at the same location and would result in grading and other ground disturbance activities on the project site, as well as removal of existing structures, similar to the proposed project in terms of scope and nature given that buildout and construction footprint would be substantially similar. In addition, this alternative would be subject to the same applicable laws, regulations, policies, and mitigation measures as the proposed project. Therefore, similar to the proposed project, this alternative would result in no impacts with respect to sensitive and natural communities or riparian habitat, fish and wildlife movement corridors, or wetlands and jurisdictional features, and would not conflict with an adopted Habitat Conservation Plan. This alternative would also result in less than significant impacts with respect to conflict with local policies or ordinances and cumulative impacts. Because this alternative would still result in significant grading, ground disturbance, and demolition of existing structures, mitigation would still be required to reduce potential impacts related to special-status wildlife species. Therefore, this alternative would result in substantially similar impacts on biological resources as compared to the proposed project and the ultimate impact conclusions of less than significant would be the same under both circumstances.

Cultural Resources and Tribal Cultural Resources

As noted in Section 3.4, Cultural Resources and Tribal Cultural Resources, Scenario 3 is assumed to be the reasonable worst-case with respect to cultural and tribal cultural resources, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to historic resources, archaeological resources, and disturbance to human remains would be reduced to less than significant with mitigation incorporated. The proposed project would result in less than significant impacts with respect to tribal cultural resources and cumulative impacts.

This alternative would occur at the same location and would result in substantially similar grading and other ground disturbance activities on the project site, as well as removal of existing structures, similar to the proposed project. In addition, this alternative would be subject to the same applicable laws, regulations, policies, and mitigation measures as the proposed project. Therefore, similar to the proposed project, impacts related to historic resources, archaeological resources, and disturbance to human remains would be reduced to less than significant with mitigation incorporated. This alternative would result in less than significant impacts with respect to tribal cultural resources and cumulative impacts. Therefore, this alternative would result in substantially similar impacts on cultural resources as compared to the proposed project and the ultimate impact conclusions of less than significant would be the same under both circumstances.

Energy

As noted in Section 3.5, Energy, Scenario 2 is assumed to be the reasonable worst-case with respect to energy consumption, and this alternative's analysis evaluates the alternative assuming development of Scenario 2. The proposed project would result in energy consumption during construction and at project operation. The proposed project's impacts related to energy would be less than significant with respect to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation and less than significant with respect to conflicting with a plan for renewable energy or energy efficiency and cumulative impacts.

This alternative would be developed on the same site as the proposed project, and this alternative would result in a substantially similar buildout and construction footprint as the proposed project (which assumes lots would be fully built out). Given the similar buildout and similar construction footprint, it would be subject to the same applicable laws, regulations, and policies detailed in this Draft SEIR. This alternative would require energy usage for construction, which would consist primarily of fuel use associated with construction vehicle trips and construction equipment and energy usage by employees during operation, which would consist primarily of building energy consumption and vehicle fuel consumption. Given BAAQMD's 2022 significance thresholds, it is assumed that buildings developed under this alternative would include the same project design features as the proposed project. Therefore, this alternative's impacts related to energy would be less than significant with respect to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation and less than significant with respect to conflicting with a plan for renewable energy or energy efficiency and cumulative impacts. Therefore, this alternative would result in substantially similar impacts related to energy during as compared to the proposed project and the ultimate impact conclusions of less than significant would be the same under both circumstances.

Geology, Soils, and Seismicity

As noted in Section 3.6, Geology, Soils, and Seismicity Scenario 3 is assumed to be the reasonable worst-case with respect to geology and soils, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project would have no impact related to wastewater disposal systems. The proposed project's impacts related to exposure of persons, structures, or improvements to seismic- and soil-related hazards, soil erosion or the loss of topsoil, and cumulative impacts would be less than significant. The proposed project's impacts to paleontological resources would be reduced to less than significant levels with mitigation incorporated.

This alternative would occur at the same location and would result in grading and other ground disturbance activities on the project site, as well as removal of existing structures, substantially similar to the proposed project. In addition, this alternative would be subject to the same applicable laws, regulations, policies, and mitigation measures as the proposed project. Therefore, similar to the proposed project, impacts related to exposure of persons, structures, or improvements to seismic- and soil-related hazards, soil erosion or the loss of topsoil, and cumulative impacts would be less than significant. The alternative's impacts to paleontological resources would be reduced to less than significant levels with mitigation incorporated. Therefore, this alternative would result in

substantially similar impacts on geology and soils as compared to the proposed project and the ultimate impact conclusion of less than significant would be the same under both circumstances.

Greenhouse Gas Emissions

As noted in Section 3.7, Greenhouse Gas Emissions, Scenario 2 is assumed to be the reasonable worst-case with respect to greenhouse gas (GHG) emissions, and this alternatives analysis evaluates the alternative assuming development of Scenario 2. The proposed project's impacts with respect to GHG emissions reduction plan consistency, GHG emissions during operation, and cumulative impacts would be less than significant; and impacts with respect to GHG emissions during construction would be reduced to less than significant with mitigation incorporated.

This alternative would be developed on the same site as the proposed project, and this alternative would result in a substantially similar buildout and construction footprint as the proposed project (which assumes lots would be fully built out). Given the similar buildout and similar construction footprint, it would be subject to the same applicable laws, regulations, policies, and mitigation measures detailed in this Draft SEIR. It would therefore, similarly, result in a less than significant impact with respect to GHG emissions reduction plan consistency, GHG emissions during operation, and cumulative impacts and less than significant impacts with mitigation incorporated with respect to GHG emissions during construction. Therefore, this alternative would result in substantially similar impacts on GHG emissions as compared to the proposed project and the ultimate impact conclusions of less than significant would be the same under both circumstances.

Hazards and Hazardous Materials

As noted in Section 3.8, Hazards and Hazardous Materials, Scenario 3 is assumed to be the reasonable worst-case with respect to hazards and hazardous materials, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts with respect to routine transport, use, or disposal of hazardous materials; proximity to a public airport safety hazard; emergency response and evacuation; wildland fires; and cumulative impacts would be less than significant. The proposed project's impacts related to hazardous materials upset risk; hazardous emissions proximate to a school; and being located on a listed hazardous materials site would be reduced to less than significant with mitigation incorporated.

This alternative would occur at the same location and would result in grading and other ground disturbance activities on the project site, as well as removal of existing structures, substantially similar to the proposed project. Because this alternative assumes the demolition of buildings that contain ACM or LBP, this alternative would include mitigation requiring abatement or removal of ACM and LBP (MM HAZ-2a). As described in Section 3.8, Hazards and Hazardous Materials, four USTs were removed from APNs 173-131-055 and 173-131-062 (portions of Site A) in 1989 and disposed of off-site. CCCHSD and the RWQCB concurred that no further monitoring, investigation, or remedial action was required based on the current land use of automotive repair facilities, as documented in

letters dated October 31, 1996,[6] and December 2, 1996, respectively.[7] The RWQCB concurrence letter indicated that corrective action should be reviewed if the land use changes. Because this alternative would include development of uses similar to the current uses on Site A, which would not include residential uses, MM HAZ-2c, which is specific to residential uses on-site, would not be applicable or required. Because the alternative could result in development on APN 173-131-042 (a portion of Site A), MM HAZ-2b would still be required, and MM HAZ-2d would still be required because construction activities would occur on-site under this alternative. Similar to the proposed project, this alternative's impacts related to routine transport use, or, disposal of hazardous materials; proximity to a public airport safety hazard; emergency response and evacuation; wildland fires; and cumulative impacts would be less than significant, and impacts related to hazardous materials upset risk; hazardous emissions proximate to a school; and being located on a listed hazardous materials site would be reduced to less than significant levels with mitigation incorporated. Although impacts would be generally the same as the proposed project because this alternative would not require MM HAZ-2c, this alternative would result in slightly reduced impacts related to hazards and hazardous materials as compared to the proposed project. However, the ultimate impact conclusions of less than significant would be the same under both circumstances.

Hydrology and Water Quality

As noted in Section 3.9, Hydrology and Water Quality, Scenario 3 is assumed to be the reasonable worst-case with respect to hydrology and water quality, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to groundwater supply/recharge; erosion/siltation; additional sources of polluted runoff; exceedance of storm drainage capacity resulting in flooding; impedance of flood flows from alterations to the existing drainage pattern of the site; water quality control or sustainable groundwater management plans consistency; and cumulative impacts would be less than significant with mitigation. The proposed project's impacts related to surface and groundwater quality during construction and operation would also be reduced to less than significant levels with mitigation incorporated.

This alternative would occur at the same location and would result in grading and other ground disturbance activities on the project site, as well as removal of existing structures, substantially similar to the proposed project. In addition, this alternative would be subject to the same applicable laws, regulations, policies, and mitigation measures as the proposed project. It is anticipated that this alternative would be required to install a storm drainage system similar to the proposed project that adheres to all applicable design criteria, standards and other requirements under applicable laws and regulations to prevent flooding on- and off-site during construction and operation, which would reduce and meter the volume of runoff leaving the project site in accordance with applicable standards (e.g., post-development flows being equal to or less than pre-development flows) and would ensure that downstream storm drainage facilities are not inundated with project-related stormwater. For example, inlets would capture surface runoff, where it would enter an underground piping system that would convey stormwater to on-site basins. Therefore, because this alternative would be developed on the same site as the proposed project and would be developed with a

[6] Contra Costa County Health Services Department. 1996. Request for Concurrence for Closure 2100 North Main Street, Walnut Creek, California. October 31.

[7] San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB). 1996. Underground Storage Tank Case, 2100 North Main Street, Walnut Creek, Contra Costa County. December 2.

similar stormwater drainage system, similar to the proposed project, impacts related to groundwater supply/recharge; erosion/siltation; additional sources of polluted runoff; exceedance of storm drainage capacity resulting in flooding; impedance of flood flows from alterations to the existing drainage pattern of the site; water quality control or sustainable groundwater management plans consistency; and cumulative impacts would be less than significant.

With respect to surface and groundwater quality, as described in Section 3.9, Hydrology and Water Quality, four USTs were removed from APNs 173-131-055 and 173-131-062 (portions of Site A) in 1989 and disposed of off-site. CCCHSD and the RWQCB concurred that no further monitoring, investigation, or remedial action was required based on the current land use of automotive repair facilities, as documented in letters dated October 31, 1996,[8] and December 2, 1996, respectively.[9] The RWQCB concurrence letter indicated that corrective action should be reviewed if the land use changes. Because this alternative would include development of uses similar to the current uses on Site A, which would not include residential uses, MM HAZ-2c, which is specific to residential uses on-site, would not be applicable or required. Because the alternative could result in development on APN 173-131-042 (a portion of Site A), MM HAZ-2b would still be required, and MM HAZ-2d would still be required because construction activities similar to the proposed project would occur on-site under this alternative. Although impacts would be substantially the same as the proposed project due to the similarities in construction and overall development footprint, because this alternative would not require MM HAZ-2c, it would result in slightly reduced impacts related to hydrology and water quality as compared to the proposed project. However, the ultimate impact conclusions of less than significant would remain the same under both circumstances.

Land Use and Planning

As noted in Section 3.10, Land Use and Planning, Scenario 3 is assumed to be the reasonable worst-case with respect to land use and planning, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to physically dividing an established community; conflicting with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect; and cumulative impacts would be less than significant.

This alternative would be developed on the same site as the proposed project and would be subject to the same applicable laws, regulations, and policies. Similar to the proposed project, this alternative would not involve construction of any type of linear feature that could impair mobility within the existing community, nor would it remove a means of access in a manner that could impede travel or otherwise constitute a physical division of the established community; therefore, this alternative would not physically divide an established community and impacts in this regard would be less than significant. Because this alternative would be within an identified PDA[10] in which mixed uses that are transit-oriented and infill in nature would occur near Walnut Creek Bay Area

[8] Contra Costa County Health Services Department. 1996. Request for Concurrence for Closure 2100 North Main Street, Walnut Creek, California. October 31.

[9] San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB). 1996. Underground Storage Tank Case, 2100 North Main Street, Walnut Creek, Contra Costa County. December 2.

[10] Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission. 2021. Plan Bay Area 2050, Map 1-1: Plan Bay Area 2050 Growth Geographies. Website: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. October. Accessed: November 9, 2021.

Rapid Transit (BART) (and other public transit), it is anticipated it would be consistent with Plan Bay Area 2050. Because the alternative would be required to adhere to the same applicable laws, regulations, and policies as the proposed project, it is anticipated that it would also be consistent with applicable goals and policies of the General Plan and NDSP for the purpose of avoiding or mitigating an environmental effect and impacts in this regard would be less than significant. It would also result in less than significant cumulative impacts. Therefore, this alternative would result in similar less than significant impacts on land use and planning as compared to the proposed project.

Noise

The reasonable worst-case scenario by significance criteria for the proposed project is summarized in Table 6-3, and this alternatives analysis evaluates the alternative assuming development of the scenario as indicated in Table 6-3. Section 3.11, Noise, provides additional information regarding the reasonable worst-case scenario assumed for the proposed project.

Table 6-3: Reasonable Worst-Case Per Environmental Topic Area For Noise

Environmental Topic Area	Reasonable Worst-Case Scenario
Conflict with Any Land Use Plan, Policy, or Regulation	Scenario 1 (auto sales and service and office)
Substantial Noise Increase in Excess of Standards (construction-related Traffic Noise)	Scenario 2 (auto sales and service, office, multi-family residential, and hotel)
Substantial Noise Increase in Excess of Standards (Construction Equipment Operation Noise)	Scenario 3 (auto sales and service, office, and multi-family residential)
Substantial Noise Increase in Excess of Standards (Operation-related Traffic Noise)	Scenario 1 (auto sales and service and office)
Substantial Noise Increase in Excess of Standards (Stationary Source Operational Noise Impacts)	Scenario 3 (auto sales and service, office, and multi-family residential)
Groundborne Vibration/Noise Levels (Short-term Construction Vibration Impacts to On-site or Off-site Receptors)	Scenario 3 (auto sales and service, office, and multi-family residential)
Groundborne Vibration/Noise Levels (Operational Vibration Impacts to On-Site or Off-site Receptors)	Scenario 3 (auto sales and service, office, and multi-family residential)
Excessive Noise Levels from Airport Activity	Scenario 3 (auto sales and service, office, and multi-family residential)

As noted in Section 3.11, Noise, the proposed project would result in noise from construction activities and operational noise from mechanical ventilation equipment and increased traffic on local roadway segments in the project vicinity. There would be no impact associated with excessive noise levels from airport activity. The proposed project's impacts would be less than significant with respect to groundborne vibration/noise levels during operation. The proposed project's impacts would be less than significant with mitigation with respect to noise levels that would conflict with any land use plan, policy, or regulation; impacts related to substantial noise increase in excess of standards during construction and operation; and groundborne vibration/noise levels during construction. Cumulative impacts would be less than significant.

This alternative would be developed on the same site as the proposed project and would be subject to the same applicable laws, regulations, policies, and mitigation measures detailed in this Draft SEIR. It would therefore, similarly, result in no impact associated with excessive noise levels from airport activity. Similar to the proposed project, this alternative would result in noise from construction activities and operational noise from mechanical ventilation equipment and increased traffic on local roadway segments in the project vicinity. As this alternative would result in substantially similar buildout and construction footprint as the proposed project (which assumes lots would be fully built out), impacts would similarly be less than significant with respect to groundborne vibration/noise levels during operation; and cumulative impacts would be less than significant. Furthermore, similar to the proposed project, this alternative would result in similar impacts related to substantial noise increase in excess of standards during construction and operation, and similar impacts related to groundborne vibration/noise levels during construction and similar. Similar to the proposed project, these impacts would each be reduced to less than significant with implementation of the site-specific application of the mitigation measures detailed in this Draft SEIR.

However, because this alternative would not include noise-sensitive land use development (e.g., residences), potential impacts related to noise levels that would conflict with any land use plan, policy, or regulation would be expected to be less than significant and mitigation would not be required, resulting in a lesser impact than the proposed project. However, the ultimate impact conclusions of less than significant would be the same under both circumstances.

Population and Housing

As noted in Section 3.12, Population and Housing, Scenario 3 is assumed to be the reasonable worst-case with respect to population and housing, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project would result in a less than significant impact with respect to population growth, population/housing displacement, and cumulative impacts.

This alternative would not include the development of new housing and would not involve the demolition of existing housing. Therefore, similar to the proposed project, it would have a less than significant impact with respect to population/housing displacement.

Similar to the proposed project, this alternative would result in additional employment opportunities on the project site. Table 6-4 provides the net new employment projections anticipated under this alternative.[11] This analysis assumes Site D and E would remain operational and would not result in new employment, so the current employment on those sites is not included in this table.

Table 6-4: Employment Projection (Alternative 2)

Development Potential	Employment Projection	Total Estimated Employees
Alternative 2		
Auto Sales and Service: 447,841	1 job/600 square feet	746
	Total	746

[11] Employment projections in the 2019 NDSP EIR were calculated using standard assumptions of one job per 500 square feet of retail space, one job per 250 square feet of office space, 0.9 jobs per hotel room, one job per 463 square feet of general light industrial, and one job per 600 square feet of auto retail or service.

Development Potential	Employment Projection	Total Estimated Employees
Existing Uses		
Auto Sales and Service: 26,406	1 job/600 square feet	44
	Total	**702**

Notes:
The existing uses calculations do not include vacant buildings or parking lots.
Sources:
LSA. 2018. North Downtown Specific Plan Environmental Impact Report, page 3-24. June.
FirstCarbon Solutions (FCS) 2022.

With respect to employment, the 2023-2031 Housing Element notes that the City's population increases during the typical workweek, which indicates that many people commute into the City from elsewhere to work. Because of high housing costs in Walnut Creek, many professionals that work within the City must live outside of the City where homes are more affordable. As discussed in Section 3.12, Population and Housing, the jobs to housing ratio is 1.6, which is on par with the average Bay Area jobs to housing ratio of 1.5. Though this alternative would result in employment opportunities, it would represent the types of employment opportunities near transit envisioned by the NDSP and is not anticipated to negatively affect the existing jobs to housing ratio. Similar to the proposed project, population growth associated with employment opportunities offered by this alternative would be within the population growth projections included in the General Plan and associated environmental documents and would not induce new unplanned growth but would rather accommodate growth that was already envisioned in the City's projections. Therefore, this alternative would result in less than significant impacts with respect to population growth and cumulative impacts and this alternative would result in substantially similar impacts related to population and housing as compared to the proposed project.

Public Services and Recreation

As noted in Section 3.13, Public Services and Recreation, Scenario 3 is assumed to be the reasonable worst-case with respect to public services and recreation, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to fire protection facilities, police protection facilities, school facilities, library facilities, the provision of parks and recreational facilities parks, and cumulative impacts would be less than significant.

This alternative would result in opportunities for more employees than the proposed project (702 employees versus 316 employees, under Scenario 3), but, because the proposed project would include residential uses, which is a use that historically results in more calls for service than employment uses, it is anticipated that this alternative would result in fewer calls for service than the proposed project, and, therefore, similar to the proposed project, this alternative's impacts related to fire protection facilities, police protection facilities, school facilities, library facilities, the provision of parks and recreational facilities parks, and cumulative impacts would be less than significant. Accordingly, the ultimate impact conclusions of less than significant would be the same under both circumstances.

Transportation

As noted in Section 3.14, Transportation, Scenario 3 is assumed to be the reasonable worst-case with respect to transportation, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to bicycle, pedestrian facilities, and transit facilities, Vehicles Miles Traveled (VMT), emergency access, and cumulative impacts would be less than significant. Impacts related to roadway safety hazards would be less than significant with mitigation.

Similar to the proposed project, this alternative would be developed on the same site as the proposed project and would be subject to the same applicable laws, regulations, and policies. It is not anticipated that this alternative would include the removal of any existing pedestrian, bicycle, or transit facilities, and, because of the proximity and connectivity of these facilities to the project site, similar to the proposed project, this alternative would not conflict with a program plan, ordinance, or policy of the circulation system including transit, bicycle, and pedestrian facilities. Furthermore, it is anticipated that this alternative would incorporate the construction and dedication of public trail improvements on a portion of Site A. Similar to the proposed project, this alternative would be expected to result in a less than significant VMT impact because, based on the Traffic Analysis Zones (TAZs) for the project site, the proposed employment uses associated with this alternative would be expected to result in VMT 85 percent or less of the County-wide and regional average pursuant to the criteria for employment uses and can be presumed to have a less than significant VMT impact (see Exhibit 3.14-4a in Section 3.14, Transportation). Impacts would also be less than significant with respect to emergency access as this site would be accessed at the same driveways as the proposed project, and the alternative would follow all applicable laws, regulations, and policies. Cumulative impacts would also be less than significant for the same reasons.

Because this alternative results in a similar buildout of auto sales, service, and ancillary uses as the proposed project, it is anticipated it would also result in potential impacts with respect to site access and queue lengths. Therefore, the alternative could also require specific lane improvements needed to accommodate access to the site and queueing, which would be determined upon the completion of a sensitivity study reviewed and confirmed by the Public Works Department as required by MM TRANS-3. In conclusion, this alternative would result in similar impacts related to transportation as compared to the proposed project. Accordingly, the ultimate impact conclusions of less than significant would be the same under both circumstances.

Utilities and Service Systems

As noted in Section 3.15, Utilities and Service Systems, and as summarized in the comparative analysis of Scenarios included in Appendix B, the estimated generation of solid waste for Scenario 1 would result in the highest generation of solid waste for both the construction and operation phases of the proposed project. Therefore, for the purposes of discussion of the proposed project's potential environmental effects, Scenario 1 presents the reasonable worst-case scenario for solid waste. Scenario 3 would result in the highest water and sewer demand as well as impacts to stormwater drainage facilities, electric power, and telecommunications facilities. Therefore, this alternatives analysis evaluates the alternative assuming development of Scenario 1 with respect to

solid waste and Scenario 3 with respect to water, sewer, stormwater drainage facilities, electric power, and telecommunications facilities.

The proposed project's impacts related to water supply or conveyance facilities, wastewater treatment or conveyance facilities, stormwater drainage facilities, electric power, telecommunications facilities, landfill capacity, consistency with solid waste regulations, and cumulative impacts would be less than significant.

Though this alternative would result in more employees than the proposed project (702 employees versus 316 employees, under Scenario 3), because the proposed project would include residential uses, which is a use that is anticipated to result in a higher demand for utilities (see Appendix B and Section 3.15, Utilities and Service Systems for additional information), it is anticipated that this alternative would result in reduced impacts to a certain degree with respect to utilities and service systems in comparison to the proposed project. However, there were less than significant impacts with respect to utilities under the proposed project; therefore, this alternative's impacts related to water supply or conveyance facilities, wastewater treatment or conveyance facilities, stormwater drainage facilities, natural gas, electric power, telecommunications facilities, landfill capacity, consistency with solid waste regulations, and cumulative impacts would also be less than significant.

6.6.2 - Conclusion

This alternative would result in substantially similar impacts to the proposed project's less than significant impact associated with aesthetics, energy, land use and planning, and population and housing. This alternative would also result in substantially similar impacts to the proposed project's potentially significant impacts that can be reduced to less than significant associated with respect to biological resources, cultural resources and tribal cultural resources, geology and soils, greenhouse gas emissions, and transportation. This alternative would lessen the severity of the proposed project's less than significant impacts with respect to public services and recreation and utilities and service systems to a certain degree. This alternative would lessen the severity of the proposed project's less than significant with mitigation impacts with respect to air quality, hazards and hazardous materials, hydrology and water quality, and noise to a certain degree. However, for all impact areas, the ultimate impact conclusions of less than significant under both circumstances remains the same.

This alternative would meet some of the project objectives, but not to the same degree as the proposed project. There are also some project objectives it would not meet at all. Because this alternative would, in essence, continue the existing pattern of auto sales, service, and ancillary uses, but would not develop a mix of new land uses (e.g., potential new residential units and hotel), it would not promote positive economic growth and new capital investment by supporting and enhancing the short- and long-term viability of auto sales, service and ancillary uses, this alternative would not meet Objective No. 1.

Because it would not transition existing auto-oriented, under-utilized commercial parcels to thoughtfully designed, higher-density, higher-intensity mixed uses (since it would be developed at a similar intensity as currently allowed by the NDSP by right and not involve any new land uses such as

residential or hotel that would locate residents and visitors near public transit), it would not meet Objective No. 2. Because it would redevelop existing infill parcels within the Walnut Creek city limits currently served by urban services and utilities, it would meet Objective No. 3 to a certain degree, but, because it would be developed at a lower intensity and density than the proposed project and thus not maximize the use of existing infrastructure, it would not meet this objective to the same degree as the proposed project.

This alternative would result in the continuation of the auto sales, service, and ancillary activities, but, because it would not result in the potential development of hotel, office, and/or multi-family residential uses, it would only partially meet Objective No. 4 in terms of preserving the tax base. Because it would not provide flexibility from a land use planning standpoint in terms of enabling new land uses, this alternative would not maximize opportunities to update and expand automotive business by responding to changing economic trends, and thus it would not meet Objective No. 5.

Because it would replace the existing surface parking lots with modern structures and landscaping to serve the automotive uses, it would reduce the heat island effect and thus meet Objective No. 6. Because it would result in the development of contemporary commercial uses (although not potential multi-family residential uses), it would partially meet Objective No. 7.

6.7 - Alternative 3—Reduced Density/Intensity Alternative

6.7.1 - Impact Analysis

Aesthetics

As noted in Section 3.1, Aesthetics, Scenario 3 is assumed to be the reasonable worst-case with respect to aesthetics. Accordingly, Alternative 3 is compared to the potential impacts that may result from buildout under Scenario 3. The proposed project's impacts related to scenic vistas, scenic resources, existing visual character and quality of public views of the site and its surroundings, lighting and glare, and cumulative impacts would be less than significant.

Because this alternative would occur on the same location and would be subject to the same NDSP development standards and design guidelines (as amended) and would be required to adhere to the applicable laws and regulations included in the Zoning Ordinance (as amended) and applicable provisions of the City's design review process, this alternative would result in substantially similar impacts to scenic vistas, scenic resources, visual character, nighttime lighting, and daytime glare either on-site or off-site compared to the proposed project. Impacts under this alternative and the proposed project would be less than significant with respect to scenic vistas, scenic resources, the existing visual character, and quality of public views of the site, lighting and glare, and cumulative impacts. Therefore, this alternative would result in substantially similar impacts on aesthetics, light, and glare as compared to the proposed project, and the ultimate less than significant impact conclusion would be the same under both circumstances.

Air Quality

The reasonable worst-case scenario by significance criteria for the proposed project is summarized in Table 6-2. Section 3.2, Air Quality, and Appendix B provides additional information regarding the

reasonable worst-case scenario assumed for the proposed project. As noted in Section 3.2, Air Quality, the proposed project's impacts related to air quality would be less than significant with respect to exposure to objectionable odors during construction and operation. The proposed project's impacts related to consistency with an air quality plan would be less than significant with mitigation incorporated. Impacts related to criteria pollutant emissions would be less than significant with mitigation for construction and less than significant for operations. The proposed project's impacts related to sensitive receptors' exposure to toxic air contaminant concentrations would be less than significant with mitigation; cumulative impacts would be less than significant with mitigation.

This alternative would be developed on the same site as the proposed project. Though this alternative would result in a 40 percent reduction in density/intensity, it would still involve construction and would thus require similar mitigation with respect to construction emissions as the proposed project to reduce potential impacts related to construction. Given it would take place on the same site and include the same uses as the proposed project, it would also be subject to the same applicable laws, regulations, policies, and mitigation measures as the proposed project. For these same reasons, it would similarly result in a less than significant impact with respect to exposure to objectionable odors during construction and operation. Impacts would similarly be less than significant with mitigation with respect to criteria pollutant emissions for construction and less than significant for operations. Furthermore, similar to the proposed project, impacts would be less than significant with mitigation with respect to consistency with an air quality plan. Because this alternative could include on-site sensitive receptors (i.e., on-site residences), it would require the same mitigation as the proposed project to reduce potential impacts to sensitive receptors exposure to pollutant concentrations. Similar to the proposed project, cumulative impacts would be less than significant with mitigation. The alternative would have slightly lower operational air quality impacts compared to the proposed project, due to a reduction in energy use and average daily trips associated with a 40 percent reduction in density/intensity; however, the ultimate less than significant impact conclusion would be the same under both circumstances. This alternative would also result in slightly lower construction emission impacts compared to the proposed project because the construction schedule would be slightly shorter. Therefore, this alternative would result in slightly reduced impacts on air quality as compared to the proposed project; however, the ultimate less than significant impact conclusions would be the same under both circumstances.

Biological Resources

As noted in Section 3.3, Biological Resources, Scenario 3 is assumed to be the reasonable worst-case with respect to biological resources, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project would result in no impacts with respect to sensitive and natural communities or riparian habitat, fish and wildlife movement corridors, and wetlands and jurisdictional features, and would not conflict with an adopted Habitat Conservation Plan. The proposed project would result in less than significant impacts with respect to conflict with local policies or ordinances and cumulative impacts. The proposed project's impacts related to special-status wildlife species would be reduced to less than significant with mitigation incorporated.

This alternative would occur at the same location and would result in grading and other ground disturbance activities on the project site, as well as removal of existing structures, similar to the proposed project. In addition, this alternative would be subject to the same applicable laws, regulations, policies and mitigation measures as the proposed project. Therefore, similar to the proposed project, this alternative would result in no impacts with respect to sensitive and natural communities or riparian habitat, fish and wildlife movement corridors, and wetlands and jurisdictional features, and would not conflict with an adopted Habitat Conservation Plan. Based on the above reasons, this alternative would result in less than significant impacts with respect to conflict with local policies or ordinances and cumulative impacts. Because this alternative would still result in a significant amount of grading, ground disturbance, and demolition of existing structures, mitigation would still be required to reduce potential impacts related to special-status wildlife species. Therefore, this alternative would result in substantially similar impacts on biological resources as compared to the proposed project, and the ultimate less than significant impact conclusions would remain the same under both circumstances.

Cultural Resources and Tribal Cultural Resources

As noted in Section 3.4, Cultural Resources and Tribal Cultural Resources, Scenario 3 is assumed to be the reasonable worst-case with respect to cultural and tribal cultural resources, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to historic resources, archaeological resources, and disturbance to human remains would be reduced to less than significant with mitigation incorporated. The proposed project would result in less than significant impacts with respect to tribal cultural resources and cumulative impacts.

This alternative would result in grading and other ground disturbance activities on the project site, as well as removal of existing structures, similar to the proposed project. In addition, this alternative would be subject to the same applicable laws, regulations, policies, and mitigation measures as the proposed project. Therefore, similar to the proposed project, impacts related to historic resources, archaeological resources, and disturbance to human remains would be reduced to less than significant with mitigation incorporated. This alternative would result in less than significant impacts with respect to tribal cultural resources and cumulative impacts. Therefore, this alternative would result in substantially similar impacts on cultural resources and tribal cultural resources as compared to the proposed project. The ultimate less than significant impact conclusions would be the same under both circumstances.

Energy

As noted in Section 3.5, Energy, Scenario 2 is assumed to be the reasonable worst-case with respect to energy consumption, and this alternative's analysis evaluates the alternative assuming development of Scenario 2. The proposed project would result in energy consumption during construction and at project operation. The proposed project's impacts related to energy would be less than significant with respect to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation and less than significant with respect to conflicting with a plan for renewable energy or energy efficiency and cumulative impacts.

This alternative would be developed on the same site as the proposed project. It is assumed this alternative would result in a reduction to a certain degree of construction footprint because the alternative would be reduced in density and intensity compared with the proposed project and could therefore be accommodated within a smaller footprint. Given the alternative would be on the same site and would include the same uses as the proposed project, it would be subject to the same applicable laws, regulations, and policies, detailed in this Draft SEIR. This alternative would require energy usage for construction, which would consist primarily of fuel use associated with construction vehicle trips and construction equipment. Because of the smaller construction footprint, it is assumed this alternative would result in less energy consumption to a certain degree during construction compared to the proposed project. The alternative would also result in energy usage by employees, visitors, and residents during operation, which would consist primarily of building energy consumption and vehicle fuel consumption. Given BAAQMD's 2022 significance thresholds, it is assumed that buildings developed under this alternative would include the same project design features as the proposed project. This alternative is anticipated to result in less energy usage (approximately 40 percent) from electricity usage and vehicle fuel consumption during operation as compared to the proposed project. This alternative would result in less energy usage during construction and operation, and, similar to the proposed project, this alternative's impacts related to energy would be less than significant with respect to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation and less than significant with respect to conflicting with a plan for renewable energy or energy efficiency, and cumulative impacts. Therefore, this alternative would result in a lesser impact than the proposed project given its smaller size and reduced density/intensity. However, the ultimate less than significant impact conclusions would be the same under both circumstances.

Geology, Soils, and Seismicity

As noted in Section 3.6, Geology, Soils, and Seismicity, Scenario 3 is assumed to be the reasonable worst-case with respect to geology and soils, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project would have no impact related to wastewater disposal systems. The proposed project's impacts related to exposure of persons, structures, or improvements to seismic- and soil-related hazards, soil erosion or the loss of topsoil, and cumulative impacts would be less than significant. The proposed project's impacts to paleontological resources would be reduced to less than significant levels with mitigation incorporated.

This alternative would occur at the same location and would result in grading and other ground disturbance activities on the project site, as well as removal of existing structures development similar to the proposed project. In addition, this alternative would be subject to the same applicable laws, regulations, policies, and mitigation measures as the proposed project. Therefore, similar to the proposed project, impacts related to exposure of persons, structures, or improvements to seismic- and soil-related hazards; soil erosion or the loss of topsoil; and cumulative impacts would be less than significant. The alternative's impacts to paleontological resources would be reduced to less than significant levels with mitigation incorporated. Therefore, this alternative would result in substantially similar impacts on geology and soils as compared to the proposed project, and the ultimate less than significant impact conclusions would be the same under both circumstances.

Greenhouse Gas Emissions

As noted in Section 3.7, Greenhouse Gas Emissions, Scenario 2 is assumed to be the reasonable worst-case with respect to greenhouse gas emissions, and this alternatives analysis evaluates the alternative assuming development of Scenario 2. The proposed project's impacts with respect to GHG emissions reduction plan consistency, GHG emissions during operation, and cumulative impacts would be less than significant, and impacts associated with GHG emissions during construction would be reduced to less than significant with mitigation incorporated.

This alternative would be developed on the same site as the proposed project. It is assumed this alternative would result in a reduction of construction footprint because the alternative would be smaller in density and intensity than the proposed project and could therefore be accommodated within a smaller footprint. Given the alternative would be on the same site and would include a mix of uses, similar to the proposed project, it would be subject to the same applicable laws, regulations, policies, and mitigation measures detailed in this Draft SEIR. Because of the smaller construction footprint, it is assumed this alternative would result in fewer GHG emissions during construction compared to the proposed project. The alternative would also result in GHG emissions during operation associated with vehicle trips, energy and water demand, and water and solid waste generation, among other emissions producers. Given BAAQMD's 2022 significance thresholds, it is assumed that buildings developed under this alternative would include the same project design features as the proposed project. Because of the reduced density and intensity, it is assumed this alternative would also result in reduced emissions during operation because of a reduction in water usage, waste generation, and vehicle trips, as compared to the proposed project. Similar to the proposed project, because this alternative would include the same project design features, for the reasons enumerated in Section 3,7, Greenhouse Gas Emissions, this alternative would also result in a less than significant impact with respect to GHG emissions reduction plan consistency. Although this alternative would result in fewer GHG emissions during construction and operation, similar to the proposed project, this alternative's impacts with respect to GHG emissions reduction plan consistency, GHG emissions during operation, and cumulative impacts would be less than significant and impacts to GHG emissions during construction would be reduced to less than significant with mitigation incorporated. Therefore, given the reduced GHG emissions as compared to the proposed project, this alternative would result in a lesser impact than the proposed project. However, the ultimate less than significant impact conclusions would be the same under both circumstances.

Hazards and Hazardous Materials

As noted in Section 3.8, Hazards and Hazardous Materials, Scenario 3 is assumed to be the reasonable worst-case with respect to hazards and hazardous materials, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts with respect to routine transport, use, or disposal of hazardous materials; proximity to a public airport safety hazard; emergency response and evacuation; wildland fires; and cumulative impacts would be less than significant. The proposed project's impacts related to hazardous materials upset risk; hazardous emissions proximate to a school; and being located on a listed hazardous materials site would be reduced to less than significant levels with mitigation incorporated.

This alternative would result in grading and other ground disturbance activities on the project site, as well as removal of existing structures development similar to the proposed project. Because this alternative would result in the demolition of buildings that contain ACM or LBP, this alternative would include mitigation requiring abatement or removal of ACM and LBP (MM HAZ-2a). As described in Section 3.8, Hazards and Hazardous Materials, four USTs were removed from APNs 173-131-055 and 173-131-062 (portions of Site A) in 1989 and disposed of off-site. CCCHSD and the RWQCB concurred that no further monitoring, investigation, or remedial action was required based on the current land use of automotive repair facilities, as documented in letters dated October 31, 1996,[12] and December 2, 1996, respectively.[13] The RWQCB concurrence letter indicated that corrective action should be reviewed if the land use changes. Because this alternative would include development of residential uses, MM HAZ-2c, which is related to residential uses on-site, would still be required. Because the alternative could result in development on APN 173-131-042 (a portion of Site A), MM HAZ-2b would still be required and MM HAZ-2d would still be required because construction activities would occur on-site under this alternative. Similar to the proposed project, this alternative's impacts related to routine transport, use, or disposal of hazardous materials; proximity to a public airport safety hazard; emergency response and evacuation; wildland fires; and cumulative impacts would be less than significant, and impacts related to hazardous materials upset risk; hazardous emissions proximate to a school; and being located on a listed hazardous materials site would be reduced to less than significant levels with mitigation incorporated. Although impacts would be generally the same as the proposed project, and this alternative would require similar mitigation as the proposed project, given the reduced density/intensity of this alternative, it would result in slightly reduced impacts related to hazards and hazardous materials as compared to the proposed project. Nevertheless, the ultimate less than significant impact conclusions would be the same under both circumstances.

Hydrology and Water Quality

As noted in Section 3.9, Hydrology and Water Quality, Scenario 3 is assumed to be the reasonable worst-case with respect to hydrology and water quality, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to groundwater supply/recharge; erosion/siltation; additional sources of polluted runoff; exceedance of storm drainage capacity resulting in flooding; impedance of flood flows from alterations to the existing drainage pattern of the site; water quality control or sustainable groundwater management plans consistency; and cumulative impacts would be less than significant. The proposed project's impacts related to surface and groundwater quality during construction and operation would be reduced to less than significant levels with mitigation incorporated.

This alternative would result in grading and other ground disturbance activities on the project site, as well as removal of existing structures, similar to the proposed project. In addition, this alternative would be subject to the same applicable laws, regulations, policies, and mitigation measures as the proposed project. It is anticipated that this alternative would be required to install a storm drainage

[12] Contra Costa County Health Services Department. 1996. Request for Concurrence for Closure 2100 North Main Street, Walnut Creek, California. October 31.

[13] San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB). 1996. Underground Storage Tank Case, 2100 North Main Street, Walnut Creek, Contra Costa County. December 2.

system similar to the proposed project that adheres to all applicable design criteria, standards and other requirements under applicable laws and regulations to prevent flooding on- and off-site during construction and operation, which would reduce and meter the volume of runoff leaving the project site in accordance with applicable standards (e.g., post-development flows being equal to or less than pre-development flows) and would ensure that downstream storm drainage facilities are not inundated with project-related stormwater. For example, inlets would capture surface runoff, where it would enter an underground piping system that would convey stormwater to on-site basins. Therefore, because this alternative would be developed on the same site as the proposed project and would be developed with a similar stormwater drainage system, similar to the proposed project, impacts related to groundwater supply/recharge; erosion/siltation; additional sources of polluted runoff; exceedance of storm drainage capacity resulting in flooding; impedance of flood flows from alterations to the existing drainage pattern of the site; water quality control or sustainable groundwater management plans consistency; and cumulative impacts would be less than significant.

With respect to surface and groundwater quality, as described in Section 3.9, Hydrology and Water Quality, four USTs were removed from APNs 173-131-055 and 173-131-062 (portions of Site A) in 1989 and disposed of off-site. CCCHSD and the RWQCB concurred that no further monitoring, investigation, or remedial action was required based on the current land use of automotive repair facilities, as documented in letters dated October 31, 1996,[14] and December 2, 1996, respectively.[15] The RWQCB concurrence letter indicated that corrective action should be reviewed if the land use changes. Because this alternative would include development of residential uses, MM HAZ-2c, which is related to residential uses on-site, would still be required. Because the alternative could result in development on APN 173-131-042 (a portion of Site A), MM HAZ-2b would still be required, and MM HAZ-2d would still be required because construction activities would occur on-site under this alternative. Although impacts would be generally the same as the proposed project, and this alternative would require similar mitigation as the proposed project, given the reduced density/intensity of this alternative, it would result in slightly reduced impacts related to hydrology and water quality as compared to the proposed project. Nevertheless, the ultimate less than significant impact conclusions would be the same under both circumstances.

Land Use and Planning

As noted in Section 3.10, Land Use and Planning, Scenario 3 is assumed to be the reasonable worst-case with respect to land use and planning, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to physically dividing an established community; conflicting with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect; and cumulative impacts would be less than significant.

This alternative would be developed on the same site as the proposed project and would be subject to the same applicable laws, regulations, and policies. Similar to the proposed project, this

[14] Contra Costa County Health Services Department. 1996. Request for Concurrence for Closure 2100 North Main Street, Walnut Creek, California. October 31.

[15] San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB). 1996. Underground Storage Tank Case, 2100 North Main Street, Walnut Creek, Contra Costa County. December 2.

alternative would not involve construction of any type of linear feature that could impair mobility within the existing community, nor would it remove a means of access in a manner that could impede travel or otherwise constitute a physical division of the established community, therefore, this alternative would not physically divide and established community and impacts in this regard would be less than significant. Because this alternative would be within an identified PDA[16] in which mixed uses that are transit-oriented and infill in nature would occur near Walnut Creek BART (and other public transit), it is anticipated it would be consistent with Plan Bay Area 2050. Because the alternative would be required to adhere to the same applicable laws, regulations, and policies as the proposed project, it is anticipated that it would also be consistent with goals and policies of the General Plan and NDSP for the purpose of avoiding or mitigating an environmental effect and impacts in this regard would be less than significant. It would also result in less than significant cumulative impacts. Therefore, this alternative would result in similar less than significant impacts on land use and planning as compared to the proposed project.

Noise

The reasonable worst-case scenario by significance criteria for the proposed project is summarized in Table 6-3. Section 3.11, Noise, and Appendix B provides additional information regarding the reasonable worst-case scenario assumed for the proposed project. As noted in Section 3.11, Noise, the proposed project would result in noise from construction activities and operational noise from mechanical ventilation equipment and increased traffic on local roadway segments in the project vicinity. There would be no impact associated with excessive noise levels from airport activity. The proposed project's impacts would be less than significant with respect to groundborne vibration/noise levels during operation. The proposed project's impacts would be less than significant with mitigation with respect to noise levels that would conflict with any land use plan, policy, or regulation; impacts related to substantial noise increase in excess of standards during construction and operation; and groundborne vibration/noise levels during operation. Cumulative impacts would be less than significant.

This alternative would be developed on the same site as the proposed project and would be subject to the same applicable laws, regulations, policies, and mitigation measures detailed in this Draft SEIR. It would therefore, similarly, result in no impact associated with excessive noise levels from airport activity. This alternative would result in less overall development than the proposed project given the reduction in density and intensity. Similar to the proposed project, this alternative would result in noise from construction activities and operational noise from mechanical ventilation equipment and increased traffic on local roadway segments in the project vicinity. Because there would be less overall development than the proposed project, impacts would similarly be less than significant with respect to groundborne vibration/noise levels during operation; and cumulative impacts would be less than significant. Impacts with respect to noise levels that would conflict with any land use plan, policy, or regulation; as well as impacts related to substantial noise increase in excess of standards during construction and operation; and groundborne vibration/noise levels

[16] Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission. 2021. Plan Bay Area 2050, Map 1-1: Plan Bay Area 2050 Growth Geographies. Website: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. October. Accessed: November 9, 2021.

during construction, would each be reduced to less than significant with compliance of site-specific application of the mitigation measures detailed in this Draft SEIR. Given a reduced density/intensity, this alternative would result in fewer operational daily vehicle trips, which would result in slightly lower traffic noise levels compared to the proposed project. Similar to the proposed project, it is assumed this alternative would require development of the entire project site, which would result in similar construction noise and vibration levels. Therefore, this alternative would result in slightly reduced impacts compared to the proposed project. Nevertheless, the ultimate less than significant impact conclusions would be the same under both circumstances.

Population and Housing

As noted in Section 3.12, Population and Housing, Scenario 3 is assumed to be the reasonable worst-case with respect to population and housing, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project would result in a less than significant impact with respect to population growth, population/housing displacement, and cumulative impacts.

This alternative would be developed within the same site as the proposed project. The project site does not currently contain any residential structures; therefore, while it is assumed that the existing buildings on the project site would be demolished, implementation of this alternative would not displace any existing housing units or residents, and no replacement housing would need to be constructed elsewhere.

Because this alternative would represent a 40 percent reduction in density and intensity compared to the proposed project, population growth associated with this alternative would be less as compared to the proposed project and would also be within the population growth projections included in the General Plan and associated environmental documents and would not induce new unplanned growth but would rather accommodate growth that was already envisioned in the City's projections, similar to the proposed project. Therefore, this alternative would result in less than significant impact respect to population growth and cumulative impacts and this alternative would result in similar impacts related to population and housing as compared to the proposed project. Therefore, the ultimate less than significant impact conclusions would be the same under both circumstances.

Public Services and Recreation

As noted in Section 3.13, Public Services and Recreation, Scenario 3 is assumed to be the reasonable worst-case with respect to public services and recreation, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to fire protection facilities, police protection facilities, school facilities, library facilities, the provision of parks and recreational facilities parks, and cumulative impacts would be less than significant.

This alternative would be subject to the same applicable laws, regulations, and policies. Because this alternative would represent a 40 percent reduction in density and intensity as compared to the proposed project, it is anticipated it would result in an approximately 40 percent reduction in the provision of public services. Therefore, this alternative's impacts related to fire protection facilities,

police protection facilities, school facilities, library facilities, the provision of parks and recreational facilities parks, and cumulative impacts would be less than significant. Because of the 40 percent reduction in the provision of public services, this alternative would result in reduced impacts compared to the proposed project. Nevertheless, the ultimate less than significant impact conclusions would be the same under both circumstances.

Transportation

As noted in Section 3.14, Transportation, Scenario 3 is assumed to be the reasonable worst-case with respect to transportation, and this alternatives analysis evaluates the alternative assuming development of Scenario 3. The proposed project's impacts related to bicycle, pedestrian facilities, and transit facilities, VMT, emergency access, and cumulative impacts would be less than significant. Impacts related to roadway safety hazards would be less than significant with mitigation.

This alternative would be developed on the same site as the proposed project and would be subject to the same applicable laws, regulations, and policies, and include the same development parameters, and would thus similarly be screened out from further VMT analysis (and thus presumed to have a less than significant VMT impact). This alternative would not include the removal of any existing pedestrian, bicycle, or transit facilities, and because of the proximity and connectivity of these facilities to the project site, similar to the proposed project, this alternative would not conflict with a program plan, ordinance, or policy of the circulation system including transit, bicycle, and pedestrian facilities. Furthermore, this alternative would incorporate the construction and dedication of public trail improvements on a portion of Site A. Impacts would also be less than significant with respect to emergency access as this site would be accessed at the same driveways as the proposed project, and the alternative would follow all applicable laws, regulations, and policies. Cumulative impacts would also be less than significant.

Similar to the proposed project, this alternative could require specific lane improvements needed to accommodate access to the site and queueing, which would be determined upon the completion of a sensitivity study reviewed and confirmed by the Public Works Department as required by MM TRANS-3. In conclusion, this alternative would result in similar impacts related to transportation as compared to the proposed project, and therefore the ultimate less than significant conclusions would be the same under both circumstances.

Utilities and Service Systems

As noted in Section 3.15, Utilities and Service Systems, and as summarized in the comparative analysis of Scenarios included in Appendix B, the estimated generation of solid waste for Scenario 1 would result in the highest generation of solid waste for both the construction and operation phases of the proposed project. Therefore, for the purposes of discussion of the project's potential environmental effects, Scenario 1 presents the reasonable worst-case scenario for solid waste. Scenario 3 would result in the highest water and sewer demand and Scenario 3 would represent the reasonable worst-case scenario with respect to water and sewer, as well as with respect to stormwater drainage facilities, electric power, and telecommunications facilities. Therefore, this alternatives analysis evaluates the alternative assuming development of Scenario 1 with respect to

solid waste and Scenario 3 with respect to water, sewer, stormwater drainage facilities, electric power, and telecommunications facilities.

The proposed project's impacts related to water supply or conveyance facilities, wastewater treatment or conveyance facilities, stormwater drainage facilities, electric power, telecommunications facilities, landfill capacity, consistency with solid waste regulations, and cumulative impacts would be less than significant.

This alternative would be developed on the same site as the proposed project and would be subject to the same applicable laws, regulations, and policies. Because this alternative would include a 40 percent reduction in density/intensity as compared to the proposed project, it is anticipated that this alternative would result in the associated reduced demand with respect to utilities and service systems in comparison to the proposed project. However, similar to the proposed project, this alternative's impacts related to water supply or conveyance facilities; wastewater treatment or conveyance facilities; stormwater drainage facilities; electric power; telecommunications facilities; landfill capacity; consistency with solid waste regulations; and cumulative impacts would be less than significant.

6.7.2 - Conclusion

This alternative would result in similar impacts to the proposed project's less than significant impact associated with aesthetics, land use and planning, and population and housing. This alternative would result in similar impacts to the proposed project's potentially significant impacts that can be reduced to less than significant with mitigation associated with biological resources, cultural resources and tribal cultural resources, geology and soils, and transportation. Because of the significant reduction in density and intensity, this alternative would result in reductions in demand and thus lessen the severity of the proposed project's less than significant impacts with respect to energy, public services and recreation, and utilities and service systems. Because of the significant reduction in density and intensity, this alternative would lessen the severity of the proposed project's less than significant with mitigation impacts with respect to air quality, GHG emissions, hazards and hazardous materials, hydrology and water quality, and noise. Nevertheless, for all impact areas, the ultimate less than significant impact conclusions would be the same for both this alternative and the proposed project.

This alternative would meet some of the project objectives, but not to the same degree as the proposed project given the substantial reduction in density and intensity. Because this alternative would result in a mix of uses, it would partially meet Objective No. 1. However, given the substantial reductions in density and intensity, it would not promote positive economic growth and new capital investment by supporting and enhancing the short- and long-term economic viability of automotive sales, service, and ancillary uses to the same degree.

It would transition existing auto-oriented to mixed uses near transit nodes, but, because it would be developed at a significantly reduced density/intensity as compared to the proposed project, it would not utilize the transition of underutilized commercial parcels to the same degree as the proposed project and would only partially meet Objective No. 2.

Because it would redevelop existing infill parcels within the Walnut Creek city limits currently served by urban services and utilities, it would partially meet Objective No. 3, but, because it would do so at a substantially lower density/intensity than the proposed project, it would not maximize the use of existing infrastructure nor efficiently redevelop these under-utilized parcels to higher and better uses to the same degree as the proposed project.

This alternative would result in the continuation of the Applicant's auto sales activities, and it would allow the development of hotel, office, and/or multi-family residential uses; therefore, it would partially meet Objective No. 4. However, it would not accomplish the objective of preserving the tax base to the same degree as the proposed project given the substantial reductions in density and intensity.

Because it would provide flexibility from a land use planning standpoint, it would partially meet Objective No. 5. However, it would not accomplish the objective of responding to changing economic trends by maximizing opportunities to update and expand automotive business given the substantial reductions in density and intensity of the new land uses.

Because it would replace the existing surface parking lots with modern structures and related landscaping to serve the automotive uses, it would meet Objective No. 6.

Because it would result in the development of contemporary commercial and potential multi-family residential uses, it would partially meet Objective No. 7. However, this would not occur to the same degree given the substantial reduction in density and intensity.

6.8 - Environmentally Superior Alternative

The qualitative environmental effects of each alternative in relation to the proposed project are summarized in Table 6-5. The significant conclusion for each alternative is also identified in that table. Table 6-6 presents a comparison of each alternative's ability to meet project objectives. As explained in detail above, because there are no significant and unavoidable impacts, the comparison contained in Table 6-5 and Table 6-6 and the subsequent discussion are provided for discussion purposes only.

Table 6-5: Summary of Alternatives

Environmental Topic Area	Proposed Project	Alternative 1-No Project, No Build Alternative	Alternative 2-No Project, No Mixed Use Special District Alternative	Alternative 3-Reduced Density/Intensity Alternative
Aesthetics	LTS	NI (less)	LTS (similar)	LTS (similar)
Air Quality	LTSM	NI (less)	LTSM (less)	LTSM (less)
Biological Resources	LTSM	NI (less)	LTSM (similar)	LTSM (similar)
Cultural Resources and Tribal Cultural Resources	LTSM	NI (less)	LTSM (similar)	LTSM (similar)
Energy	LTS	NI (less)	LTS (similar)	LTS (less)

Environmental Topic Area	Proposed Project	Alternative 1-No Project, No Build Alternative	Alternative 2-No Project, No Mixed Use Special District Alternative	Alternative 3-Reduced Density/Intensity Alternative
Geology and Soils	LTSM	NI (less)	LTSM (similar)	LTSM (similar)
Greenhouse Gas Emissions	LTSM	NI (less)	LTSM (similar)	LTSM (less)
Hazards and Hazardous Materials	LTSM	LTS (greater)	LTSM (less)	LTSM (less)
Hydrology and Water Quality	LTSM	NI (less)	LTSM (less)	LTSM (less)
Land Use and Planning	LTS	NI (less)	LTS (similar)	LTS (similar)
Noise	LTSM	NI (less)	LTSM (less)	LTSM (less)
Population and Housing	LTS	NI (less)	LTS (similar)	LTS (similar)
Public Services and Recreation	LTS	NI (less)	LTS (less)	LTS (less)
Transportation	LTSM	NI (less)	LTSM (similar)	LTSM (similar)
Utilities and Service Systems	LTS	NI (less)	LTS (less)	LTS (less)

Notes:
LTS = Less than significant impact
LTSM = Less than significant with mitigation incorporated
NI = No impact
Source: FirstCarbon Solutions (FCS) 2022.

Table 6-6: Summary of Alternatives Meeting of Project Objectives

Objective	Proposed Project	Alternative 1-No Project, No Build Alternative	Alternative 2-No Project, No Mixed Use Special District Alternative	Alternative 3-Reduced Density/Intensive Alternative
Promote positive economic growth and new capital investment by supporting and enhancing the short- and long-term economic viability of automotive sales, service and ancillary uses within the NDSP by encouraging financially feasible mixed use redevelopment including the potential for new residential units to enhance the City's housing stock, the creation of new job-generating uses including potential hotel uses, and the expansion of the tax base through new sales tax generating uses.	Yes	No	No	Yes, but to a lesser extent than the proposed project

Objective	Proposed Project	Alternative 1-No Project, No Build Alternative	Alternative 2-No Project, No Mixed Use Special District Alternative	Alternative 3-Reduced Density/Intensive Alternative
Facilitate the realization of the vision of the NDSP by transitioning existing auto-oriented, underutilized commercial parcels into thoughtfully designed, higher-density, higher-intensity mixed use developments near public transit, thereby encouraging transit-oriented development near transit nodes.	Yes	No	No	Yes, but to a lesser extent than the proposed project
Maximize the use of existing infrastructure by efficiently redeveloping existing infill properties within the Walnut Creek city limits currently served by urban services and utilities to higher and better uses.	Yes	No	Yes, but to a lesser extent than the proposed project	Yes, but to a lesser extent than the proposed project
Preserve the tax base by facilitating the continuation of Applicant's auto sales activities and new potential hotel, office, and/or multi-family residential uses.	Yes	Yes, but to a lesser extent than the proposed project	Yes, but to a lesser extent than the proposed project	Yes, but to a lesser extent than the proposed project
Respond to changing economic trends by maximizing opportunities to update and expand automotive business while also retaining sufficient flexibility from a land use planning standpoint including the potential for compatible hotel, office, and/or multi-family residential uses.	Yes	No	No	Yes, but to a lesser extent than the proposed project
Reduce the heat island effect by replacing existing asphalt surface parking lots with minimal existing landscaping with modern structures constructed from high albedo building materials and ample landscaping.	Yes	No	Yes	Yes
Develop well-designed, visually appealing contemporary commercial and potential multi-family residential uses within the North Downtown area.	Yes	No	Yes, but to a lesser extent than the proposed project	Yes, but to a lesser extent than the proposed project
Source: FirstCarbon Solutions (FCS) 2022.				

CEQA Guidelines Section 15126(e)(2) requires an EIR to identify an environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives.

As shown in Table 6-5, the No Project, No Build Alternative would avoid the proposed project's less than significant impacts with mitigation for nine environmental topic areas, as well as the need to implement any mitigation measures. The No Project, No Build Alternative would avoid the proposed project's less than significant impacts associated with five environmental topic areas. Lastly, the No Project, No Build Alternative would result in greater impacts than the proposed project associated with one environmental topic areas (though it would still be less than significant). As shown in Table 6-6 this alternative would only meet one project objective and would do so to a lesser degree than the proposed project.

As shown in Table 6-5 the No Project, No Mixed Use Special District Alternative would result in similar impacts in nine topic areas and would result in less impacts in six topic areas. It would still require similar mitigation for almost all the impacts as required for the proposed project and would result in the same ultimate less than significant impact conclusions under both circumstances. The Reduced Density/Intensity Alternative would result in similar impacts in seven topics areas and would result in less impacts in eight topics areas. It would still require the same mitigation for the same impacts as the proposed project and would result in the same ultimate less than significant impact conclusions under both circumstances. Because the Reduced Density/Intensity Alternative would lessen more impacts than the No Project, No Mixed Use Special District Alternative, it would be the environmentally superior alternative. As shown in Table 6-6, this alternative would partially meet the project's objectives, but in almost all cases, this would be to a substantially lesser extent than the proposed project.

6.9 - Alternatives Rejected From Further Consideration

6.9.1 - Alternative Location

CEQA Guidelines Section 15126.6(f)(2) sets forth considerations to be used in evaluating an alternative location. The section states that the "key question" is significant effects of a project would be avoided or substantially lessened by putting the project at another location (CEQA Guidelines § 15126(f)(2)(A)).The CEQA Guidelines establish that only locations that would accomplish this objective should be considered as alternative location for the proposed project.

The CEQA Guidelines identify the following factors that may be considered when addressing the feasibility of an alternative location:

1. Site suitability
2. Economic viability
3. Availability of infrastructure
4. General Plan consistency
5. Other plans or regulatory limitations
6. Jurisdictional boundaries

7. Whether the applicant can reasonably acquire, control, or otherwise have access to the alternative site

Given the project site's adjacency to the Walnut Creek BART Station and location among existing mixed uses, an alternative location to the project site outside of the NDSP and further away from the BART station (i.e., outside of the PDA boundaries) would not be conducive to meeting transit-oriented development purposes and goals.

Thus, an alternative location would need to be at least of comparable size within an urbanized area of Walnut Creek and have adequate roadway access, utility capacity, and proximity to transit. In order to identify an alternative location that might be reasonably considered to "feasibly accomplish most of the basic purposes" of the project and also reduce significant impacts, it was assumed that such a location would ideally have the following characteristics:

- At least 6.2 acres in size;
- Located within 0.5 mile of transit stop or station;
- Located on an infill site in an urbanized area;
- Served by available infrastructure;
- Available for purchase and development; and
- Designated for AS-CM (or similar) at a density/intensity similar to what would be permitted at the project site given the fundamentally important element of maintaining and enhancing automotive sales, service and ancillary uses.

No potential alternative locations were identified that could satisfy the above-referenced criteria, given the already-developed nature of the City's Core Area. Moreover, even if there were such a site, given the urbanized, already built-up nature of this area of the City, coupled with the nature of the identified project impacts, it is reasonable to conclude that any such site would have similar characteristics as the project site and would not result in a reduction or avoidance of impacts at issue. Furthermore, if an alternate location were pursued that did not meet the above criteria, such as being outside of the Core Area in a less urbanized portion of the City, it is likely that a number of impacts would actually increase (e.g., transportation, land use, air quality, noise, etc.) due to the lack of infill status, proximity to available infrastructure and public transit, potential increase in nearby sensitive receptors, potential increase in biological and other site-related constraints.

Therefore, because no suitable alternative location is available that could lessen the impacts of the proposed project, an alternative involving an alternate location was rejected from further consideration.

6.9.2 - All Residential Alternative

The City also initially considered whether it should evaluate an alternative that assumed that Sites A, B, and C would be redeveloped with only residential uses. Under this alternative, the NDSP would need to be amended to create a "Residential District" that would apply only to Sites A, B, and C, along with proposed related amendments to various policies throughout the NDSP to ensure consistency therewith. This alternative would require conforming amendments to the General Plan

and Municipal Code to ensure consistency with the proposed NDSP amendments. Assuming an average of approximately 1,000 square feet per dwelling unit, Sites A, B, and C could accommodate a total of approximately 720 dwelling units.

It is not clear what, if any, potential environmental impacts associated with the proposed project this alternative would lessen given that all impacts related to ground disturbance would be similar (since the sites would be developed to the maximum amount that could be physically accommodated). Moreover, it would likely result in greater impacts with respect to public services and utilities and service systems given the increase in residents.

In addition, such an alternative would not allow for automotive sales, service, and ancillary uses, and thus would be fundamentally inconsistent with a vital project component (as reflected in multiple project objectives), which assumes that automotive sales, service, and ancillary uses would be maintained and enhanced under all circumstances.

Therefore, this alternative would not likely lessen any impacts; would likely result in greater impacts than the proposed project; and would not meet project objectives at all or would meet them to a substantially lesser degree as compared to the proposed project. Therefore, the City, in its discretion, rejected it from further consideration.

CHAPTER 7: PERSONS AND ORGANIZATIONS CONSULTED/LIST OF PREPARERS

7.1 - Lead Agency

7.1.1 - CEQA Lead Agency

City of Walnut Creek

Community Development Department

Director ..... Erika Vanderbrande
Assistant City Manager ..... Teri Killgore

Public Works Department- Engineering Division

Traffic Engineer ..... Smadar Boardman
City Engineer ..... Steve Waymire, PE

Fire Department

Fire Chief ..... Lewis T. Broschard III

Police Department

Chief of Police ..... Jamie Knox

7.1.2 - Public Agencies

State Agencies

California Department of Transportation

District Branch Chief ..... Mark Leong

Native American Heritage Commission

Cultural Resources Analyst ..... Sarah Fonseca

Local Agencies

Acalanes Union High School District

Acalanes Union High School District Superintendent ..... John Nickerson

Walnut Creek School District

Walnut Creek School District Superintendent ..... Marie Morgan

Contra Costa Environmental Health

Environmental Health Specialist ..... William Eric Fung, REHS

Contra Costa Hazardous Materials Program

Hazardous Materials Specialist ..... Nick Umemoto

Contra Costa County Sanitary District

Engineering Assistant ..... Russ Leavitt

County Connection

Chief Service Scheduler ..... Donald Avelar

East Bay Municipal Utility District

Manager of Water Distribution Planning ..... David J. Rehnstrom

Republic Services

Municipal Manager ..... Kimberly Lam

San Francisco Bay Regional Water Quality Control Board

Board Member ..... William Kissinger

7.2 - City of Walnut Creek Consultants

7.2.1 - Harris & Associates

Senior Project Manager ..... Darin Neufeld

7.2.2 - FirstCarbon Solutions (Lead Consultant)

Project Director ..... Mary Bean
Project Manager ..... Liza Debies
Senior Biologist ..... Bernhard Warzecha
Biologist ..... Robert Carroll
Director of Cultural Resources ..... Dana DePietro, PhD, RPA
Historian and Cultural Resource Analyst ..... Ti Ngo
Director of Noise and Air Quality ..... Phil Ault, MS, LEED®
Air Quality Specialist ..... Lance Park
Air Quality Specialist ..... Marianne Aydil
Publications Manager ..... Susie Harris
Document Specialist ..... Melissa Ramirez
GIS/Graphics ..... Karlee McCracken

7.2.3 - FirstCarbon Solutions Technical Subconsultants

Kenneth L. Finger, PhD (Paleontological Records Search)

Consulting Paleontologist ..... Kenneth L. Finger, PhD

South Environmental (Historic Built Environment Assessment)

Cultural Resources Director ..... Samantha Murray, MA

W-Trans (Transportation Assessment)

Senior Principal Transportation Engineer.....Mark Spencer
Associate Engineer .....Kevin Carstens

7.3 - Project Sponsor Consultants

7.3.1 - Engeo (Geologic Hazards Assessment Report, Phase I ESA)

Associate..... Joseph N. Seibold, GE
Senior Engineer ..... Todd Bradford, PE
Principal.....Jeffrey A. Adams, PhD, PE
Project Engineer ..... Adrianna Lundberg

7.3.2 - Balance Hydrologics (Water Supply Assessment)

Principal Geomorphologist/Hydrologist.....Scott Brown

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