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DRAFT
Environmental Impact Report
Mitchell Townhomes Project
City of Walnut Creek, Contra Costa County, California

State Clearinghouse Number 2024110923

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ACRONYMS AND ABBREVIATIONS

°C	degrees Celsius (Centigrade)
°F	degrees Fahrenheit
µg/m^3	micrograms per cubic meter
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACF	Advanced Clean Fleets
ACHP	Advisory Council on Historic Preservation
ACM	asbestos-containing material
ACP	Alternative Compliance Plan
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
ADU	accessory dwelling unit
AERMOD	American Meteorological Society Regulatory Model
AFFH	Affirmatively Further Fair Housing
AFY	acre-feet/year
AIA	Airport Influence Area
AIC	Archaeological Information Center
AICUZ	Air Installation Compatibility Use Zone
AIRFA	American Indian Religious Freedom Act
ALUC	Airport Land Use Commission
AMI	Area Median Income
APCD	Air Pollution Control District
APE	Area of Potential Effect
APN	Assessor's Parcel Number
AQMD	Air Quality Management District
AQMP	Air Quality Management Plan
AQP	Air Quality Plan
ARB	California Air Resources Board
ARMR	Archaeological Resource Management Reports
ARPA	The Archaeological Resources Protection Act
AST	aboveground storage tank
ATCM	Airborne Toxic Control Measure
Bay Area Air District	Bay Area Air Quality Management District
BACT	Best Available Control Technology

BAHM	Bay Area Hydrology Model
BART	Bay Area Rapid Transit
BAU	business-as-usual
BCF	billion cubic feet
BCF/year	billion cubic feet per year
BERD	California Built Environment Resource Directory
BMP	Best Management Practice
BP	Business Park
Btu	British Thermal Unit
BVOC	biogenic volatile organic compound
C^2ES	Center for Climate and Energy Solution
CAA	Clean Air Act
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
CBC	California Building Standards Code
CCA	community choice aggregators
CCAA	California Clean Air Act
CCCC	California Climate Change Center
CCCFPD	Contra Costa County Fire Protection District
CCCHS	Contra Costa County Health Services
CCCWP	Contra Costa Clean Water Program
CCHSHMP	Contra Costa Health Services Hazardous Materials Program
CCR	California Code of Regulations
CCTA	Contra Costa Transportation Authority
CCTS	Central California Taxonomic System
CCWD	Contra Costa Water District
CCWP	Contra Costa Clean Water Program
CDF	California Department of Finance
CDFW	California Department of Fish and Wildlife

CDL	Clandestine Drug Labs
CEC	California Energy Commission
Central San	Central Contra Costa Sanitary District
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFC	chlorofluorocarbon
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	methane
CHL	California Historical Landmarks
CHP	California Highway Patrol
CHRIS	California Historical Resources Information System
CMP	Congestion Management Plan
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNG	compressed natural gas
CNPS	California Native Plant Society
CNRA	California Natural Resources Agency
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
ColWMP	Countywide Integrated Waste Management Plan
County Connection	Central Contra Costa Transit Authority
CPF	cancer potency factorCPHI California Points of Historical Interest
CPUC	California Public Utilities Code
CRA	Cultural Resources Assessment
CRHR	California Register of Historical Resources
CTR	California Toxics Rule
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
dBA/DD	dBA per each doubling of distance
DBH	diameter at breast height
DDT	dichlorodiphenyltrichloroethane
DMA	Drainage Management Area
DNL	Day-Night Level

DPM	diesel particulate matter
DPR	California Department of Parks and Recreation
DRSG	Design Review Standards and Guidelines
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
EBRPD	East Bay Regional Park District
ECCID	Eastern Contra Costa Irrigation District
EDD	California Employment Development Department
EDR	Environmental Data Resources
EIA	United States Energy Information Administration
EIR	Environmental Impact Report
EISA	Energy Independence and Security Act of 2007
EMFAC	Emissions Factors mobile source emissions model
EMP	Emergency Management Plan
EMS	Emergency Medical Services
EO	Executive Order
EPA	United States Environmental Protection Agency
ESL	Environmental Screening Level
EV	electric vehicle
EVSE	electric vehicle supply equipment
FAA	Federal Aviation Administration
FAR	floor area ratio
FC District	Contra Costa County Flood Control and Water Conservation District
FCS	FirstCarbon Solutions
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zones
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FTA	Federal Transit Administration
GHG	greenhouse gas
gpm	gallons per minute
GPS	Global Positioning System
GSA	groundwater sustainability agency
GSP	groundwater sustainability plan
GSWC	Golden State Water Company

GWh	gigawatt-hours
GWh/y	gigawatt-hours per year
GWP	global warming potential
H_2S	hydrogen sulfide
HAA	Housing Accountability Act
HAP	Hazardous Air Pollutant
HARP ADMERT	Host Spots Analysis and Reporting Program Air Dispersion Modeling and Risk Tool
HCD	California Department of Housing and Community Development
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HD I/M	Heavy-duty Vehicle Inspection and Maintenance
HFC	hydrofluorocarbon
HI	hazard index
HMBC	hazardous materials business plans
HMUPB	Hazardous Materials Unified Program Agency
HOA	Homeowner's Association
HOV/HOT	High Occupancy Vehicle/High Occupancy Toll
hp	horsepower
HRA	Health Risk Assessment
HRI	California Historic Resources Inventory
HSC	Health and Safety Code
HVAC	heating, ventilation, and air conditioning
HWCL	Hazardous Waste Control Law
IOU	investor-owned utility
IPCC	United Nations Intergovernmental Panel on Climate Change
ISO	Independent System Operator
ISTEA	Intermodal Surface Transportation Efficiency Act
kW	kilowatts
LAFCo	Local Agency Formation Commission
LCFS	Low Carbon Fuel Standard
LCI	California Governor's Office of Land Use and Climate Innovation
L_{dn}	day/night average sound level
LED	light-emitting diode
L_{eq}	equivalent sound level
LEV	Low Emission Vehicle
LID	Low Impact Development
L_{max}	maximum noise level
LMID	Labor Market Information Division

LOS	Level of Service
LPG	liquified petroleum gas
LRA	Local Responsibility Area
LSE	load-serving entities
LSI	Large-spark Ignition
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
MCE	Marin Clean Energy
MDUSD	Mt. Diablo Unified School District
MEIR	Maximally Exposed Individual Receptor
mgd	million gallons per day
MLD	Most Likely Descendant
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MMT	million metric tons
MP	Master Plan
mpg	miles per gallon
mph	miles per hour
MPO	Metropolitan Planning Organization
MRP	Municipal Regional Stormwater Permit
MS4	Municipal Separate Storm Sewer System
MT CO_2e	metric tons of carbon dioxide equivalent
MT	metric tons
MTB	methyl tert-butyl ether
MTC	Metropolitan Transportation Commission
MTS	Metropolitan Transportation System
MW	megawatt
MWD	Metropolitan Water District of Southern California
MWh	megawatt hour
MXD	mixed-use development
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
NCHRP	National Cooperative Highway Research Program
NEHRP	National Earthquake Hazards Reduction Program
NEPA	National Environmental Policy Act
NESHAP	National Emissions Standards for Hazardous Air Pollutants

NF_3	nitrogen trifluoride
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
NOAA	National Oceanic and Atmospheric Administration
NOC	Notice of Completion
NOP	Notice of Preparation
NO_X	nitrogen oxides
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NTR	National Toxics Rule
NWIC	Northwest Information Center
O_3	ozone
OAL	Office of Administrative Law
OCP	organochlorine pesticide
OEHHA	California Office of Environmental Health Hazard Assessment
OHP	California Office of Historic Preservation
OHWM	ordinary high water mark
ONAC	Federal Office of Noise Abatement and Control
OSHA	Occupational Safety and Health Administration
PBID	Property and Business Improvement District
PCB	polychlorinated biphenyl
pCi/L	picocuries per liter
PFAS	polyfluoroalkyl substances
PFC	perfluorocarbon
PG&E	Pacific Gas and Electric Company
Phase I ESA	Phase I Environmental Site Assessment
PHEV	plug-in hybrid electric vehicle
PM_{10}	particulate matter less than 10 microns in diameter
$PM_{2.5}$	particulate matter less than 2.5 microns in diameter
PM_x	particulate matter
ppb	parts per billion

ppm	parts per million
ppt	parts per trillion
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
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SAP	Sustainability Action Plan
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SCH	State Clearinghouse
SCS	Sustainable Communities Strategy
SF_6	sulfur hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SFPUC	San Francisco Public Utilities Commission
SGMA	Sustainable Groundwater Management Act
SHMA	Seismic Hazards Mapping Act
SIP	State Implementation Plan
SLF	Sacred Lands File
SO_2	sulfur dioxide
SORE	Small Off-road Engine
South Coast AQMD	South Coast Air Quality Management District
SPCC	Spill Prevention, Control, and Countermeasure
SR	State Route
SRA	State Responsibility Area
SS	Stationary Sources
State Water Board	California State Water Resources Control Board
SVP	Society of Vertebrate Paleontology

SWPPP	Storm Water Pollution Prevention Plan
TAC	toxic air contaminants
TBA	tert-butyl alcohol
TCE	trichloroethyleneTCM 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	Traffic Impact Analysis
TIS	Traffic Impact Study
TMA	Transportation Management Association
TMDL	Total Maximum Daily Load
TOD	Transit Oriented Development
TPZ	Tree Protection Zone
TRANSPAC	Transportation Partnership and Cooperation
TTLC	total threshold limit concentration
UBC	Uniform Building Code
UCL	upper confidence limit
UFC	Uniform Fire Code
USACE	United States Army Corps of Engineers
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
VDECS	Verified Diesel Emission Control Strategies
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOC	volatile organic compounds
WCPD	Walnut Creek Police Department
WDR	Waste Discharge Requirements
WEAP	Worker Environmental Awareness Program

WMP	Waste Management Plan
WQMP	Water Quality Management Plan
WSA	Water Supply Assessment
WUE	Water Use Efficiency Program
WWTP	Wastewater Treatment Plant
ZEV	Zero-Emission Vehicle

EXECUTIVE SUMMARY

Purpose

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Mitchell Townhomes Project (State Clearinghouse [SCH] No. 2024110923). This document is 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.).

The purpose of this Draft EIR is to inform decision-makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the proposed Mitchell Townhomes Project (proposed project). This Draft EIR describes potential impacts relating to a wide variety of environmental issues and methods by which these impacts can be mitigated or avoided.

Project Summary

Project Location

The project site is located in eastern Walnut Creek at 2775–2855 Mitchell Drive, 2730–2880 Shadelands Drive, and a portion of 2125 Oak Grove Road. The site is bounded by Mitchell Drive to the north, businesses, Oak Grove Road, and residential neighborhoods to the east, Shadelands Drive and mixed commercial uses to the south, and business, recreational, and commercial uses to the west. The nearest major roadway to the project site is Ygnacio Valley Road approximately 0.3 miles south of the project site, which provides access to Interstate 680 (I-680) and State Route (SR) 24 about 2.16 miles west of the project site. The Contra Costa Canal and Contra Costa Canal Regional Trail are approximately 0.25 miles north of the project site, and the nearest Bay Area Rapid Transit (BART) station is the Pleasant Hill/Contra Costa Centre Station, approximately 1.7 miles west of the project site.

Project Description

The proposed project includes the construction of 422 3-story multi-family dwelling units in townhome-style condominium configuration in approximately 82 building groups on a 22.2-acre site. The buildings would consist of seven building types (2-plex, 3-plex, 4-plex, 5-plex, 6-plex (two versions), and 7-plex) and two building styles, N1 Townhouse and N2 Townhouse, being 38 feet and 40 feet in height, respectively, with the N1 Townhouse style having six building plans and the N2 Townhouse style having four building plan. Buildings would total approximately 839,654 gross square feet of construction with residential units occupying 725,653 net square feet of construction, while the remaining construction includes covered garages, covered decks, roof decks, porches, and exterior walls.

As part of the proposed project, 13 percent of the total 422 proposed units would be dedicated for low-income housing, which complies with the Walnut Creek Inclusionary Housing Ordinance in the Walnut Creek Municipal Code (Municipal Code) and is consistent with the affordability requirements of the Housing Accountability Act, including the Builders Remedy, and qualifies the proposed project for density bonus and waivers/concessions under the State Density Bonus Law (Government Code Section 65915).

The HAA establishes the process for the City to review and process a project eligible for a Builder's Remedy and does not require such projects to obtain a general plan, zoning, or other legislative amendments. The State Density Bonus Law applies similarly to establish a process for the wavier and concession of otherwise applicable standards for a qualifying affordable project, and no separate zoning or development standards amendments would be required.

The proposed project would include approximately 2.0 acres of common open space, with a central common open space area, a rain garden common area, a dog park, bioretention areas, and various paseo walking areas. Other common features would include internal streets, outdoor light fixtures, 955 parking spaces with 844 in private townhome garages and 111 spaces on internal roadways for guest parking, long-term and short-term bicycle parking spaces, and landscaping and off-site improvements.

Construction of the proposed project and off-site improvements would involve demolition of 11 existing office buildings, parking spaces, and ancillary landscaping, along with site preparation and grading activities with the importation of 1,000 cubic yards and no material export. Construction would occur in two phases from April 2026 to December 2030. The proposed project would connect to already existing internal water lines, sanitary sewer lines, and electrical utility lines under Shadelands Drive and Mitchell Drive; each townhome would contain private trash receptacles for solid waste and recycling services; and a stormwater collection system would be constructed comprising a network of storm drains and low flow water quality pumps that would disperse stormwater into proposed bioretention areas for treatment before being drained into Walnut Creek's existing stormwater collection system. In addition, a total of approximately 449 on-site trees and 12 off-site trees would be removed and replaced with approximately 510 new proposed trees, while eight existing on-site trees and 19 off-site trees would be preserved during construction and operation, including coastal redwoods (*Sequoia sempervirens*) for the common open space area and all Valley Oaks (*Quercus lobata*) due to meeting the classification as highly protected in the City's Tree Ordinance.

Off-site improvements would include streetlighting, striping, and signage improvements for both Shadelands Drive and Mitchell Drive and improvements for adjacent businesses directly east of the project site, including restriping to accommodate parking, and the construction of necessary trash facilities.

Project Objectives

The objectives of the proposed project are to:

- Support the State's housing goals during a time of housing crisis by providing much needed housing, including affordable housing.
- Redevelop the property consistent with the land use policies and strategies provided in Plan Bay Area 2050, such as integrating affordable housing into all major housing projects and transforming aging office parks into vibrant, mixed-use neighborhoods.
- Redevelop an existing business park with attractive and desirable amenities, including housing consistent with the General Plan goal of requiring infill development to be compatible with its surroundings and with adjacent and nearby uses.
- Meet and exceed the City's Inclusionary Housing Ordinance requirements and support the realization of the City's Regional Housing Needs Allocation (RHNA) market rate and affordable housing goals.
- Support, enhance, and connect to the City's existing and planned pedestrian and bicycle network, including consistency with the Shadelands Multi Modal Plan.
- Provide and enhance connections to nearby commercial uses and the BART station to reduce Vehicle Miles Traveled (VMT).
- Provide on-site open space amenities for future residents.
- Deliver an economically feasible development balancing market conditions and City objectives.

Community Benefits Variant

The City has requested that the applicant include as a project variant the construction of additional transportation improvements as community benefits ("Community Benefits Variant"). Variants are variations of the proposed project at the same project site, with the same objectives, background, and development controls, but with a specific variation.

The proposed Community Benefits Variants includes two independent components. Firstly, the construction of a single-lane traffic roundabout at the intersection of Shadelands Drive and Via Monte, immediately south of the project site ("Shadelands/Via Monte Roundabout"). The second component of the Community Benefits Variant includes the extension of bicycle facilities beyond the project frontage on both Shadelands Drive and Mitchell Drive, within the existing right-of-way.

Significant Unavoidable Adverse Impacts

The proposed project would not result in significant unavoidable impacts.

Summary of Project Alternatives

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

No Project Alternative

Under the No Project Alternative, the proposed 422 3-story dwelling units in 82 building groups along with on-site features and off-site improvements would not be constructed. The 11 existing office buildings and their associated paved surface parking lots with ancillary landscaping would remain on-site, and no development of any kind would occur. In this scenario, existing trees would not be removed, no construction activities such as grading would take place, and the project site would continue to be zoned as Planned Development referring to the Business Park Zoning Ordinance, with a General Plan Land Use Designation of Business Park (BP). In addition, reasonably foreseeable future development or events likely to occur on the project site must be evaluated for the No Project Alternative under CEQA Guidelines, Section 15126.6(e)(2).

Parcels zoned as Planned Development require proposed development to be in conformity with the General Plan land use designation and applicable Specific Plan requirements. The project site is under the BP land use designation within the Shadelands Business Park Specific Plan (SP-2), which is intended to facilitate high quality and innovative employment-generating businesses along with a mixture of lot sizes to provide for small businesses and larger campus-style uses. Such uses under the BP land use designation include administrative, medical, research, limited industry, and associated amenities dedicated to those working in the business park. As such, reasonably foreseeable future development on the project site would likely consist of permitted land use regulations under Municipal Code Article 12: Business Park District, such as Office, Business and Professional, Research and Development, and Communication and Public Facilities, and would be constructed consistent with property development regulations and any additional development regulations.

Furthermore, future development projects zoned as Planned Development may apply for any zoning amendments that deviate from the existing BP land use designation and SP-2 Specific Plan. Any future development projects requesting a zoning amendment would be required to submit preliminary site plans, proposed land use designations, and a comparison between the existing zoning ordinance, and the proposed project that would undergo review by the Planning Commission with advisory input by the Design Review Commission to ensure consistency with surrounding land uses. Without consideration of foreseeable future developments, it is assumed that businesses operating in the existing office buildings would remain and future businesses that would occupy any vacant suites or offices would be similar in use of surrounding businesses on-site. The No Project Alternative would remain consistent with the Business Park Zoning Ordinance and would not require any discretionary or ministerial approvals and actions including tree removal permits, density bonus waivers, and applicable building permits.

Reduced Density Alternative

Under the Reduced Density Alternative, the existing 11 office buildings, paved surface parking lots, and ancillary landscaping would be demolished and constructed into a reduced number of dwelling units on the same 22.2-acre site and three Assessor's Parcel Numbers (APNs) that would include similar design features for the dwelling units, landscaping, and lighting and would be provided services by the same utility providers as the proposed project. As the City of Walnut Creek Housing Element was certified for compliance by the California Department of Housing and Community

Development in October of 2024, pursuant to Government Code Sections 65589.5 and 65941.1, the applicant would be required to submit a new preliminary application for the proposed project if the reduction in the number of dwelling units or square footage of construction would exceed 20 percent of the total project units or square footage To meet this threshold, it is reasonably assumed that the reduction of dwelling units would be at most 20 percent of the currently proposed 422 units, resulting in approximately 338 dwelling units.

Under this alternative, at least 7 percent of the 338 proposed dwelling units would be allocated for the ownership of low-income households to remain compliant with Municipal Code Section 10-2.3.904 for new ownership projects. With a maximum 20 percent reduction in the number of dwelling units, the preliminary application submitted in October 2023 would remain in effect and the proposed project would continue utilizing the residential development standards determined to be the "best fit" for general compliance, which would be the M-2.5 Multiple Family Residential land use designation's development standards. Under this alternative, it is expected that the 338 dwelling units and other on-site features would be developed at minimum intensity within the M-2.5 Multiple Family Residential land use designation while allocating at least 7 percent of the proposed dwelling units to low-income households.

Areas of 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 November 22, 2024. The NOP describing the original concept for the project and issues to be addressed in the EIR was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period extending from November 22, 2024, through December 27, 2024. The NOP identified the potential for significant impacts on the environment related to the following topical areas:

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

Disagreement Among Experts

This Draft EIR contains substantial evidence to support all the conclusions presented herein. It is possible that there will be disagreement among various parties regarding these conclusions,

although the City of Walnut Creek is not aware of any disputed conclusions at the time of this writing. Both the CEQA Guidelines and case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the 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 were raised during the NOP public review period and may be reiterated during the public review and hearing process of this Draft EIR:

- Aesthetics impacts relating to project scale, landscaping, and tree removal.
- Air Quality impacts related to the construction phase.
- Biological Resources impacts related to disruption of wildlife habitats and tree removal.
- Hazards and Hazardous Materials impacts relating to the demolition of existing structures and soil and fill material.
- Noise impacts related to the construction phase.
- Population and Housing impacts related to potential cumulative increase in unplanned population growth in conjunction with surrounding projects.
- Transportation impacts concerning traffic congestion, circulation patterns, and safety.

It is also possible that evidence will be presented during the 45-day statutory Draft EIR public review period that may create disagreement. Decision-makers would consider this evidence during the public hearing process.

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 ability to choose whatever viewpoint is preferable and supported by substantial evidence and need not resolve a dispute among experts. In their proceedings, decision-makers must consider comments received concerning the adequacy of the Draft EIR 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 EIR and can certify the Final EIR without needing to resolve disagreements among experts.

Public Review of the Draft EIR

Upon completion of the Draft EIR, the City of Walnut Creek filed a Notice of Completion (NOC) with the State Office of Land Use and Climate Innovation to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft EIR 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 EIR in accordance with Public Resources Code 21092(b)(3). During the public

review period, the Draft EIR, including the technical appendices, is available for review at the City of Walnut Creek Community Development Department, and two other alternative locations. The address for each location is provided below.

City of Walnut Creek Community Development Department
1666 North Main Street, 2nd floor
Walnut Creek, CA 94596
Hours:
Monday through Thursday: By appointment only
Monday through Friday: Call 925.943.5834 or email planning@walnut-creek.org
Saturday and Sunday: Closed

Ygnacio Valley Library Contra Costa County
2661 Oak Grove Road
Walnut Creek, CA 94598
Hours:
Monday and Tuesday: 10:00 a.m.–8:00 p.m.
Wednesday and Thursday: 10:00 a.m.–6:00 p.m.
Friday and Saturday: 9:00 a.m.–5:00 p.m.
Sunday: Closed

Walnut Creek Library Contra Costa County
1644 N. Broadway
Walnut Creek, CA 94596
Hours:
Monday and Tuesday: 10:00 a.m.–8:00 p.m.
Wednesday and Thursday: 10:00 a.m.–6:00 p.m.
Friday and Saturday: 9:00 a.m.–5:00 p.m.
Sunday: Closed

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

Simar Gill, Senior Planner
City of Walnut Creek–Community Development Department
1666 North Main Street, Walnut Creek, CA 94596
Phone: 925.943.5899, ext. 2115
Email: Gill@walnutcreekca.gov

Submittal of electronic comments 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 at least 10 days prior to the public hearing before the City of Walnut Creek on the project, at which the certification of the Final EIR 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 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 EIR. Table ES-1 is included in the EIR as required by CEQA Guidelines Section 15123(b)(1).

Table ES-1: Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Section 3.1—Aesthetics, Light, and Glare			
Impact AES-1: The proposed project would not have a substantial adverse effect on a scenic vista identified in the General Plan	Less than significant impact.	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 impact.	No mitigation is necessary.	No impact.
Impact AES-3: The proposed is in an urbanized area and would not conflict with applicable zoning and other regulations governing scenic quality.	Less than significant impact.	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.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Cumulative Impact	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.2—Air Quality			
Impact AIR-1: The proposed project could conflict with or obstruct implementation of the applicable air quality plan.	Potentially significant impact.	**MM AIR-1: Implement Bay Area Air District Best Management Practices (BMPs) to Control Dust During Construction.** The project applicant/project owner or sponsor shall include the following dust control measures, as recommended by the Bay Area Air Quality Management District (Bay Area Air District), in the design of the	Less than significant impact with mitigation incorporated.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		proposed project and shall implement them (to ensure that they are implemented) during construction: • All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard. • All visible mud or dirt 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 miles per hour (mph). • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible within each phase of construction. Building pads for the individual phase 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 Airborne Toxic Control Measure (ATCM) Title 13, Section 2485 of California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		• All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The construction contractor shall take corrective action within 48 hours. The Bay Area Air District's and the City of Walnut Creek's phone numbers shall also be visible to ensure compliance with applicable regulations.	
Impact AIR-2: The proposed project could result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or State ambient air quality standard.	Potentially significant impact.	Implement MM AIR-1	Less than significant impact with mitigation incorporated.
Impact AIR-3: The proposed project could expose sensitive receptors to substantial pollutant concentrations.	Potentially Significant Impact.	Implement MM AIR-1, and the following: **MM AIR-2: Use of Clean Construction Equipment to Minimize Potential DPM Exposure.** The project applicant/project owner or sponsor shall ensure that all off-road equipment equal to or greater than 50 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards (Tier 4 Interim or Tier 4 Final) during all	Less than significant impact with mitigation incorporated.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		construction activities. The project applicant/project owner or sponsor shall submit a construction management plan to the City's Community Development Director, or the Director's designee, for review and approval prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with Tier 4 off-road emission standards. Off-road equipment descriptions and information included in the construction management plan may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower (hp), and engine serial number. The project applicant/project owner or sponsor shall be responsible for the implementation of the approved construction management plan.	
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.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Cumulative Impact	Potentially significant impact.	Implement MM AIR-1 and MM AIR-2	Less than significant with mitigation incorporated.
Section 3.3—Biological Resources			
Impact BIO-1: The proposed project could have a substantial adverse effect, either directly or through habitat	Potentially Significant Impact.	**MM BIO-1: Pre-construction Surveys for Active Bird Nests (includes**	Less than significant with mitigation incorporated.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
modification, 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.		**implementation of avoidance buffer, if found).** The project applicant/project owner or sponsor shall ensure that removal of trees shall be limited to only those necessary to construct the proposed project as reflected in the relevant project approval documents. If the proposed project requires vegetation to be removed during the nesting season (February to August 31), the project applicant/project owner or sponsor shall conduct or cause to be conducted pre-construction surveys no more than 5 days prior to the start of ground or vegetation disturbance (including tree removal) to determine whether or not active nests are present. If an active nest is located during pre-construction surveys, the project applicant/project owner or sponsor shall retain or cause to be retained a qualified Biologist to do the following: (1) determine an appropriately sized avoidance buffer based on the species and anticipated disturbance level. (The California Department of Fish and Wildlife [CDFW] recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors, which shall be taken into consideration as part of the determination); (2) delineate the avoidance buffer using Environmentally Sensitive Area fencing, pin flags, and/or yellow caution	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		tape. The project applicant/project owner or sponsor shall maintain the buffer zone around the active nest site(s) until the young have fledged and are foraging independently and shall ensure that no construction activities or construction foot traffic is allowed to occur within the avoidance buffer(s). As a part of the retainer, the qualified Biologist shall monitor the behavior of the birds (adults and young, when present) at the nest sites to ensure that they are not disturbed by project work. Nest monitoring shall continue during project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified Biologist, unless otherwise approved in writing by the California Department of Fish and Wildlife (CDFW). Once it has been determined that nesting young have fully fledged and the nest is no longer occupied, the established buffer and exclusionary fencing may be removed and monitoring efforts shall cease.	
Impact BIO-2: The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in a local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.	No impact.	No mitigation is necessary.	No impact.
Impact BIO-3: The proposed project would not have a substantial adverse	No impact.	No mitigation is necessary.	No impact.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
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.			
Impact BIO-4: The proposed project could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors, or impede the use of wildlife nursery sites.	Potentially significant impact.	Implement MM BIO-1	Less than significant impact with mitigation incorporated.
Impact BIO-5: The proposed project could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact BIO-6: The proposed project would not conflict with the provision of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.	No impact.	No mitigation is necessary.	No impact.
Cumulative Impact	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.4—Cultural Resources			
Impact CUL-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact CUL-2: The proposed project could cause a substantial adverse	Potentially significant impact.	**MM CUL-2a:**Prior to the initiation of construction activities for each	Less than significant impact with mitigation incorporated.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
change in the significance of an archaeological resource pursuant to Section 15064.5.		construction phase, the project applicant/project owner or sponsor shall ensure that all construction personnel conducting ground disturbance at the site be provided a Worker Environmental Awareness Program (WEAP) cultural resources "tailgate" training. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, and any Native American Monitors or representatives consulting the project. This training is mandatory for all construction personnel conducting any ground disturbance construction activities on-site through construction duration. A sign-in sheet for attendees of this training shall be recorded and submitted to the City within 48 hours. An Archaeological Monitor, along with a Tribal Monitor, reporting to the qualified Archaeologist, shall be present during the clearing and grubbing phases of ground disturbance to check for the inadvertent exposure of cultural materials. In the event exposed soils indicate cultural materials may be present, this may be followed by regular or periodic monitoring as determined by the City in consultation with	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		the Archaeologist and Native American monitor. **MM CUL-2b:** In the event that buried archaeological resources are discovered during construction, operations shall stop within a 100-foot radius of the find and an Archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology shall be consulted to determine whether the resource requires further study. The qualified Archaeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect 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 cultural resources consist of, but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the City. Appropriate mitigation measures for significant resources could include avoidance or	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. The City, along with other relevant or tribal officials, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Treatment of any significant cultural resources shall be undertaken with the approval of the City. No further grading shall occur in the area of the discovery until the lead agency approves the measures to protect these resources. Upon coordination with the City, any archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines.	
Impact CUL-3: The proposed project could disturb human remains, including those interred outside of formal cemeteries.	Potentially significant impact.	**MM CUL-3:** In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Section 5097.94 and Section 5097.98 shall be followed by the project applicant/project owner or sponsor. If during the course of project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken by the project applicant/project owner or sponsor. There shall be no further excavation or disturbance of the stie where human remains are discovered and/or any nearby	Less than significant impact with mitigation incorporated.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		area reasonably suspected to overlie adjacent human 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 the result of a crime scene, or otherwise not the remains of a Native American, the Coroner shall follow the provisions of the Health and Safety Code Section 7000, *et seq.*, regarding the disinterment and removal of non-Native American human remains. Work cannot resume at the discovery location until authorized by the Coroner or their designee. If the Coroner determines the remains to be Native American, the procedures in Mitigation Measure TCR-4 shall apply.	
Cumulative Impact	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.5—Energy			
ENER-1: The proposed project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during construction or operation.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
ENER-2: The proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Cumulative Impact	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.6—Geology and Soils			

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
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: 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.	Less than significant impact.	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.	Less than significant impact.	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.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact GEO-4: The proposed project would 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 and property.	Potentially significant Impact.	**MM GEO-4: Design Level Geotechnical Study.** Prior to the issuance of building and grading permits, a design-level geotechnical exploration and assessment will be performed by a qualified	Less than significant impact with mitigation incorporated.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Geotechnical Engineer. The design-level exploration and reporting would include the following scope items: • Borings with soil sample collection to support design-level recommendations. • Laboratory testing, including, but not limited to, moisture content, unit weight, plasticity index, gradation, strength, and corrosivity testing. • Design-level assessment of geologic and geotechnical hazards, including, but not limited to characterization of subsurface conditions, including further evaluation of the depth, lateral extent, and continuity of potentially non-engineered fill. • Static load-induced static settlement based on structural loading. • Design recommendations for suitable foundation alternatives. • Design-level earthwork, improvement design, and construction recommendations. The recommendations included in the Design-level Geotechnical Report shall be incorporated by the project applicant/project owner or sponsor into project documents prior to the issuance of grading permits and shall be implemented by the project applicant/project owner or sponsor during construction activities, including grading and excavation.	
Impact GEO-5: The proposed project would not have soils incapable of	No impact.	No mitigation is necessary.	No impact.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.			
Impact GEO-6: The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Potentially significant impact.	**MM GEO-6a:** On the first day of ground disturbance, and prior to the start of any mass grading and/or trenching disturbing activities, a qualified professional Paleontologist that meets the Society of Vertebrate Paleontology (SVP) Standard Procedures shall be retained to prepare and conduct a project-wide Worker Environmental Awareness Program (WEAP) training. The WEAP training shall include a review of applicable federal, State, and local regulations related to paleontological resources; recognition and understanding of significant paleontological resources pertinent to the geography and geology of the region and the types of paleontological resources that may be encountered; procedures to be followed in the event that paleontological resources are encountered; and the protocols that apply in the event of inadvertent discovery, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated and any other appropriate protocols. In the event construction crews are phased in, additional training shall be conducted for new construction personnel. **MM GEO-6b:** The entire project site contains rock units that are classified as having high paleontological potential under	Less than significant impact with mitigation incorporated.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		the SVPs assessment; as such, the qualified professional Paleontologist shall be present to monitor all ground-disturbing activities in the demolition, site preparation, and grading phases. The level of monitoring may be reduced, or suspended entirely, under the Paleontologist discretion after half of the excavations are complete and no rock units bearing any fossils of important significance have been uncovered. If paleontological resources are unearthed during excavation, the project applicant/project owner or sponsor shall ensure all ground disturbing activities is stopped immediately until the qualified professional Paleontologist can examine the importance of the specimen and recommend appropriate removal, treatment, and future monitoring and mitigation if necessary. Construction workers should not attempt to remove such finds. **MM GEO 6c:** Rock units on the project site that are classified as Pleistocene-age alluvial fan and fluvial deposits which have more fine-grained sedimentary horizons are known locally to contain freshwater mollusks, and their older age indicates the potential presence of paleosols. These characteristics indicate a higher possibility that microvertebrates, or other microfossils may be present. The qualified Paleontologist may implement recovery methods for microfossils such as screenwashing and bulk matrix sampling.	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Samples may need to be processed off the project site to avoid construction delays. The qualified professional Paleontologist shall document the discovery as needed and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. Salvaged specimens must be prepared for identification and cataloged in advance of curation. Specimens must be identified to the lowest taxonomic level possible and a list of specimens to be added into the collection must be prepared by the qualified Paleontologist for the Curator before being deposited to an applicable repository institution, where uncovered specimens will be properly curated and made available for future research. The qualified Paleontologist shall notify the City and other appropriate agencies to determine procedures that shall be followed before construction activities are allowed to resume at the project site. If the project applicant/project owner or sponsor determines that avoidance is not feasible, the qualified Paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery to the extent feasible. The plan shall be submitted to the appropriate repository and the City for review and approval prior to implementation. The project applicant/project owner or sponsor shall	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		adhere to the recommendations in the approved plan.	
Cumulative Impact	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.7—Greenhouse Gas Emissions			
Impact GHG-1: The proposed project could generate direct and indirect greenhouse gas emissions; however, these emissions would not result in a significant impact on the environment.	Potentially significant impact.	**MM GHG-1: Implementation of Most Recent CALGreen Tier 2 Standards for EV Infrastructure (Townhomes).** Prior to issuance of any building permits, the project applicant/project owner or sponsor shall demonstrate to the satisfaction of the City (e.g., show on-site plans) that the proposed parking areas for the townhomes are designed to accommodate electric vehicle (EV) charging infrastructure equal to the Tier 2 Residential Voluntary Measures of the 2022 California Green Building Standards Code (CALGreen), Section A4.106.8.1. (new single- and two-family dwellings and townhomes with attached private garages).	Less than significant impact with mitigation incorporated.
Impact GHG-2: The proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	Potentially significant impact.	Implement MM GHG-1.	Less than significant impact with mitigation incorporated.
Cumulative Impact	Potentially significant impact.	Implement MM GHG-1.	Less than significant impact with mitigation incorporated.
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	Less than significant impact.	No mitigation is necessary.	Less than significant impact.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
the routine transport, use, or disposal of hazardous materials.			
Impact HAZ-2: The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact HAZ-3: 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.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact HAZ-4: The proposed project would not 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 not create a significant hazard to the public or the environment.	No impact.	No mitigation is necessary.	No impact.
Impact HAZ-5: For a project located 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 project would not result in a safety hazard or excessive noise for people residing or working the project area.	No impact.	No mitigation is necessary.	No impact.
Impact HAZ-6: The proposed project would not impair implementation of or	Less than significant impact.	No mitigation is necessary.	Less than significant impact.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
physically interfere with an adopted emergency response plan or emergency evacuation plan.			
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.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Cumulative Impact	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.9—Hydrology and Water Quality			
Impact HYD-1: The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
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.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact HYD-3: The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course or 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.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
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?			
Impact HYD-4: The proposed project would not be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact HYD-5: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Cumulative Impact	Less than significant impact.	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.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact LAND-2: The proposed project would not cause a significant environmental impact due to the conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Cumulative Impact	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.11—Noise and Vibration			
Impact NOI-1: The proposed project would not 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.	Potentially Significant Impact.	**MM NOI-1:** During construction, to reduce potential construction noise impacts, the project applicant/project owner or sponsor shall implement the following multi-part mitigation measures for the proposed project: • The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers which are in good condition and appropriate for the equipment. • The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited. • The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists. • At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from adjacent residences. • The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and	Less than significant impact with mitigation incorporated.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		noise-sensitive receptors nearest the project site. • The construction contractor shall comply with Section 4-6.203(f) of the City's Municipal Code and any additional limitations as a part of the building/grading/site development permits issued. The City's standard restricts construction activities between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays or as enumerated in individual building and grading/site development permits.	
Impact NOI-2: The proposed project would not result in generation of excessive groundborne vibration or groundborne noise levels.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact NOI-3: 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 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 impact.	No mitigation is necessary.	No impact.
Cumulative Impact	No impact.	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	Less than significant impact.	No mitigation is necessary.	Less than significant impact.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
example, through extension of roads or other infrastructure).			
Impact POP-2: The proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	No impact.	No mitigation is necessary.	No impact.
Cumulative Impact	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.13—Public Services			
Impact PUB-1: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for public services.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Cumulative Impact	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.14— Recreation			
Impact REC-1: 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.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact REC-2: The proposed project would include recreational facilities or require the construction or expansion	Potentially significant impact.	Implement MM AIR-1, MM AIR-2, and NOI-1	Less than significant impact.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
of recreational facilities which might have an adverse physical effect on the environment.			
Cumulative Impact	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.15—Transportation and Traffic			
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.	Less than significant impact.	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).	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact TRANS-3: The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact TRANS-4: The proposed project would not result in inadequate emergency access.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Cumulative Impact	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.16–Tribal Cultural Resources			
Impact TCR-1: The proposed project could 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	Potentially significant impact.	Implement MM CUL-2a, and the following: **MM TCR-1:** Prior to ground disturbing activities, a Tribal monitor(s) shall be retained. If archaeological or Tribal cultural resources are encountered during ground disturbing activities, the Tribal monitor(s)	Less than significant with mitigation incorporated.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
local register of historical resources as defined in Public Resources Code Section 5020.1 (k).		will have the authority to halt and redirect work and work within 100 feet of the find must halt and the find be evaluated for listing in the California Register of Historical Resources (CRHR) and the National Register of Historical Places (NRHP). Monitoring may be reduced or halted at the discretion of the qualified archaeologist and Tribal monitor(s), in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, negative findings during the first 50 percent of the entire area of ground disturbance etc. If monitoring is reduced to spot checking, spot checking shall occur when ground disturbing activities move to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). **MM TCR-2:** At least 60 days prior to the planned start of ground-disturbing activities, the Applicant shall submit to the City for review and approval a Monitoring Plan, that shall include, at minimum, the following information: 1) Contact information for construction supervisors, lead agency personnel, and the County Coroner; 2) Description of the types of activities that are subject to monitoring and those that are excluded from monitoring (e.g., placement of equipment into excavated trenches, vertical construction, movement of fill material,	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		and other similar activities do not require monitoring); 3) Description of the location of activities that are subject to monitoring and those that are excluded from monitoring (e.g., activities in bedrock or fill do not require monitoring); 4) Procedures for timely notification to the Tribal monitor of the construction schedule and contingency plans in the event that a Tribal monitor is unavailable at the scheduled time; 5) Dispute resolution procedures in the event of a dispute; 6) An alternative rotation schedule for monitoring in the event that more than one Tribe wishes to provide monitors; 7) Procedures for the reburial of unanticipated discoveries; and 8) Any additional procedures that implement the Mitigation Measures in the EIR. The City shall have 30 days to review the Monitoring Plan. If the City does not provide comments within that timeframe, the Monitoring Plan is presumed to be approved and can be implemented. **MM TCR-3:** If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 100 feet shall cease until an archaeologist has evaluated nature and significance of the find as a cultural resource and a representative from culturally-affiliated Tribes is consulted by the lead agency. The archaeologist will stake the area of discovery, placing stakes no more than 10 feet apart, forming a	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		circle having a radius no less than 100 feet from the point of discovery. If the entity in consultation with the consulting Tribe(s), determines that the resource is a Tribal Cultural Resource and thus significant under CEQA, the entity shall retain a qualified archaeologist and a Tribal monitor, at the applicant's expense, to prepare a mitigation plan, which shall be implemented by the entity in accordance with state guidelines and in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource, or if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified archaeologist. Examples of appropriate mitigation for the Tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, or heritage recovery. **MM TCR-4:** If human remains are encountered during construction and ground disturbing activities, all work within 100 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated funerary objects. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD and/or Tribal representative. Upon completion of the archaeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding treatment of the human remains and any associated archaeologist materials. The report should be submitted to the City, the project proponent, the NWIC and the consulting tribe. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the consultant, where the reburial would be accessible to Tribal members in perpetuity and would be not subject to further disturbance. To facilitate respectful reburial, a potential reburial location that would be accessible to Tribal members in perpetuity and would not be subject to further disturbance will be identified prior to commencing ground disturbing activities, as mediated between Tribal	

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		representatives and the lead agency. The discovery and reburial is to be kept confidential and secure to prevent any future disturbance.	
Impact TRC-2: The proposed project could 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.	Potentially significant impact.	Implement MM CUL-2a, MM TCR-1 to MM TCR-4.	Less than significant impact with mitigation incorporated.
Cumulative Impact	Potentially significant impact.	Implement MM CUL-2a to MM CUL-3 and MM TCR-1 to MM TCR-4.	Less than significant impact with mitigation incorporated.
Section 3.17—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 storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact UTIL-2: The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact UTIL-3: The proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	Less than significant impact.	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 reproduction goals.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact UTIL-5: The proposed project would not comply with federal, State, and local statutes and regulations related to solid waste.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Cumulative Impact	Less than significant impact.	No mitigation is necessary.	Less than significant impact.

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CHAPTER 1: INTRODUCTION

1.1 - Overview of the CEQA Process

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Mitchell Townhomes Project (State Clearinghouse [SCH] No. 2024110923). This document is prepared in conformance with CEQA (California Public Resources Code [PRC], § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et seq*.). This Draft EIR is intended to serve as an informational document for the public agency decision-makers and the public regarding the proposed project. The City of Walnut Creek, as the public agency with principal responsibility for approving the proposed project, is the Lead Agency for the proposed project.

1.1.1 - Overview

The proposed project consists of the development of 422 3-story multi-family dwelling units in townhome-style condominium configuration within approximately 82 building groups, totaling approximately 839,654 gross square feet of buildings and 725,653 net square feet of residential units within a 22.2-acre site. The building groups would consist of seven building types (2-plex, 3-plex, 4-plex, 5-plex, 6-plex (2 versions), and 7-plex) and two building styles, N1 Townhouse and N2 Townhouse, with the N1 Townhouse style and N2 Townhouse style comprised of four building plans each. The proposed living area of the individual units ranges from approximately 1,288 to 2,157 gross square feet. In addition, the proposed project would also include approximately 2.0 acres of common open space, including a central common open space area, a rain garden common area, bioretention treatment areas, various paseo walking areas, and a dog park, along with landscaping, stormwater detention, utilities, internal streets, pedestrian paths and seating, and off-site improvements along Mitchell Drive and Shadelands Drive.

The project site is located in the eastern portion of the City of Walnut Creek within the Shadelands Business Park area between Mitchell Drive directly to the north of the project site and Shadelands Drive directly south of the project site, along with commercial and business uses to the west of the project site, and business use to the east of the project site that is adjacent to Oak Grove Road. The proposed project would require the City of Walnut Creek's certification of the Draft EIR and its approval of development and building permits, as well as additional approvals from Responsible Agencies. Chapter 2, Project Description, provides a complete description of the proposed project.

The City has requested that the applicant include as a project variant the construction of additional transportation improvements as community benefits ("Community Benefits Variant"). The proposed Community Benefits Variant includes the construction of a single-lane traffic roundabout at the intersection of Shadelands Drive and Via Monte, immediately south of the project site ("Shadelands/Via Monte Roundabout") and the extension of bicycle facilities beyond the project frontage on both Shadelands Drive and Mitchell Drive, within the existing right-of-way.

1.1.2 - Purpose and Authority

This Draft EIR provides a project-level analysis of the environmental effects of the Mitchell Townhomes Project including the Community Benefits Variant. The environmental impacts of the proposed project are analyzed in the Draft EIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. This document addresses the potentially significant adverse environmental impacts that may be associated with the construction and operation of the proposed project. It also identifies appropriate and feasible mitigation measures and alternatives that may be adopted to significantly reduce or avoid these impacts. The Community Benefits Variant is analyzed at the same level of detail as the proposed project, when warranted, and available for selection by the project sponsor and decisionmakers as part of an approval action.

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

- Table of Contents
- Executive Summary
- Introduction
- Project Description
- Environmental Setting, Significant Environmental Impacts, Mitigation Measures, Cumulative Impacts, and Mandatory Findings of Significance
- Effects Found not to be Significant
- Significant Unavoidable Impacts
- Growth-inducing Impacts
- Alternatives to the Proposed Project
- Areas of Known Controversy

1.1.3 - 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 EIR in the decision-making or permit process and consider the information in this Draft EIR along with other information that may be presented during the CEQA process.

This Draft EIR was prepared by FirstCarbon Solutions (FCS), an environmental consultant, under the direction of the City of Walnut Creek. Prior to public review, it was extensively reviewed and evaluated by the City of Walnut Creek. This Draft EIR reflects the independent judgment and analysis of the City of Walnut Creek as required by CEQA. Lists of organizations and persons consulted and the report preparation personnel is provided in Chapter 7, Persons and Organizations Consulted/List of Preparers, of this Draft EIR.

1.2 - Scope of the EIR

This Draft EIR addresses the potential environmental effects of the proposed project. The City of Walnut Creek issued a Notice of Preparation (NOP) for the proposed project on November 22, 2024, which circulated between November 22, 2024, and December 27, 2024, for the statutory 30-day public review period. The NOP was sent to individuals, adjacent property owners, and responsible and trustee state and local agencies that have jurisdiction over or interest in environmental resources or conditions in the vicinity of the Project Site.

The scope of this Draft EIR includes the potential environmental impacts identified in the NOP and issues raised by agencies and the public in response to the NOP. The NOP is contained in Appendix A of this Draft EIR.

Eight comment letters were received in response to the NOP along with other verbal comments issued during the public scoping meeting held on December 11, 2024, at the Council Chambers at 1666 North Main Street, 1st Floor, in Walnut Creek, California. Two letters were received from the following public agencies: California Department of Toxic Substances Control (DTSC) and Native American Heritage Commission (NAHC), two letters were received from organizations: Friends of Walnut Creek and Viamonte Resident Council, and four letters were received from individuals. The NOP comment letters addressed potential environmental impacts and issues of concern, provided recommendations to project evaluation, construction, and design, and suggested alternatives to the proposed project. A summary of NOP comments, along with NOP comment letters, is provided in Appendix A of this Draft EIR. A shorter summary is provided below.

Many of the comments during the NOP scoping period addressed concerns suggesting further evaluation on significant environmental impacts, mostly related to transportation and aesthetics. Transportation impacts of concern included the potential increase in traffic congestion to surrounding roadways, proposed circulation patterns, and pedestrian safety, while environmental concerns for aesthetics pertained to the proposed project's visual character, scale, and density. Impacts related to tree removal were also raised during the NOP scoping period.

Additional comments received during the NOP review period (including written comment letters and verbal comments from the public scoping meeting) are listed below:

- Shadelands Drive traffic
- Suitability of fill soil
- Traffic and parking congestion
- Scale, size, and visual character
- Health impacts to seniors
- Air quality
- Noise and vibration during construction
- Removal of hazardous building materials from demolition
- Traffic patterns, circulation, and pedestrian safety
- Tree removal
- Contaminated fill soil

1.2.1 - Potentially Significant Environmental Issues

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

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

1.2.2 - Environmental Issues Determined not to be Significant

The NOP identified topical areas and other Appendix G environmental sections within Chapter 3, Environmental Impact Analysis, that were determined not to be significant. These topical areas and sections are as follows:

- Agriculture and Forestry Resources
- Mineral Resources
- Wildfire

The proposed project would not result in significant environmental impacts on agriculture/forestry resources or mineral resources because none of these resources exist at the project site. The proposed project would not result in significant impacts on wildfire because the project site and surrounding area is highly urbanized and is not designated as a High or Very High FHSZ under either the SRA or the LRA. An explanation of why each topical area and section is determined not to be significant is provided in Chapter 4, Effects Found not to be Significant.

In addition, certain subjects within various topical areas were determined not to be significant. Other potentially significant issues are analyzed in these topical areas; however, the following issues are not analyzed:

- State Scenic Highways
- Sensitive Natural Communities or Riparian Habitat
- Wetlands and Jurisdictional Features
- Local, Regional, or State Habitat Conservation Plan
- Septic or Alternative Wastewater Disposal Systems
- Government Code Section 65962.5 Sites
- Proximity to Public Airport Safety Hazard
- Excessive Noise Levels from Airport Activity
- Housing Displacement/Replacement Housing

1.3 - Organization of the Draft EIR

This Draft EIR is organized into the following main sections:

- **Chapter ES: Executive Summary.** This chapter includes a summary of the proposed project including the Community Benefits Variant and alternatives addressed in the Draft EIR. A brief description of the areas of controversy and issues to be resolved and overview of the Mitigation Monitoring and Reporting Program (MMRP), in addition to a table that summarizes the 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 EIR, 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, including the Community Benefits Variant. A discussion of the project objectives, the intended uses of the Draft EIR, a list of Responsible Agencies, and 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 including the Community Benefits Variant. Impacts are organized into major topic areas. Each topic area includes a description of the environmental setting, methodology, 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 the proposed project to the surrounding area, including any potential conflicts with regulations governing scenic quality and introduction of any new sources of light and glare to the area.
  - **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.
  - **Section 3.3—Biological Resources:** Addresses potential impacts on habitat, vegetation, and wildlife; the potential degradation or elimination of important habitat; and impacts on listed, proposed, and candidate threatened and endangered species.
  - **Section 3.4—Cultural Resources:** Addresses potential impacts on historical resources, archaeological resources, and human remains.
  - **Section 3.5—Energy:** Addresses potential project impacts related to energy usage.
  - **Section 3.6—Geology and Soils:** Addresses the potential impacts the proposed project may have on soils, assesses the effects of project development in relation to geologic and seismic conditions, and impacts related to paleontological resources.
  - **Section 3.7—Greenhouse Gas Emissions:** Addresses potential project emissions of greenhouse gases.
  - **Section 3.8—Hazards and Hazardous Materials:** Addresses potential for presence of hazardous materials or conditions on the project site and in the project area that may have the potential to impact human health.

- **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.
- **Section 3.10—Land Use and Planning:** Addresses the potential land use impacts associated with division of an established community and consistency with the City of Walnut Creek General Plan.
- **Section 3.11—Noise and Vibration:** Addresses potential noise and vibration impacts during construction and at project buildout/operation from mobile and stationary sources. The section also addresses the impact of noise generation on neighboring uses.
- **Section 3.12—Population and Housing:** Addresses the potential of the proposed project to induce direct or indirect population growth.
- **Section 3.13—Public Services:** Addresses potential impacts upon public services, including fire protection, law enforcement, schools, parks, and recreational facilities.
- **Section 3.14—Recreation:** Addresses potential impacts related to parks, recreational facilities, and their usage.
- **Section 3.15—Transportation and Traffic:** Addresses potential impacts related to the local and regional roadway system and public transportation, bicycle, pedestrian, and emergency access. Also addresses design hazards.
- **Section 3.16—Tribal Cultural Resources –** Addresses potential impacts on Tribal Cultural Resources, including burial sites.
- **Section 3.17—Utilities and Services Systems:** Addresses potential impacts related to service providers, including water supply, wastewater, solid waste, and energy providers.

- **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 unavoidable and growth-inducing impacts. This chapter discusses the cumulative impacts associated with the proposed project, including the impacts of past, present, and probable future projects. In addition, the chapter discusses the Mandatory Findings of Significance associated with the proposed project that account for those findings on whether a project may have a significant impact on the environment.
- **Chapter 6: Alternatives to the Proposed Project.** This chapter compares the impacts of the proposed project with three land-use project alternatives: the No Project Alternative, the Business Park – Aligned Development Alternative, and the Reduced Density Residential Alternative. 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 full list of persons and organizations consulted during the preparation of this Draft EIR. This chapter also contains a full list of the authors who assisted in the preparation of the Draft EIR, by name and affiliation.
- **Appendices.** The Draft EIR appendices includes all notices and other procedural documents pertinent to the Draft EIR, as well as all technical material prepared to support the analysis.

1.4 - Documents Incorporated by Reference

As permitted by CEQA Guidelines Section 15150, this Draft EIR references several technical studies, analyses, and previously certified environmental documentation. Information from the documents, which have been incorporated by reference, has been briefly summarized in the appropriate section(s). The relationship between the incorporated part of the referenced document and the Draft EIR has also been described. The documents and other sources that have been used in the preparation of this Draft EIR include but are not limited to:

- City of Walnut Creek General Plan 2025
- City of Walnut Creek 2023-2031 Housing Element
- Contra Costa County Ordinance Code
- City of Walnut Creek Municipal Code
- Contra Costa County 2045 General Plan

In accordance with CEQA Guidelines Section 15150(b), the General Plan, the Housing Element, Walnut Creek Municipal Code, and the referenced documents and other sources used in the preparation of the Draft EIR are available for review at the City of Walnut Creek Community Development Department at the address shown in Section 1.6 below.

1.5 - Documents Prepared for the Proposed Project

The following technical studies and analyses were prepared for the proposed project:

- Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report–Mitchell Townhomes Project prepared by FCS (Appendix B).
- Arborist Report–Walnut Creek Shadelands Walnut Creek, CA prepared by Hort Science | Bartlett Consulting (Appendix C).
- Phase I Cultural Resources Assessment–Mitchell Townhomes Project prepared by FCS (Appendix D)–CONFIDENTIAL.
- Preliminary Geotechnical Study prepared by ENGEO Incorporated (Appendix E).
- Phase I Environmental Site Assessment and Limited Soil Quality Evaluation by Cornerstone Earth Group (Appendix F).
- Preliminary Drainage and Stormwater Control Plan–Mitchell Drive Townhomes prepared by Carlson Barbee & Gibson, Inc. (Appendix G).
- Draft Transportation Impact Study for the Mitchell Drive Townhomes Project by W-Trans (Appendix I).
- Tribal Cultural Resources Supporting Information (Appendix J).

1.6 - Review of the Draft EIR

Upon completion of the Draft EIR, the City of Walnut Creek filed a Notice of Completion (NOC) with the State Office of Land Use and Climate Innovation (LUCI) (formerly the State Office of Planning and Research) to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft EIR 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 EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the City of Walnut Creek Community Development Department, and two other alternative locations. The address for each location is provided below:

City of Walnut Creek-Community Development Department
1666 North Main Street,
2nd Floor
Walnut Creek, CA 94596

Walnut Creek Library Contra Costa County Library System
1644 North Broadway
Walnut Creek, CA 94596

Ygnacio Valley Library Contra Costa County Library System
2661 Oak Grove Road
Walnut Creek, CA 94598

The Draft EIR is also available for review on the City of Walnut Creek's website:

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

Simar Gill, Senior Planner
City of Walnut Creek–Community Development Department
1666 North Main Street
Walnut Creek, CA 94596
Phone: 925.943.5899, ext. 2115
Email: Gill@walnutcreekca.gov

Submittal of electronic comments 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 public agencies will be provided responses to their comments at least 10 days prior to the public hearing before the Planning Commission hearing on the proposed project at which the certification of the Final EIR 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

Signature Development Group, Inc. (applicant) proposes to construct 422 3-story for-sale multiple-family dwellings (townhome-style condominiums) within approximately 82 building groups, totaling approximately 839,654 square feet on an approximately 22.2-acre site. The project site is in Contra Costa County within the City of Walnut Creek (City). This Draft Environmental Impact Report (Draft EIR) analyzes the potential environmental effects of the Mitchell Townhomes Project (proposed project) in the City. This chapter provides a detailed overview of the project site location and setting, project objectives, project details, characteristics, and construction phasing. This chapter also provides a detailed overview of the Community Benefits Variant.

2.1 - Project Location and Setting

2.1.1 - Location

Regional Location

Walnut Creek is located in the center of Contra Costa County in the eastern San Francisco Bay Area of California (Exhibit 2-1). The City is bordered to the north by the City of Pleasant Hill and the City of Concord, to the east by the City of Clayton and Mount Diablo, to the south by the City of Alamo, and to the west by the City of Lafayette.

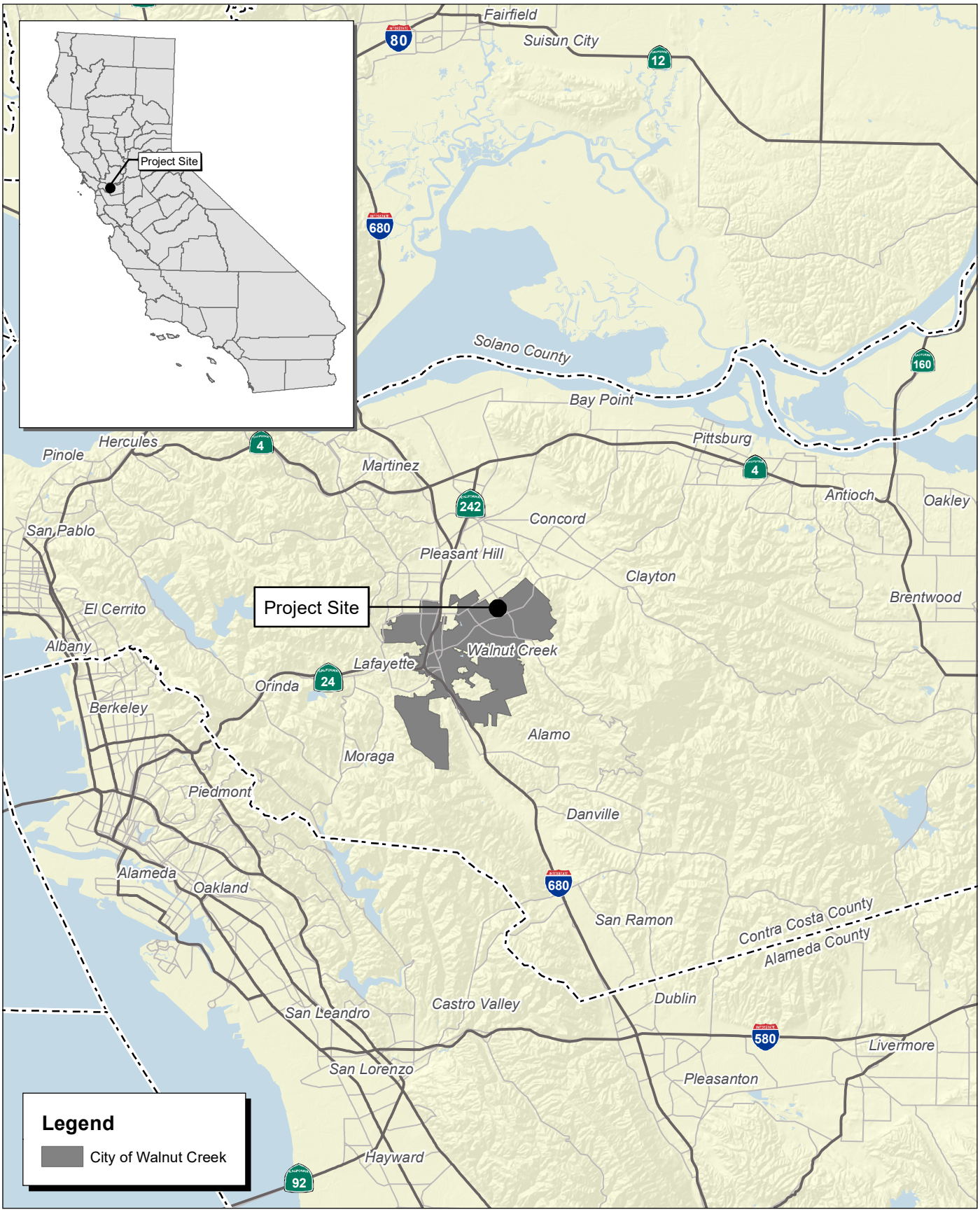
Major roadways, including Interstate 680 (I-680), State Route (SR) 24, and Ygnacio Valley Road, provide regional access to the surrounding areas. I-680 is a north–south, 12-lane highway that is the main point of access connecting the City to other eastern Bay Area cities. SR-24 is an east–west, eight-lane highway that provides access to the western portion of Contra Costa County, as well as access to I-680 from the west. Ygnacio Valley Road is an east–west six-lane road that provides access to the eastern portion of Contra Costa County, as well as access to I-680 from the east.

Local Setting

The project site is located at 2775–2855 Mitchell Drive, 2730–2880 Shadelands Drive, and a portion of 2125 Oak Grove Road in the City of Walnut Creek. The project site consists of a total of three parcels with Assessor's Parcel Numbers (APNs) 143-040-079, 143-040-099, and 143-040-100. The project site is located within the *Walnut Creek, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map, Township 1 North, Range 1 West (Latitude: 37°55'48" North, Longitude: 122°01'14" West).

As shown in Exhibit 2-2, the proposed project is bounded by commercial uses to the east, Shadelands Drive to the south, medical and recreational uses to the west, and Mitchell Drive to the north. The nearest Bay Area Rapid Transit (BART) station (Pleasant Hill/Contra Costa Centre Station) is located approximately 1.97 miles west of the project site. I-680 is located approximately 2.16 miles to the west.

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

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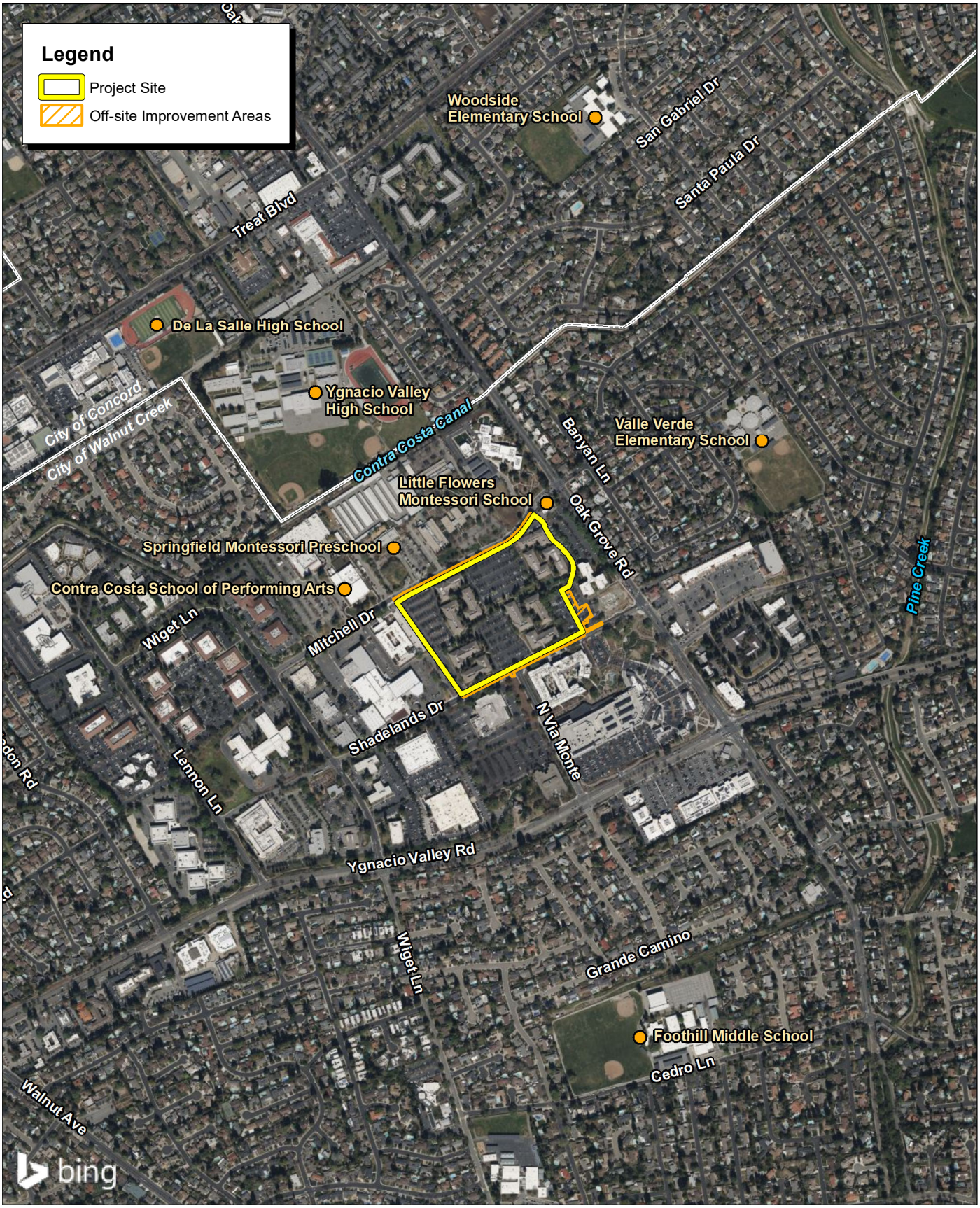
5 2.5 0 5 Miles

Exhibit 1
Regional Location Map

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CITY OF WALNUT CREEK
MITCHELL TOWNHOMES PROJECT
ENVIRONMENTAL IMPACT REPORT

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Source: Bing Aerial Imagery. Carlson, Barbee & Gibson, Inc. (CBG), September 2024.

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Exhibit 2-2
Local Vicinity Map

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CITY OF WALNUT CREEK
MITCHELL TOWNHOMES PROJECT
ENVIRONMENTAL IMPACT REPORT

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2.1.2 - Existing Land Use

The project site is currently occupied by a business park comprised of 11 office buildings between 30,000–36,000 square feet in size (built between 1973–1986) and approximately 1,481 parking stalls in a paved surface parking lot with ancillary landscaping. Vehicular access to the project site is provided via Mitchell Ave to the north, and Shadelands Drive to the south. The project site is also accessible via adjacent commercial parking lots to the east.

2.1.3 - Surrounding Land Uses

West

West of the project site is a Shadelands Post-Acute nursing home, adjacent to the northern portion of the project site. Further west is the Shadelands Sports Mall, recreational and commercial uses, a daycare center, and a multi-tenant office building. The southern portion of the project site is adjacent to a multi-tenant office space and a commercial bank to the west. Land to the west of the project site is designated as Business Park (BP) by the City of Walnut Creek 2025 General Plan (General Plan).

North

Directly north of the project site is Mitchell Drive. Little Flowers Montessori School daycare is adjacent to the project site on the northeastern corner. Additionally, north of the eastern side of the project site is a veterinary medical center, and north of the western side of the project site is the Springfield Montessori Preschool and the Contra Costa School of Performing Arts. North of the central portion of the project site is a lot with vacant one-story office buildings proposed for demolition and is the future site for the approved Oakmont Senior Housing and Residential Care Facility. Further north of the project site is the Ygnacio Valley High School and the Shadelands Self Storage center. Land to the north of the project site is designated BP and Mixed Use-Residential Emphasis (MU-R) by the General Plan.

East

The southeastern portion of the project site is adjacent to a multi-tenant office space and a commercial bank to the east. Further east is Oak Grove Road and a single-family residential neighborhood. Land to the east of the project site is designated as BP, Multi-family Low (MFL) and Single-family Medium (SFM), and General Retail (GR) by the General Plan.

South

Directly south of the project site is Shadelands Drive. South of the western portion of the project site are Kaiser Permanente Medical Offices. South of the eastern portion of the project site is the Sequoia Living Viamonte retirement community and the Orchards at Walnut Creek, a shopping center housing several retail uses, as well as a park. Land to the south of the project site is designated as BP, Mixed Use-Commercial Emphasis (MU-C), and Public/Semi-Public (PU) by the General Plan.

2.1.4 - Land Use Designations

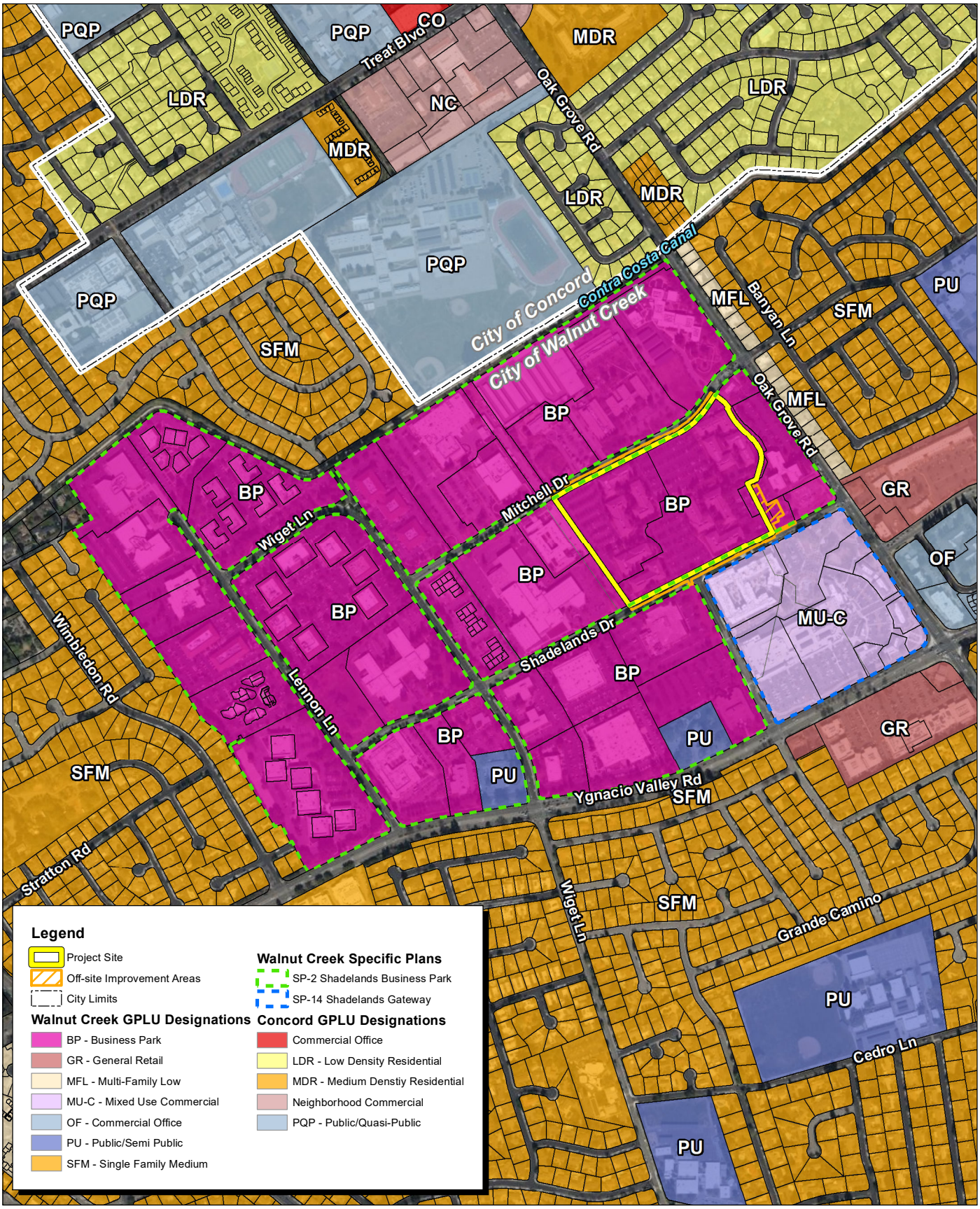
The project site is designated in the General Plan as Business Park (Exhibit 2-3). The Business Park designation is limited to a building intensity up to 0.5 floor area ratio (FAR). Land uses allowed within this designation include employment-based businesses including administrative, professional office, and research uses.[1]

Additionally, the project site is also located in Specific Plan No. 2, Shadelands Administrative, Professional, Research District, which is henceforth referred to as SP-2 Shadelands Business Park. SP-2 Shadelands Business Park extends north to south from the Contra Costa Canal to Ygnacio Valley Road and east to west from Oak Grove Road to the Contra Costa Canal and Amberwood Lane crossing to the northwest and the Brampton Road eastern cul-de-sac to the southwest.[2]

Finally, according to the City of Walnut Creek Zoning Map, the project site is zoned Planned Development (PD) PD No. 1543 (Exhibit 2-4). PD zoning districts are intended to allow diversification in the relationship of various buildings, land uses, structures, and open spaces to be relieved from the rigid standards of conventional zoning.[3] PDs generally establish zoning use and development capacity regulations separate from that of the City's Zoning Ordinance/Municipal Code, but may also refer to development standards taken from the Zoning Ordinance to apply them to developments therein. For this particular PD No. 1543 covering the project site, the district designates the area to be Business Park uses and refers to the BP zoning district in the Zoning Ordinance for applicable development standards. The BP zoning district does not contain design standards related to residential development. As such, the proposed project would generally follow standards contained in the 'best-fit' residential zoning designation, which is the M-2 Multiple-Family Residential zoning district.

The project is proposed under the Housing Accountability Act (HAA) (Gov. Code section 65589.5) including the Builder's Remedy and State Density Bonus Law (Gov. Code section 65915). The HAA establishes the process for the City to review and process a project eligible for a Builder's Remedy and does not require such projects to obtain a general plan, zoning, or other legislative amendments. State Density Bonus Law applies similarly to establish a process for the density bonuses, waivers, incentives and concessions for otherwise applicable standards, and parking reductions for a eligible projects that include affordable units, and no separate zoning or development standards amendments would be required.

1 City of Walnut Creek. 2006. General Plan 2025, Chapter 4, Built Environment. April 4.
2 City of Walnut Creek. 1971. Resolution No. 2686. August 16.
3 City of Walnut Creek. 2024. Walnut Creek Municipal Code. Website: https://www.codepublishing.com/CA/WalnutCreek/html/pdfs/WalnutCreek10-2-ii-17.pdf. Accessed September 5, 2024.



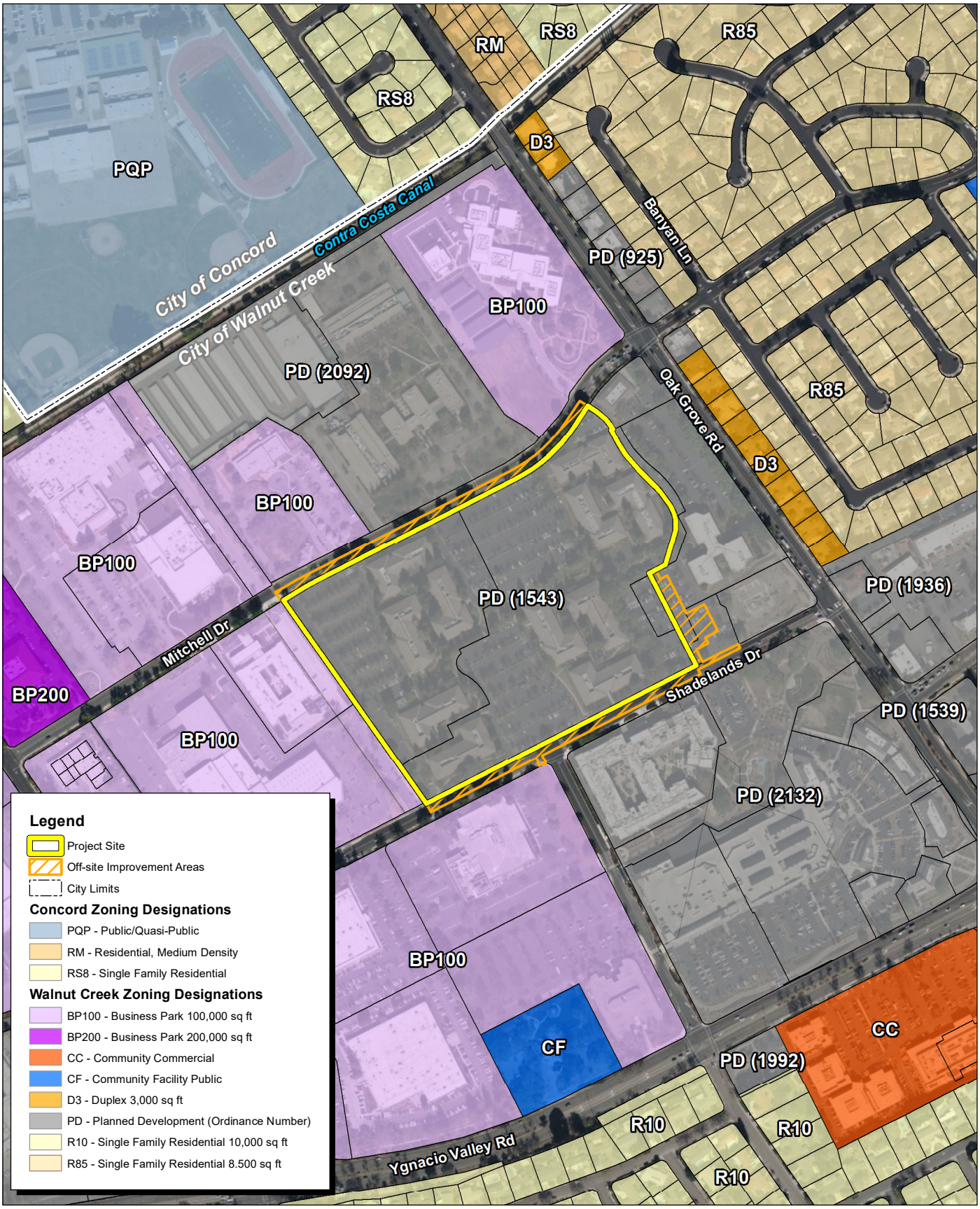
Source: Bing Aerial Imagery. Carlson, Barbee & Gibson, Inc. (CBG), September 2024. County of Contra Costa. City of Concord. City of Walnut Creek.

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850 425 0 850
Feet

Exhibit 2-3
General Plan Land Use Map

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Source: Bing Aerial Imagery. Carlson, Barbee & Gibson, Inc. (CBG), September 2024. County of Contra Costa. City of Concord. City of Walnut Creek.

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Exhibit 2-4
Zoning Designations

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2.2 - Project Characteristics

2.2.1 - Proposed Project

Proposed Residential Development

The proposed project includes the construction of 422 3-story multi-family dwelling units in townhome-style condominium configuration within approximately 82 building groups, totaling approximately 839,654 gross square feet of buildings (Exhibit 2-5). The building groups would consist of seven building types (2-plex, 3-plex, 4-plex, 5-plex, 6-plex (2 versions), and 7-plex) as shown in Table 2-1, and two building styles, N1 Townhouse and N2 Townhouse, with the N1 Townhouse style having four building plans and the N2 Townhouse style having four building plans, as shown in Table 2-2. The proposed living area of the individual units ranges from approximately 1,288 to 2,157 square feet. The proposed building styles and building plans are identified in Table 2-1 and Table 2-2.

Table 2-1: Conceptual Building Summary

Building Style	Building Type	Number of Buildings	Residential Units per Building	Total Residential Units	Footprint per Building (approx. square feet)	Total Building (approx. square feet)
N1 Townhouse	Two Family Units	6	2	12	3,737	22,422
	3-Plex	1	3	3	5,666	5,666
	4-Plex	5	4	20	7,381	36,905
	5-Plex	5	5	25	9,148	45,740
	6-Plex A Type	14	6	84	10,863	152,082
	6-Plex B Type	13	6	78	10,865	141,245
N2 Townhouse	4-Plex	15	4	60	8,607	129,105
	5-Plex	3	5	15	10,868	32,604
	6-Plex	15	6	90	13,129	196,935
	7-Plex	5	7	35	15,390	76,950
Total	—	**82**	—	**422**	—	**839,654**
Source: Signature Development Group. December 6, 2024.						

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Source: Signature Development Group; Carlson, Barbee & Gibson; KTGY Group, Inc; The Guzzardo Partnership, Inc, April 22, 2025.

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Exhibit 2-5
Illustrative Site Plan

CITY OF WALNUT CREEK
MITCHELL TOWNHOMES PROJECT
ENVIRONMENTAL IMPACT REPORT

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Units inside of the proposed buildings would be constructed in accordance with four floor plans under the N1 Townhouse building style and four floor plans under the N2 Townhouse building style, as listed in Table 2-2 below. An example of the proposed floor plans has also been illustrated in Exhibit 2-6. Residential units would occupy a total of approximately 725,653 net square feet of construction. The remaining construction area from the total 839,654 gross square feet of construction includes covered garages, covered decks, roof decks, porches, and exterior walls.

Table 2-2: Conceptual Residential Unit Summary

Building Style	Unit Plan	Number of Bedrooms per Unit	Number of Bathrooms per Unit	Approximate Net Square Footage	Total Dwelling Units	Approximate Total Net Square Footage
N1 Townhouse	Plan 1	2	2.5	1,463	64	93,632
	Plan 2	3	3	1,560	76	118,560
	Plan 3	3	2.5	1,663	19	31,597
	Plan 4	3	2.5	1,688	63	106,344
N2 Townhouse	Plan 1	3	3	1,288	38	48,944
	Plan 2	3	3.5	1,774	38	67,412
	Plan 3	3	3.5	1,984	48	95,232
	Plan 4	4	3.5	2,157	76	163,932
Total	—	—	—	—	**422**	**725,653**

Source: Signature Development Group. December 6, 2024.

The proposed project would also include approximately 2.0 acres of common open space including a central common open space area, a rain garden common area, a dog park, and various paseo walking areas. Additionally, the proposed project would include landscaping, stormwater detention, utilities, internal streets, pedestrian paths and seating, and other infrastructure improvements.

Inclusionary Housing

Walnut Creek Municipal Code (Municipal Code) Article 10-2.3.9, Inclusionary Housing, requires that new for-sale developments include 7 percent of the dwelling units as low-income dwelling units. The proposed project would designate 13 percent of the 422 units as low-income pursuant to the Builder's Remedy. Therefore, the proposed project would exceed the City's inclusionary requirement of 7 percent to low-income households (51 to 80 percent area median income [AMI]) under Municipal Code.

2.2.2 - Circulation and Access

Vehicle

A total of approximately 955 parking spaces (2.26 per dwelling unit) would be provided as part of the proposed project, with about 844 of these spaces located in private garages and approximately 111 of these spaces located on proposed internal roadways.

Primary vehicular access to the project site would occur via a network of proposed internal streets that would be developed with two points of access from Mitchell Drive in the north and two points of access from Shadelands Drive in the south. The proposed internal roadways would be 20 feet wide at minimum throughout the site and would provide emergency vehicle access to all parts of the project site (Exhibit 2-7). In addition, the proposed internal roadway would provide standard fire apparatus turnarounds, per Contra Costa County Fire Protection District (CCCFPD) requirements.

Transit

Bus

The Central Contra Costa Transit Authority, or County Connection, is a transit service providing fixed-route and paratransit bus service throughout the communities of Concord, Pleasant Hill, Martinez, Walnut Creek, Clayton, Lafayette, Orinda, Moraga, Danville, and San Ramon, as well as unincorporated communities in Central Contra Costa County.[4] Four public transit bus stops are in the immediate vicinity of the project site, including Mitchell Drive and Oak Grove Road located adjacent to the northeast of the project site; Shadelands Drive and North Via Monte located adjacent to the southeast of the project site; Oak Grove Road and Shadelands Drive located approximately 500 feet east of the project site; and Shadelands Drive and North Widget Lane located approximately 900 feet west of the project site. Project residents could bike or walk from the project site to these transit stops and board with their bikes.

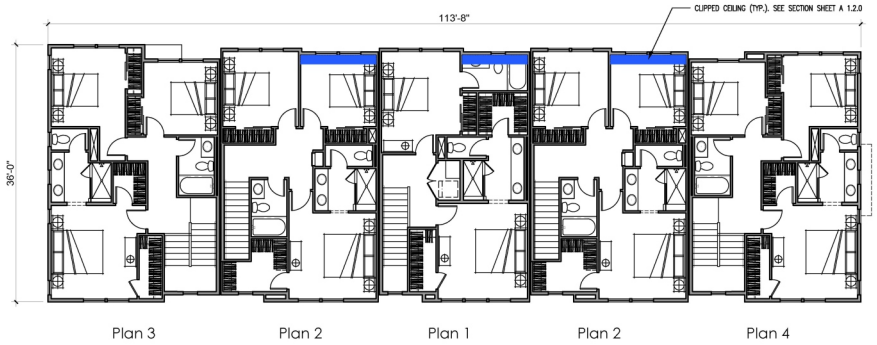
Rail

BART is a regional rail transit service that operates within the City, and provides connections to Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara counties. The Pleasant Hill BART station is approximately 1.70 miles west of the project site.

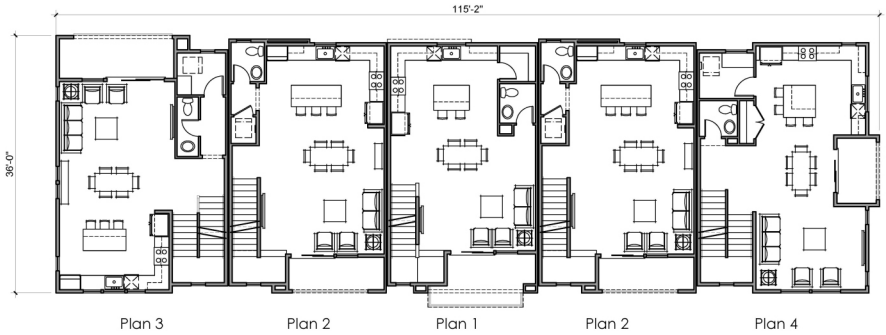
BART Shuttle

In partnership with County Connection, the Shadelands Business Park Property and Business Improvement District (PBID) offers a free shuttle for all Shadelands employees, customers and visitors taking Route 7 between the Pleasant Hill BART station and the SP-2 Shadelands Business Park area at 15-minute headways during the weekday AM and PM peak-hours. The proposed project make a proportional contribution to Shadelands PBID, and this service would be offered to project residents.

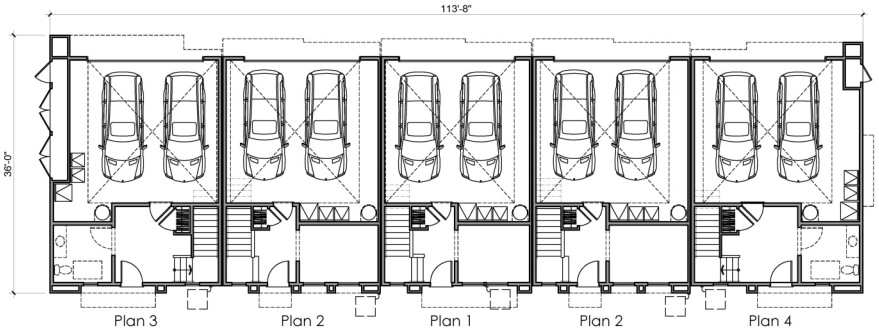
[4] Central Contra Costa Transit Authority (County Connection). About Us. Website: https://countyconnection.com/about/. Accessed September 9, 2024.



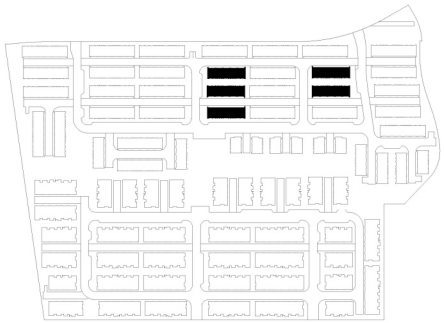
5-Plex Building - Third Floor



5-Plex Building - Second Floor



5-Plex Building - First Floor



KEY MAP

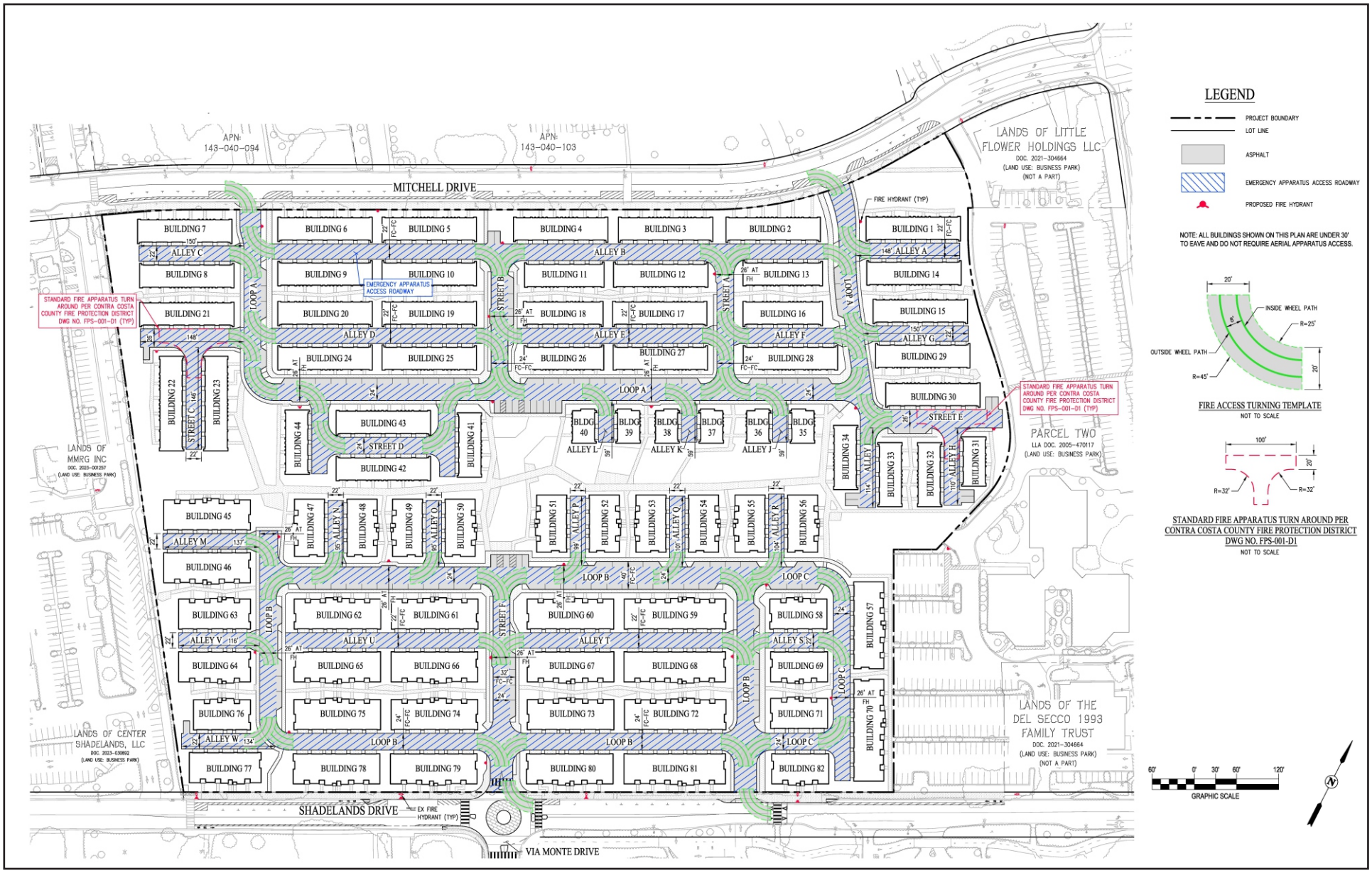
Not To Scale
NTS

Source: Signature Development Group; Carlson, Barbee & Gibson; KTGY Group, Inc; The Guzzardo Partnership, Inc, Decembert 06, 2024.

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Exhibit 2-6
Example Floor Plans (N1 Townhouse 5-Plex)

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Source: Signature Development Group; Carlson, Barbee & Gibson; KTGY Group, Inc; The Guzzardo Partnership, Inc, April 22, 2025.

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Exhibit 2-7
Preliminary Fire Access Plan

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Bicycle

Currently, Oak Grove Road provides a Class II bike lane on both the northbound and southbound sides, while there are no existing bike lanes or paths on Mitchell Drive and Shadelands Drive. In addition, the Contra Costa Canal Trail pedestrian and cycling path is located approximately 950 feet north of the project site. Both the bike lanes on Oak Grove Road and the Contra Costa Canal Trail provide access to connecting bike routes that provide direct access to the Pleasant Hill BART station. The Contra Costa Canal Trail itself runs through the cities of Martinez, Pleasant Hill, Walnut Creek, and Concord.

The proposed project would develop 422 long-term bicycle parking spaces inside the proposed parking garages and 30 short-term bicycle parking spaces on-site.

Pedestrian

A network of internal pedestrian walkways would be developed as part of the proposed project. Sidewalks would be provided across all internal proposed roadways and approximately five existing crosswalks would provide access to the proposed project site, with an additional crosswalk directly adjacent to the project site to the northwest. Existing crosswalks to the south would provide pedestrians easy access to commercial uses to the south of the project site. As stated above, pedestrians would have direct access to public transit bus and shuttle stops adjacent to the project site as well.

2.2.3 - Design, Landscaping, and Lighting

Building Design and Height

The proposed project consists of 3-story townhouses ranging from approximately 38 feet to 40 feet in height. The proposed buildings would have a modern aesthetic and would primarily be constructed with stucco, fiber cement, and metal and stone veneer accents, as illustrated in Exhibit 2-8. Each townhouse building style (identified above as N1 Townhouse and N2 Townhouse) would be constructed in one of two architectural styles, with two color schemes for each architectural style. However, architectural styles and color schemes would have similar building massing and visual character. All styles and color schemes would be varied throughout the project site.

Landscaping

The project site contains 457 existing trees on-site, and there are 31 trees off-site that overhang the property. The proposed project would preserve approximately 27 trees, including eight on-site trees (seven of these trees are redwoods) that are in the central open space of the project site. In addition, trees within the proposed off-site disturbance areas would be preserved. Trees within the existing parking lots would be removed and subsequently replaced by new neighborhood residential trees along the proposed private internal roadways. Overall, the proposed project would replace the existing tree count on the project site by a greater than a 1:1 ratio. In total, approximately 449 of the 457 existing on-site trees and 12 off-site trees would be removed and replaced by approximately 510 new proposed trees, as shown in Exhibit 2-9.

The proposed project would also include multiple private and common landscaped areas, summarized in the following approximate square footages (Exhibit 2-10):

- 122,297 square feet of low-water-use paseo gardens;
- 56,585 square feet of medium-water-use paseo gardens;
- 35,661 square feet of bioretention treatment areas;
- 13,729 square feet of oak woodland; and
- 11,587 square feet of lawns, play areas, and/or dog parks
- 4,855 square feet of redwood grove

The proposed project would also include improved sidewalks and frontage landscaping along Mitchell Drive and Shadelands Drive.

Lighting

The proposed project would include three different types of outdoor light fixtures. All internal streets would be lined with light-emitting diode (LED) area lights providing general night-time visibility for vehicles and pedestrians. Proposed pedestrian walkways would be lit with small, shielded bollard lights, while communal spaces and walkways would be lit by pole-top luminaires for pedestrian scale lighting.

Off-site Improvements

The proposed project would include off-site improvements including, but not limited to, streetlighting, striping, signage, and improvements for both project frontages along Shadelands Drive and Mitchell Drive pursuant to the Shadelands Multimodal Plan. Additionally, as the proposed project is located within a larger office development complex in the Shadelands Business Park, areas outside of the project site, but within the larger office complex, would require reconfiguration to transition from existing office to proposed residential uses. Accordingly, the applicant proposes to restripe the adjacent parcel to the east to accommodate required parking for the adjacent office building and to construct necessary trash facilities for the adjacent office building.

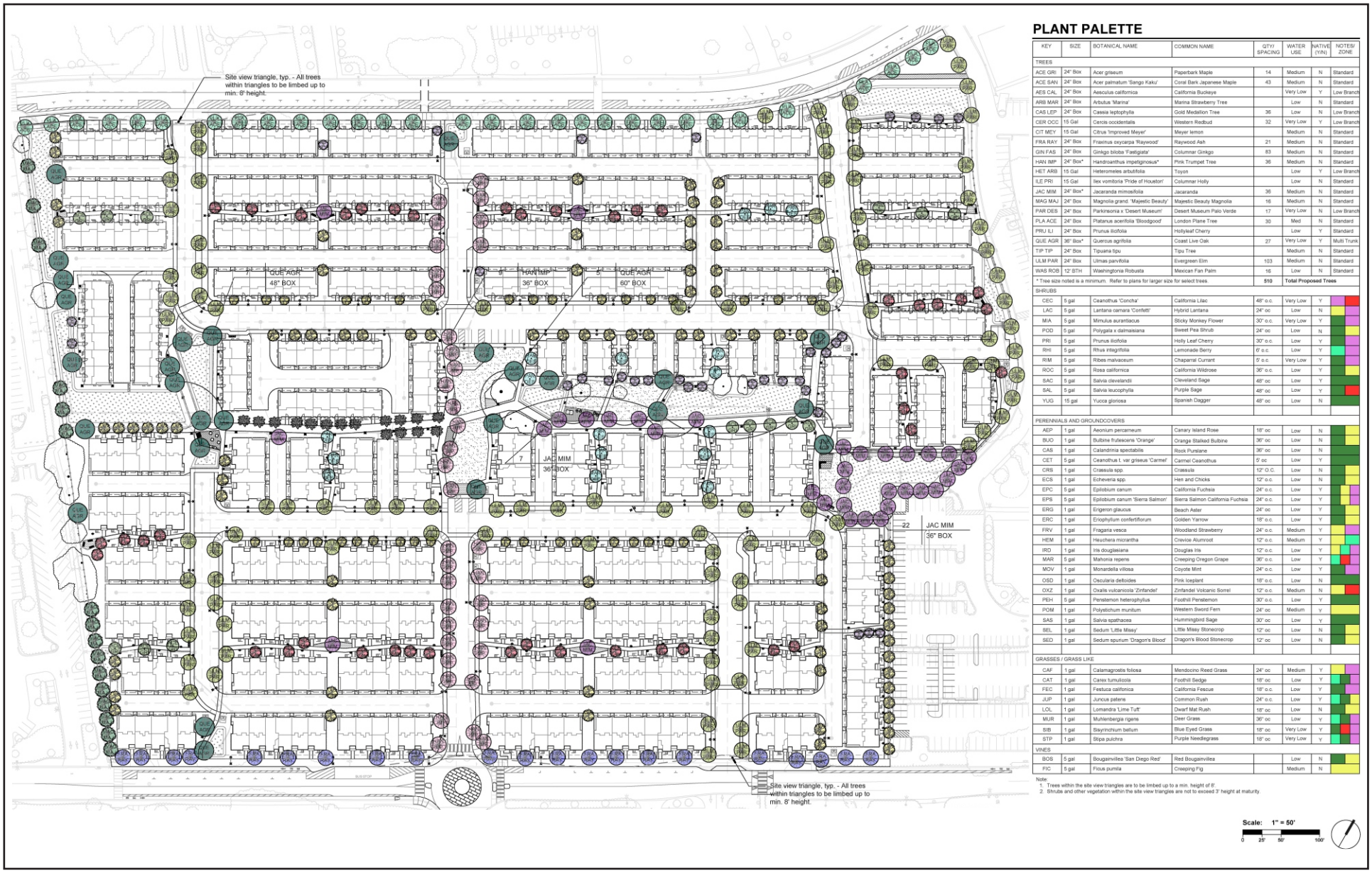


Source: Signature Development Group; Carlson, Barbee & Gibson; KTGY Group, Inc; The Guzzardo Partnership, Inc, December 06, 2024.

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Exhibit 2-8
Example Building Architecture (N1 Townhouse Style A)

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PLANT PALETTE

KEY	SIZE	BOTANICAL NAME	COMMON NAME	QTY/ SPACING	WATER USE	NATIVE (Y/N)	NOTES/ ZONE
TREES							
ACE GRI	24" Box	Acer griseum	Paperbark Maple	14	Medium	N	Standard
ACE SAN	24" Box	Acer palmatum 'Sango Kaku'	Coral Bark Japanese Maple	43	Medium	N	Standard
AES CAL	24" Box	Aesculus californica	California Buckeye		Very Low	Y	Low Branch
ARB MAR	24" Box	Arbutus 'Marina'	Marina Strawberry Tree		Low	N	Standard
CAS LEP	24" Box	Cassia leptophylla	Gold Medallion Tree	36	Low	N	Low Branch
CER OCC	15 Gal	Cercis occidentalis	Western Redbud	32	Very Low	Y	Low Branch
CIT MEY	15 Gal	Citrus 'Improved Meyer'	Meyer lemon		Medium	N	Standard
FRA RAY	24" Box	Fraxinus oxycarpa 'Raywood'	Raywood Ash	21	Medium	N	Standard
GIN FAS	24" Box	Ginkgo biloba 'Fastigiata'	Columnar Ginkgo	83	Medium	N	Standard
HAN IMP	24" Box*	Handroanthus impetiginosus*	Pink Trumpet Tree	36	Medium	N	Standard
HET ARB	15 Gal	Heteromeles arbutifolia	Toyon		Low	Y	Low Branch
ILE PRI	15 Gal	Ilex vomitoria 'Pride of Houston'	Columnar Holly		Low	N	Standard
JAC MIM	24" Box*	Jacaranda mimosifolia	Jacaranda	36	Medium	N	Standard
MAG MAJ	24" Box	Magnolia grand. 'Majestic Beauty'	Majestic Beauty Magnolia	16	Medium	N	Standard
PAR DES	24" Box	Parkinsonia x 'Desert Museum'	Desert Museum Palo Verde	17	Very Low	N	Low Branch
PLA ACE	24" Box	Platanus acerifolia 'Bloodgood'	London Plane Tree	30	Med	N	Standard
PRU ILI	24" Box	Prunus ilicifolia	Hollyleaf Cherry		Low	Y	Standard
QUE AGR	36" Box*	Quercus agrifolia	Coast Live Oak	27	Very Low	Y	Multi Trunk
TIP TIP	24" Box	Tipuana tipu	Tipu Tree		Medium	N	Standard
ULM PAR	24" Box	Ulmas parvifolia	Evergreen Elm	103	Medium	N	Standard
WAS ROB	12' BTH	Washingtonia Robusta	Mexican Fan Palm	16	Low	N	Standard
* Tree size noted is a minimum. Refer to plans for larger size for select trees.				510	Total Proposed Trees		
SHRUBS							
CEC	5 gal	Ceanothus 'Concha'	California Lilac	48" o.c.	Very Low	Y	
LAC	5 gal	Lantana camara 'Confetti'	Hybrid Lantana	24" oc	Low	N	
MIA	5 gal	Mimulus aurantiacus	Sticky Monkey Flower	30" o.c.	Very Low	Y	
POD	5 gal	Polygala x dalmaisiana	Sweet Pea Shrub	24" oc	Low	N	
PRI	5 gal	Prunus ilicifolia	Holly Leaf Cherry	30" o.c.	Low	Y	
RHI	5 gal	Rhus integrifolia	Lemonade Berry	6' o.c.	Low	Y	
RIM	5 gal	Ribes malvaceum	Chaparral Currant	5' o.c.	Very Low	Y	
ROC	5 gal	Rosa californica	California Wildrose	36" o.c.	Low	Y	
SAC	5 gal	Salvia clevelandi	Cleveland Sage	48" oc	Low	Y	
SAL	5 gal	Salvia leucophylla	Purple Sage	48" oc	Low	Y	
YUG	15 gal	Yucca gloriosa	Spanish Dagger	48" oc	Low	N	
PERENNIALS AND GROUNDCOVERS							
AEP	1 gal	Aeonium percarneum	Canary Island Rose	18" oc	Low	N	
BUO	1 gal	Bulbine frutescens 'Orange'	Orange Stalked Bulbine	36" oc	Low	N	
CAS	1 gal	Calandrinia spectabilis	Rock Purslane	36" oc	Low	N	
CET	5 gal	Ceanothus t. var griseus 'Carmel'	Carmel Ceanothus	5' oc	Low	Y	
CRS	1 gal	Crassula spp.	Crassula	12" O.C.	Low	N	
ECS	1 gal	Echeveria spp.	Hen and Chicks	12" o.c.	Low	N	
EPC	5 gal	Epilobium canum	California Fuchsia	24" o.c.	Low	Y	
EPS	5 gal	Epilobium canum 'Sierra Salmon'	Sierra Salmon California Fuchsia	24" o.c.	Low	Y	
ERG	1 gal	Erigeron glaucus	Beach Aster	24" oc	Low	Y	
ERC	1 gal	Eriophyllum confertiflorum	Golden Yarrow	18" o.c.	Low	Y	
FRV	1 gal	Fragaria vesca	Woodland Strawberry	24" o.c.	Medium	Y	
HEM	1 gal	Heuchera micrantha	Crevice Alumroot	12" o.c.	Medium	Y	
IRD	1 gal	Iris douglasiana	Douglas Iris	12" o.c.	Low	Y	
MAR	5 gal	Mahonia repens	Creeping Oregon Grape	36" o.c.	Low	Y	
MOV	1 gal	Monardella villosa	Coyote Mint	24" o.c.	Low	Y	
OSD	1 gal	Oscularia deltoides	Pink Iceplant	18" o.c.	Low	N	
OXZ	1 gal	Oxalis vulcanicola 'Zinfandel'	Zinfandel Volcanic Sorrel	12" o.c.	Medium	N	
PEH	5 gal	Penstemon heterophyllus	Foothill Penstemon	30" o.c.	Low	Y	
POM	1 gal	Polystichum munitum	Western Sword Fern	24" oc	Medium	Y	
SAS	1 gal	Salvia spathacea	Hummingbird Sage	30" oc	Low	Y	
SEL	1 gal	Sedum 'Little Missy'	Little Missy Stonecrop	12" oc	Low	N	
SED	1 gal	Sedum spurium 'Dragon's Blood'	Dragon's Blood Stonecrop	12" oc	Low	N	
GRASSES / GRASS LIKE							
CAF	1 gal	Calamagrostis foliosa	Mendocino Reed Grass	24" oc	Medium	Y	
CAT	1 gal	Carex tumulicola	Foothill Sedge	18" oc	Low	Y	
FEC	1 gal	Festuca californica	California Fescue	18" o.c.	Low	Y	
JUP	1 gal	Juncus patens	Common Rush	24" o.c.	Low	Y	
LOL	1 gal	Lomandra 'Lime Tuff'	Dwarf Mat Rush	18" oc	Low	N	
MUR	1 gal	Muhlenbergia rigens	Deer Grass	36" oc	Low	Y	
SIB	1 gal	Sisyrinchium bellum	Blue Eyed Grass	18" oc	Very Low	Y	
STP	1 gal	Stipa pulchra	Purple Needlegrass	18" oc	Very Low	Y	
VINES							
BOS	5 gal	Bougainvillea 'San Diego Red'	Red Bougainvillea		Low	N	
FIC	5 gal	Ficus pumila	Creeping Fig		Medium	N	

Note:
1. Trees within the site view triangles are to be limbed up to a min. height of 8'.
2. Shrubs and other vegetation within the site view triangles are not to exceed 3' height at maturity.

Source: Signature Development Group; Carlson, Barbee & Gibson; KTGY Group, Inc; The Guzzardo Partnership, Inc, April 22, 2025.

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Exhibit 2-9
Tree Planting Plan

CITY OF WALNUT CREEK
MITCHELL TOWNHOMES PROJECT
ENVIRONMENTAL IMPACT REPORT

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PLANT PALETTE

KEY	SIZE	BOTANICAL NAME	COMMON NAME	QTY/ SPACING	WATER USE	NATIVE (Y/N)	NOTES/ ZONE
TREES							
ACE GRI	24" Box	Acer griseum	Paperbark Maple	14	Medium	N	Standard
ACE SAN	24" Box	Acer palmatum 'Sango Kaku'	Coral Bark Japanese Maple	43	Medium	N	Standard
AES CAL	24" Box	Aesculus californica	California Buckeye		Very Low	Y	Low Branch
ARB MAR	24" Box	Arbutus 'Marina'	Marina Strawberry Tree		Low	N	Standard
CAS LEP	24" Box	Cassia leptophylla	Gold Medallion Tree	36	Low	N	Low Branch
CER OCC	15 Gal	Cercis occidentalis	Western Redbud	32	Very Low	Y	Low Branch
CIT MEY	15 Gal	Citrus 'Improved Meyer'	Meyer lemon		Medium	N	Standard
FRA RAY	24" Box	Fraxinus oxycarpa 'Raywood'	Raywood Ash	21	Medium	N	Standard
GIN FAS	24" Box	Ginkgo biloba 'Fastigiata'	Columnar Ginkgo	83	Medium	N	Standard
HAN IMP	24" Box*	Handroanthus impetiginosus*	Pink Trumpet Tree	36	Medium	N	Standard
HET ARB	15 Gal	Heteromeles arbutifolia	Toyon		Low	Y	Low Branch
ILE PRI	15 Gal	Ilex vomitoria 'Pride of Houston'	Columnar Holly		Low	N	Standard
JAC MIM	24" Box*	Jacaranda mimosifolia	Jacaranda	36	Medium	N	Standard
MAG MAJ	24" Box	Magnolia grand. 'Majestic Beauty'	Majestic Beauty Magnolia	16	Medium	N	Standard
PAR DES	24" Box	Parkinsonia x 'Desert Museum'	Desert Museum Palo Verde	17	Very Low	N	Low Branch
PLA ACE	24" Box	Platanus acerifolia 'Bloodgood'	London Plane Tree	30	Med	N	Standard
PRU ILI	24" Box	Prunus ilicifolia	Hollyleaf Cherry		Low	Y	Standard
QUE AGR	36" Box*	Quercus agrifolia	Coast Live Oak	27	Very Low	Y	Multi Trunk
TIP TIP	24" Box	Tipuana tipu	Tipu Tree		Medium	N	Standard
ULM PAR	24" Box	Ulmas parvifolia	Evergreen Elm	103	Medium	N	Standard
WAS ROB	12' BTH	Washingtonia Robusta	Mexican Fan Palm	16	Low	N	Standard
* Tree size noted is a minimum. Refer to plans for larger size for select trees.				510	Total Proposed Trees		
SHRUBS							
CEC	5 gal	Ceanothus 'Concha'	California Lilac	48" o.c.	Very Low	Y	
LAC	5 gal	Lantana camara 'Confetti'	Hybrid Lantana	24" oc	Low	N	
MIA	5 gal	Mimulus aurantiacus	Sticky Monkey Flower	30" o.c.	Very Low	Y	
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STP	1 gal	Stipa pulchra	Purple Needlegrass	18" oc	Very Low	Y	
VINES							
BOS	5 gal	Bougainvillea 'San Diego Red'	Red Bougainvillea		Low	N	
FIC	5 gal	Ficus pumila	Creeping Fig		Medium	N	

Note:
1. Trees within the site view triangles are to be limbed up to a min. height of 8'.
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Source: Signature Development Group; Carlson, Barbee & Gibson; KTGY Group, Inc; The Guzzardo Partnership, Inc, April 22, 2025.

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Exhibit 2-10
Landscaping Plan

CITY OF WALNUT CREEK
MITCHELL TOWNHOMES PROJECT
ENVIRONMENTAL IMPACT REPORT

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2.2.4 - Proposed Utilities

Domestic Water

Water service for the proposed project would be provided by the Contra Costa Water District (CCWD). CCWD serves the cities of Clyde, Concord, Martinez, Pacheco, Pleasant Hill, Port Costa, and Walnut Creek. In addition, the CCWD provides water to the Antioch, Bay Point–Golden State Water Company, Brentwood, Martinez, Oakley–Diablo Water District, and Pittsburg municipal water systems. The proposed project would construct internal water lines throughout the project site to serve all proposed uses and connect to existing 24- to 36-inch diameter water lines in Mitchell Drive and Shadelands Drive, as shown in Exhibit 2-11.

Stormwater Drainage

The proposed project would be separated into 14 Drainage Management Areas (DMAs), and would include approximately 35,661 square feet of bioretention areas dispersed throughout the project site, as well as a network of storm drains and low flow water quality pumps (Exhibit 2-12). Stormwater runoff would be collected by the proposed stormwater drainage collection system and be subsequently routed into one of 14 proposed bioretention areas.

Following treatment in the proposed bioretention areas, stormwater runoff would be drained into the City's existing stormwater collection system via pipelines in adjacent properties to the east and west, as well as the existing stormwater line in Mitchell Drive.

Sanitary Sewer

The proposed project would be serviced by existing sewer facilities provided by Central Contra Costa Sanitary District (Central San). Central San provides wastewater treatment and collection services to portions of the Central Contra Costa County region, including Walnut Creek, Lafayette, Orinda, Moraga, Alamo, Danville, San Ramon, Concord, Clayton, Pleasant Hill, Clyde, and Martinez. The proposed project would install sanitary sewer lines throughout the project site to serve all proposed uses and would subsequently connect to an existing sanitary sewer line within Mitchell Drive, as shown in Exhibit 2-11.

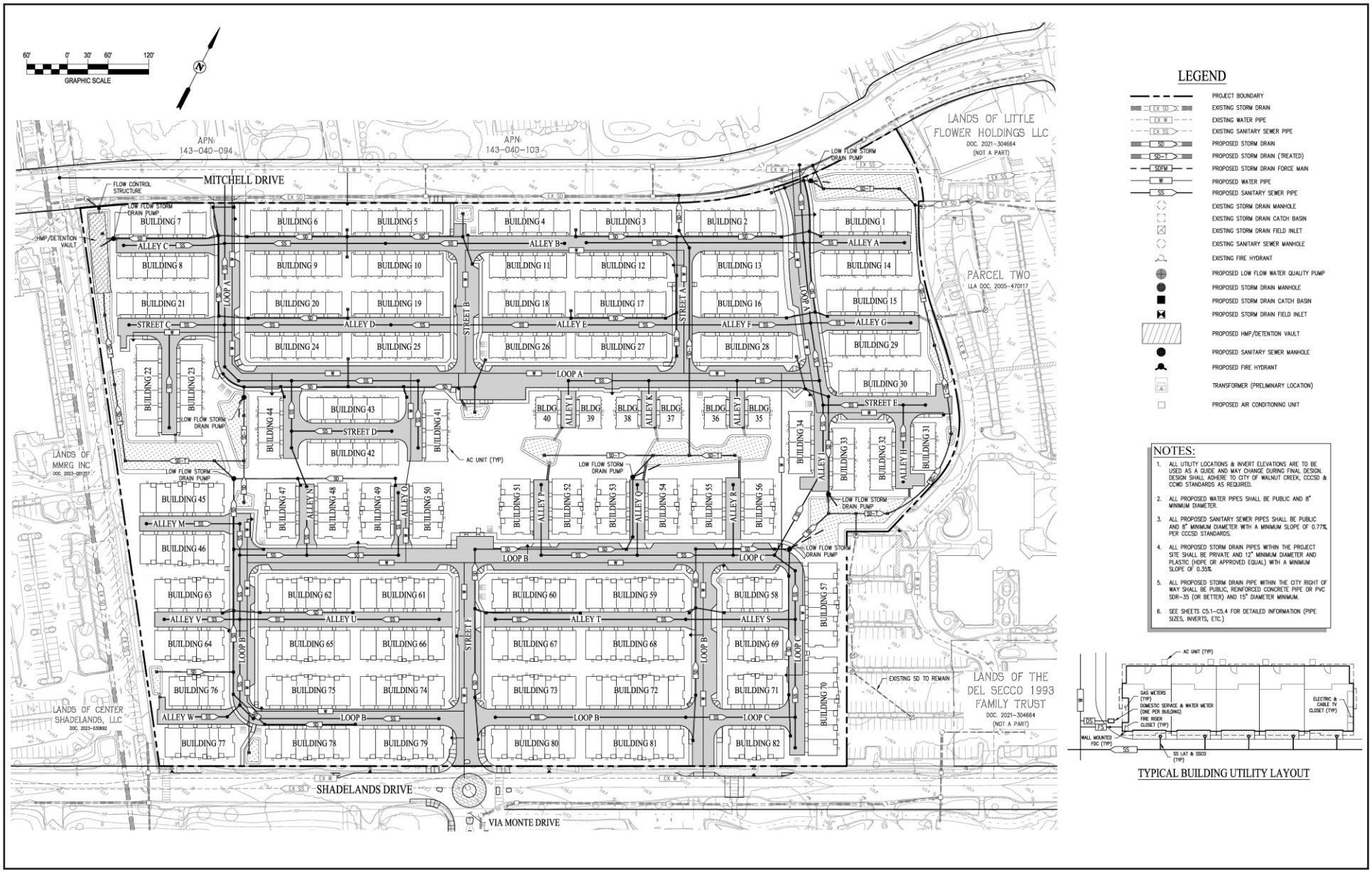
Solid Waste and Recycling Collection

The proposed project would be served by Republic Services, Inc. (Republic Services), which would provide both solid waste and recycling services. Garbage and recycling services would be provided on a weekly basis. The proposed project would not include common trash enclosures, and all private trash receptacles would be stored within the attached garages of each proposed building. Similarly, the proposed project would provide trash receptacles in the common open space areas that would be managed by the future Homeowner's Association (HOA) of the proposed project.

Power and Telecommunications

Electricity for the proposed project would be provided by Pacific Gas and Electricity Company (PG&E). The proposed project would be served by existing underground utility lines adjacent to the project site in Shadelands Drive and Mitchell Drive. Phone and internet services would be provided by local private telecommunications providers, including, but not limited to, AT&T, Comcast, and Sonic.

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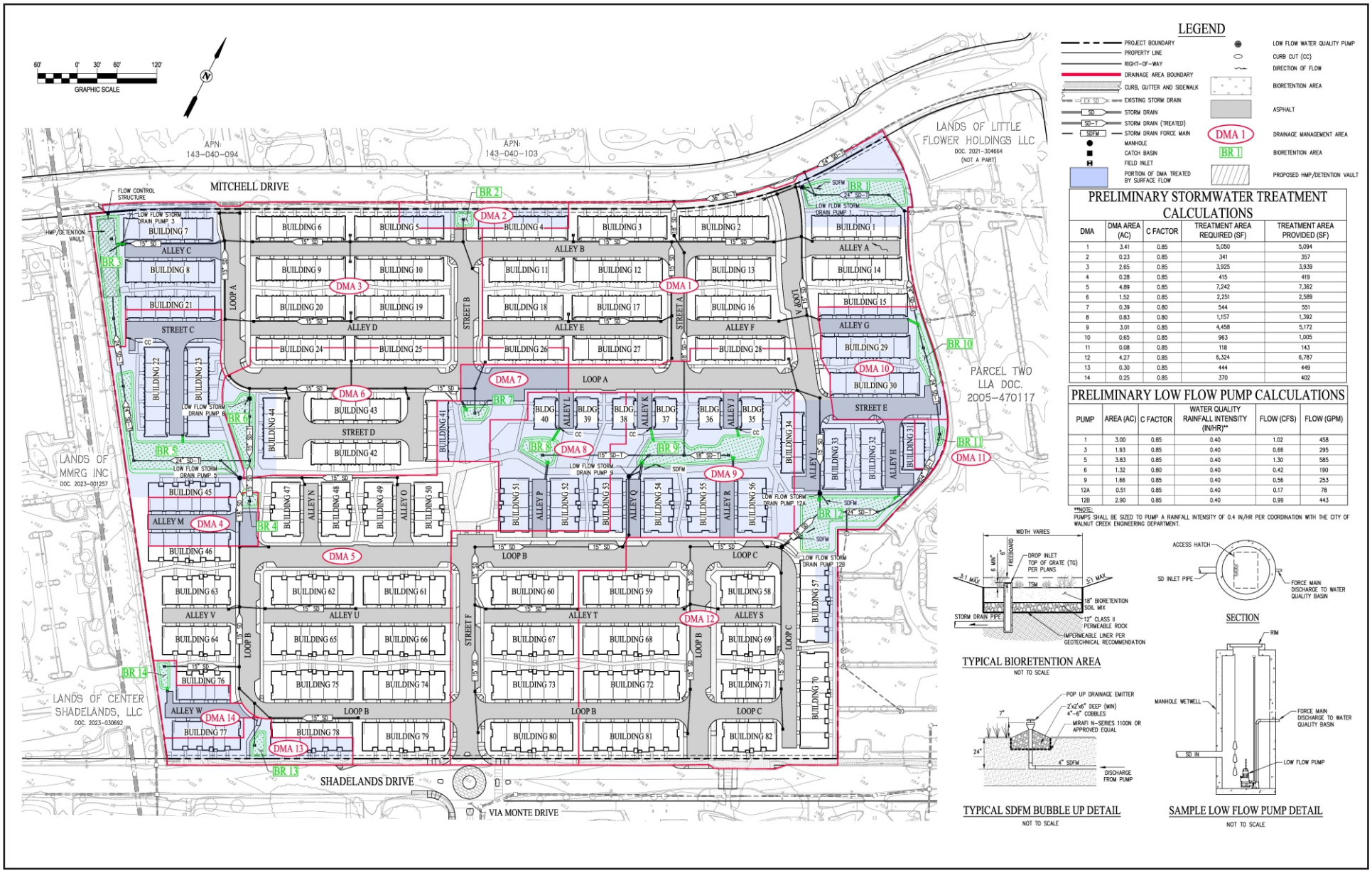


Source: Signature Development Group; Carlson, Barbee & Gibson; KTGY Group, Inc; The Guzzardo Partnership, Inc, April 22, 2025.

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Exhibit 2-11
Preliminary Utility Plan

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Source: Signature Development Group; Carlson, Barbee & Gibson; KTGY Group, Inc; The Guzzardo Partnership, Inc, April 22, 2025.

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2.2.5 - Phasing and Construction

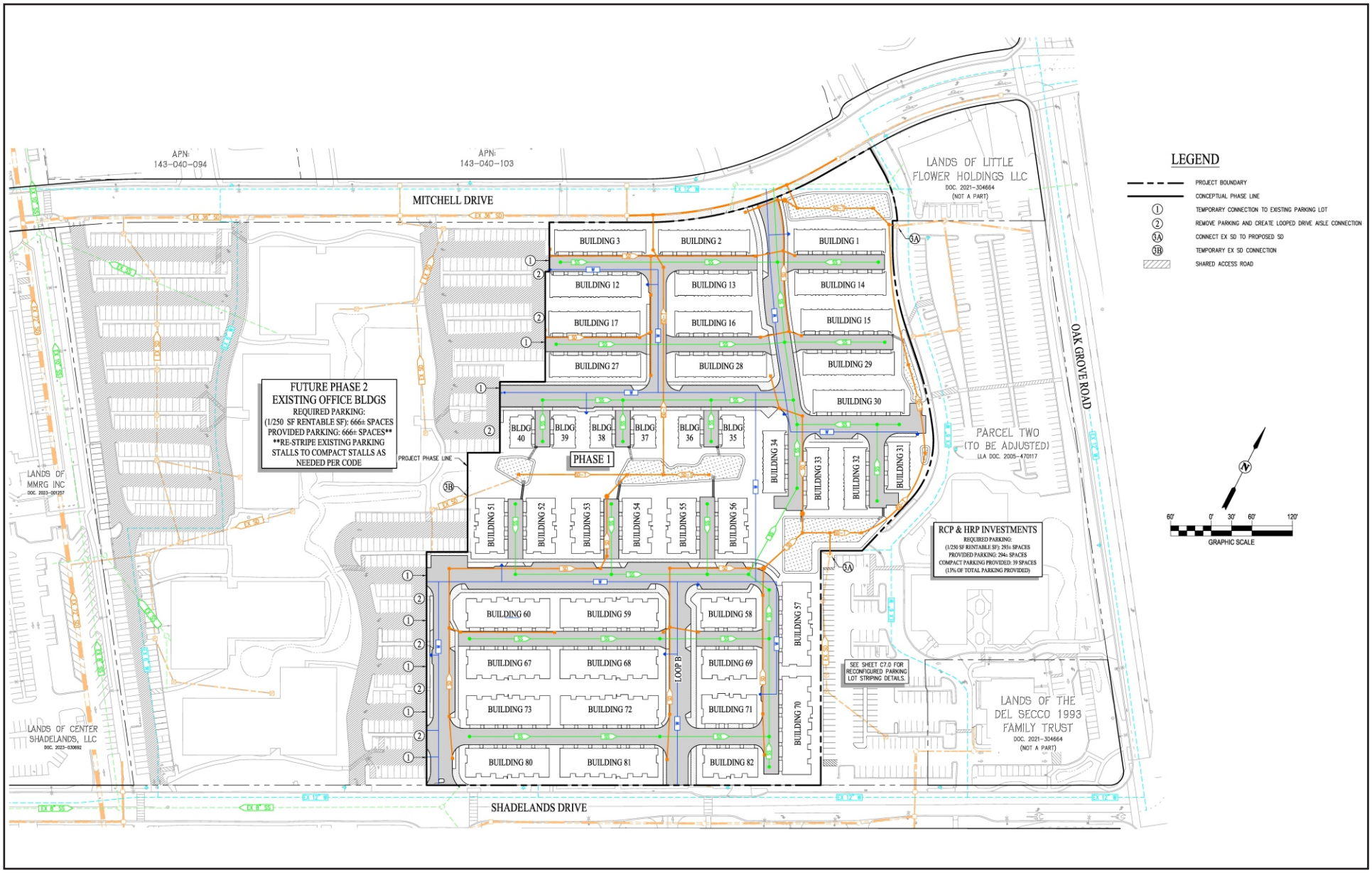
Construction of the proposed project components and off-site improvements would occur in two phases over a period of approximately 4.5 years, starting in April 2026 and ending in December 2030 (Exhibit 2-13). All site preparation and grading for the entire project site would also be completed at this time. Grading and site preparation would include the import of approximately 1,000 cubic yards and no materials export.

2.3 - Project Objectives

The objectives of the proposed project are to:

- Support the State's housing goals during a time of housing crisis by providing much needed housing, including affordable housing.
- Redevelop the property consistent with the land use policies and strategies provided in Plan Bay Area 2050, such as integrating affordable housing into all major housing projects and transforming aging office parks into vibrant, mixed use neighborhoods.
- Redevelop an existing business park with attractive and desirable amenities, including housing consistent with the General Plan goal of requiring infill development to be compatible with its surroundings and with adjacent and nearby uses.
- Meet and exceed the City's Inclusionary Housing Ordinance requirements and support the realization of the City's Regional Housing Needs Allocation (RHNA) market rate and affordable housing goals.
- Support, enhance, and connect to the City's existing and planned pedestrian and bicycle network including consistency with the Shadelands Multi Modal Plan.
- Provide and enhance connections to nearby commercial uses and the BART station to reduce Vehicle Miles Traveled (VMT).
- Provide on-site open space amenities for future residents.
- Deliver an economically feasible development balancing market conditions and City objectives.

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Source: Signature Development Group; Carlson, Barbee & Gibson; KTGY Group, Inc; The Guzzardo Partnership, Inc, April 22, 2025.

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Exhibit 2-13
Conceptual Phasing Plan

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2.4 - Community Benefits Variant

The City has requested that the applicant include as a project variant, the construction of additional transportation improvements, outlined below, as community benefits ("Community Benefits Variant"). Variants are variations of the proposed project at the same project site, with the same objectives, background, and development controls but with a specific variation.

Similar to the proposed project, variants have the potential to increase or reduce potential environmental impacts upon implementation. This Draft EIR describes and analyzes potential impacts associated with the proposed Community Benefits Variant. The Community Benefits Variant is not designed to reduce or mitigate potential environmental impacts of the proposed project and the proposed components are not alternatives to the proposed project. Rather, the improvements that are part of the proposed variant, if selected by the applicant and approved by the City, would be constructed as additional components of the proposed project.

The proposed Community Benefits Variants includes two independent components. Firstly, the construction of a single-lane traffic roundabout at the intersection of Shadelands Drive and Via Monte, immediately south of the project site ("Shadelands/Via Monte Roundabout"). The Shadelands/Via Monte Roundabout was considered and recommended for further evaluation as part of the Shadelands Multi-Modal Improvement Plan.

Currently, there is a 'T' intersection at this location, with striped pedestrian crossings on eastern and southern extent only. The proposed Shadelands/Via Monte Roundabout would be located within the existing right-of-way, as shown in Exhibit 2-5 above. The proposed roundabout would have an inscribed diameter of 80 feet, including a 20-foot diameter central island with a 2-foot vertical curb, and a 50-foot diameter truck apron. The proposed variant would also implement striped pedestrian crossings on all sides of the roundabout.

Bicycle facilities would be provided along the project frontages as part of the base project, consistent with the Shadelands Multi Modal Plan. The second component of the Community Benefits Variant includes the extension of these bicycle facilities beyond the project frontage on both Shadelands Drive and Mitchell Drive, within the existing right-of-way, along the following street segments:

1. Shadelands Drive ("Shadelands Bike Lane Extensions"):
    a. Along the north side of the street, from North Wiget Lane intersection to the western Project boundary.
    b. Along the north side of the street, from the eastern Project boundary to Oak Grove Road intersection.
    c. Along the south side of the street, from the North Wiget Lane intersection to Via Monte intersection.
2. Mitchell Drive ("Mitchell Bike Lane Extensions"):
    a. On the north side of the street, from the western Project boundary to Oak Grove Road intersection.

b. On the south side of the street, from the eastern Project boundary to Oak Grove Road intersection.

The proposed bike lanes would be 5-foot-wide Class IV bike lanes with a 3-foot buffer including vertical posts to provide separation from vehicular travel lanes. Similar to the Shadelands/Via Monte Roundabout, the proposed bicycle facilities were considered and recommended as part of the Shadelands Multi-Modal Improvement Plan. The proposed bicycle facility improvements would be limited ~~to limited~~ to striping and signage the existing roadway to demarcate bike lanes. Implementation of the bicycle facilities would not require roadway widening or curb modifications.

2.5 - Intended Uses of this Draft EIR

This Draft EIR 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. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, 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 EIR is intended to address all public infrastructure improvements and all future development that is proposed by the project.

2.5.1 - Approval Actions

Certain approvals and permits are required by the City of Walnut Creek for implementation of the proposed project. The proposed project would require the following approvals and actions by the City, including:

- Design Review
- Vesting Tentative Map
- Tentative Parcel Map
- Tree Removal Permit
- Lot line adjustment
- Density Bonus/Inclusionary Housing Agreement

Subsequent ministerial actions would be required for the implementation of the proposed project, including issuance of one or more final maps and site development, grading, encroachment, and building permits.

2.5.2 - Responsible, Trustee, and Other 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. The Draft EIR will provide environmental information to these agencies and other public agencies that may be required to grant approvals or carry out the proposed project, as part of project implementation. These agencies may include, but are not limited to, the following:

- Contra Costa Water District (CCWD)
- Central Contra Costa Sanitary District (Central San)

- Contra Costa County Fire Protection District (CCCFPD)
- San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB)
- Bay Area Air Quality Management District (BAAQMD)

Other External Agencies

In addition to the Responsible, Trustee, and other public agencies identified above, the Draft EIR also references the following agencies due to their involvement in or relation to the proposed project. These private and/or public agencies could include, but are not limited to, the following:

- Republic Services
- Pacific Gas and Electric Company (PG&E)
- Transportation Partnership and Cooperation (TRANSPAC)
- Mt. Diablo Unified School District (MDUSD)
- Central Contra Costa Transit Authority (County Connection)

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CHAPTER 3: ENVIRONMENTAL IMPACT ANALYSIS

Organization of Issue Areas

This Draft Environmental Impact Report (Draft EIR) provides analysis of impacts for those environmental topics where it was determined in the Notice of Preparation, or through subsequent analysis that the proposed project could result in potentially significant impacts. Sections 3.1 through 3.17 discuss the environmental impacts that may result with approval and implementation of the proposed project.

Issues Addressed in this Draft EIR

The following environmental issues are addressed in Chapter 3:

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

Level of Significance

Determining the severity of project impacts is fundamental to achieving the objectives of the California Environmental Quality Act (CEQA). CEQA Guidelines Section 15091 requires that decision makers mitigate, as completely as is feasible, the significant impacts identified in the Draft EIR. If the EIR identifies any significant unmitigated impacts, CEQA Guidelines Section 15093 requires decision-makers in approving a project to adopt a statement of overriding considerations that explains why the benefits of the project outweigh the adverse environmental consequences identified in the EIR.

The level of significance for each impact examined in this Draft EIR was determined by considering the predicted magnitude of the impact against the applicable threshold. Thresholds were developed using criteria from the CEQA Guidelines and checklist; State, federal, and local regulatory schemes; local/regional plans and ordinances; accepted practice; consultation with recognized experts; and other professional opinions.

Unless otherwise noted, the level of significance conclusion applies to both the proposed project and the Community Benefit Variant, as defined and described in Chapter 2, Project Description.

Impact Analysis and Mitigation Measure Format

Appendix G of the CEQA Guidelines is a sample Initial Study checklist that includes questions for determining whether impacts are significant. These questions reflect the input of planning and environmental professionals at the Governor's Office of Planning and Research (OPR) and the California Natural Resources Agency, based on input from stakeholder groups and experts in various other governmental agencies, nonprofits, and leading environmental consulting firms. They also reflect the requirements of laws other than CEQA as referenced in the regulatory setting discussion throughout this EIR. As a result, many lead agencies derive their significance criteria from the questions posed in Appendix G. The City of Walnut Creek has chosen to do so as the Lead Agency for this proposed project.

The format adopted in this Draft EIR 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, Light, and Glare 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.**

Impact Analysis

A narrative analysis follows the impact statement. In some cases, the impact discussion will reference State and federal regulations and agency policies that would fully or partially reduce the impact. In addition, policies and programs from applicable local land use plans that partially or fully address impacts may be cited and the proposed project would be evaluated in the context of these requirements.

Community Benefit Variant Analysis

A narrative analysis of the Community Benefit Variant is provided. Unless otherwise noted, the impact statement and impact analysis would be consistent with that of the proposed project. Where potential impacts vary, a variant-specific analysis is provided.

Level of Significance Before Mitigation

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

Mitigation Measures

Project-specific mitigation measures, beyond requirements contained in other documents or applicable by law, are set off with a summary heading and described using the format presented below. Unless otherwise noted, the level of significance conclusion applies to both the proposed project and the Community Benefit Variant.

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, Light, and Glare
AIR	Air Quality
BIO	Biological Resources
CUL	Cultural Resources
ENER	Energy
GEO	Geology and Soils
GHG	Greenhouse Gas Emissions
HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LAND	Land Use and Planning
NOI	Noise and Vibration
POP	Population and Housing
PUB	Public Services
REC	Recreation
TRANS	Transportation and Traffic
TCR	Tribal Cultural Resources
UTIL	Utilities and Service Systems

3.1 - Cumulative Effects

CEQA Guidelines Section 15130 requires the consideration of cumulative impacts within an EIR when a project's incremental effects are cumulatively considerable. According to CEQA, ". . . the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In identifying projects that may contribute to cumulative impacts, CEQA allows the use of a list of past, present, and reasonably anticipated future projects which have the potential to result in related or cumulative impacts, including those which are outside of the control of the lead agency.

In accordance with CEQA Guidelines Section 15130(b), ". . . the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, the discussion need not provide as great [a level of] detail as is provided for the effects attributable to the project alone." The discussion should be guided by standards of practicality and reasonableness, and it should focus on the cumulative impact to which the identified other projects contribute rather than on the attributes of other projects that do not contribute to the cumulative impact.

The proposed project's contribution to significant cumulative impacts was considered in conjunction with other proposed and approved projects in the vicinity of the project site and within the City of Walnut Creek or other applicable geographic area for the particular impact.

3.1.1 - Cumulative Project List

Table 3-1, Cumulative Projects, below, provides a list of the projects considered in the cumulative analysis. Generally, past projects are not included within the list of cumulative projects because current environmental conditions are already considered as part of the baseline and existing environmental conditions. A map showing the locations of these cumulative projects is included as Exhibit 3-1.

3.1.2 - Cumulative Impact Format

The cumulative impact discussion in Sections 3.1 through 3.17 explains the geographic scope of the area affected by each cumulative effect (e.g., immediate project vicinity, City, planning area, County, watershed, or air basin). The geographic area considered for each cumulative impact depends upon the impact that is being analyzed. For example, in assessing noise impacts, the geographic study area is more local and includes the immediate vicinity of the areas of new development. In assessing air quality impacts, all development within the air basin contributes to regional emissions of criteria pollutants and basin-wide projections of emissions is the best tool for determining cumulative effect. After establishing the relevant geographic scope, the analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a significant cumulative impact. This analysis then considers whether incremental contribution to cumulative impacts associated with the implementation of the proposed project would be cumulatively considerable. Both conditions must apply for a project's contribution to cumulative effects to rise to the level of significance. Under State CEQA Guidelines Section 15130(a)(2), when 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 cumulative impacts discussions in Sections 3.1 through 3.17 are located at the end of each section, after the project-specific analysis.

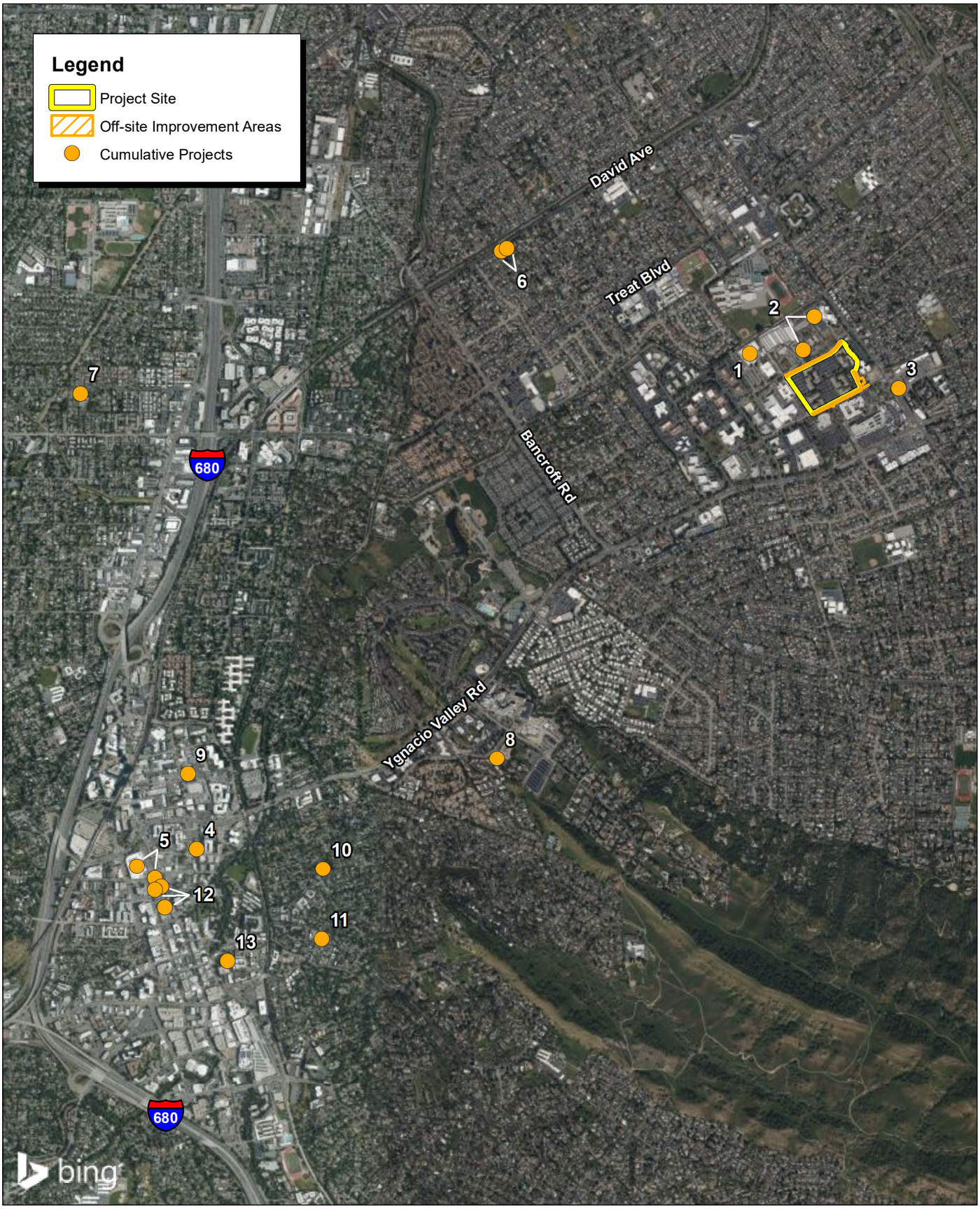
The cumulative impacts discussion for the Community Benefit Variant is provided following the proposed project cumulative impacts analysis. Unless otherwise noted, the cumulative impact analysis and level of significance would be the same as described for the proposed project.

Table 3-1: Cumulative Projects

#	Jurisdiction	Project	Characteristics	Location	Distance from Project	Quantity	Units	Status
1	City of Walnut Creek	Shadelands SecureSpace/Calicraft	Commercial–Storage Facility	2700 Mitchell Drive	0.1 miles	155,628	square feet	Planning entitlements approved. Building permit under review.
2	City of Walnut Creek	Oakmont Senior Housing and Residential Care Facility for the Elderly	Residential–Senior Housing	2800 Mitchell Drive and 1925 Oak Grove Road	0.3 miles	9.5	acres	Planning entitlements and demo permit approved.
3	City of Walnut Creek	Chick Fil-A Restaurant at Citrus Marketplace Shopping Center	Commercial–Fast Food Restaurant	2290 Oak Grove Road	0.3 miles	5,250	square feet	Entitlements and building permits approved/issued.
4	City of Walnut Creek	Cityview Mixed Use Development	Mixed Use Project. Residential, and ground floor retail space	1910 North Broadway	2.7 miles	1.56	acres	Application on hold by the developer.
5	City of Walnut Creek	F&M Bank	Commercial–Bank	1823 and 1871 North Main Street	2.9 miles	5,700	square feet	Entitlements and building permit approved.
6	City of Walnut Creek	The Residences at Abigail Place	Residential	730and 748 Minert Road	1.0 miles	2.03	acres	Planning entitlements and building permit approved.
7	City of Walnut Creek	Taiwanese New Cultural Center	Community Facilities Project	1755 Sunnyvale Avenue	2.5 miles	4,300	square feet	Application under review.
8	City of Walnut Creek	1455 Montego Senior Living	Community Facilities Project	1455 Montego Way	1.75 miles	5,412	square feet	Entitlements and site development permit approved.

#	Jurisdiction	Project	Characteristics	Location	Distance from Project	Quantity	Units	Status
9	City of Walnut Creek	Toyota Walnut Creek	Mixed Use Residential, Hotel, and Mixed Use	2100 North Broadway	2.5 miles	6.1	acres	Entitlements approved by City Council.
10	City of Walnut Creek	2670–2680 Walnut Blvd. Subdivision	Residential	2670-2680 Walnut Boulevard–Subdivision	2.4 miles	1.51	acres	Under construction.
11	City of Walnut Creek	Sierra Gardens	Residential	150-170 Sierra Drive	2.6 miles	1.42	acres	Application under review.
12	City of Walnut Creek	Honda GPA, SPA, and Rezone	Mixed Use–General Plan, Specific Plan Amendments and Rezone	1707 North Main Street, 1785 North Main Street, 1766 Locust Street, and 1551 Lacassie Avenue	2.9 miles	2.77	acres	Application under review.
13	City of Walnut Creek	Carmel Drive Townhomes	Residential Project	1487, 1493, and 1500 Carmel Drive	2.9 miles	0.54	acres	Entitlements approved; project on hold.

Source: City of Walnut Creek. 2025. Development Projects. Website: https://www.walnutcreekca.gov/government/community-development-department/development-projects. Accessed March 5, 2025.



Source: Bing Aerial Imagery. Carlson, Barbee & Gibson, Inc. (CBG), September 2024.

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An ADEC Innovation

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Exhibit 3-1
Cumulative Projects Map

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3.1 - Aesthetics, Light, and Glare

3.1.1 - Introduction

This section describes the existing aesthetics, light, and glare conditions in the project area, as well as the relevant regulatory framework. This section also evaluates the possible impacts related to aesthetics that could result from implementation of the project. Descriptions and analysis in this section are based on site reconnaissance conducted by FirstCarbon Solutions (FCS), as well as a review of the City of Walnut Creek General Plan, databases from California Department of Transportation (Caltrans) and the National Park Service, and the Walnut Creek Zoning Ordinance.

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to aesthetics:

- The Draft EIR should evaluate the project's visual character and density compared to surrounding land uses.
- The Draft EIR should evaluate the project's scale, site, and architecture.
- The Draft EIR should evaluate the project's potential impacts of light pollution.
- The Draft EIR should evaluate the impacts related to tree removal.
- The Draft EIR should evaluate the project's impacts on Viamonte and Oakmont Senior communities from visual characteristics.

3.1.2 - Environmental Setting

Visual Character

Regional Context

The City of Walnut Creek is located in central Contra Costa County within the Coast Ranges province of California, which consists of northwest trending mountain ranges and valleys with lower elevations in the San Francisco Bay Area dividing the province.[1] Walnut Creek obtains its visual identity from the intertwining of both the natural and built environments with low rolling hills, open spaces, and valleys having vegetation patterns of oak woodlands, chaparral, and grasslands that surround the high density areas of the City including Acalanes Ridge to the west, Lime Ridge to the east, Sugarloaf Open Space to the south, and Shell Ridge, which rises in a northwest direction and divides the City's designated Core Area General Plan land use planning area from Ygnacio Valley to the east. According to the General Plan, the Core Area is a 1.2-square-mile central district on the west side of the City.[2] Furthermore, Castle Rock Regional Recreation Area and Diablo Foothills Regional Park, located in the southeastern outskirts of the City, present scenic views of the western portions of Walnut Creek and have unique geological features including gulleys, steep canyons, and sandstone formations, as well as other natural features such as riparian environments and creeks.

[1] California Geological Survey. 2002. California Geomorphic Provinces. Website: https://www.coastal.ca.gov/coastalvoices/resources/California_Geomorphic_Provinces.pdf. Accessed November 25, 2024.
[2] City of Walnut Creek. 2025. General Plan 2025. July 15.

Mt. Diablo State Park is the highest viewpoint in the region with an elevation of 3,849 feet, with scenic views extending over 8,539 square miles.

Two major highways intersect west of the Core Area: Interstate 680 (I-680) extending in a north–south direction, and State Route (SR) 24 ranging from Oakland in the west and ending at the Core Area to the east. Ygnacio Valley Road is an essential 6-lane corridor that intrudes eastward through the City into Concord, connecting the eastern suburbs to the Core Area and I-680 and SR-24 Junction. Other major corridors in Walnut Creek include Civic Drive/Oak Road, Geary Road/Treat Boulevard, Walnut Ave/Bancroft Road, Oak Grove Road, Main Street, California Drive, Broadway, Mount Diablo Boulevard, and Olympic Boulevard. Elevated Bay Area Rapid Transit District (BART) tracks enter the western portion of the region diverging from SR-24 and continue in a northeast direction.

Walnut Creek's built environment is highly residential with most neighborhoods in the eastern portions of the municipality located in Ygnacio Valley, and west of I-680 in Rossmoor and north of Acalanes Ridge. Walnut Creek consists of a diverse range of neighborhoods with the typical suburban neighborhood containing visual elements such as landscaped front yards, tree-lined streets, and 1- and 2-story homes, while neighborhoods along the hillsides tend to be more rural and lower in density. In addition, the Almond-Shuey District and Rancho San Miguel neighborhoods have been identified by the City to be preserved for their unique, vintage, and modernistic-style character and feasible access to transportation.

Commercial, retail, and business provide an important economic and cultural center for Walnut Creek and throughout Contra Costa County, mainly in the Core Area, which is approximately 2.6 miles southwest of the project site with direct access provided by Ygnacio Valley Road. Buildings in the Core Area are higher in density and consist of the tallest buildings within the municipality, with height limits reaching 89 feet. The Pedestrian Retail District and Traditional Downtown within the Core Area contain a variety of entertainment, shopping, and dining venues.

Walnut Creek encompasses four sub-watersheds consisting of perennial and ephemeral creeks higher in elevation that serve as tributaries into the major Walnut, Pine, San Ramon, Tice, and Las Trampas Creeks that drain northward into the Suisun Bay. Nearly all the major creeks within city limits have been physically altered with portions flowing into internal concrete channels to accommodate for development and to improve flood control.

Twenty locally designated landmarks have been identified within the City as being reference points, or visual points of interest that help residents orient themselves within the community. Prominent landmarks in the eastern portions of Walnut Creek include John Muir Medical Center, Heather Farm Park, Shadelands Ranch Historical Museum, and Lime Ridge Open Space.

Project Site

The project site consists of three parcels, Assessor's Parcel Numbers 143-040-079, 143-040-099, and 143-040-100, and is bounded by Mitchell Drive to the north, Shadelands Drive to the south, and Oak Grove Road to the east. As previously mentioned in Chapter 2.0 Project Description, all three parcels have a General Plan Land Use Designation of Business Park (BP) and a Zoning Designation of Planned

Development. The project site has been used as an active business park for 40 years and is currently developed with 11 office buildings approximately 39 feet in height that are clustered into groups of 2–3 with large, paved parking lots. These parking lots are lined with ornamental trees and street lights distributed between grouped structures. The project site also contains an artificial pond and landscaping that meanders throughout the site.

According to the General Plan, surrounding land uses consist of Mixed-Use Commercial (MU-C) to the south, which includes the Shadelands Gateway property, (commonly known as "The Orchards at Walnut Creek"), a 25-acre site with commercial, retail, and senior residential land uses with a plaza, botanical gardens, bioretention basins, and open spaces. Land uses east of the project site consist of Multi-family Low (MFL) and Single-family Medium (SFM) land uses. The MFL neighborhood is a row of patio homes along Oak Grove Road and serves as a transition between commercial uses to the west and the SFM land use to the east. The SFM neighborhood further east is comprised of 1- and 2-story detached homes. Both neighborhoods contain ornamental street trees, front, side, and rear yards, and attached garages. The General Retail (GR) land use to the southeast contains a shopping center with a large parking lot, pedestrian walkways, and landscaping to serve general commercial and retail uses. Land uses to the north of the project site are designated as Mixed-Use Residential (MU-R) and BP and include schools, some commercial uses, and vacant structures, all including parking lots, ornamental trees, and landscaping. Land uses west of the project site consist of parcels with the BP General Plan land use designation and include indoor recreational facilities, single-story medical offices, and a nursing home with parking lots, ornamental landscaping, and street lighting.

Topography

The project site is relatively flat due to its location within Ygnacio Valley, with elevations ranging approximately between 110 to 118 feet above mean sea level. Surrounding land uses range from 100 feet in elevation at the Contra Costa Canal to the north and 130 feet in elevation at Ygnacio Valley Road to the south. Notable ridges and mountains that serve as focal views from the project site are the southern portion of Lime Ridge Open Space to the east at approximately 540 feet in elevation and Mt. Diablo to the southeast at 3,849 feet above sea level.

Vegetation

Ornamental landscaping is present throughout the project site with rows of medium-sized trees, shrubs, grasses, and hardscapes in the parking lots. An artificial water body with fountains meanders through the project site connecting each office building with ornamental vegetation consisting of grasses, lower growing shrubs, and taller redwood trees. Larger-sized trees are located along Shadelands Drive to the south and Mitchell Drive to the north, as well as a row of shrubs and a diverse range of trees at the western boundary of the project site.

Scenic Vistas and Resources

Scenic Vistas

A scenic vista is generally understood as a public vantage point with an expansive view of a significant landscape feature that possesses high value visual qualities to a community. The City's General Plan recognizes the views from the City of Walnut Creek toward open spaces, hills, and Mount Diablo as scenic. Eight panoramic views are displayed locally in the General Plan within

Figure: Urban and Non-Urban Areas with Scenic Corridors and Views, where five panoramic views are situated on top of ridges or along locally designated scenic corridors. The closest panoramic view to the project site is located on Lime Ridge Open Space along Ygnacio Valley Road approximately 1 mile east of the project site, and provides views of the Ygnacio Valley neighborhood consisting of ornamental trees with residential and commercial development scattered throughout the valley, surrounding open spaces and ridges comprised of oak woodlands, and high rise buildings in the northern portion of the Core Area to the west. The project site may be visible from the Lime Ridge Open Space panoramic view amongst the aforementioned urban uses. A list of locally designated panoramic views is listed in Table 3.1-1.

Table 3.1-1: Panoramic Views in Walnut Creek

Location of Panoramic View	Distance and Direction from Project Site	Description of Natural Environment	Description of Built Environment
Acalanes Ridge	3.6 miles west	• Shell Ridge and Sugarloaf Open Space and Mt. Diablo • San Ramon Valley • Northern Contra Costa County into Concord	• I-680 and SR-24 Junction • Walnut Creek Core Area • Residential Neighborhoods • Ornamental Trees and Landscaping
Castle Rock Road	1.9 miles south	• Oak Woodlands • Rolling Hills • Grasslands	• Castle Rock Road • Rural Neighborhood
Lime Ridge Open Space	1.9 miles east	• Shell Ridge Open Space • Oak Woodlands • Briones Regional Park	• Ygnacio Valley • Highrise Buildings in Northern Core Area • John Muir Medical Center • Residential Neighborhoods
Mt. Diablo Boulevard	3.4 miles southwest	• Shell Ridge Open Space • Mt. Diablo	• Commercial and Business Development • Ornamental Landscaping • High Rise Buildings
Montecillo Drive	4.3 miles southwest	—	• Residential Neighborhood and Homes • Ornamental Trees and Landscaping
North Gate Road	2.8 miles south	• Oak Woodlands • Meandering Creek/Riparian Environment • Grasslands • Briones Regional Park	• Rural Development • High Rise Buildings from Contra Costa Centre • Ornamental Trees and Landscaping

Location of Panoramic View	Distance and Direction from Project Site	Description of Natural Environment	Description of Built Environment
Rancho View Road	4.3 miles north	—	• Residential Neighborhood and Homes • Ornamental Trees and Landscaping
Ygnacio Valley Road	1.9 miles southwest	• Lime Ridge Open Space with Grasslands, Chaparral, and Sandstone Formations	• Residential Neighborhoods • Ornamental Trees and Landscaping
Source: City of Walnut Creek. 2025. General Plan 2025. = July 15.			

Other possible significant public viewpoints that provide panoramic views of Walnut Creek and the surrounding natural environment include Mt. Diablo from the summit and lower foothills, Shell Ridge Open Space, Sugarloaf Open Space, Diablo Foothills Regional Park, and Las Trampas Regional Park.

Walnut Creek also has six designated urban viewpoints and 19 focal views of Mt. Diablo providing scenery of the mountain from the City. Only one urban viewpoint is located in eastern Walnut Creek approximately 1 mile southwest of the project site along Ygnacio Valley Road. However, the project site is not visible from the urban viewpoint due to direction and obstruction from ornamental street trees. All Mt. Diablo focal views look southeastward toward Mt. Diablo with the closest designated view of Mt. Diablo located approximately 1 mile southwest of the project site on Walnut Avenue. No focal views of Mt. Diablo face the direction of the project site.

Scenic Resources

The City's General Plan and General Plan EIR identifies scenic resources in the City that include the surrounding open space, hillsides, natural areas, creeks, historic resources, and trees, as well as a visual identify that intertwines the natural and built environments. Furthermore, the City establishes twenty landmarks throughout the planning area consisting of prominent physical objects serving as visual focal points that help residents orient themselves to the City.[3] The landmarks consist of natural, historical, and built features. The closest natural, historical, and built landmarks are Lime Ridge Open Space approximately 1 mile from the project site, Shadelands Ranch Historical Museum approximately 0.3 mile south of the project site, and the John Muir Medical Center approximately 1.6 miles west of the project site.

The City's Tree Preservation Ordinance (Municipal Code Chapter 3-8) aims to preserve original trees on private properties for various purposes, including those related to maintaining and improving the City's scenic beauty and attractiveness and preserving the City's identity.[4] The project site currently contains one on-site Valley Oak. Three additional off-site Valley Oaks are located in adjacent off-site areas that would be subject to proposed off-site improvements. These trees are considered highly

[3] City of Walnut Creek. 2025. General Plan 2025. July 15.
[4] City of Walnut Creek. 2024. Chapter 8. Preservation of Trees on Private Property. Website: https://www.codepublishing.com/CA/WalnutCreek/html/WalnutCreek03/WalnutCreek0308.html. Accessed February 5, 2025.

protected under Municipal Code Chapter 3-8. Creeks are also considered aesthetically valuable by the General Plan, as they provide visual relief and enhance the City's image.[5] The closest creek to the project site, Pine Creek, is located approximately 0.5 mile to the east.

Walnut Creek has three historical resources on the National Register of Historic Places (NRHP) which includes sites, districts, buildings, and objects deemed worthy of preservation.[6] The NRPH designates listed historical resources under an area of significance, being the historic theme for which the property was designated when determining significance utilizing the Criteria for Evaluation that includes architectural significance. The first historical resource in Walnut Creek is the Robert Stanley Dollar House in the Rossmoor neighborhood, a 2,200-square-foot California ranch style home surrounded by natural features including Tice Creek and native oak trees that is approximately 5.3 miles southwest of the project site and is included in the NRHP for architectural significance. The second historical resource is the Old Borges Ranch, approximately 3 miles south of the project site, being a twentieth-century California cattle ranch comprised of seven structures and outbuildings in the foothills of Mt. Diablo. The third historical resource is the Shadelands Ranch House which is also designated as a landmark within the General Plan and is approximately 0.3 miles south of the project site, being a redwood-framed Colonial Revival house with a shingle roof, hand-carved front door, and under-scaled white columns along a large front porch that is listed in the NRHP for its architectural significance. Although the Shadelands Ranch House is in proximity to the project site, the project site is not visible from the Shadelands Ranch House due to being located on flat terrain with intervening vegetation, and none of the sites listed in the NRHP contain views of, or are visible from, the project site.

State Scenic Highways and Local Scenic Corridors

Caltrans designates and manages the State Scenic Highways Program. State designated scenic highways are classified as providing predominant scenic views or being adjacent to scenic resources consisting of both built and natural features including complex topography and vegetation. Two officially designated scenic highways are located within the City: I-680 and SR-24. The I-680 segment traverses in a north and southward direction beginning at the southern boundary of Contra Costa County in San Ramon, California and ends at the I-680 and SR-24 Junction west of the Walnut Creek Core Area spanning 14.4 miles in length, while the SR-24 segment begins at the Caldecott Tunnel in the west and ends at the I-680 and SR-24 Junction to the east covering 9.1 miles.[7] Both I-680 and SR-24 provide views of many natural features at elevations including Lime Ridge, Shell Ridge, and Mt. Diablo to the east, Alcaldes Ridge to the west, and Sugarloaf Open Space to the south with vegetation patterns comprising of oak woodlands, grasslands, and chaparral. In addition, views of the Core Area planning area and residential neighborhoods are visible from the SR-24 overpass that merges onto I-680 North. The project site is approximately 3.6 miles east of both I-680 and SR-24.

The City has 15 locally designated scenic corridors within its General Plan including major roadways, downtown streets, and railroad tracks presenting views of features that are important to Walnut

[5] City of Walnut Creek. 2025. General Plan 2025. July 15.
[6] National Park Service. 2024. National Register Database and Research. Website: https://www.nps.gov/subjects/nationalregister/database-research.htm. Accessed November 26, 2024.
[7] California Department of Transportation (Caltrans). n.d. Website: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed November 24, 2024.

Creek's identity such as open spaces, hills, and Mt. Diablo.[8] The majority of scenic corridors are located in the Core Area with only three scenic corridors established in the eastern neighborhoods of Walnut Creek. All locally designated corridors in Walnut Creek are provided in Table 3.1-2.

Table 3.1-2: Walnut Creek Scenic Corridors

Corridor Number	Corridor Name	Length and Direction of Corridor	Distance from Project Site	Direction from Project Site
1	BART elevated railroad tracks	3.4 miles northeast/southwest	1.9 miles	west
2	Civic Drive	1.1 miles north/south	2.3 miles	west
3	Geary Road	1.3 miles west/east	2.3 miles	west
4	Locust Street	0.3 mile north/south	3 Miles	Southwest
5	Mt. Diablo Boulevard	0.7 mile west/east	3 miles	southwest
6	North Broadway	1 mile north/south	2.6 miles	west
7	North Main Street	0.3 mile north/south	3 miles	southwest
8	North Gate Road	1.8 miles northwest/southeast	1.3 miles	south
9	Oak Road	0.7 mile north/south	2 miles	west
10	Olympic Boulevard	0.9 mile west/east	3.6 miles	southwest
11	Pleasant Hill Road	1.6 miles northeast/southwest	3.6 miles	southwest
12	South Broadway	0.3 mile north/south	3 miles	southwest
13	Tice Valley Boulevard	1.7 miles northwest/southeast	4.2 miles	southwest
14	Treat Boulevard	1.8 miles west/east	0.8 mile	northwest
15	Ygnacio Valley Road	7.5 miles west/east	0.3 mile	south

Source: City of Walnut Creek. 2025. General Plan 2025. July 15.

The closest locally designated scenic corridor to the project site is Corridor 15, Ygnacio Valley Road, which spans from I-680 in the west to Concord in the east, totaling approximately 7.5 miles in length. Ygnacio Valley Road traverses approximately 0.3 mile south of the project site but views of the project site are not visible from this section due to obstructions caused from intervening vegetation and development. However, a portion of Ygnacio Valley Road westbound that traverses over hills within the Lime Ridge Open Space area contains views of Ygnacio Valley and the City of Walnut Creek, where the project site may be visible at a distance.

Furthermore, Walnut Creek has seven vehicular gateways classified as intersections that define an arrival point and provide unique reference points by promoting community identity.[9] Six out of the seven gateways run along I-680 in western Walnut Creek, while the closest gateway to the project site is the Ygnacio Valley Road at Oak Grove Road gateway in eastern Walnut Creek, approximately

[8] City of Walnut Creek. 2025. General Plan 2025. July 15.
[9] Ibid.

0.4 mile southeast of the project site. The Ygnacio Valley Road at Oak Grove gateway is surrounded by GR, Office (OF), MU-C, and SFM land uses, with visual features such as single-story commercial developments and 2-story office buildings with parking lots, ornamental street trees and low growing vegetation, and pedestrian walkways and bike lanes. The project site is not visible from the gateway due to obstruction from intervening vegetation and development.

Light and Glare

The City of Walnut Creek is defined as an urbanized area under the California Code of Regulations Title 14 Section 15191(m)(1), which is an incorporated city that either by itself or in combination with two contiguous incorporated cities has a population of at least 100,000 persons. Because of its urbanized environment, Walnut Creek has a variety of sources generating illumination, mostly concentrated in the Core Area from multi-story office buildings and residential units, streetlights and freestanding light fixtures along roads and in parking lots, and headlights from vehicular traffic.

The eastern residential neighborhoods within the City have lower illumination due to their lower density and increased ornamental vegetation preventing high levels of spill light. However, the region has multiple sources of light such as freestanding light fixtures in commercial parking lots, sports parks and high school athletic fields, streetlights along major roadways, and headlights from vehicular traffic. Most residential neighborhoods comprised of single and multi-family units have street light fixtures, while rural neighborhoods remain unilluminated.

The project site currently operates as a business park comprised of 11 office buildings, paved surface parking lots, and ancillary landscaping, and incorporates both stationary and mobile sources of light and glare. Stationary sources of light under existing conditions include indoor lighting from windows, street lamps distributed in parking lots, and bollard lights along interior walkways, while stationary sources of glare include office windows and parked vehicles. The existing office buildings and paved surface parking lots are surrounded by vegetation, which may partially reduce the impacts of spill light toward sensitive receptors.

3.1.3 - 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 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 control to turn lightning 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 scenic vistas, scenic resources, scenic quality, or light and glare as relevant to 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 1.5 Support neighborhood efforts that strengthen identity and protect or enhance neighborhood character

Chapter 4: Built Environment

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 13.3 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 height 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 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.

Action 26.5.2 Plan for the replacement of trees that have been removed.

Design Review Guidelines

The 1996 Citywide Design Review Guidelines contain policies to evaluate and review projects proposed for the Design Review Commission's approval. 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 Design Review process, and the standards and guidelines, were most recently updated in 2024 and created "objective" and "discretionary" design review approaches for residential and non-residential projects and would allow projects to go through streamlined design review if they qualify for objective and/or ministerial review pursuant to State law. Discretionary design review will continue to apply to 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.

Municipal Code

Zoning Ordinance

The City's Zoning Ordinance (Title 10, Chapter 2) identifies specific zoning districts within the City and describes the specific land use regulations, property development regulations, and any other applicable regulations that apply to each district. For example, the Zoning Ordinance includes property development regulations 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. Multifamily residential properties have maximum height limits ranging from 25 to 89 feet. Additionally, the Zoning Ordinance includes property development regulations for landscaping, parking, fences and walls, signage, and exterior lighting, which ensures 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.

Design review

As most recently amended in 2024, the City's Planning Commission, Zoning Administrator, and Community Development Director serve, respectively, as the design review authority for different development projects, depending on size and complexity. The City has also a Design Review Commission that serves as an advisory body to the Planning Commission to make recommendations on major subdivisions, conditional use permits, design review, and certain planned-development zoning projects. This design review process 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 Planning Commission or another design review authority described above 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. The City also has a vibrant approach as a part of its design review process to utilize objective standards and other recommended guidelines to streamline review, in particular for residential development projects.

3.1.4 - Methodology

This analysis provides a discussion of the visual impacts associated with the proposed project and the area surrounding the project site. Several variables affect the degree of visibility, visual contrast, and ultimately project impacts: (1) scale and size of facilities, (2) viewer types and activities, (3) distance and viewing angle, and (4) influences of adjacent scenery or land uses. Viewer response and sensitivity vary depending on viewer attitudes and expectations.

As part of this analysis, FCS conducted a field visit of the project site to observe and document the existing visual quality and character of the project site as well as the surrounding areas. The field visit confirmed that the project site is developed with 11 existing buildings, parking lots, and ancillary landscaping in an urbanized environment with surrounding urban uses. Photographs depicting existing views of the project site and vicinity are shown in Exhibit 3.1-1.

Further analysis consisted of utilizing the General Plan and General Plan EIR to identify and define significant scenic vistas and scenic resources, along with establishing an appropriate threshold of significance regarding potential scenic resources currently on the project site. As explicated under the definition as a scenic resource within the General Plan and General Plan EIR, the NRHP was used to identify historical resources in the project vicinity that are architecturally significant, and the Caltrans State Scenic Highway System list was searched to locate any eligible or officially designated State Scenic Highways near the project site. Zoning and land use maps provided by Walnut Creek were compared to the project site's plans along with analyzing appliable State and local regulations, including those listed in the California Building Code, General Plan, and Walnut Creek Zoning Ordinance to ascertain if the proposed project would have an impact on any scenic vistas, scenic resources, conflict with applicable zoning and other regulatory standards governing scenic quality and to identify stationary and mobile sources of light and glare.



Photograph 1:



Photograph 2:



Photograph 3:

Source: FCS, October 2024.

FCS
An ADEC Innovation

Exhibit 3.1-1
Project Site Photographs

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3.1.5 - Thresholds of Significance

The City, as the Lead Agency for the project, utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether aesthetic impacts resulting from the implementation of the proposed project are significant environmental effects.

Except as provided in Public Resources Code Section 21099, the proposed project could have a potential impact if it would:

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. (Refer to Chapter 4, Effects Found not to be Significant)

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 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.

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

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate. Further environmental review determined that impacts pertaining to State Scenic Highways would have no impact and are further discussed in detail in Chapter 4, Effects Found not to be Significant.

Scenic Vistas

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

Impact Analysis

As mentioned in Section 3.1.2, Environmental Setting, the General Plan identifies panoramic viewpoints, urban viewpoints, and viewpoints of Mt. Diablo that provide scenic views of the surrounding open spaces, hills, and Mt. Diablo.

Although the Ygnacio Valley Road Scenic Corridor is approximately 0.3 mile south of the project site, the Ygnacio Valley Road at Oak Grove Road Gateway is approximately 0.4 mile southeast of the project site, and the Shadelands Ranch House landmark is approximately 0.3 mile southwest of the project site, the project site is not visible from these areas due to being situated on relatively flat terrain with intervening development and vegetation. Furthermore, the proposed project site is not visible from any urban viewpoints or any established viewpoints of Mt. Diablo. However, Lime Ridge Open Space contains a panoramic view as designated in the General Plan along Ygnacio Valley Road that faces the direction of the project site approximately 1 mile to the east.

Construction

As previously discussed, the Lime Ridge Open Space panoramic viewpoint provides views of Ygnacio Valley consisting of ornamental trees with an intermix of urban development consisting of residential and commercial uses, surrounding open space and ridgelines, and high-rise buildings in the Core Area. Construction activities on the project site would include the demolition of the existing 11 office buildings and the removal of 449 existing trees. As such, the proposed project would remove visible features during the construction phase that may be visible from the Lime Ridge Open Space panoramic viewpoint and could adversely affect the scenic vista. However, views of the project site from Lime Ridge Open Space would be at a significant distance and on-site construction activities would be visually consistent with the already existing urban nature of the surrounding areas and viewshed. In addition, the four trees that meet the definition of a Highly Protected Tree within the City's Tree Preservation Ordinance would not be removed during construction as tree protection measures would be implemented for these trees, including the installation of temporary fencing around their drip lines. Construction of the proposed project would compensate for the removal of the 449 on-site trees with the planting of approximately 510 new proposed trees, and the proposed townhome buildings would be constructed at a similar height as the 11 existing office buildings and would include the construction of designated open space, pedestrian walkways, internal roadways, and vegetation patterns that are similar to the surrounding urban environment.

Lastly, the proposed project site is located within Ygnacio Valley, where construction would not physically alter views of the surrounding open space, ridgelines, and high-rise buildings in the distance. Since the proposed project site is a considerable distance from the scenic vista and construction activities would be consistent with the surrounding urban environment and would construct infrastructure and other visible features that would be harmonious with the ornamental trees and urban development that comprise the viewshed provided by the Lime Ridge Open Space panoramic viewpoint, construction of the proposed project would not have a substantially adverse effect on a scenic vista. Therefore, there would be a less than significant impact related to the construction of the proposed project on a scenic vista.

Operation

As previously discussed above, the project site's existing features, such as the 11 office buildings and ornamental trees, may be visible from the Lime Ridge Open Space panoramic viewpoint, which provides a viewshed of Ygnacio Valley consisting of ornamental trees intermixed with residential and commercial development. The proposed project would result in a visual change by establishing 82 buildings comprised of 422 3-story multi-family dwelling units with associated landscaping and infrastructure improvements. As such, a significant impact would occur if the proposed project implements any structures or other visible features that would physically alter or impede a scenic vista. However, the proposed project's resultant visual change would have similar urbanized characteristics to the existing setting and would therefore not degrade or impair the scenic quality of existing scenic vistas and views. Specifically, the proposed project would redevelop the site with similar urban built-up uses where newly developed structures would range from approximately 38 to 40 feet in height, similar to the height of the current office buildings. Additionally, the proposed project would include designated landscape open space areas and modern building materials and color schemes that would be complementary to the surrounding residential and commercial

development as previously discussed above and would replace existing trees on-site as required by General Plan Action 26.5.2, along with preserving highly protected trees pursuant to the City of Walnut Creek's Tree Preservation Ordinance.

Furthermore, General Plan 18.1.3 requires visuals of surrounding open space lands to be preserved, including those of Lime Ridge Open Space and Mt. Diablo that are visible in certain parts of the City. The proposed project site is in direct proximity to two scenic corridors consisting of Ygnacio Valley Road to the south and Treat Boulevard to the northwest where certain segments provide views of Lime Ridge Open Space and Mt. Diablo to the south and southeast. As such, the proposed project could obstruct views of Lime Ridge Open Space and Mt. Diablo if it was built at a height or density that physically impedes the view along these corridors. However, the proposed project would not obstruct views from the Ygnacio Valley Road corridor due to being north of the road, and the Treat Boulevard corridor is on flat terrain along existing intervening development, such as commercial and residential structures, ornamental trees, and stone fences, where the views of the proposed project site, Lime Ridge Open Space, and Mt. Diablo are already obstructed.

Since the proposed project would consist of urbanized development with architecture and ornamental trees that is harmonious with existing conditions on the project site and surrounding development that constitutes the visual features provided by the Lime Ridge Open Space panoramic viewpoint, operation of the proposed project would not result in a substantial adverse effect on a scenic vista. Therefore, there would be a less than significant impact on a scenic vista during operation.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described in Chapter 2, Project Description, would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and would be limited to roadway improvements, the construction of which would not have the potential to affect scenic vistas within the City. The Community Benefit Variant would result in a nominal change to the existing roadway and would be consistent with roadways throughout the City. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts on a scenic vista.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

Visual Character

Impact AES-3: **The proposed project, located in an urbanized area, would not 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 publicly accessible vantage point), nor would it conflict with applicable zoning or other regulations governing scenic quality.**

Impact Analysis

Per Public Resources Code Section 21071, an urbanized area is defined as an incorporated city that has a population of at least 100,000 persons or has a population of less than 100,000 persons but is contiguous with not more than two incorporated cities that, when the populations are combined, equals at least 100,000 persons. The project is located within the City of Walnut Creek which has a population of 69,433 and is contiguous to the City of Concord, with a population of 121,513,[10] and is therefore considered an urbanized area.

Since the proposed project is in an urbanized area, it could have a significant impact if its visual characteristics are incompatible with applicable zoning or other regulations governing scenic quality. The project site includes three parcels that are zoned for Planned Development (PD), which generally allows diversification in development from the inflexibility of standard zoning and provides specific land use and standards for a variety of developments including multi-family housing, commercial, and utility and institutional facilities. The specific PD zoning (PD No. 1543) covering the project site provides for Business Park (BP) uses and refers to the Business Park Zoning Ordinance development standards. As the project proposes residential uses only, it is not consistent with the applicable zoning designation for the site and has the potential to result in significant impacts. However, as discussed below, the proposed project would not conflict with applicable zoning or other regulations governing scenic quality based on project characteristics and by virtue of applicable State law.

Construction

Since the proposed project is in an urbanized area, impacts are measured with regard to consistency with applicable zoning and other regulations governing scenic quality. As previously mentioned, the proposed project is surrounded by BP and PD zoning on all sides, with Duplex Residential (D-3) and Single-Family Residential District (R-8.5) across Oak Grove Road further to the east. .[11] PD parcels around the project site are currently designated in the General Plan Land Use Amendments as MU-C to the south, MU-R to the north, and General Retail and Office to the southeast.[12] Construction activities on the project site would consist of demolition, vegetation and tree removal, filling, and grading, as well as off-site improvements including streetlighting, signage, and striping for Mitchell Drive and Shadelands Drive, restriping of the parking lot in the adjacent property to the east, and development of new trash facilities in the same adjacent property. Therefore, construction of the proposed project could temporarily impact the existing scenic quality of the surrounding area.

[10] California Department of Finance. 2024. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021–2024, with 2020 Benchmark. May.

[11] City of Walnut Creek. n.d. Zoning Map Sheet 1 of 2 Map of Zoning Districts. Website: https://www.walnutcreekca.gov/home/showpublisheddocument/13123/638156907939670000. Accessed December 20, 2024.

[12] City of Walnut Creek. 2023. General Plan Land Use Map of Walnut Creek. Website: https://www.walnutcreekca.gov/home/showdocument?id=5020&t=638118773950311047. Accessed December 20, 2024.

However, prior to and during construction activities, the applicant would be required during the construction phase to comply with regulations in the Municipal Code governing scenic quality, such as the Tree Preservation Ordinance which would ensure that highly protected trees are preserved throughout construction.

Furthermore, Municipal Code Chapter 9 Article 1, Grading, Excavation and Filling, provides general and specific grading regulations on maintaining the scenic quality during construction, such as requiring the applicant, prior to obtaining a grading permit, to submit site plans displaying the locations of trees or other natural features of high aesthetic value where construction shall attempt to preserve such features. The proposed landscape plan includes a tree disposition plan that identifies one on-site and three off-site valley oaks that are defined as Highly Protected Trees. During construction, the project proponent would install tree protection measures such as temporary fencing around each trees dripline, as identified in the tree disposition plan, to prevent ground disturbance and the establishment of staging areas near the preserved trees as mandated by the City's Tree Preservation Ordinance. Furthermore, Municipal Code Chapter 9 Article 1 requires the establishment of temporary barriers such as variable slopes and protective fencing to screen construction activities from public view; and minimizing the height of cut and fill slopes to 20 feet within multi-family, single-family, and PD districts. In addition, the City can mandate modifications on grading activities to reduce visual impacts and preserve natural features as necessary. As such, construction-related impacts would not result in conflicts associated with applicable zoning or other regulations governing scenic quality. Impacts related to conflicting with applicable zoning or other regulations governing scenic quality on the surrounding area would be less than significant.

Operation

Since the proposed project is in an urbanized area, impacts are measured with regard to consistency with applicable zoning and other regulations governing scenic quality.

The proposed project would develop 422 3-story multi-family dwelling units within approximately 82 buildings with heights ranging between approximately 38 and 40 feet, a floor area ratio (FAR) of 0.87, and minimum front and side setbacks of 10 feet. The exterior of the buildings would consist of two building styles and four building plans per style comprised of modern building materials such as composition shingle roofs, stucco, standing seam metal roofs, wood-look sidings, metal railings, and stone veneers with a color scheme having a modern aesthetic ranging between whites, grays, tans, browns, blues, and greens for the trim and body. Furthermore, the proposed project would include a 2.0-acre central open space area, various paseo walking areas, bioretention treatment areas, lawns, and internal streets surrounded by a diverse range of trees, shrubs, perennials and groundcovers, and grasses. Surrounding commercial, business, and residential uses are constructed with similar building materials, such as the Orchards at Walnut Creek property to the south with a land use designation of MU-C consisting of stone veneers, wood-lined sidings, standing seam metal roofs, and metal railings, along with having bioretention treatment areas, ornamental vegetation, paseo walkways, internal roadways, and the Orchard Playground serving as a central open space area. Residential units to the east consist of older single and two-story homes and duplexes constructed in the 1970s with landscaped yards, lawns, and ornamental trees along roadways. Therefore, the proposed project would be consistent with the scenic quality of the surrounding area.

As discussed in Chapter 2, Project Description, existing development on the project site is zoned as PD-1543, which follows zoning standards contained under the BP zoning designation. The BP zoning designation contains regulations pertaining to scenic quality in the Shadelands Business Park, including requiring landscaping to be maintained with surface parking adjacent to Oak Grove Road and Ygnacio Valley having a minimum 25 foot and 35 foot setbacks, requiring fencing to screen loading facilities or uses that may be unsightly, prohibiting direct or reflected glare to be visible from the property line, and prohibiting uses that would alter the character of the business park. Current development at the site include large, paved parking lots, landscaped pedestrian walkways and open space, and 11 office buildings, with the zoning designations permitting a maximum height of 40 feet, a maximum FAR of 0.5, and building side setbacks of at least 20 feet and front setbacks of at least 25 feet. With the project's proposed density and affordability percentage, as described in Chapter 2, Project Description, Government Code Section 65589.5(f)(6)(A) provides for the proposed project to comply with applicable standards that would have applied had it been proposed on a site with a general plan designation and zoning classification that would allow the density and unit type proposed, or applicable standards that would facilitate the proposed project's density and unit type. Consequently, given the type, density, and affordability of development, the proposed project refers to development standards contained in the M-2 Multiple-Family Residential District zoning designation, which is considered the "best fit" zoning designation when looking at density and type of development proposed, in addition to the BP zoning designation, as well as the City's Design Review Standards and Guidelines (DRSGs) for Residential and Residential Mixed-Use Development. Development Standards from the M-2 zoning designation require that structures to not exceed 30 feet in height, contain a minimum front setback of at least 15 feet, and interior side setback between buildings of at least 20 feet for 3-story buildings. Additionally, the buildings proposed by the project would not exceed 40 feet in height, which is an allowed height limit in the Business Park zone.

The proposed project's structures would be inconsistent with certain standards and development regulations contained in the BP and M-2 zoning designations. Specifically for the BP zoning designation, the proposed project would construct at a FAR of 0.87, which would exceed the minimum FAR of 0.5; a building side setback of 10 feet, which would be less than the minimum 20-foot side setback; and a building front setback of 10 feet along Shadelands and Mitchell Drive, which would be less than the minimum 25-foot front setback. Specific inconsistences of the proposed project with the M-2 zoning designation would include building heights of up to 40 feet, which would exceed the 30-foot maximum build height standard of the M-2 zone, (but meet the 40-foot height limit allowed under the BP zone), interior front yard setbacks of 10 feet, which would be less than the minimum 15-foot front setback, and interior side yard setbacks of 6 feet and 12 feet between buildings, which would be less than the 20-foot interior side setback standard.

However, as described in Chapter 2, Project Description, the proposed project would include ownership residential units for lower-income households and would be eligible to receive unlimited waivers or reductions of these standards pursuant to the State Density Bonus Law (Government Code § 65915), to the extent that compliance with these standards would physically preclude

development of the project as proposed.[13] Projects that qualify for a State density bonus may obtain a waiver or reduction of development standards in accordance with Municipal Code Section 10-2.3.1004, which implements Government Code Section 65915. Therefore, the proposed project would request waivers for certain development standards from the BP and M2 zoning standards. With these waivers, the proposed project would not be considered inconsistent with the foregoing applicable zoning standards.

In addition, the proposed project would include building heights similar to existing conditions (as 40-foot height is allowed in the BP zone) on the project site; would plant approximately 510 new trees and preserve 27 existing trees and would replace on-site surface parking lots with internal streets lined with ornamental vegetation, lawns, bioretention treatment areas, landscaped paseo walking areas, a common space open area, and other landscaping. Furthermore, the proposed project would comply with regulations governing scenic quality pertaining to landscaping as established in the proposed M-2 zoning designation which was determined as the "best fit" zoning designation under Government Code Section 65589.5(f)(6)(A), along with applicable objective design standards established in the DRSGs which require screening of unsightly features using dense landscaping or architectural treatments and provide design criteria for landscape design, fencing and screening design, lighting, and building materials and frontages that would be subject to City review and approval. The proposed project would be consistent with the scenic quality of surrounding land uses regarding building materials and landscaping as established in the DRSGs, the BP land use designation, and the M-2 land use designation; would consist of redevelopment of a previously developed project site; and would meet the requirements of the State Density Bonus Law, which allows for a waiver or reduction of development standards within the DRSGs, BP land use designation, and M-2 land use designation that would physically preclude the construction of the affordable housing units. Therefore, the proposed project would have a less than significant impact on potential conflicts with applicable zoning and other regulations governing scenic quality.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described in Chapter 2, Project Description, would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and would be limited to roadway improvements. The proposed improvements would be constructed in compliance with applicable roadway design standards, including those related to striping and signage of bike lanes. Further, the Community Benefit Variant was contemplated as part of the Shadelands Multi-Modal Plan and was anticipated by the City. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts on applicable zoning and regulations governing scenic quality.

Level of Significance

Less than significant impact.

[13] California Legislative Information. 2024. Website: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV. Accessed December 20, 2024.

Mitigation Measures

None required.

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.

Construction

As discussed in Chapter 2, Project Description, the proposed project would require construction activities including the demolition of existing structures, site preparation, grading, paving of internal roadways, and the construction of the proposed townhomes. During construction, the proposed project would introduce new sources of light, such as security lighting to illuminate the project site that could affect nighttime views in the surrounding area, as well as stationary and mobile sources of glare from construction equipment and vehicles associated with construction traffic. These vehicles and pieces of equipment could create new temporary sources of glare and could affect the daytime views in the area. However, during the construction phase, the proposed project would be required to comply with standards contained in Municipal Code Section 10-2.3.128, Lighting, which requires security lighting to be maintained with a minimum one-half foot-candle of illumination and maximum of four foot-candles at ground level on a timeclock or photo-sensor system. During nighttime hours, this would ensure that security lighting is incapable of spilling out to sensitive receptors, such as the residential uses to the east and the retirement community to the south of the project site, and would further not adversely affect nighttime views in the area. Furthermore, glare from stationary and mobile sources, including construction equipment, haul trucks, and parked vehicles, would be intermittent as the location and amount of glare would depend on the location of the vehicles and the time of day and season, which would shift throughout construction. Since security lighting installed during construction of the proposed project would comply with the Municipal Code and sources and locations of glare would be varied throughout the construction process, construction-related impacts regarding light and glare would be less than significant.

Operation

The proposed project would have a significant adverse impact if it generated a new source of substantial light or glare that would affect daytime or nighttime views in the surrounding area during project operation. As detailed in Chapter 2, Project Description, the project site is surrounded by commercial, business, and residential uses. As previously mentioned, the project site currently operates as a Business Park where existing conditions and uses generate stationary and mobile sources of light and glare such as from office windows, parking lot and walkway lighting, and vehicles. The proposed project would contain 422 3-story multi-family dwelling units that would generate new exterior stationary and mobile sources of light and glare. Stationary sources of light would include City standard streetlights along the north side of Shadelands Drive, private streetlights throughout the internal roadways, pole-top luminaires, and shielded bollard lights along paseo walkways. Stationary sources of glare would be generated from sources such as townhome windows, metal railings, standing seam metal roofs, and parked vehicles. Mobile sources of light and glare would be generated from vehicles traveling to and from the project site. Although the proposed project would introduce sources of light and glare, the proposed project would generate a lower

amount of vehicle trips compared to existing conditions, which would reduce mobile sources of light and glare produced from vehicles (see Section 3.15, Transportation).

Furthermore, evergreen trees would be planted strategically along the northeastern and southern boundaries of the project site to reduce potential effects of light spill on residential uses to the east across Oak Grove Road and the retirement community to the south across Shadelands Drive. In addition, City standard streetlights along Shadelands Drive, private streetlights throughout the internal roadways, and pole-top luminaires on paseo walkways would follow applicable DSRGs for lighting design, such as those standards placing pedestrian-scale lighting at minimum intervals of 40 feet and those requiring the locating, directing, and shielding of outdoor light fixtures to prevent spill light. Finally, the proposed project would comply with the California Building Standards Code, which regulates lighting characteristics including maximum power, brightness, and shielding, and local regulations for design guidelines identified in the Zoning Ordinance Section 10-2.3.407(L) which requires exterior lighting to be designed and installed at a maximum height of sixteen feet within high pedestrian areas and located to prevent the effects of spill light impacting off-site areas. Therefore, operational impacts relating to new sources of light would be less than significant.

Stationary sources of glare would likely be generated from residential windows, metal railings, and standing seam metal roofs. However, glare produced from the proposed project that could impact surrounding sensitive receptors would likely be minimal as residential window glass has a low reflectivity rate. The effects of reflective light sources are not uniform and tend to vary throughout the day and season, and ornamental trees and other landscaping would obscure sources of glare. Furthermore, glare produced from mobile sources such as vehicles is temporary and would be intermittent depending on the location of the vehicle and the time of day.

In addition, the proposed project would comply with applicable State regulations such as Title 24 of the California Code of Regulations Building Energy Efficiency Standards California Building Code, including Title 24, Part 6 which provides requirements for lighting in low-rise residential buildings and common space areas that focus on lighting control requirements for dimming and occupancy sensing control, and regulations for the installation of permanent luminaries. Since new sources of light and glare from the operation of the proposed project would be obscured by planted ornamental trees and vegetation, consistent with the surrounding environment, and adhere to State and local regulations, impacts associated with light or glare would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described in Chapter 2, Project Description, would be the same as described for the proposed project. The Community Benefit Variant would be limited to construction of a roundabout and striping of bike lanes and would not introduce new lighting sources, such as street lighting, along existing roadways. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to light and glare.

Level of Significance.

Less than significant impact.

Mitigation Measures

None required.

3.1.7 - Cumulative Impacts

A cumulative impact combines the potential impacts of the proposed project with other past, present, and foreseeable future projects. The relevant cumulative setting, or geographic area for potential cumulative impacts related to aesthetics is the visible area surrounding the project site. This analysis also includes the foreseeable development projects that may have a cumulative impact on aesthetics listed in Chapter 3, Environmental Impact Analysis, Table 3-1: Cumulative Projects, in addition to the proposed project.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to aesthetics. This analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for a project's contribution to cumulative effects to rise to the level of a significant impact. If both conditions apply, this analysis will then evaluate feasible cumulative mitigation measures that would reduce cumulative effects. If one or both conditions do not apply, the proposed project's contribution to cumulative impacts would be less than significant and no cumulative mitigation would be necessary. If there is no project impact associated with respect to a particular CEQA threshold, the proposed project would have no contribution to potential cumulative impacts and, therefore, further discussion of cumulative impacts is not required.

Scenic Vistas

The closest cumulative projects in the visible area of the project site are the Shadelands SecureSpace/Calicraft Storage Facility 0.18 mile from the project site, the Oakmont Senior Housing and Residential Care Facility for the Elderly 0.3 mile from the project site, and the Chick Fil-A Restaurant at Citrus Marketplace Shopping Center approximately 0.3 mile from the project site. All of these projects identified have been approved and are currently not under construction yet. Cumulative projects in the vicinity of the proposed project may also be visible from the identified panoramic viewpoint and Ygnacio Valley scenic corridor situated on Lime Ridge Open Space. Although construction activities associated with the development of the surrounding cumulative projects would result in more views of construction activities and equipment from the identified viewpoints, construction would only be temporary and would not permanently alter scenic views from the Lime Ridge Open Space panoramic viewpoint and Ygnacio Valley scenic corridor. Furthermore, operations of the cumulative projects are commercial and residential in scope and would be consistent with views of existing commercial and residential development intermixed with ornamental trees and vegetation, and the cumulative projects would be subject to the development standards in the Walnut Creek Zoning Ordinance regarding density, building height, and lot area, as well as abiding by General Plan Goal 18, Policy 18.1 and 18.2, and Action 18.1.3. Therefore, the proposed project along with other cumulative projects, would result in a less than significant cumulative impact on scenic vistas.

Visual Character

As described in Impact AES-3, the project site is adjacent to residential, commercial, and business land uses. As previously mentioned, the proposed project would receive waivers to development standards from the BP and M-2 zoning designations that physically precludes the construction of the affordable housing units, as part of the State Density Bonus Law. Furthermore, the proposed project would implement similar building materials and landscaping features consistent with the surrounding land uses, the objective design standards established in the DRSGs and would be required to undergo design review by a design review authority from the City. Furthermore, the proposed project would exhibit an FAR and maximum building height similar to existing conditions and the BP zoning designation. Given this information, the proposed project would not have an incremental contribution to the cumulatively considerable impact on conflicting with applicable zoning or regulations governing scenic quality and would be less than significant.

The surrounding cumulative projects are commercial and residential projects that would be constructed with similar building materials and related amenities. Each cumulative project would be required to abide by the same Municipal Code and zoning regulations and standards, including the City's Tree Preservation Ordinance, and Municipal Code standards pertaining to scenic quality, lighting, and glare during construction and operation. In addition, each cumulative project is required to undergo design review by a design review authority from the City, which will ensure design consistency among adjacent properties. Therefore, cumulative development, when combined with the proposed project, would not result in a cumulatively considerable impact on conflicting with applicable zoning or regulations governing scenic quality and would be less than significant.

Light and Glare

Past, present, and foreseeable future projects, including three cumulative projects within the visible area of the proposed project, are subject to the City of Walnut Creek regulations regarding lighting and glare, thereby reducing the potential for significant cumulative impacts. While cumulative projects in the same visible area of the project site would generate new stationary and mobile sources of light and glare during operations, all cumulative projects would be subject to the same regulatory standards in the California Building Code, Title 24, Part 6 of the California Code of Regulations Building Energy Efficiency Standards regulating lighting characteristics, and Zoning Ordinance Section 2.3.407 to prevent spill light onto adjacent properties. In addition, the cumulative projects along with the proposed project may generate increased vehicular use in the area, potentially exacerbating the sources of glare. However, glare associated with parked vehicles is temporary and would depend on the location of the vehicle and time of day. As such, the proposed project, in conjunction with other planned and approved projects, would result in a less than significant cumulative impact with respect to light and glare.

Community Benefit Variant

The cumulative impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The proposed roundabout and bicycle infrastructure would be consistent with the existing development context and would not have the potential to result in impacts associated with views from scenic vistas in the City or alter the existing visual character of the project area. Additionally, the proposed improvements would not introduce new

sources of lighting or glare that could result in a cumulative contribution to impacts in the surrounding area. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased cumulative impacts related to Aesthetics, and impacts would be less than significant.

Level of Cumulative Significance.

Less than significant impact.

Mitigation Measures

None required.

3.2 - Air Quality

3.2.1 - Introduction

This section describes existing air quality conditions regionally and locally as well as the relevant regulatory framework. This section also evaluates the possible impacts related to air quality that could result from implementation of the proposed project. Information included in this section is based on project-specific air quality modeling results utilizing California Emissions Estimator Model (CalEEMod) Version 2022.1 and the United States Environmental Protection Agency (EPA) American Meteorological Society Regulatory Model (AERMOD) air dispersion model (Version 23132). Complete modeling output is provided in Appendix B.

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to air quality. This Draft EIR considered these comments in preparing this analysis. The comments are summarized as follows:

- The Draft EIR should evaluate how the size and scope of the proposed project may affect potential air pollution impacts.
- The Draft EIR should evaluate potential air quality impacts with regard to demolition and construction, including potential impacts from the generation of diesel exhaust and dust.
- The Draft EIR should evaluate potential air quality impacts with regard to potential health impacts to residents within the community.
- The Draft EIR should evaluate potential air quality and greenhouse gas impacts with regard to the loss of trees.

3.2.2 - Environmental Setting

Regional Geography and Climate

Air quality is affected by the rate and location of pollutant emissions and by climatic conditions that influence the movement and dispersion of pollutants. Atmospheric conditions, such as wind speed, wind direction, and air temperature gradients, along with local and regional topography, influence the relationship between air pollutant emissions and air quality.

The project site is in the San Francisco Bay Area Air Basin (SFBAAB), which consists of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma Counties. SFBAAB covers approximately 5,540 square miles of complex terrain, consisting of coastal mountain ranges, inland valleys, and the San Francisco Bay. The SFBAAB is generally bounded on the west by the Pacific Ocean, on the north by the Coast Ranges, and on the east and south by the Diablo Range.

The climate within the SFBAAB is dominated by a strong, semi-permanent, subtropical high-pressure cell over the northeastern Pacific Ocean. Climate is also affected by the adjacent oceanic heat reservoir's moderating effects. Mild summers and winters, moderate rainfall and humidity, and daytime onshore breezes characterize regional climatic conditions in the San Francisco Bay Area (Bay

Area). In summer, when the high-pressure cell is strongest and farthest north, fog forms in the morning and temperatures are mild. In winter, when the high-pressure cell is weakest and farthest south, occasional rainstorms occur.

Winter daytime temperatures in the SFBAAB typically average in the mid-50°F (degrees Fahrenheit), with nighttime temperatures averaging in the low 40s. Summer daytime temperatures typically average in the 70s, with nighttime temperatures averaging in the 50s. Precipitation varies in the region, but in general, annual rainfall is lowest in the coastal plain and inland valley, higher in the foothills, and highest in the mountains.

Air Pollutant Types, Sources, and Effects

Criteria Air Pollutants

Concentrations of criteria air pollutants are used as indicators of air quality conditions. Air pollutants are termed criteria air pollutants if they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels under the Clean Air Act. According to the EPA, criteria air pollutants are ozone, particulate matter (PM_{10} and $PM_{2.5}$), nitrogen dioxide (NO_2), carbon monoxide (CO), lead, and sulfur dioxide (SO_2). Table 3.2-1 provides a summary of the types, sources, and effects of criteria air pollutants.

Table 3.2-1: 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 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. (One micron is 1-millionth of a meter). $PM_{2.5}$ refers to	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	• 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 suffer heart attacks and arrhythmias.

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
	particulate matter that is 2.5 microns or less in diameter, about 1-thirtieth the size of the average human hair.	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.	• 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 vehicles, 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 dioxide concentrations have been reduced to levels well below State and federal	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 dioxide is removed from the air by dissolution in water, chemical	Bronchoconstriction is 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 is not clear whether the two pollutants act synergistically, or

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
	standards, further reductions are desirable because sulfur dioxide is a precursor to sulfate and PM_{10}.	reactions, and transfer to soils and ice caps. The sulfur dioxide levels in the State are well below the maximum standards.	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 IQs.

Sources:
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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 November 25, 2024.

Toxic Air Contaminants

Toxic air contaminants (TACs) are a diverse group of air pollutants that may cause or contribute to an increase in deaths or serious illness or that may pose a present or potential hazard to human health. TACs include both organic and inorganic chemical substances that may be emitted from a variety of common sources, including gasoline stations, motor vehicles, dry cleaners, industrial operations,

painting operations, and research and teaching facilities. One of the main sources of TACs in California is diesel engine exhaust that contains solid material known as diesel particulate matter (DPM). More than 90 percent of DPM is less than one micron in diameter (about 1/70 the diameter of a human hair) and thus is a subset of PM with aerodynamic diameters equal to or less than 2.5 microns ($PM_{2.5}$). Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lungs.[1]

TACs are different from criteria pollutants because Ambient Air Quality Standards (AAQS) have not been established for TACs. TACs occurring at extremely low levels may still cause health effects and it is typically difficult to identify levels of exposure that do not produce adverse health effects. TAC impacts are described by carcinogenic risk and by chronic (i.e., long duration) and acute (i.e., severe but of short duration) adverse effects on human health.

People exposed to toxic air pollutants at sufficient concentrations and durations may have an increased chance of developing cancer or experiencing other serious health effects. These health effects can include damage to the immune system as well as neurological, reproductive (e.g., reduced fertility), developmental, respiratory, and other health problems.[2]

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 Bay Area Air Quality Management District (now the Bay Area Air District) is the regional agency regulating air quality within the nine-county SFBAAB.

Air Pollutant Standards and Attainment Designations

Air pollutant standards that are protective of human health have been adopted by the EPA and the California Air Resources Board (ARB) for the following six criteria air pollutants that affect ambient air quality: ozone, NO_2, CO, SO_2, lead, and PM, which is subdivided into two classes based on particle size: PM_{10} and $PM_{2.5}$. As discussed above, these air pollutants are called “criteria air pollutants” because they are regulated by developing 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 (H_2S), and vinyl chloride. H_2S is regulated as a nuisance based on its odor detection level. If the standard were based on adverse health effects, it would be set at a much higher level. Vinyl chloride is a TAC and currently regulated as one through ARB’s Air Toxics Program. Before California established its Air Toxics Program, it regulated vinyl chloride under the California Ambient Air Quality Standards (CAAQS). Although the vinyl chloride

[1] California Air Resources Board (ARB). Inhalable Particulate Matter and Health ($PM_{2.5}$ and PM_{10}). Website: https://ww2.arb.ca.gov/resources/inhalable-particulate-matter-and-health. Accessed November 25, 2024.

[2] United States Environmental Protection Agency (EPA). Health and Environmental Effects of Hazardous Air Pollutants. Website: https://www.epa.gov/haps/health-and-environmental-effects-hazardous-air-pollutants. Accessed November 25, 2024.

CAAQS remains in force, current regulatory efforts are under ARB's Air Toxics Program. Table 3.2-2, below, shows the federal and State air quality standards for various components.

Table 3.2-2: 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
	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

Air Pollutant	Averaging Time	California Standard	Federal Standard[a]

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 of 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). California Ambient Air Quality Standards. Website: https://ww2.arb.ca.gov/resources/california-ambient-air-quality-standards. Accessed November 25, 2024.

Air quality monitoring stations operated by the ARB and Bay Area Air District 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.

Air Pollutant Standards and Attainment Designations

Table 3.2-3 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. Ozone and fine particle pollution, or $PM_{2.5}$, are the major regional air pollutants of concern in the Bay Area. Ozone is primarily a problem in the summer and fine particle pollution in the winter.

Table 3.2-3: 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:
CO = carbon monoxide
N/A = information not available
NO_2 = nitrogen dioxide
PM_{10} = particulate matter less than 10 micrometers in diameter
$PM_{2.5}$ = particulate matter less than 2.5 micrometers in diameter
SO_2 = sulfur dioxide
Source: Bay Area Air Quality Management District (Bay Area Air District). 2017. Air Quality Standards and Attainment Status. January 5. Website: http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status. Accessed November 25, 2024.

Air Pollution 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. Residences, schools, day care centers, hospitals, nursing and convalescent homes, and parks are often identified as "sensitive receptors" since their occupants are sensitive to poor air quality. The groups identified with these land uses may 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. The Bay Area Air District defines sensitive receptors as children, adults, and seniors occupying or residing in residential dwellings, schools, day care centers, hospitals, and senior-care facilities.

Project Vicinity

The closest off-site air pollution sensitive receptors near the project site include: residences located in a neighborhood to the east of the project site, Little Flowers Montessori School Daycare to the northeast, Springfield Montessori Preschool and the Contra Costa School of Performing Arts to the north of the western side of the project site, and Ygnacio Valley High School to the north. Shadelands Post Acute skilled nursing facility is west of the project site. Sequoia Living Viamonte at Walnut Creek senior living facility and Primrose School of Walnut Creek East are located approximately 38 and 277 feet south of the project site.

Project Site

The project site is currently occupied by a business park comprised of 11 office buildings each between 30,000–36,000 square feet in size (built between 1973–1986) and approximately 1,481 parking stalls in a paved surface parking lot with ancillary landscaping. No sensitive receptors currently exist on the project site.

Existing Air Pollutant Emissions

Project Site and Project Vicinity

Vehicular access to the project site is provided via Mitchell Avenue to the north and Shadelands Drive to the south. The current project site is also accessible via adjacent commercial parking lots to the east. The primary sources of air pollutants (both criteria air pollutant and TACs) in the project site vicinity include motor-related vehicle trips and building-related energy use (space and water heating). Other activities that result in emissions include landscape and building maintenance.

Existing TAC Emissions

Project Site and Project Vicinity

Based on the Bay Area Air District's Stationary Source Screening Map (last updated August 1, 2024, with 2022 emission data),[3] there are six existing stationary sources that are known TAC generators within approximately 1,000 feet of the project site. All six stationary sources are generators. The locations of these sources are listed below.

- Verizon Wireless (Shadelands) at 2785 Mitchell Drive, Walnut Creek;
- Kaiser Permanente Walnut Creek Data Center at 25 North Via Monte, Walnut Creek;
- WCEP Shade LLC c/o California Capital & Investment Group at 2850 Shadelands Drive, Walnut Creek;
- Safeway Inc. #3026 at 2800 Ygnacio Valley, Walnut Creek;
- Viamonte Senior Living 1 Inc. at 2801 Shadelands Drive, Walnut Creek; and
- Manganese Development LLC at 2765 Mitchell Drive, Walnut Creek.

3.2.3 - 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. These are PM, ground level ozone, CO, sulfur oxides, nitrogen oxides, and lead. The EPA calls these pollutants criteria air pollutants and regulates them by developing human health-based and/or environmentally based criteria (science-based guidelines) for setting

[3] Bay Area Air Quality Management District (Bay Area Air District). 2024. Stationary Source Screening Map. August 1. Website: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=845658c19eae4594b9f4b805fb9d89a3. Accessed December 20, 2024.

permissible levels. The set of limits based on human health are called primary standards. Another set of limits intended to prevent environmental and property damage are called secondary standards.[4] The federal standards are called National Ambient Air Quality Standards (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 criteria pollutants are:

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

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. Primary federal standards are the levels of air quality necessary, with an adequate margin of safety, to protect public health.

The CAA also requires each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The federal CAA amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins, as reported by their jurisdictional agencies.

EPA Emission Standards for New Off-Road Equipment

Before 1994, there were no standards to limit the amount 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 as well as 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, for the last 10 years, manufactured engines cannot exceed the emissions established for Tier 4 Final emissions standards. ARB staff is working on potential amendments to the off-road diesel engine standards, in what ARB calls the Tier 5 rulemaking, which would adopt regulations to reduce NO_X and particulate matter emissions from new, off-road compression-ignition engines compared to what is allowed by today's Tier 4 final emission standards.[5]

State

California Air Quality Control Plan (State Implementation Plan)

A SIP is a document prepared by each state describing existing air quality conditions and measures that will be followed to attain and maintain federal standards. The SIP for the State of California is administered by the ARB, which has overall responsibility for Statewide air quality maintenance and

[4] United States Environmental Protection Agency (EPA). 2014. Clean Air Act Requirements and History. Website: https://www.epa.gov/clean-air-act-overview/clean-air-act-requirements-and-history. Accessed November 25, 2024.

[5] California Air Resources Board (ARB). Potential Amendments to the Off-Road New Diesel Engine Emission Standards: Tier 5 Criteria Pollutants and CO2 Standards. Website: https://ww2.arb.ca.gov/our-work/programs/tier5. Accessed June 3, 2025.

air pollution prevention. California's SIP incorporates individual federal attainment plans for regional air districts—an air district prepares their federal attainment plan, which is sent to the ARB to be approved and incorporated into the California SIP. Federal attainment plans include the technical foundation for understanding air quality (e.g., emission inventories and air quality monitoring), control measures and strategies, and enforcement mechanisms for attaining and maintaining air quality standards.

Areas designated nonattainment must develop Air Quality Plans (AQPs) and regulations to achieve standards by specified dates, depending on the severity of the exceedances. For much of the country, implementation of federal motor vehicle standards and compliance with federal permitting requirements for industrial sources are adequate to attain air quality standards on schedule. For many areas of California, however, additional State and local regulation is required to achieve the standards. Local air districts and other agencies prepare SIP elements and submit them to ARB for review and approval. The ARB will then forward SIP revisions to the EPA for approval and publication in the Federal Register. The Bay Area Air District 2017 Clean Air Plan is the SIP for the SFBAAB. The 2017 Clean Air Plan accommodates growth by projecting the growth in emissions based on different indicators. For example, population forecasts adopted by the Association of Bay Area Governments (ABAG) are used to forecast population-related emissions. Through the planning process, emissions growth is offset by basin-wide controls on stationary, area, and transportation sources of air pollution.

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 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 AQPs; submitting 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.

California Health and Safety Code Section 39655 and California Code of Regulations Title 17 Section 93000 (Substances Identified as Toxic Air Contaminants)

The ARB identifies substances as TACs as defined in Health and Safety Code Section 39655 and listed in Title 17, Section 93000 of the California Code of Regulations, Substances Identified as Toxic Air

Contaminants. A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or 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 risk may pose a threat to public health even at low concentrations. In general, for those TACs that may cause cancer, there are thresholds set by regulatory agencies below which adverse health impacts are not expected to occur. This contrasts with the criteria pollutants for which acceptable levels of exposure can be determined and for which the State and federal governments have set AAQS. According to the California Almanac of Emissions and Air Quality, the majority of the estimated health risk from TACs for the State of California can be attributed to relatively few compounds, the most important of which is DPM from diesel-fueled engines.

California Low Emission Vehicle Program

The ARB first adopted Low Emission Vehicle (LEV) program standards in 1990. These first LEV standards ran from 1994 through 2003. LEV II regulations, running from 2004 through 2010, represent continuing progress in emission reductions. As the State's passenger vehicle fleet continues to grow and more sport utility vehicles and pickup trucks are used as passenger cars rather than work vehicles, the more stringent LEV II standards were adopted to provide reductions necessary for California to meet federally mandated clean air goals outlined in the 1994 SIP. In 2012, the ARB adopted the LEV III amendments to California's LEV regulations. These amendments, also known as the Advanced Clean Car Program, include more stringent emission standards for model years 2017 through 2025 for both criteria pollutants and greenhouse gas (GHG) emissions for new passenger vehicles.[6]

The most recent amendments in 2022, the Advanced Clean Cars II Regulations, applies to light-duty passenger car, truck, and SUV emissions starting with the 2026 model year through 2035. It will take the State's already growing zero-emission vehicle (ZEV) market and robust motor vehicle emission control rules and augment them to meet more aggressive tailpipe emissions standards and ramp up to 100 percent ZEVs. By 2035 all new passenger cars, trucks, and SUVs sold in California will have zero emissions.

California On-road Heavy-duty Vehicle Program

The ARB has adopted standards for emissions from various types of new on-road heavy-duty vehicles. California Code of Regulations Section 1956.8, Title 13, contains California's emission standards for on-road heavy-duty engines and vehicles, and test procedures. The ARB has also adopted programs to reduce emissions from in-use heavy-duty vehicles including the Heavy-duty Diesel Vehicle Idling Reduction Program, the Heavy-duty Diesel In-use Compliance Program, the Public Bus Fleet Rule and Engine Standards, the School Bus Program, and others.[7]

The Truck and Bus regulation (California Code of Regulations [CCR] § 2025) and amendments require diesel trucks and buses that operate in California to be upgraded to reduce emissions. The regulation

[6] California Air Resources Board (ARB). 2013. Clean Car Standards—Pavley, Assembly Bill 1493. Website: http://www.arb.ca.gov/cc/ccms/ccms.htm. Accessed November 25, 2024.

[7] California Air Resources Board (ARB). 2013. The California Almanac of Air Quality and Emissions—2013 Edition. Website: http://www.arb.ca.gov/aqd/almanac/almanac13/almanac13.htm. Accessed November 25, 2024.

applies to diesel-fueled trucks and buses with a gross vehicle weight of greater than 14,000 pounds to upgrade to 2010 or newer model year engines.

The California "Omnibus" regulation follows the completion of the Truck and Bus regulation with continued reduction of NO_X and particulate matter emissions from heavy-duty gasoline and diesel on-road vehicles. Its updated standards, testing and compliance mechanisms for NO_X and PM emissions from heavy-duty on-road vehicles for model year 2024 through 2031. The rule will be implemented in phases, with the standards becoming more stringent in 2027.

The Advanced Clean Truck Regulation and recently approved Advanced Clean Fleets (ACF) regulation are part of a holistic approach to accelerate a large-scale transition of zero-emission medium- and heavy-duty vehicles.[8] Together, these regulations will transition California's truck fleet to ZEVs by 2045. The regulation has a manufacturer sales requirement; by 2035, zero-emission truck/chassis sales would need to be 55 percent of Class 2b–3 truck sales, 75 percent of class 4–8 straight truck sales, and 40 percent of truck tractor sales. The rule also has a company and fleet requirement that gathers information about shipments and shuttle services. This information will help identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.

The Heavy-duty Inspection and Maintenance regulation was approved on December 9, 2021, with implementation to be phased in starting January 2023.[9] Its goal is to ensure that vehicles' emissions control systems are properly functioning when traveling on California's roadways. Trucks registered in other states would have to comply with the Clean Truck Check, or Heavy-duty Vehicle Inspection and Maintenance (HD I/M) regulation if they drive on California's roadways. HD I/M implements a program combining periodic vehicle testing requirements with other emissions monitoring techniques and expanded enforcement strategies. This will ensure that vehicles in need of emissions are identified and that any needed repairs are performed. When fully implemented, the program will provide the significant reductions in smog-forming and carcinogenic toxic air pollution necessary to achieve federal air quality mandates and healthy air in California's communities.

California In-use Off-road Diesel Vehicle Regulation

The In-use Off-road Diesel-Fueled Fleets Regulation (Off-road Regulation) was enacted to accelerate retirement of older, higher-emitting engines, and increase purchases of newer, cleaner engines. It applies to all off-road, diesel, self-propelled equipment over 25 horsepower (hp) used in California that is not exempted under agricultural or cargo handling equipment provisions. This includes construction equipment such as excavators, loaders, backhoes, cranes, forklifts, oil-drilling rigs, and aircraft towing equipment.

The rule applies to fleets of construction equipment and establishes a 5-minute idling limit for off-road vehicles at construction sites as well as emission limits that become increasingly more stringent each year. These limits may be met by replacing older tier equipment with newer tiers or by

[8] The ARB withdrew its request for a waiver for the Advanced Clean Fleets (ACF) regulation on January 13, 2025. The waiver withdrawal limits ARB's ability to enforce certain aspects of the ACF regulation.

[9] California Air Resources Board (ARB). 2023. Clean Truck Check (HD I/M), https://ww2.arb.ca.gov/our-work/programs/heavy-duty-inspection-and-maintenance-program. Accessed November 25, 2024.

installing exhaust retrofits (also known as Verified Diesel Emission Control Strategies or VDECS). Recent 2022 amendments[10] require the use of R99 or R100 renewable diesel in off-road diesel vehicles at the beginning of 2024. Starting in 2023, older tiers are banned and only Tier 3 or higher engines may be added to any fleet. A recent requirement requires that prime contractors and public works awarding bodies obtain and retain a fleet's valid Certificate of Reported Compliance prior to awarding a contract or hiring a fleet.

Small Off-road Engine Regulation

Small off-road engines (SORE) are spark ignition engines with rated power at or below 19 kilowatts (25 horsepower). The SORE regulations require new engines to be certified and labeled to meet emission standards and other requirements. Typical equipment types that use SORE include lawn and garden equipment, portable generators, and pressure washers. Recent amendments to the SORE regulation will require most landscaping equipment to be zero emissions beginning in 2024. Despite their small size, these engines are highly polluting. The volume of smog-forming emissions from this type of equipment has surpassed emissions from light-duty passenger cars and is projected to be nearly twice those of passenger cars by 2031. Portable generators, including those in recreational vehicles, would be required to meet more stringent standards in 2024 and meet zero-emission standards starting in 2028.[11] Engines that use diesel fuel and engines that are used in stationary equipment, including standby generators, are not subject to the SORE regulations.

Large-spark Ignition Regulation

The Large-spark Ignition (LSI) Fleet Rule and Amendments, commonly referred to as the "Forklift Rule," applies to forklifts, sweeper/scrubbers, industrial tow tractors, and airport ground support equipment. It applies to fleets (four or more vehicles) and includes off-road gasoline, propane, liquefied petroleum gas (LPG), compressed natural gas, and electric forklifts ≥25 hp.[12] The regulation sets fleet average emission level requirements that decrease each year to encourage the use of electric vehicle (EV) and low-emissions engines.

Zero-Emission Forklifts

ARB is currently working on a zero-emission forklift regulation[13] that would drive greater deployment of zero-emission forklifts within fleets throughout the State. This regulation, currently in draft format, is one of several near-term actions intended to facilitate further zero-emission equipment penetration in the off-road sector and is scheduled for Board consideration in June 2024.

[10] California Air Resources Board (ARB). 2023. Website: https://ww2.arb.ca.gov/news/carb-approves-amendments-road-regulation-further-reduce-emissions. Accessed on November 25, 2024.

[11] California Air Resources Board (ARB). 2021. Website: https://ww2.arb.ca.gov/news/carb-approves-updated-regulations-requiring-most-new-small-road-engines-be-zero-emission-2024. Accessed November 25, 2024.

[12] California Air Resources Board (ARB). 2023. Large-spark Ignition Fleet Regulation Overview. Website: https://ww2.arb.ca.gov/sites/default/files/offroadzone/landing/lsi.html. Accessed November 25, 2024.

[13] California Air Resources Board (ARB). 2023. Zero-emission Forklifts. Website: https://ww2.arb.ca.gov/our-work/programs/zero-emission-forklifts. Accessed November 25, 2024.

California Airborne Toxic Control Measures

As of December 2022, the ARB had developed 26 mobile and stationary source Airborne Toxic Control Measures (ATCMs).[14] The following summarizes the ATCMs that are potentially applicable for land use development projects such as logistics, warehouse, residential, mixed use, and retail development. Source and industry-specific requirements apply to industrial projects, gas stations, dry cleaners, and other types of facilities which are significant sources of TACs.

Asbestos ATCM

In July 2001, ARB approved an ATCM for construction, grading, quarrying, and surface mining operations to minimize emissions of naturally occurring asbestos. The regulation requires application of Best Management Practices (BMPs) to control fugitive dust in areas known to have naturally occurring asbestos and requires notification to the local air district prior to commencement of ground-disturbing activities. The measure establishes specific testing, notification, and engineering controls prior to grading, quarrying, or surface mining in construction zones where naturally occurring asbestos is located on projects of any size. There are additional notification and engineering controls at work sites larger than 1 acre. These projects require the submission of a Dust Mitigation Plan and approval by the ARB prior to the start of a project.

Asbestos is also found in a natural state, known as naturally occurring asbestos. Exposure and disturbance of rock and soil that naturally contain asbestos can result in the release of fibers into the air and consequent exposure to the public. Asbestos most commonly occurs in ultramafic rock that has undergone partial or complete alteration to serpentine rock (serpentinite) and often contains chrysotile asbestos. In addition, another form of asbestos, tremolite, can be found associated with ultramafic rock, particularly near faults. Sources of asbestos emissions include unpaved roads or driveways surfaced with ultramafic rock, construction activities in ultramafic rock deposits, or rock quarrying activities where ultramafic rock is present.

Areas are subject to the regulation if they are identified on maps published by the Department of Conservation as ultramafic rock units or if the Air Pollution Control Officer or owner/operator has knowledge of the presence of ultramafic rock, serpentine, or naturally occurring asbestos on the site. The measure also applies if ultramafic rock, serpentine, or asbestos is discovered during any operation or activity. Review of the Department of Conservation maps indicates that no ultramafic rock has been found near the project site.[15]

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 last several years. The ARB has developed 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 ARB. There are three levels of VDECS, the most effective of

[14] California Air Resources Board (ARB). 2023. Website: https://ww2.arb.ca.gov/resources/documents/airborne-toxic-control-measures. Accessed November 25, 2024.

[15] United States Geological Survey (USGS). 2019. Reported Historic Asbestos Mines, Historic Asbestos Prospects, and Other Natural Occurrences of Asbestos in the Conterminous United States. Website: https://www.usgs.gov/data/reported-historic-asbestos-mines-historic-asbestos-prospects-and-other-natural-occurrences. Accessed November 25, 2024.

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.

Regional

Bay Area Air District California Environmental Quality Act Air Quality Guidelines

The Bay Area Air District is the primary agency responsible for ensuring that air quality standards (NAAQS and CAAQS) are attained and maintained in the SFBAAB through comprehensive planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The Bay Area Air District prepares plans to attain AAQS in the SFBAAB and 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 Bay Area Air District 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 CAA and the CCAA.

In April 2023, the Bay Area Air District updated the California Environmental Quality Act (CEQA) Guidelines that superseded the previous guidance. The Bay Area Air District's CEQA Guidelines for implementation of the thresholds are for informational purposes only, to assist local agencies.

Bay Area Air District Particulate Matter Plan

To fulfill federal air quality planning requirements, the Bay Area Air District adopted a $PM_{2.5}$ emissions inventory for the year 2010 at a public hearing on November 7, 2012. The Bay Area Clean Air Plan also included several measures for reducing PM emissions from stationary sources and wood-burning. In 2013, the EPA issued a Final Rule determining that the Bay Area has attained the 24-hour $PM_{2.5}$ NAAQS, suspending federal SIP planning requirements for the SFBAAB.[16] Despite this EPA action, the SFBAAB will continue to be designated as nonattainment for the national 24-hour $PM_{2.5}$ standard until the Bay Area Air District submits a redesignation request and a maintenance plan to the EPA and the EPA approves the proposed redesignation.

The Air Basin is designated nonattainment for the State PM_{10} and $PM_{2.5}$ standards, but the Air Basin is currently unclassified for the federal PM_{10} standard and nonattainment for federal $PM_{2.5}$ standards. The EPA lowered the 24-hour $PM_{2.5}$ standard from 65 micrograms per cubic meter ($\mu g/m^3$) to 35 $\mu g/m^3$ in 2006 and designated the Air Basin as nonattainment for the new $PM_{2.5}$ standard effective December 14, 2009.

[16] United States Environmental Protection Agency (EPA). 2013. Determination of Attainment for the San Francisco Bay Area Nonattainment Area for the 2006 Fine Particle Standard; California; Determination Regarding Applicability of Clean Air Act Requirements. January 9.

The Bay Area Air District believes that it would be premature to submit a redesignation request and $PM_{2.5}$ maintenance plan at this time. Therefore, the Bay Area Air District will prepare a "clean data" SIP to address the required elements, including:

- An emission inventory for primary $PM_{2.5}$ as well as precursors to secondary PM formation; and
- Amendments to the Bay Area Air District's New Source Review regulation to address $PM_{2.5}$.

The Air Basin will continue to be designated as nonattainment for the 24-hour $PM_{2.5}$ NAAQS until the Air District elects to submit, and the EPA approves, a redesignation request and maintenance plan. At this time, the Bay Area Air District does not have an applicable SIP with which the proposed project would be required to comply. However, development facilitated by the proposed project would be subject to the Bay Area Clean Air Plan, in addition to regulations set forth by the Bay Area Air District.

Bay Area Air District 2017 Clean Air Plan

In May 2017, the Bay Area Air District adopted the final Bay Area 2017 Clean Air Plan. The Bay Area Air District prepared the 2017 Clean Air Plan in cooperation with the Metropolitan Transportation Commission (MTC) and the 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 for the next decades. 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 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 the 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 EVs, 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 EVs, 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 GHG, ozone pollutants, and PM emissions: transportation. This includes more incentives for EV 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

Bay Area Air District 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.

Bay Area Air District Regulations

Regulation 2, Rule 1 (Permits–General Requirements)

The Bay Area Air District 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 authorities to construct or permits to operate from the Bay Area Air District for new sources of air pollutants, as applicable.

Regulation 2, Rule 5 (New Source Review Permitting)

The Bay Area Air District regulates backup emergency generators, fire pumps, and other sources of TACs through its New Source Review (Regulation 2, Rule 5) permitting process.[17] Although emergency generators are intended for use only during periods of power outages, monthly testing of each generator is required; however, the Bay Area Air District limits testing to no more than 50 hours per year. Each emergency generator installed is assumed to meet a minimum of Tier 2 emission standards (before control measures). As part of the permitting process, the Bay Area Air District 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 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 Bay Area Air District 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 provides existing standards for PM emissions that could result during project construction or operation that 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 3 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 Bay Area Air District 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 reactive organic gases (ROG) content in paints and paint solvents. Although this rule does not directly

[17] Bay Area Air Quality Management District (Bay Area Air District). 2016. New Source Review Permitting Guidance. Website: http://www.baaqmd.gov/permits/permitting-manuals/nsr-permitting-guidance. Accessed November 25, 2024.

apply to the proposed project, it does dictate the ROG content of paint available for use during the construction.

Regulation 8, Rule 15 (Emulsified and Liquid Asphalts)

Although this rule does not directly apply to the proposed project, it does dictate the reactive organic gases 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 9, Rule 8 (Inorganic Gaseous Pollutants–Nitrogen Oxides and Carbon Monoxide from Stationary Internal Combustion Engines)

Under Regulation 9, Rule 8, the Bay Area Air District 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 hp. As such, any proposed stationary source equipment (e.g., backup generators, fire pumps) which would be greater than 50 hp would require a Bay Area Air District permit under Regulation 9, Rule 8 to operate.

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

Under Regulation 11, Rule 2, the Bay Area Air District regulates emissions of asbestos into 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 (Odorous Emissions)

The Bay Area Air District is responsible for investigating and controlling odor complaints in the Bay Area. The agency enforces odor control by helping the public to document a public nuisance. Upon receipt of a complaint, the Bay Area Air District sends an investigator to interview the complainant and to locate the odor source if possible. The Bay Area Air District 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.

Several Bay Area Air District regulations and rules apply to odorous emissions. Regulation 1, Rule 301, is the nuisance provision that states that sources cannot emit air contaminants that cause nuisance to several people. Regulation 7 specifies limits for the discharge of odorous substances where the Bay Area Air District 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.

Plan Bay Area

The Regional Transportation Plan and Sustainable Community Strategy (RTP/SCS) for the San Francisco Bay Area, named Plan Bay Area 2050, was jointly produced and adopted by the MTC and

ABAG.[18] On October 2021, the MTC approved Plan Bay Area 2050. Plan Bay Area includes integrated land use and transportation strategies for the region and was developed through OneBayArea, a joint initiative between ABAG, the Bay Area Air District, MTC, and the San Francisco Bay Conservation and Development Commission. Plan Bay Area is also considered the ABAG/MTC RTP/SCS. In accordance with SB 743, Plan Bay Area included elements designed to encourage the type of land use development to meet three primary objectives. First, Roadway Level of Service (LOS) could not be considered an environmental impact under CEQA. Second, it introduced changes to VMT per capita as a determinant of environmental impact. Third, the use of VMT as an environmental impact in CEQA is considered a mechanism for achieving State and regional GHG reduction goals. As a regional land use plan, Plan Bay Area aims to reduce per capita GHG emissions through the promotion of more compact, mixed-use residential and commercial neighborhoods located near transit. As long as people drive gas- and diesel-powered vehicles, a by-product of reducing VMT is that air emissions from such vehicles also are reduced.

3.2.4 - Methodology

Model Selection and Guidance

Regional air pollutant emissions are composed of those on-site construction and operational emissions generated from all facets of the proposed project. Air pollutant emissions can be estimated by using emission factors and a level of activity. Emission factors represent the emission rate of a pollutant over a given time or activity, for example, grams of NO_X per vehicle mile traveled or grams of NO_X per horsepower hour of equipment operation. The activity factor 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, the amount of fuel consumed in a given amount of time, or VMT per day. The ARB has published emission factors for on-road mobile vehicles/trucks in the Emission Factor (EMFAC) mobile source emissions model and emission factors for off-road equipment and vehicles in the OFFROAD emissions model. An air emissions model (or calculator) combines the emission factors and the levels of activity and outputs the emissions for the various pieces of equipment.

The current version of the California Emissions Estimator Model (CalEEMod), Version 2022 was released as part of a coordinated development effort between the California Air Pollution Control Officers Association (CAPCOA) and the California Air Districts. Regional construction and operational emissions reported in this analysis were modeled using CalEEMod Version 2022.1.

Criteria Pollutants Assessed

The following air pollutants are assessed in this analysis:

- ROG
- NO_X
- CO
- SO_X

[18] Association of Bay Area Government. 2021. Plan Bay Area 2050. Website: https://www.planbayarea.org/finalplan2050. Accessed November 25, 2024.

- PM_{10}
- $PM_{2.5}$

Note that the proposed project would emit ozone precursors ROG and NO_X. However, the proposed project would not directly emit ozone since it is formed in the atmosphere during the photochemical reaction of ozone precursors.

Modeling Assumptions–Construction

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 on-site and off-site activities. On-site emissions principally 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. Additionally, paving operations and application of architectural coatings would release volatile organic compounds (VOC) emissions. Off-site emissions are caused by motor vehicle exhaust from delivery vehicles, worker traffic, and road dust (PM_{10} and $PM_{2.5}$).

The residential project site proposes 422 three-story for-sale townhome-style condominiums within approximately 82 building groups, totaling approximately 839,654 gross square feet on an approximately 22.2-acre site. The building groups would consist of two building styles, N1 Townhouse and N2 Townhouse, with the N1 Townhouse style having six building plans (3-plex, 4-plex, 5-plex, 6-plex A, and 6-plex B) and the N2 Townhouse style having four building plans (4-plex, 5-plex, 6-plex, 7-plex). Residential units would occupy a total of approximately 725,653 net square feet of construction. The remaining construction area from the total 839,654 gross square feet of construction includes covered garages, covered decks, roof decks, porches, and exterior walls. The proposed project would also include approximately 2 acres of common open space, including a central common open space area, a rain garden common area, a dog park, and various paseo walking areas. A total of 959 parking spaces would be provided as part of the proposed project, with 844 of these spaces being in private garages and 111 of these spaces being located on proposed internal roadways. Additionally, the proposed project would include landscaping, stormwater detention, utilities, internal streets, pedestrian paths and seating, and other infrastructure improvements. Construction activities occurring on the project site would consist of mass grading, utility trenching, building construction, paving, and architectural coating of the inside and outside of the buildings.

Primary vehicular access to the project site would occur via a network of proposed internal streets that would be developed with two points of access from Mitchell Drive in the north and two points of access from Shadelands Drive in the south. The proposed internal roadways would be 20 feet wide at minimum throughout the site and would provide emergency vehicle access to all parts of the project site. In addition, the proposed internal roadway would provide standard fire apparatus turnarounds, per Contra Costa County Fire Protection District (CCCFPD) requirements.

The proposed project would include off-site improvements, including curb ramp improvements at the intersection of Shadelands Drive and North Via Monte along with 10-foot sidewalks along Shadelands Drive and Mitchell Drive. In addition, the applicant proposes to restripe the adjacent parcel to the east to accommodate required parking for the remaining office building and to construct necessary trash facilities.

Phasing and Construction

Construction of the proposed project components and off-site improvements would occur in one or two phases over a period of approximately 4.75 years, starting in April 2026 and ending in December 2030 (Exhibit 2-13). To be conservative, one phase is assumed for all modeling. The anticipated construction schedule, as shown in Table 3.2-4, reflects the construction start date and duration assumed for the purposes of providing a conservative estimate of emissions for this environmental analysis. All site preparation and grading for the entire project site would also be completed at this time. Grading and site preparation would include the import of approximately 1,000 cubic yards and no materials export.

An anticipated construction schedule is provided in Table 3.3-4, which presents the duration for each construction activity. Table 3.3-4 presents the number of assumed construction equipment along with hours of operation per day, horsepower, and load factor. Where project-specific information was not available or unknown, default assumptions were used to complete emissions modeling. The activity for construction equipment is based on the horsepower and load factors of the equipment. In general, the horsepower is the power of an engine—the greater the horsepower, the greater the power. The load factor 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.

The construction schedule used in the analysis represents a conservative analysis scenario since emission factors for construction equipment decrease as the analysis year increases, due to improvements in technology and compliance with more stringent regulatory requirements. The schedule also assumes a single-phase duration for construction by assuming an earlier schedule for the same intensity, thus representing a conservative estimate for emissions. Therefore, construction emissions would decrease if the construction schedule moved to later years. The duration of construction activity and associated equipment represent a reasonable approximation of the expected construction fleet.

Table 3.2-4: Construction Schedule

Construction Activity	Conceptual Construction Schedule		Working Days per Week	Working Days
	Start Date	End Date		
Demolition	4/1/2026	6/29/2026	5	64
Site Preparation	6/1/2026	9/30/2026	5	88
Grading	10/1/2026	11/30/2026	5	43
Paving	11/15/2026	12/30/2026	5	33
Building Construction	8/1/2026	10/31/2030	5	1,109
Architectural Coating	11/1/2030	12/31/2030	5	43
Source: Appendix B.				

A summary of the on-site, off-road construction equipment usage assumptions used to estimate emissions is presented in Table 3.2-5.

Table 3.2-5: Project Construction Equipment Assumptions

Phase Name	Equipment Type	Number per Day	Hours Per Day	Horsepower	Load Factor	Fuel Type
Demolition	Concrete/Industrial Saws	1	8	33	0.73	Diesel
	Excavators	3	8	36	0.38	Diesel
	Rubber Tired Dozers	2	8	367	0.40	Diesel
Site Preparation	Rubber Tired Dozers	3	8	367	0.40	Diesel
	Tractors/Loaders/Backhoes	4	8	84	0.37	Diesel
Grading	Excavators	2	8	36	0.38	Diesel
	Graders	1	8	148	0.41	Diesel
	Rubber Tired Dozers	1	8	367	0.40	Diesel
	Scrapers	2	8	423	0.48	Diesel
	Tractors/Loaders/Backhoes	2	8	84	0.37	Diesel
Paving	Pavers	2	8	81	0.42	Diesel
	Paving Equipment	2	8	89	0.36	Diesel
	Rollers	2	8	36	0.38	Diesel
Building Construction	Cranes	1	7	367	0.29	Diesel
	Forklifts	3	8	82	0.20	Diesel
	Generator Sets	1	8	14	0.74	Diesel
	Tractors/Loaders/Backhoes	3	7	84	0.37	Diesel
	Welders	1	8	46	0.45	Diesel
Architectural Coating	Air Compressors	1	6	37	0.48	Diesel

Source: Appendix B.

A summary of the construction-related vehicle trips is shown in Table 3.2-6. Based on applicant-provided information, grading would include the import of approximately 1,000 cubic yards and no materials would be exported. Note that the total number of off-site construction vehicle trips would not necessarily occur on the same day since construction activities would vary each day during the construction period.

Table 3.2-6: Construction Off-site Trips

Construction Activity	Worker (trips per day)	Vendor (trips per day)	Haul (trips per Day)
Demolition	15.00	0.00	176.42
Site Preparation	17.50	0.00	0.00
Grading	20.00	0.00	2.91
Building Construction	293.71	100.44	0.00
Paving	15.00	0.00	0.00
Architectural Coating	58.74	0.00	0.00
Source: CalEEMod Output (Appendix B).			

Fugitive Dust

Application of the Bay Area Air District BMPs are required through Mitigation Measure (MM) AIR-1 to reduce emissions of fugitive dust to a less than significant level. The model accounts for the implementation of these dust control measures for all construction scenarios by assuming watering of exposed area at a minimum frequency of two times per day, resulting in a 61 percent control efficiency for both PM_{10} and $PM_{2.5}$ dust.

Modeling Assumptions–Operation

The major sources of operational emissions that would occur over the long-term operations of the proposed project are summarized below. All modeling estimates were conducted against a baseline of zero to provide a conservative estimate of air quality impacts resulting from the proposed project.

Motor Vehicles

Motor vehicle emissions refer to exhaust and road dust emissions from the motor vehicles that would travel to and from and within the project site. The regional emissions from the proposed project's mobile sources were estimated using CalEEMod and the daily trips estimated by traffic consultant for the proposed project. The proposed project would primarily generate passenger vehicle trips from residents and visitors traveling to and from the project site. Based on the project-specific traffic report, the proposed project would generate 2,780 average weekday daily trips.[19]

Other Emission Sources

Area Sources

In addition to typical mobile- and energy-source emissions, long-term operational emissions also include area-source emissions. Area-source emissions include occasional architectural coating activities for repainting and maintenance of the residential homes associated with the proposed project. CalEEMod assumes that repainting occurs at a rate of 10 percent of the buildings per year. Therefore, on average, it is assumed that the building would be fully repainted every 10 years.

[19] Fehr & Peers. 2024. Mitchell Drive Townhomes–Trip Generation, VMT Screening and Transportation Demand Management Plan Memorandum. July 15.

Other area-source emissions include consumer products that involve solvents that emit VOCs during use. CalEEMod includes default consumer product use rates based on building square footage. The default emission factors developed for CalEEMod were used for consumer products associated with parking uses. Lastly, CalEEMod default emission factors for landscape maintenance equipment were used in this analysis.

Water/Wastewater

GHG emissions from this sector are associated with the embodied energy used to supply treat and distribute water and then treat wastewater and fugitive GHG emissions from wastewater treatment. Water consumption is based on CalEEMod default values.

Energy

Electricity for the proposed project would be provided by Pacific Gas and Electricity Company (PG&E) or Marin Clean Energy (MCE). MCE, Contra Costa's community choice energy provider, has been the default electricity provider for Walnut Creek since September 2016. PG&E is both a utility and a load-serving entity. PG&E, in its utility capacity, owns and operate the transmission lines, distribution lines, transformers, and utility poles that make up the grid. The proposed project would be served by existing underground utility lines adjacent to the project site in Shadelands Drive and Mitchell Drive.

Emissions from this sector are principally from use of electricity for space and water heating at the proposed residences. The estimated energy consumption is based on CalEEMod default values for the proposed residential land use.

Dispersion Modeling

An air dispersion model is a mathematical formulation used to estimate air quality impacts at specific locations (receptors) surrounding a source of emissions given the rate of emissions and prevailing meteorological conditions. The air dispersion model applied in this assessment was the AERMOD Version 23132. Specifically, the AERMOD model was used to estimate levels of air emissions at sensitive receptor locations from project construction PM_{10} exhaust emissions. The AERMOD model provides a refined methodology for estimating localized construction impacts by utilizing long-term, measured representative meteorological data for the project site and representative construction and operational schedules.

The AERMOD model was used to estimate levels of air concentrations at sensitive receptor locations from project construction PM_{10} exhaust and on-road diesel truck exhaust. Receptors within the AERMOD model were placed at sensitive receptor locations within approximately 1,000 feet of the project site.

Air Dispersion Modeling Assumptions–Construction

Each construction emission source to be evaluated requires geometrical and emission release specifications for use in the air dispersion model. The emission source configurations applied in this assessment are shown in Table 3.2-7.

The on-site construction area sources were assumed to cover the entire project site. Emissions from the on-site construction exhaust sources were assumed to be emitted 5 meters above ground to

account for the top of equipment exhaust stacks where emissions are released to the atmosphere and the increase in emission height due to its heated exhaust. The off-site (on-road) construction vehicle emissions were represented in the AERMOD model as line volume sources for diesel vehicles.

Table 3.2-7: Summary of Construction Diesel Emission Source Configurations

Emission Source Type	Configuration	Relevant Assumptions
Off-road Construction Equipment	Area Source (Sitewide)	• Area Source of height 5 meters to account for plume rise from exhaust. • Emission factors: CalEEMod
Heavy-duty Haul Truck Traffic	Line Volume Sources	• Truck travel was estimated for project-generated off-site travel extending on travel routes within approximately 1,000 feet of the project site. • Emission factors: CalEEMod (EMFAC2021)
Source: Appendix B.		

The construction emissions were assumed to be distributed over the project area with a working schedule of up to 11 hours per day and 5 days per week. Emissions were adjusted by a factor of 4.2 in AERMOD "variable emission" option to convert 11 hours per day, 5 days per week construction emissions for use with a 24 hours per day, 365 days per year averaging period. Although it is assumed that occasional late evening and weekend hours may be needed for utility line and right-of-way work, the extent of this is expected to be minimal and would thus not require modification of this analysis.

Health Risk Assessment

The primary TAC of concern for the proposed project would be diesel exhaust, characterized by the emissions of DPM as a surrogate, emitted during construction. The emissions of potential DPM associated with construction activities would be transient, temporary, and occur in varying locations within the project site. The exposure assessment for construction is limited to emissions over the time that construction is expected to occur (i.e., 4.75 years).

Exhaust emissions of DPM (as PM_{10} exhaust) were obtained from the CalEEMod Version 2022.1 for the unmitigated emissions construction scenarios utilized for the criteria pollutant analysis (Appendix B). DPM emissions to be evaluated include on-site diesel exhaust from construction equipment and from construction vehicle trips. Air dispersion modeling (described above) was utilized to determine the concentration of DPM at different locations off-site from the proposed project.

The concentration output files from AERMOD were postprocessed in the Hot Spots Analysis and Reporting Program (HARP) Air Dispersion Modeling and Risk Tool (ADMRT) to determine the concentration of DPM at off-site receptors for the modeled emission scenarios. The HARP ADMRT program uses the concentrations, along with equations from the Air Toxics Hot Spots Program

Guidance Manual for Preparation of Health Risk Assessments,[20] to estimate the project's cancer and non-cancer chronic health risks. For DPM, the only exposure pathway is inhalation, and the HARP ADMRT tool evaluates exposure from this single pathway.[21] The risk assessment was carried out using recommended ARB/CAPCOA Risk Management Policy assumptions.

Estimation of Cancer Risks

Cancer risks are estimated as the upper-bound incremental probability that an individual would develop cancer as a direct result of exposure to potential carcinogens over a specified exposure duration. The cancer risk attributed to a chemical is calculated by multiplying the chemical intake or dose at the human exchange boundaries (e.g., lungs) by the chemical-specific cancer potency factor (CPF). Cancer risk is expressed in terms of risk per million exposed individuals. A risk level of 10 in a million implies a likelihood (or risk) that up to 10 persons out of 1 million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the levels of TACs over a specified duration of time. This risk would be an excess cancer risk that is in addition to any environmental cancer risk borne by a person not exposed to these TACs.

The health risks associated with the exposure to these concentrations are then calculated for each individual receptor based on dose and response parameters. Factors such as an individual's age and body weight and breathing rate determine the dose. Individuals also have varying responses due to a number of factors, with children being more susceptible to health effects due to development. The California Office of Environmental Health Hazard Assessment (OEHHA) risk assessment procedures were modified in 2015 to account for early childhood health effects and age sensitivity factors are applied to the cancer health risk values. [22] An age sensitivity factor of 10 is applied for infants with exposure starting in the third trimester until age two. Children from the ages of 2 to 16 are assumed to be three times more sensitive than adults. No adjustments are made for adult exposure for ages greater than 16. OEHHA Health Risk Assessment (HRA) protocols specify that HRAs for residential exposure should start with exposure starting at third trimester, and this approach is used for the construction HRA conducted for the proposed project.

Sensitive receptors were modeled as residential receptors to provide a conservative estimate of risks. Residents less than 16 years of age are assumed to be exposed continuously 24 hours per day, 7 days per week and represent the maximally exposed sensitive receptor. The construction HRA considers exposure for the duration of construction (approximately 4.75), starting at age of third trimester.

[20] Office of Environmental Health Hazard Assessment (OEHHA). 2015. Air Toxics Hot Spots Program. Risk Assessment Guidelines – Guidance Manal for Preparation of Health Risk Assessments. February. Website: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf. Accessed December 4, 2024.

[21] California Air Resources Board (ARB) and California Air Pollution Control Officers Association (CAPCOA). 2015. Risk Management Guidance for Stationary Sources of Air Toxics. Website: https://ww2.arb.ca.gov/sites/default/files/classic/toxics/rma/rmgssat.pdf. Accessed December 4, 2024.

[22] Office of Environmental Health Hazard Assessment (OEHHA). 2015. Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments. February. Website: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf. Accessed December 4, 2024.

Estimation of Chronic Non-cancer Hazards

An evaluation of potential non-cancer effects of chronic chemical exposures was also conducted. Risk characterization for non-cancer health hazards from TACs is expressed as a hazard index (HI). The HI is a ratio of the predicted concentration of the project's emissions to a concentration considered acceptable to public health professionals, termed the Reference Exposure Level (REL). The HI assumes that chronic exposures to TACs adversely affect a specific organ or organ system (toxicological endpoint) of the body. For each discrete chemical exposure, target organs presented in regulatory guidance were used. To calculate the HI, each chemical concentration or dose is divided by the appropriate toxicity REL. For compounds affecting the same toxicological endpoint, this ratio is added together. Where the total equals or exceeds one, a health hazard is presumed to exist.

To quantify non-carcinogenic impacts, the chronic HI is derived by using the annual average concentration of TAC as derived from the air dispersion model, which is shown in $\mu g/m^3$. This value is then compared to the REL above which a significant impact is assumed to occur ($\mu g/m^3$).

OEHHA has defined a REL for diesel exhaust of 5 $\mu g/m^3$. The principal toxicological endpoint assumed in this assessment was the respiratory system via the inhalation exposure pathway. DPM does not have any identified short-term or acute RELs.

Estimation of Acute Non-cancer Hazards

The proposed project's non-cancer acute health risks were not estimated because OEHHA has not established an acute REL for DPM and there are no acute non-cancer risk values associated with DPM.

3.2.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether air quality impacts resulting from the implementation of the proposed project would be considered significant if the project would:

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.

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

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make impact significance determinations.

Approach to Analysis

The preceding thresholds of significance are stated in general terms. It is therefore desirable to formulate additional, more precise thresholds based on guidance from the Bay Area Air District, as is

encouraged in Appendix G to the CEQA Guidelines. As explained earlier, the Bay Area Air District's 2022 CEQA Air Quality Guidelines were prepared to assist in evaluating air quality impacts of projects and plans proposed within the Bay Area. 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. They also include recommended assessment methodologies for air toxics, odors, and GHGs. The analysis below was prepared using these Bay Area Air District CEQA Guidelines.

Consistency with Air Quality Plan

The applicable air quality plan is Bay Area Air District's 2017 Bay Area 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 be determined to conflict with or obstruct implementation of an applicable air quality plan if it would result in substantial new regional emissions not foreseen in the air quality planning process.

Regional Significance Criteria

Table 3.2-8 shows the Bay Area Air District's ambient air quality emission criteria for regional significance for project construction and operations.

Table 3.2-8: Bay Area Air District Regional (Mass Emissions) Air Pollutant Significance Thresholds

	Construction Phase	Operational Phase	
Pollutant	Average DailyEmissions (pounds/day)	Average DailyEmissions (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

Pollutant	Construction Phase	Operational Phase	
	Average DailyEmissions (pounds/day)	Average DailyEmissions (pounds/day)	Maximum Annual Emissions (tons/year)

Notes:
NO_X = oxides of nitrogen
PM_{10} = particulate matter less than 10 micrometers in diameter
$PM_{2.5}$ = particulate matter less than 2.5 micrometers in diameter
ROG = reactive organic gas
Source: Bay Area Air Quality Management District (Bay Area Air District) 2022. California Environmental Quality Act Air Quality Guidelines. April.

In developing the above significance thresholds, the Bay Area Air District considers the emission levels for which a project's individual emissions would be cumulatively considerable. If a project were to exceed the emission thresholds in Table 3.3-8, that project's emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions and impeding the region from meeting the CAAQS and NAAQS, which are set at levels protective of human health. 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 would further contribute to reducing possible health effects related to criteria air pollutants. However, for projects that exceed the emissions thresholds shown in Table 3.3-8, 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 Air Basin would be affected by the health effects cited above. To achieve the health-based standards established by the EPA, the air districts prepare air quality management plans that detail regional programs to attain the AAQS. However, if a project within the Bay Area Air District 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.

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, CO concentrations in the SFBAAB have steadily declined. Because CO concentrations have improved, the Bay Area Air District does not require a CO hotspot analysis if all the following criteria are met:

- The project is consistent with an applicable congestion management program established by the County Congestion Management Agency for designated roads or highways, the regional transportation plan, and local congestion management agency plans; and
- The project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and

- The project traffic would not increase traffic volumes at the affected intersection 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).[23]

Community Risk and Hazards

The Bay Area Air District's significance thresholds for local community risk and hazard impacts apply to both the siting of a new source and 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 proposed project would generate TACs and $PM_{2.5}$ during construction activities that could elevate concentrations of air pollutants at the nearby school and residential sensitive receptors. The thresholds for construction-related local community risk and hazard impacts are the same as for project operations. 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 off-site receptors, as applicable.[24]

Since the City of Walnut Creek does not have an applicable 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 phases.

Community Risk and Hazards: Project

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:

- An excess cancer risk level of more than 10 in 1 million or a non-cancer (i.e., chronic or acute) HI greater than 1.0 would be a significant cumulatively considerable contribution.
- An incremental increase of greater than 0.3 $\mu g/m^3$ annual average $PM_{2.5}$ from a single source would be a significant 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 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:

[23] Bay Area Air Quality Management District (Bay Area Air District). 2022. California Environmental Quality Act Air Quality Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-4-screening_final-pdf.pdf?rev=ac551d35a52d479dad475e7d4c57afa6&sc_lang=en. Accessed December 4, 2024.

[24] Bay Area Air Quality Management District (Bay Area Air District). 2022. California Environmental Quality Act Air Quality Guidelines. April. Website: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines. Accessed December 4, 2024.

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

In February 2015, the OEHHA adopted additional 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.[25]

Odors

The Bay Area Air District CEQA Guidelines do not provide a threshold for construction-related odors because, in general, the odors from construction are temporary and localized. For operational-related odors, the threshold is five confirmed complaints per year averaged over 3 years.[26]

3.2.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Consistency with Air Quality Management Plan

Impact AIR-1:	**The proposed project could conflict with or obstruct implementation of the applicable air quality plan.**

Impact Analysis

The Bay Area Air District is responsible for implementing policies and regulations to reduce emissions from area, stationary, and mobile sources in the SFBAAB to achieve the NAAQS and CAAQS. The Bay Area Air District 2017 Clean Air Plan is a regional and multiagency effort to reduce air pollution in the SFBAAB. A consistency determination with the Air Quality Management Plan (AQMP) 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 of the proposed 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 Bay Area Air District compiles the regional emissions inventory for the SFBAAB. In part, the regional population, housing, and employment projections developed by the ABAG are based on cities' general plan land use designations. These projections form the foundation for the emissions inventory of the 2017 Clean Air Plan. These demographic trends are incorporated into Plan Bay Area, compiled by ABAG and the MTC, to determine priority transportation projects and VMT in the Bay

[25] California 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 December 4, 2024.

[26] Bay Area Air Quality Management District (Bay Area Air District). 2022. California Environmental Quality Act Air Quality Guidelines. April. Website: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines. Accessed December 4, 2024.

Area. Projects consistent with the local general plan are considered consistent with the regional air quality plan. Large projects that exceed regional employment, population, and housing planning projections have the potential to be inconsistent with the regional inventory compiled as part of the 2017 Clean Air Plan.

The proposed project would build 422 three-story townhome-style condominiums on approximately 22.2 acres. As previously described, demographics trends such as employment and population growth were estimated in ABAG's Plan Bay Area 2040 based on local general plan land use patterns, which the Bay Area Air District utilized in part to inform the emissions inventory and projections contained in the 2017 Clean Air Plan.

Land Use Designation

According to the General Plan, the area in and around the project site is within the Shadelands Business Park. The project site is designated in the General Plan as Business Park (Exhibit 2-3). The Business Park designation is limited to a building intensity of a 0.1 to 0.5 floor area ratio (FAR). Land uses allowed within this designation include employment-based businesses including administrative, professional office, and research uses.

Specific Plan

The project site is also located in Specific Plan No. 2, Shadelands Administrative, Professional, Research District, which is henceforth named as SP-2 Shadelands Business Park in this Draft EIR. SP-2 Shadelands Business Park extends north to south from the Contra Costa Canal to Ygnacio Valley Road; and east to west from Oak Grove Road to the Contra Costa Canal and Amberwood Lane, crossing to the northwest, with the Brampton Road eastern cul-de-sac to the southwest.

Zoning

According to the City of Walnut Creek Zoning Map, the project site is zoned Planned Development (PD) (Exhibit 2-4). PD zoning districts are intended to allow diversification in the relationship of various buildings, land uses, structures, and open spaces in order to be relieved from the rigid standards of conventional zoning.

Even though the proposed project is not the use anticipated by the Bay Area Air District when it developed the 2017 Clean Air Plan, as discussed below, the proposed project would not impede an of the 2017 Clean Air Plan's control measures, would not exceed the Bay Area Air District criteria air pollutant thresholds, and would not make a cumulatively considerable contribution to GHG emissions, and therefore is consistent with the goals of the 2017 Clean Air Plan.

Clean Air Plan Consistency Analysis

Table 3.2-9 identifies the project-applicable control measures in the 2017 Clean Air Plan required by the Bay Area Air District to reduce emissions for a wide range of stationary and mobile sources and the project's consistency analysis with these control measures. As shown in Table 3.3-9, the proposed project would not conflict with the control measures of the 2017 Clean Air Plan.

Table 3.2-9: Consistency With 2017 Clean Air Plan Control Measures

Type	Measure Number/Title	Consistency Analysis
Stationary Source Control Measure	**SS18:** Basin-Wide Combustion Strategy. Stabilize and then reduce emissions of GHGs [greenhouse gases], criteria air pollutant and toxic emissions from stationary combustion sources throughout the Air District by first establishing carbon intensity caps on major GHG sources, and then adopting new rules to (1) reduce fuel use on a source-type by source-type basis, and (2) evaluate alternatives to decarbonize abatement devices. **SS21:** New Source Review for Air Toxics. Propose revisions to Air District Rule 2-5, New Source Review of Toxic Air Contaminants, based on OEHHA's [California Office of Environmental Health Hazard Assessment's] 2015 Health Risk Assessment Guidelines and ARB/CAPCOA's [California Air resource Board/ California Air Pollution Control Officers Association's] 2015 Risk Management Guidance. Revise the Air District's Health Risk Assessment trigger levels for each toxic air contaminant using the 2015 Guidelines and most recent health effects values.	**Consistent.** Stationary sources are regulated directly by the Bay Area Air Quality Management District (Bay Area Air District), which routinely adopts/revises rules or regulations to implement the Stationary Source (SS) control measures to reduce stationary source emissions. Therefore, any new stationary sources associated with the proposed project would be required to comply with the Bay Area Air District's regulations. Based on the proposed residential use for the project site, the proposed project would result in any new major stationary source emissions. Additionally, in the event stationary equipment, such as a backup generator, is installed on-site, that the equipment would be small-quantity emitters and would require review by Bay Area Air District for permitted sources of air which would ensure consistency with the 2017 Clean Air Plan.
	SS 36: PM from Trackout. Develop new Air District rule to prevent mud/dirt and other solid trackout from construction, landfills, quarries and other bulk material sites.	**Consistent with mitigation.** The Bay Area Air District's recommended mitigation measures for construction fugitive dust control, incorporated as Mitigation Measure (MM) AIR-1 for this project, would be implemented to reduce fugitive dust and trackout during project construction. In addition, and in accordance with MM AIR-1, mud and dirt that may be tracked out onto the nearby public roads during construction activities would be removed promptly by the contractor based on the Bay Area Air District's requirements.
	SS 37: PM from Asphalt Operations. Develop an Air District rule to require abatement/control of blue smoke emissions related to asphalt delivery to roadway paving projects.	**Consistent.** Asphalt application during the construction of the proposed project would be subject to Bay Area Air District Regulation 8, Rule 15-Emulsified and Liquid Asphalts which regulates emissions from asphalt.
Transportation Control Measures	**TR 9: Bicycle and Pedestrian Access and Facilities.** Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific	**Consistent**. Transportation control measures are strategies to reduce vehicle trips, vehicle use, Vehicle Miles Traveled (VMT), vehicle idling, and

Type	Measure Number/Title	Consistency Analysis
	plans, fund bike lanes, routes, paths and bicycle parking facilities.	traffic congestion to reduce motor vehicle emissions. Although most of the transportation control measures are implemented at the regional level—that is, by the Metropolitan Transportation Commission (MTC) or California Department of Transportation (Caltrans)—the 2017 Clean Air Plan relies on local communities to assist with the implementation of some measures. The proposed project is located in a low-VMT area according to screening maps published in the City's Citywide Transportation Demand Management (TDM) Requirements. Therefore, the proposed project would have a less than significant impact on VMT and would provide pedestrian circulation throughout the project site in accordance with applicable standards and would not conflict with such infrastructure or infrastructure plans included in the General Plan.
Energy and Climate Control Measures	**EN1: Decarbonize Electricity Production.** Engage with PG&E [Pacific Gas and Electric Company], municipal electric utilities and CCEs [Community Choice Energy] to maximize the amount of renewable energy contributing to the production of electricity within the Bay Area as well as electricity imported into the region. Work with local governments to implement local renewable energy programs. Engage with stakeholders including dairy farms, forest managers, water treatment facilities, food processors, public works agencies, and waste management to increase use of biomass in electricity production. **EN2: Decrease Electricity Demand.** Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	**Consistent**. The Energy and Climate control measures are intended to reduce energy use as a means of reducing adverse air quality emissions. The proposed multiple-family homes would comply with 2022 Building Energy Efficiency Standard solar requirements, or in the applicable Building Standards Code, and would comply with the City's more stringent reach codes that require all-electric development (i.e., no natural gas).
Buildings Control Measures	**BL2: Decarbonize Buildings.** Explore potential Air District rulemaking options regarding the sale of fossil fuel-based space and water heating systems for both residential and commercial use. Explore	**Consistent**. The proposed project would not include natural gas plumbing or appliances and is therefore consistent with this measure.

Type	Measure Number/Title	Consistency Analysis
	incentives for property owners to replace their furnace, water heater, or natural gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.	
Natural and WorkingLands Control Measures	**NW 3–Carbon Sequestration in Wetlands.** Identify federal, State, and regional agencies, and collaborative working groups that the Air District can assist with technical expertise, research or incentive funds to enhance carbon sequestration in wetlands around the Bay Area. Assist agencies and organizations that are working to secure the protection and restoration of wetlands in the San Francisco Bay.	**Not Applicable**. The control measure focuses on increasing carbon sequestration on wetlands. The proposed project would not be constructed on wetlands and is not a federal, State, or regional agency or a working group.
Waste Management Control Measures	**WA 4–Recycling and Waste Reduction.** Develop model policies to facilitate local adoption of ordinances and programs to reduce the amount of green waste going to landfills.	**Consistent**. The control measure includes strategies to increase waste diversion rates through efforts to reduce, reuse, and recycle. The proposed project would comply with City policies related to reducing the green waste going to landfills. The proposed project would be served by RecycleSmart, which would provide solid waste, composting, and recycling services. Such services would be provided on a weekly basis.
Water Control Measures	**WR 2–Support Water Conservation.** Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	**Consistent.** The 2017 Clean Air Plan includes measures to reduce water use. The proposed project would include water efficiency measures required under the California Green Building Standards Code (CALGreen). The proposed project would include water-efficient indoor fixtures consistent with the requirements of CALGreen and water-efficient plants and water-efficient irrigation.
Super GHG ControlMeasures	**SL 1–Short-Lived Climate Pollutants.** Reduce methane from landfills and farming activities through various control measures listed under waste and agriculture sectors. Develop a rule to reduce methane emissions from natural gas pipelines and processing operations and amend regulations to reduce emissions of methane and other organic gases from equipment leaks at oil refineries. Enforce	**Not Applicable**. Super-GHGs include methane, black carbon, and fluorinated gases. These compounds are sometimes referred to as short-lived climate pollutants because their lifetime in the atmosphere is generally short. Measures to reduce super-GHGs are addressed on a sector-by-sector basis in the 2017 Clean Air Plan. As the

Type	Measure Number/Title	Consistency Analysis
	applicable regulations on the servicing of existing air conditioning units in motor vehicles, support the adoption of more stringent regulations by ARB and/or U.S. EPA [United States Environmental Protection Agency], and encourage better HFC [hydrofluorocarbon] disposal practices.	proposed project is residential in nature, it is not expected to be a notable source of super-GHGs.

Notes:
AG = Agricultural
BL = Buildings
EN = Energy and Climate
FSM = Further Study Measures
NW = Natural and Working Lands
SL = Super GHG (Short-Lived)
SS = Stationary Sources
TR = Transportation
WA = Waste Management
WR = Water Control Measures
Source: Bay Area Air Quality Management District (Bay Area Air District). 2017, April 19. Final 2017 Clean Air Plan, Spare the Air, Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed December 4, 2024.

As shown in Table 3.3-9, the proposed project would not conflict with the relevant clean air measures contained in the Clean Air Plan after mitigation. Nonetheless, the Bay Area Air District's CEQA Air Quality Guidelines further recommend determining a project's consistency with the 2017 Clean Air Plan, in part, by determining a project's consistency with the regional significance thresholds presented in Table 3.3-8.[27] As discussed under Impact AIR-2, the proposed project's regional emissions are below the Bay Area Air District's significance thresholds and would be considered less than significant.

To determine the impacts related to construction fugitive dust, the Bay Area Air District requires a project to implement construction BMPs to lead to less than significant impact regarding construction fugitive dust. Therefore, MM AIR-1 would be required to ensure implementation of all construction BMPs recommended by the Bay Area Air District.

Consequently, implementation of MM AIR-1 would sufficiently maintain project construction emissions at less than significant levels. As previously discussed, the Bay Area Air District's CEQA Air Quality Guidelines recommend determining a project's consistency with the 2017 Clean Air Plan, in part, by determining a project's consistency with the Bay Area Air District significance thresholds. As discussed under Impact AIR-2, the proposed project would not generate emissions which would exceed the Bay Area Air District's significance thresholds. Therefore, the proposed project would not conflict with the applicable air quality plan and impacts would be less than significant with mitigation.

[27] Bay Area Air Quality Management District (Bay Area Air District). 2022. California Environmental Quality Act Air Quality Guidelines.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described within Chapter 2, Project Description, would be the same as described for the proposed project. The proposed project would not conflict with the relevant Clean Air Plan measures with implementation of MM AIR-1 to reduce fugitive dust during construction. Furthermore, construction activities would be subject to Bay Area Air District Regulation 8, Rule 15-Emulsified and Liquid Asphalts, which regulates emissions from asphalt. Therefore, construction and operation of the Community Benefit Variant would not result in additional or increased impacts related to consistency with the relevant air quality plan and would not conflict with or obstruct the applicable air quality plan.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM AIR-1 Implement the Bay Area Air District Best Management Practices to Control Dust During Construction

The applicant/project sponsor shall include the following dust control measures, as recommended by the Bay Area Air Quality Management District (Bay Area Air District), in the design of the proposed project and shall implement them (or ensure that they are implemented) during construction:

- All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
- All visible mud or dirt 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 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible within each phase of construction. Building pads for the individual phase 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 (ATCM) Title 13, Section 2485 of the California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a

certified mechanic and determined to be running in proper condition prior to operation.

- The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The construction contractor shall take corrective action within 48 hours. The Bay Area Air District's and the City of Walnut Creek's phone numbers shall also be visible to ensure compliance with applicable regulations.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Cumulative Criteria Pollutant Emissions Impacts

Impact AIR-2:	**The proposed project could 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.**

Impact Analysis

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 nonattainment status of regional pollutants results from past and present development within the SFBAAB, and this regional impact is a cumulative impact. Therefore, new development projects (such as the proposed project) within the SFBAAB would contribute to this impact only on a cumulative basis. No single project would be sufficient in size, by itself, to result in nonattainment of regional air quality standards. Instead, a project's emissions may be individually limited, but cumulatively considerable when evaluated in combination with past, present, and future development projects. The project region is in nonattainment for ozone and PM.

Potential localized and regional impacts would result in exceedances of State or federal standards for NO_X, particulate matter (PM_{10} and $PM_{2.5}$), or CO. Even though the region's air basin is in attainment for NOx, NO_X emissions are of concern because NO_X is a precursor in the formation of airborne ozone and the regional air basin is not in attainment for ozone. PM_{10} and $PM_{2.5}$ are of concern during construction because of the potential to emit exhaust emissions from the operation of off-road construction equipment and fugitive dust during earth-disturbing activities (construction fugitive dust).

ROG emissions are also important because of their participation in the formation of ground level ozone. Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and can cause substantial damage to vegetation and other materials. Elevated ozone concentrations result in reduced lung function, particularly during vigorous physical activity. This health problem is particularly acute in sensitive receptors such as the sick, elderly, and young children.

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 the 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 regional emissions that exceed the Bay Area Air District regional thresholds of significance for construction and operations on a project level. The significance thresholds represent the maximum 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 Bay Area Air District thresholds of significance on the project level also 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 Emissions

During construction, fugitive dust would be generated from site grading and other earthmoving activities. The majority of this fugitive dust would remain localized and deposited near the project site; however, fugitive dust's potential impacts exist unless control measures are implemented to reduce this source's emissions. Exhaust emissions would also be generated from the operation of the off-road construction equipment and on-road construction vehicles.

Construction Fugitive Dust

As discussed in Impact AIR-1, if all appropriate emissions control measures are implemented for a project as recommended by the Bay Area Air District, then fugitive dust emissions during construction are not considered significant. Therefore, MM AIR-1 would be required to ensure implementation of all construction BMPs recommended by the Bay Area Air District. With the incorporation of this mitigation, 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 $PM_{2.5}$

CalEEMod, Version 2022.1, was used to estimate the proposed project's construction emissions. CalEEMod provides a consistent platform for estimating construction and operational emissions from various land use projects and is the model recommended by the Bay Area Air District for estimating project emissions. Estimated construction emissions are compared with the applicable thresholds of significance established by the Bay Area Air District to assess ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$ construction emissions to determine significance for this impact.

At the time of this analysis, the construction of the proposed project was anticipated to begin in April 2026 and last approximately 4.75 years. If the construction schedule moves to later years, construction emissions would likely decrease because of improvements in technology and more stringent regulatory requirements.

Construction activities such as grading, excavation, and travel on unpaved surfaces would generate dust and lead to elevated concentrations of PM_{10} and $PM_{2.5}$ during both phases of the proposed project. Grading would include the import of approximately 1,000 cubic yards and no materials export. As the Bay Area Air District dust control measures would be required to ensure fugitive dust

impacts are less than significant, the emission estimates shown below account for the implementation of MM AIR-1. The operation of construction equipment results in exhaust emissions, which include ROG and NO_X. Table 3.2-10 presents construction-period emissions that would result from the development of the proposed project.

Table 3.2-10: Construction Emissions

Construction Emissions by Year	Criteria Pollutant Emissions (tons)			
	ROG	NO_X	PM_{10} (exhaust)	$PM_{2.5}$ (exhaust)
Proposed Project				
Project Construction (2026)	0.43	3.94	0.14	0.13
Project Construction (2027)	0.25	1.75	0.05	0.05
Project Construction (2028)	0.25	1.67	0.04	0.04
Project Construction (2029)	0.24	1.59	0.04	0.04
Project Construction (2030)	6.24	1.30	0.03	0.03
Total Emissions (tons)	**7.41**	**10.25**	**0.3**	**0.29**
Total Emissions (lbs)	**14,820**	**20,500**	**600**	**580**
Average Daily Emissions (lbs/day)	**11.95**	**16.53**	**0.48**	**0.47**
Bay Area Air District Significance Thresholds (lbs/day)	**54**	**54**	**82**	**54**
Significant Impact?	**No**	**No**	**No**	**No**
Community Benefit Variant				
Project Construction (2026)	0.02	0.06	0	0.01
Total Emissions (tons)	**0.02**	**0.06**	**0**	**0.01**
Total Emissions (lbs)	**30.44**	**126.66**	**5.39**	**4.96**
Average Daily Emissions (lbs/day)	**0.28**	**0.39**	**0**	**0.01**
Bay Area Air District Significance Thresholds (lbs/day)	**54**	**54**	**82**	**54**
Significant Impact?	**No**	**No**	**No**	**No**

Notes:
Bay Area Air District = Bay Area Air Quality Management District
lbs = pounds
NO_X = nitrogen oxides
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
ROG = reactive organic gases
This analysis relies on a 4.75-year construction schedule, consistent with the construction schedule and modeling results contained in Appendix B. The analysis includes dust-reduction measures, which do not have a bearing on exhaust-only emissions.
The average daily emissions are calculated using 1,240 construction working days for the proposed project.
The average daily emissions are calculated using 26 construction working days for the Community Benefit Variant.
Source: Appendix B.

As shown above in Table 3.3-10, the proposed project's construction emissions would not exceed any of the applicable significance thresholds. However, in order to have a less than significant fugitive dust impact, the proposed project would implement dust control measures as part of MM AIR-1. Therefore, the proposed project would have a less than significant impact related to air quality during project construction with mitigation incorporated.

Operation

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

Operational emissions would include area, energy, and mobile sources. Area sources would include emissions from architectural coatings, consumer products, and landscape equipment. Typical energy sources for residential uses include emissions from the combustion of natural gas for water heaters and other heat sources. Mobile sources include exhaust and road dust emissions from the automobiles that would travel to and from the project site. Pollutants of concern include ROG, NO_X, PM_{10}, and $PM_{2.5}$.

Project operations were analyzed against a baseline of zero at full buildout in the earliest operational year of Phase I (2027), thus providing a conservative framework for analyzing air pollution impacts resulting from the proposed project. As previously mentioned, these impacts were modeled over a single-phase duration of construction with an earlier start date, thus providing a conservative estimate as new project buildings would be built to be more energy-efficient than existing office buildings. Estimates for these impacts are compared against the Bay Area Air District quantitative thresholds in Table 3.2-11. If a project exceeds the identified significance thresholds, its emissions will contribute considerably to the nonattainment status and to elevating health effects associated with these criteria air pollutants. For detailed assumptions used to estimate emissions, see Appendix B.

Table 3.2-11: Operational Regional Pollutant Emissions

Emissions Source	ROG	NO_X	PM_{10} Total	$PM_{2.5}$ Total
Annual Emissions in Tons per Year				
Mobile	2.28	1.66	3.34	0.86
Area	4.31	0.04	0.00	0.00
Energy	0.05	0.90	0.07	0.07
Annual Emissions (tons/yr)	**6.64**	**2.60**	**3.41**	**0.93**
Significance Threshold (tons/yr)	**10**	**10**	**15**	**10**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**
Average Daily Emissions in Pounds per Day				
Annual Emissions (tons/yr)	6.64	2.60	3.41	0.93
Annual Emissions (lbs/yr)	13,280	5,200	6,820	1,860
Average Daily (lbs/day)[1]	**36.38**	**14.25**	**18.68**	**5.10**

Emissions Source	ROG	NO_X	PM_{10} Total	$PM_{2.5}$ Total
Significance Threshold (lbs/day)	**54**	**54**	**82**	**54**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**

Notes:
Bay Area Air District = Bay Area Air Quality Management District
lbs = pounds
NO_X = nitrogen oxides
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
ROG = reactive organic gases
[1] The average daily emissions are calculated using 365 operational days per year.
Source: Appendix B.

Table 3.3-11 indicates that the proposed project would result in operational-related criteria air pollutants or ozone precursors below the Bay Area Air District's thresholds of significance for all criteria pollutants. Therefore, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment during operation or construction.

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 Bay Area Air District recommends a screening analysis[28] 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:

- 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; and
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- 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).

Consistency with an Applicable Congestion Management Program

In accordance with Senate Bill (SB) 743, transportation analysis under CEQA no longer uses delay-based metrics such as congestion to analyze project impacts. A Transportation Impact Study (TIS) was conducted by transportation engineering consultants W-Trans to evaluate the proposed project

[28] Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Air Quality Guidelines. April.

on January 30, 2025 (Appendix I). According to the TIS, the proposed project would be located in a traffic analysis zone (TAZ) identified by the Contra Costa Transportation Authority (CCTA) as having an existing home-based VMT per capita that is 85 percent or less of the existing countywide average, otherwise known as a low-VMT area. As determined by City Resolution 20-70 in October 2020, low-VMT areas are presumed to have a less than significant VMT impact. Therefore, the proposed project is presumed to have a less than significant impact VMT impact and would not conflict with a program, plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities. See Section 3.15, Transportation, for more information regarding VMT.

Additionally, the proposed project would be consistent with the Bay Area Air District CO Hot Spot guidelines, which require adherence to the Congestion Management Plan (CMP). The CMP aims to reduce traffic congestion, improve air quality, and promote efficient transportation systems. A detailed analysis confirms that the proposed project would align with the CMP's requirements by incorporating measures to minimize traffic impacts and support efficient transportation, including strategies such as optimizing traffic flow, enhancing public transit accessibility, and promoting non-motorized transportation options. By complying with the CMP, the proposed project would not contribute to significant congestion or air quality issues, further reinforcing its less than significant impact on the circulation system.

Increase Traffic Volumes at Affected Intersections to No More Than 44,000 Vehicles Per Hour (or 24,000 Vehicles Per Hour Where Mixing is Substantially Limited)

The TIS prepared for the proposed project determined that the proposed project would generate approximately 3,038 average weekday daily trips, approximately 203 AM peak-hour trips, and approximately 241 PM peak-hour trips. This is a reduction of 62 average daily trips below existing trips associated with the current uses on the project site.[29] As such, the existing plus project traffic volumes on the nearby local residential streets would not experience hourly traffic levels above 24,000 or 44,000 vehicles per hour cited in the Bay Area Air District criteria. Thus, the peak-hours trip volume experienced at affected roadways and intersections are significantly below the threshold levels of 24,000 and 44,000 vehicles per hour. Therefore, the proposed project would meet all the CO screening criteria and would result in a less than significant impact related to carbon monoxide.

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.

Summary

In summary, the proposed project would have a less than significant construction impact with implementation of MM AIR-1 and a less than significant operation impact.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. As shown above in Table 3.3-11, implementation of the Community Benefit Variant would result in a minor increase in construction emissions that would not exceed any of the applicable significance thresholds. However, in order to have a less than

[29] W-Trans. 2025. Draft Transportation Impact Study for the Mitchell Drive Townhomes Project. January 30.

significant fugitive dust impact, the proposed project would implement dust control measures as part of MM AIR-1. Therefore, the proposed project would have a less than significant impact related to air quality during project construction with mitigation incorporated. There would be no ongoing, operational-related emissions from implementation of the Community Benefit Variant. Therefore, the Community Benefit Variant would not result in additional or increased impacts related to criteria pollutant emissions and would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM AIR-1 (see Impact AIR-1).

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Sensitive Receptors Exposure to Pollutant Concentrations

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

Impact Analysis

The proposed project could expose sensitive receptors to elevated pollutant concentrations if it causes or contributes significantly to elevated pollutant concentration levels. The types of sensitive receptors considered are based on the Bay Area Air District's 2022 CEQA Guidelines. The methods and significance criteria for evaluating this impact are based on the Bay Area Air District Guidance for Evaluating Risks and Hazards and Bay Area Air Districts thresholds for risks and hazards.

The closest sensitive receptors include: Little Flowers Montessori School Daycare, approximately 23 feet northeast of the boundaries of the project site; residences located in a neighborhood directly adjacent to the project site, approximately 297 feet to the east; Springfield Montessori Preschool approximately 405 feet to the north; Contra Costa School of Performing Arts, approximately 223 feet northwest of the project site; Shadelands Post Acute Skilled Nursing Facility, approximately 82 feet west of the project site; and Sequoia Living Viamonte at Walnut Creek senior living facility and Primrose School of Walnut Creek East, 86 feet and 395 feet south of the project site, respectively. 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.

A construction HRA was prepared in which PM_{10} is evaluated as the surrogate of DPM, which is the major TAC during construction. As the project operation would not generate significant TAC emissions, an operational HRA is not required. The results of the HRA are summarized below and are presented in full as part of Appendix B.

Toxic Air Contaminant Construction Analysis

Table 3.3-12 presents a summary of the results of the HRA prepared for the proposed project during project construction. As the emissions of concern would be emitted during project construction, the HRA analyzes the proposed project's emissions over a period of approximately 4.75 years; the analysis methodology is consistent with the Bay Area Air District's Health Risk Assessment Guidelines.[30] The results below include both unmitigated impacts (Table 3.2-12) and the incorporation of dust control measures required by MM AIR-1 (Table 3.2-13). The Maximally Exposed Individual Receptor (MEIR) was determined to be the Montessori School located directly adjacent to the northeast corner of the project site.

Table 3.2-12: Summary of Health Risks from Construction of Proposed Project (Unmitigated)

Impact Scenario	Cancer Risk (risk per million)	Chronic Non-cancer Hazard Index	Acute Non-cancer Hazard Index	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Unmitigated Scenario at the MEIR	19.49	0.009	0.000	0.082
Thresholds of Significance	**10**	**1**	**1**	**0.3**
Exceeds Individual Source Threshold?	**Yes**	**No**	**No**	**No**

Notes:
$PM_{2.5}$ = particulate matter 2.5 micrometers or less in diameter
mg/m^3 = micrograms per cubic meter
MEIR = Maximally Exposed Individual Receptor
Source: Appendix B.

As shown in Table 3.3-12, the proposed project's construction DPM emissions would result in health risks exceeding the cancer risk significance threshold prior to the incorporation of mitigation. Accordingly, MM AIR-2 would require the use of Tier 4 engines for all construction equipment equal to or greater than 50 hp. Results from the mitigated scenario are provided below in Table 3.3-13.

Table 3.2-13: Summary of Health Risks from Construction of Proposed Project (Mitigated)

Impact Scenario	Cancer Risk (risk per million)	Chronic Non-cancer Hazard Index	Acute Non-cancer Hazard Index	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Mitigated Scenario at the MEIR (with MM AIR-1 and MM AIR-2)	5.21	0.002	0.000	0.053
Thresholds of Significance	**10**	**1**	**1**	**0.3**
Exceeds Individual Source Threshold?	**No**	**No**	**No**	**No**

Notes:
$PM_{2.5}$ = particulate matter 2.5 micrometers or less in diameter

[30] Bay Area Air Quality Management District (Bay Area Air District). 2016. Bay Area Air District Air Toxics NSR Program Health Risk Assessment Guidelines. December. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/permit-modeling/hra_guidelines_12_7_2016_clean-pdf.pdf?la=en. Accessed December 9, 2024.

Impact Scenario	Cancer Risk (risk per million)	Chronic Non-cancer Hazard Index	Acute Non-cancer Hazard Index	$PM_{2.5}$ Concentration ($\mu g/m^3$)
μ/m^3 = micrograms per cubic meter MEIR = Maximally Exposed Individual Receptor Source: Appendix B.				

As noted in Table 3.3-14, the proposed project's construction DPM emissions would not result in health risks exceeding the cancer risk significance threshold or non-cancer HI significance threshold at the MEIR after incorporation of MM AIR-2. Additionally, the project's maximum annual $PM_{2.5}$ concentrations estimated by dispersion modeling are below the Bay Area Air District incremental threshold values with the incorporation of dust control measures required by MM AIR-1. Therefore, the proposed project would not result in a significant impact on nearby receptors from TACs during construction after incorporation of MM AIR-1 and MM AIR-2. Construction health risk impacts would be less than significant after incorporation of mitigation.

Cumulative Risks and Hazards at the MEIR

Cumulative health impacts were estimated for the MEIR identified in the previous section and are shown in Table 3.2-14. Project-level predicted health risks and hazards were combined with values from the Bay Area Air District screening tools including Roadway and Rail Screening Layers and Stationary Source Screening Maps. Based on the Bay Area Air District's Stationary Source Map, there are six permitted stationary sources within 1,000 feet of the project site. As shown therein, health risks to nearby sensitive receptors would not exceed the Bay Area Air District community health risk significance thresholds.

Table 3.2-14: Cumulative Health Risks at the Maximally Exposed Impacted Receptor

Source	Source Type	Cancer Risk (per million)	Chronic Hazard Index	Acute Hazard Index	PM2.5 Concentration ($\mu g/m^3$)
Project Mitigated Construction	Construction	5.21	< 0.01	0.00	0.05
Air Basin Roadways	Roadways	9.68	0.03	—	0.17
Air Basin Railways	Railways	—	—	—	—
Verizon Wireless (Shadelands)–Facility ID 16376	Generator	4.83	0.00	—	0.01
Kaiser Permanente Walnut Creek Data Center–Facility ID 13975	Generator	8.33	0.00	—	0.01
WCEP Shade LLC c/o California Capital & Investment Group–Facility ID 22647	Generator	0.63	0.00	—	0.00
Safeway Inc #3026–Facility ID 23948	Generator	0.00	0.00	—	0.00
Viamonte Senior Living 1 Inc.–Facility ID 201897	Generator	21.68	0.01	—	0.03

Source	Source Type	Cancer Risk (per million)	Chronic Hazard Index	Acute Hazard Index	PM2.5 Concentration ($\mu g/m^3$)
Manganese Development LLC– Facility ID 200501	Generator	3.48	0.00	—	0.01
Cumulative Health Risks at MEIR		**53.84**	**0.04**	**0.00**	**0.28**
Bay Area Air District's Cumulative Thresholds of Significance		**100**	**10**	**10**	**0.8**
Threshold Exceeded?		**No**	**No**	**No**	**No**

Notes:
Bay Area Air District = Bay Area Air Quality Management District
$PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter
$\mu g/m^3$ = micrograms per cubic meter
Source: Appendix B.

The risks presented in Table 3.3-14 present conservative estimates at the MEIR since they are based on maximum screening values of stationary source impacts occurring at the centroid location of each stationary source and have not been adjusted for distance from the MEIR. It demonstrates that, cumulatively, with existing sources in the area, the proposed project's impact would still be less than significant as compared to the Bay Area Air District risk thresholds.

As shown in Table 3.3-14, the cumulative impacts from project construction and existing sources of TACs would be less than the Bay Area Air District cumulative thresholds of significance for cancer risk, non-cancer chronic hazard, and annual $PM_{2.5}$ concentrations. Therefore, the proposed project, along with cumulative sources of TAC emissions within 1,000 feet, would be below the Bay Area Air District's cumulative thresholds of significance and there would be no cumulatively considerable or significant impact.

The Project as a Receptor

The proposed project would locate new sensitive receptors (residents) that could be subject to existing sources of TACs at the project site. The California Supreme Court concluded in *California Building Industry Association v. Bay Area Air Quality Management District* that CEQA does not require the analysis of the impact of existing environmental conditions on a project's future users or residents. Although not part of the CEQA analysis, impacts of existing surrounding sources on the proposed project's future residents are summarized below for informational purposes.

Table 3.2-15 summarizes the cumulative health impacts at the project site at project buildout. There are six permitted stationary sources within 1,000 feet of the project site, which are listed in Table 3.3-15. Table 3.3-15 also includes existing roadway and rail sources.

Table 3.2-15: Cumulative Health Risks to Future Residents at the Proposed Project Site

Source	Source Type	Cancer Risk (per million)	Chronic Hazard Index	Acute Hazard Index	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Air Basin Roadways	Roadways	5.47	0.02	—	0.12
Air Basin Railways	Railways	—	—	—	—
Verizon Wireless (Shadelands)–Facility ID 16376	Generator	4.83	0.00	—	0.01
Kaiser Permanente Walnut Creek Data Center–Facility ID 13975	Generator	8.33	0.00	—	0.01
WCEP Shade LLC c/o California Capital & Investment Group–Facility ID 22647	Generator	0.63	0.00	—	0.00
Safeway Inc #3026–Facility ID 23948	Generator	0.00	0.00	—	0.00
Viamonte Senior Living 1 Inc.–Facility ID 201897	Generator	21.68	0.01	—	0.03
Manganese Development LLC–Facility ID 200501	Generator	3.48	0.00	—	0.01
Cumulative Health Risks at the Project		**53.84**	**0.04**	**0.00**	**0.28**
Bay Area Air District's Cumulative Thresholds of Significance		**100**	**10**	**10**	**0.8**
Threshold Exceeded?		**No**	**No**	**No**	**No**

Notes:
Bay Area Air District = Bay Area Air Quality Management District
$PM_{2.5}$ = particulate matter, including dust, 2.5 micrometers or less in diameter
$\mu g/m^3$ = micrograms per cubic meter
Source: Appendix B.

As shown in Table 3.3-15, the project receptors would experience health risks that are below acceptable risk thresholds. Because this is a non-CEQA impact, no significance determination is required.

Toxic Air Contaminant Operational Analysis

As the project applicant indicates, construction of the proposed project components and off-site improvements would occur in one or two phases over a period of approximately 4.75 years, starting in April 2026 and ending in December 2030). All site preparation and grading for the entire project site would also be completed at this time. Grading and site preparation would include the import of approximately 1,000 cubic yards and no materials export.

MM AIR-2 requires that all applicable off-road equipment in the vertical construction phase be Tier 4. As shown in Table 3.3-13 above, the MEIR, which is a receptor located approximately 23 feet to the northeast of the project site, would not experience TACs in excess of the Bay Area Air District health risk threshold for DPM resulting from the entire project construction of approximately 4.75

years. Therefore, it is reasonable to expect that the first group of occupants' exposure would not exceed the Bay Area Air District health risk threshold from DPM generated during the subsequent vertical construction. The DPM health risk impact for the first group of occupants would be less than significant.

For project operations, potential TAC emissions would be from the exhaust of the vehicle trips entering, exiting, and idling on the project site. Residential uses, such as the proposed project, do not generate significant amounts of DPM or other TAC emissions during operation because most passenger vehicles are gasoline fueled. Therefore, the proposed project would not cause significant health impacts on sensitive receptors during operation.

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 with regard to exposing sensitive receptors to substantial concentrations of CO emissions.

Summary

In summary, the proposed project would not expose sensitive receptors to substantial pollutant concentrations during operations. The proposed project would not expose sensitive receptors to substantial pollutant concentrations during construction after implementation of MM AIR-1 and MM AIR-2. Impacts from TACs during construction would be less than significant after incorporation of mitigation.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Implementation of the Community Benefit Variant would involve an additional 26 days of construction which would add a *de minimis* level of additional emissions. In addition, MM AIR-2 would require the use of clean construction equipment, which would reduce emissions of DPM to the greatest extent feasible. There would be no ongoing, operational-related emissions associated with implementation of the Community Benefit Variant. Therefore, construction and/or operation of the Community Benefit Variant would not result in additional or increased impacts related to exposure of sensitive receptors to substantial pollutant concentrations.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM AIR-1 (See Impact AIR-1) and the following:

MM AIR-2 Use of Clean Construction Equipment to Minimize Potential DPM Exposure

The applicant/project sponsor shall ensure that all off-road equipment equal to or greater than 50 horsepower meet either United States Environmental Protection

Agency (EPA) or California Air Resources Board (ARB) Tier 4 off-road emission standards (Tier 4 Interim or Tier 4 Final) during all construction activities. The applicant/project sponsor shall submit a construction management plan to the City's Community Development Director, or the Director's designee, for review and approval prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with Tier 4 off-road emission standards (Tier 4 Interim or Tier 4 Final). Off-road equipment descriptions and information included in the construction management plan may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower (hp), and engine serial number. The applicant/project sponsor shall be responsible for the implementation of the approved construction management plan.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Other Emissions (Including Odors)

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.**

Impact Analysis

Construction

During construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. It is anticipated that by the time such emissions reach any sensitive receptor sites, they would be diluted to well below any air quality or odor concern level because such odors dissipate quickly. Therefore, construction odor impacts would be less than significant.

Operation

Land uses typically associated with objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities, as shown in the 2022 Bay Area Air District CEQA Guidelines and as part of Appendix B of this Draft EIR. The proposed project would involve the development of residences whose operations could lead to odors from associated laundry cleaning, vehicle exhaust, outdoor cooking, and waste disposal. However, such odors generated by project operation would be small in quantity and duration and would not pose an objectionable odor impact to future and existing receptors. Therefore, the proposed project would have less than significant odor impacts during operation.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Implementation of the Community Benefit Variant would not introduce significant sources of odors during construction or operation. Therefore, the Community Benefit Variant would not result in additional or increased impacts related to other emissions including odors.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

3.2.7 - Cumulative Impacts

The geographic scope of the cumulative air quality analysis is the SFBAAB, which covers all or portions of the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Sonoma, and Solano. Air quality is impacted by topography, dominant air flows, atmospheric inversions, location, and season; therefore, using the Air Basin represents the area most likely to be impacted by air emissions. The Bay Area Air District CEQA Guidelines cumulative significance criteria are used in the cumulative analysis of air quality.

In developing thresholds of significance for air pollutants, the Bay Area Air District established numerical thresholds for determining when a project's individual contributions would be cumulatively considerable. If a project does not exceed the identified significance thresholds, its emissions would not be cumulatively considerable, resulting in less than significant air quality impacts to the region's existing air quality conditions.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to air quality. This analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project, when added to an existing significant cumulative impact, would be significant.

Conflict with Applicable Plans

As discussed above, regional air quality effects are inherently cumulative. The nonattainment status of regional pollutants results from multiple sources in the air basin, both past and present. The potential for the proposed project to result in significant criteria air pollutant emissions, and therefore a cumulatively considerable contribution to potential impacts associated with consistency with the AQP, is addressed under Impact AIR-1 and Impact AIR-2. As detailed under Impact AIR-1, the proposed project would not conflict with the relevant clean air measures contained in the Clean Air Plan after incorporation of MM AIR-1. Furthermore, with incorporation of MM AIR-1, the proposed project's regional emissions are below the Bay Area Air District's significance thresholds and would be considered less than significant and less than cumulatively considerable. Therefore, the proposed project would not make a cumulatively considerable contribution to significant

cumulative impacts related to conflict with or obstruction of the implementation of the applicable air quality plan.

As detailed in AIR-2, the proposed project would not generate emissions that would exceed the Bay Area Air District's regional thresholds of significance, which are cumulative in nature, after incorporation of MM AIR-1. Projects such as the proposed project, which generate emissions below the significance thresholds, would be considered consistent with regional air quality planning efforts and would not generate cumulatively considerable emissions. Therefore, the proposed project would not make a cumulatively considerable contribution related to construction or operational criteria pollutants to the significant cumulative impacts in the air basin.

Criteria Pollutants

As discussed above, under Impact AIR-2, air pollution from criteria pollutants is a cumulative impact resulting from emissions generated over a large geographic region and the analysis under Impact AIR-2 is a cumulative analysis. As shown above, the proposed project would not make a cumulatively considerable contribution during construction or operation to significant cumulative criteria air pollutant impacts, particularly those that that have led to the air basin's nonattainment status for ozone and PM.

Sensitive Receptor Exposure to Toxic Air Contaminants

As discussed previously, localized risks are primarily associated with exposure to TAC emissions. As shown above, with implementation of MM AIR-1 and MM AIR-2, neither the construction nor operation of the proposed project, when considered with other past and existing projects, would exceed the Bay Area Air District's cumulative TAC thresholds, and thus would not result in a significant cumulative health impact from TACs.

Objectionable Odors

Odors have the potential to create a localized impact. Typically, odors from sources not considered to be an odor generator are confined to areas around the source and would not combine with other odor sources creating a cumulative impact. The proposed project is not in an area affected by odor sources and would not be a known odor source because it is a residential project, and the proposed project would not generate nuisance odors affecting a substantial number of people during either construction or operations. Therefore, the proposed project's odors would not combine with other odors to create a significant cumulative impact.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project.

As discussed above, regional air quality effects are inherently cumulative. The nonattainment status of regional pollutants results from multiple sources in the air basin, both past and present. The potential for the Community Benefit Variant to result in significant criteria air pollutant emissions, and therefore a cumulatively considerable contribution to potential impacts associated with consistency with the AQP, is addressed under Impact AIR-1 and Impact AIR-2. As detailed under

Impact AIR-1, the Community Benefit Variant would not conflict with the relevant clean air measures contained in the Clean Air Plan after incorporation of MM AIR-1. Furthermore, with incorporation of MM AIR-1, the Community Benefit Variant's regional emissions are below the Bay Area Air District's significance thresholds and would be considered less than significant and less than cumulatively considerable. Therefore, the Community Benefit Variant would not make a cumulatively considerable contribution to significant cumulative impacts related to conflicting with or obstruction of the implementation of the applicable air quality plan.

As detailed in AIR-2, the Community Benefit Variant would not generate emissions that would exceed the Bay Area Air District's regional thresholds of significance, which are cumulative in nature, after incorporation of MM AIR-1. Projects such as the Community Benefit Variant, which generate emissions below the significance thresholds, would be considered consistent with regional air quality planning efforts and would not generate cumulatively considerable emissions. Therefore, the Community Benefit Variant would not make a cumulatively considerable contribution related to construction or operational criteria pollutants to the significant cumulative impacts in the air basin.

Localized risks are primarily associated with exposure to TAC emissions. As shown above, with implementation of MM AIR-1 and MM AIR-2, the construction and/or operation of the Community Benefit Variant, when considered with other past and existing projects, would not result in a significant cumulative health impact from TACs.

Finally, implementation of the Community Benefit Variant would not introduce significant sources of odors during construction or operation, and the Community Benefit Variant's odors would not combine with other odors to create a significant cumulative impact. Therefore, the Community Benefit Variant, in conjunction with other planned and approved projects, would not have a significant cumulative impact related to air quality and the Community Benefit Variant's contribution would be less than cumulatively considerable.

Level of Cumulative Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM AIR-1 and MM AIR-2.

Level of Cumulative Significance After Mitigation

Less than significant impact with mitigation incorporated.

3.3 - Biological Resources

3.3.1 - Introduction

This section describes the existing biological setting and potential effects of project implementation on the project site and the surrounding area. This section also identifies mitigation measures to reduce these potential effects to less than significant levels. Project site descriptions and analysis in this section are based, in part, on a field survey and associated literature review conducted by FirstCarbon Solutions (FCS) in October 2024; and an Arborist Report prepared by HortScience, Bartlett Consulting, dated June 26, 2024, and later updated on December 11, 2024, to provide a project-specific evaluation of existing biological resources. The updated Arborist Report is contained in Appendix C.

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to biological resources. This Draft EIR considered these comments in preparing this analysis. The comments are summarized as follows:

- The Draft EIR should analyze impacts to the western burrowing owl, tricolored blackbird, and California tiger salamander.
- The Draft EIR should evaluate the potential disruptions of existing wildlife habitats on the project site.
- The Draft EIR should evaluate environmental impacts related to tree removal.

3.3.2 - Environmental Setting

Records Searches and Pedestrian Survey to Identify Existing Biological Resources

Literature Review

FCS Biologists reviewed existing environmental documentation for the project site and immediate vicinity. This documentation includes the Arborist Report[1] noted above, literature pertaining to the habitat requirements of special-status species potentially occurring on or near the site, and federal register listings, protocols, and species data provided by the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW).

FCS Biologists reviewed the *Walnut Creek, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map and aerial photographs as a preliminary analysis of the existing conditions within the project site and immediate vicinity. Information obtained from the review of the topographic maps included elevation range, general watershed information, and potential drainage feature locations.[2] Aerial photographs provide a perspective of the most current site conditions relative to on-site and off-site land use, plant community locations, and potential locations of wildlife movement corridors. FCS also reviewed United States Department of Agriculture

[1] HortScience, Bartlett Consulting. June 2024. Arborist Report, Mitchell Townhomes Project, Walnut Creek California.
[2] United States Geological Survey (USGS). 2024. National Geospatial Program. Website: https://www.usgs.gov/core-science-systems/national-geospatial-program/us-topo-maps-america?qt-science_support_page_related_con=4#qt-science_support_page_related_con. Accessed October 9, 2024.

(USDA) soil surveys to determine whether the soil conditions on-site are suitable for any special-status plant species.

Typography and Hydrology

FCS Biologists reviewed current USGS topographic quadrangle map(s) and aerial photographs as a preliminary analysis of the existing conditions within the project site and immediate vicinity. Information obtained from the review of the topographic maps included elevation range, general watershed information, and potential drainage feature locations. Aerial photographs provide a perspective of the most current site conditions relative to on-site and off-site land use, plant community locations, and potential locations of wildlife movement corridors.

The project site contains numerous artificial, small ornamental bodies of water. These ornamental ponds are connected by concrete channels fed by active underground pumps to circulate water. These ornamental water features are isolated to the proejct site and do not contain upstream or downstream hydrological connection.

Soils

Soil survey information for the project site was obtained from the USDA National Resources Conservation Service (NRCS) Web Soil Survey.[3] These soil profiles include soil series with similar thickness, arrangement, and other important characteristics. The soil series consist of separate soil mapping units that provide specific information regarding soil characteristics. Many special-status plant species and habitat types have a limited distribution based exclusively on soil type. Therefore, pertinent USDA soil survey maps were reviewed to determine the existing soil mapping units within the project site and to establish if soil conditions are suitable for any special-status plant species. The NRCS Web Soil Survey (WSS) depicts two soil types within the project site: Zamora silty clay loam and Rincon clay loam. These types of soils are typically well drained and non-saline.

Special-Status Wildlife and Plant Species

FCS Biologists compiled a list of threatened, endangered, and otherwise special-status species previously recorded within the project vicinity. The list was based on the search of the CDFW California Natural Diversity Database (CNDDB),[4] a special-status species and plant community account database, and the California Native Plant Society Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California database[5] 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 C. The CNDDB Biogeographic Information and Observation System (BIOS 6)

[3] Soil survey information for the project site was obtained from the United States Department of Agriculture (USDA) National Resources Conservation Service (NRCS) Web Soil Survey. Accessed October 17, 2024.

[4] California Department of Fish and Wildlife (CDFW). 2024. CNDDB RareFind 5 California Natural Diversity Database Query for Special-status Species. Website: https://map.dfg.ca.gov/rarefind/view/RareFind.aspx. Accessed October 9, 2024.

[5] California Native Plant Society (CNPS). 2024. California Native Plant Society Rare and Endangered Plant Inventory. Website: http://www.rareplants.cnps.org/. Accessed October 9, 2024.

database[6] was used to determine the distance between known recorded occurrences of special-status species and the project site.

Common plant species observed during the reconnaissance-level survey were identified by visual characteristics and morphology in the field and recorded in a field notebook; other identification tools included taxonomical guides, including Jepson eFlora and Calflora.[7,8] Taxonomic nomenclature used in this study follows The Jepson Manual: Vascular Plants of California (2nd Edition).[9] Vegetation community and land cover types used to help classify habitat types are based on the Manual of California Vegetation and cross-referenced with the CDFW Natural Communities List.[10,11,12]

FCS recorded all wildlife species that were detected during the reconnaissance-level survey by sight, calls, tracks, scat, or other signs. The FCS Biologist made notations regarding suitable habitat for those special-status species determined to potentially occur within the project site. Online resources such as eBird were consulted, as necessary.

Trees

FCS Biologists reviewed the updated project-specific Arborist Report (Appendix C) to evaluate the site's tree inventory. Additionally, FCS Biologists reviewed applicable ordinances pertaining to tree preservation and protective measures and their tree replacement conditions or permits required, such as Chapter 8 of the City's Municipal Code titled Preservation of Trees on Private Property. City Ordinance No. 1966 amends Chapter 8 of Title 3 relating to the preservation of trees on private properties. Ordinance No. 1966 defines certain native tree species with diameter of 9 inches or greater as highly protected. Highly protected tree species within the City include native species (valley oak [*Quercus lobata]*, blue oak [*Quercus douglasii*], coast live oak [*Quercus agrifolia]*, California black oak [*Quercus kelloggii*], canyon live oak [*Quercus chrysoleis*], interior live oak [*Quercus wilizeni var. wilizeni*], madrone [*Arbutus menziesii*], California buckeye [*Aesculus californica*], California black walnut [*Juglans hindsii*], and grey pine [*Pinus sabiniana*]) having a single perennial stem with a circumference of 28 inches (diameter 9 inches) or greater, or multi-stem perennial plant having an aggregate circumference of 40 inches (13-inch diameter) or greater. All trees 9 inches in diameter and larger require a permit for removal in Walnut Creek.

Within the project vicinity, 488 trees were assessed, 457 of which are located within project boundaries and 31 of which are located off-site in the adjacent properties. The existing trees consist of 27 species, the most abundant include Raywood ash (*Fraxinus angustifolia*) and Coast redwood

[6] California Department of Fish and Wildlife (CDFW). 2024. Biogeographic Information and Observation System (BIOS 6). Website: https://wildlife.ca.gov/Data/BIOS. Accessed October 9, 2024.
[7] Jepson Flora Project (eds.) 2023. Jepson eFlora. Website: https://ucjeps.berkeley.edu/eflora/. Accessed October 9, 2024.
[8] Calflora. 2020. Calflora: Information on California plants for education, research, and conservation. Website: http://www.calflora.org/. Accessed October 9, 2024.
[9] Baldwin, B., et al. 2012. The Jepson Manual: Vascular Plants of California. County of San Bernardino (Bernardino). Berkeley, CA: University of California Press. 2007 (amended 2015).
[10] Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. Sacramento, CA: California Native Plant Society.
[11] California Department of Fish and Wildlife (CDFW). 2022. Natural Communities List. Website: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities. Accessed October 9, 2024.
[12] California Native Plant Society (CNPS). 2024. A Manual of California Vegetation Online. Website: https://vegetation.cnps.org/. Accessed October 9, 2024.

(*Sequoia sempervirens*). Four valley oak trees (Nos. 393, 434 437, and 439) are considered highly protected under Ordinance No. 1966 of the City of Walnut Creek Municipal Code.

Jurisdictional Waters and Wetlands

Prior to conducting the field survey, an FCS Biologist reviewed USGS topographic maps and aerial photography to identify any potential natural drainage features and water bodies. In general, all surface drainage features identified as blue-line streams on USGS maps and associated riparian habitat are considered potentially subject to State and federal regulatory authority as "waters of the United States and/or State." A preliminary assessment was conducted on-site to determine the location of any existing drainages and limits of project-related grading activities, to aid in determining whether any waters of the United States or State are present on-site.

Field Survey

FCS Biologist, Hannah Carney, surveyed the project site on October 1, 2024. The purpose of the survey was to assess general site conditions, identify vegetation and wildlife habitats, and identify any potentially suitable habitat areas for various special-status plant and wildlife species. Special-status species were identified during the literature review, and special attention was paid to sensitive habitats and areas potentially supporting special-status floral and faunal species.

Common plant species observed during the survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Uncommon and less familiar plants were identified later with the use of taxonomical guides.[13,14,15,16] Taxonomic nomenclature used in analysis follows The Jepson Manual: Vascular Plants of California.[17] Common plant names, when not available from The Jepson Manual, were taken from other regionally specific references.

Wildlife species detected during the field-level survey by sight, calls, tracks, scat, or other signs were recorded in a field notebook. Notations were made regarding suitable habitat for those special-status species determined to have the potential to occur within the project site. Appropriate field guides were used to assist with species identification during surveys.

Physical Habitat/Vegetation

Habitat is an area consisting of a combination of resources (e.g., food, cover, water) and environmental conditions (e.g., temperature, precipitation, presence, or absence of predators and competitors) that promotes occupancy by individuals of a species and enables those individuals to survive and reproduce. Thus, habitat arises from interaction among soils, hydrology, climate, and vegetation. Soils, hydrology, and climate are addressed in other sections of this Draft EIR; this habitat discussion includes information regarding vegetation.

[13] Clarke, O.F., D. Svehla, G. Ballmer, and A. Montalvo. 2007. Flora of the Santa Ana River and Environ: With References to World Botany. Berkeley, California: Heyday Books.

[14] Hitchcock, A. 1971. Manual of the Grasses of the United States in Two Volumes, Volume One. Second Edition. New York: Dover Publications, Inc.

[15] McAuley, M. 1996. Wildflowers of the Santa Monica Mountains, 2nd edition. Canoga Park, California: Canyon Publishing Company.

[16] Munz, P. 1974. A Flora of Southern California. Berkeley: University of California Press.

[17] Baldwin, B. et al. 2012. The Jepson Manual: Vascular Plants of California. Berkeley: University of California Press. County of San Bernardino (Bernardino). 2007 (amended 2015).

City of Walnut Creek

Habitat communities in the City of Walnut Creek area consist primarily of Mediterranean plant associations but vary depending on microclimate. Because of the large size of the City, there are a variety of microclimates found within City boundaries, including but not limited to riparian woodlands, estuaries, native grasslands, and coniferous forests.

Project Site

The project site is currently fully developed and occupied by a business park comprised of 11 office buildings between 30,000–36,000 square feet each in size (built between 1973-1986) and a paved surface parking lot with parking stalls. Ornamental vegetation is dispersed througout the project site. As discussed above, the project site contains a network of artificial, isolated, small ornamental bodies of water (i.e., concrete channels and ponds) common in business park developments.

Project Site Vegetation

The project site is entirely developed with ornamental vegetation and trees scattered throughout the site. FCS recorded plant species observed during the reconnaissance field survey on October 9, 2024. Ornamental plant and tree species observed within the project site include, but are not limited to, raywood ash, sweetgum (*Liquidambar styraciflua*), evergreen ash (*Fraxinus uhdei*), London plane (*Platanus x hispanica*), valley oak, coast redwood, Chinese elm (*Ulmus parvifolia*), lantana (*Lantana camara*), English ivy (*Hedera helix*), fountain grass (*Pennisetum sp.*), pittosporum (*Pittosporum sp.*), and yellow nutsedge (*Cyperus esculentus*).

Developed Land

Developed habitat is characterized by areas that have been constructed upon or otherwise physically altered to an extent that native vegetation is no longer supported and retains no soil substrate. Developed land is characterized by semi-permanent structures, pavement or hardscape, and landscaped areas that often require irrigation. Areas where no natural land is evident due to large amounts of debris or other materials have been placed upon it may also be considered urban/developed. Characteristic vegetation includes unvegetated or landscaped with a variety of ornamental (usually non-native) plants. The project site is fully developed and contains a business park comprised of office buildings and related parking stalls on a paved surface parking lot with ancillary landscaping and therefore is characterized as developed habitat.

Sensitive Biological Communities

Biological communities are assemblages of organisms that live within or use a variety of habitats for their range-of-life functions. Sensitive biological communities include habitats that fulfill special functions or have special values (e.g., greater biological diversity), such as wetlands, streams, and riparian habitat. Because wildlife is a major aspect of a biological community, this discussion of sensitive biological communities describes wildlife present in such communities.

The CDFW maintains a list of natural communities which attempts to classify vegetation types found within the State of California and rank them based on rarity. Communities ranked S1-3 are considered sensitive natural communities.

City of Walnut Creek

The sensitive biological communities present within the City are mainly areas associated with wetland habitat. There are a variety of areas within the City that may be considered sensitive biological communities, depending on the aggregations of plant and wildlife species that occur in these areas. They include but are not limited to, mixed oak woodland, riparian woodland, evergreen forests, chaparral forests, redwood forests, and native grasslands.

Project Site

The project site is fully developed with existing office buildings, parking lots, and ornamental landscaping. The project site does not contain sensitive natural communities.

Wetlands and Waters of the United States and the State

Wetlands and waters of the United States and waters of the State are protected as aquatic resources that provide habitat for common and special-status species. Types of aquatic resource features include open water, tidal marsh, seasonal wetland, wetlands swale, streams, creeks and other waters.

City of Walnut Creek

Wetlands, waters of the United States, and waters of the State in the City occur primarily near the Walnut and Pine Creeks, and their associated features. Additionally, there are several freshwater ponds scattered throughout the City.

Project Site

As discussed above, a network of artificial, ornamental water feature (i.e., concrete channels and ponds) runs throughout the project site. Water is actively circulated by active underground pumps and pipes. These ornamental water features are isolated to the project site and do not contain upstream or downstream hydrological connection. The existing water features on-site are not expected to be considered waters of the State by the Regional Water Quality Control Board (RWQCB) or waters of the United States by the United States Army Corps of Engineers (USACE) due to their artificial, ornamental nature and isolation.

Common Species

The vegetation community and land cover types discussed above provide habitat for a limited amount of wildlife species. Wildlife observed during the October 2024 field survey includes house finch (*Haemorphous mexicanus*), Canada goose (*Branta canadensis*), and a single red-eared slider (*Trachemys scripta elegans*). No mammalian, fish, or amphibian species were observed within the project site.

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 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 California Native Plant Society (CNPS) List ranked as 1A, 1B, 2A, 2B, 3, and 4.

Regulatory language regarding special-status species is further discussed in Section 3.3.3–Regulatory Framework, below. The following discussion focuses on the potential for occurrence of special-status species in the project site.

Special-status Plants on the Project Site

The Special-status Plant Species Table (Appendix C, Table 1) lists 91 threatened, endangered, and otherwise special-status plant species and CNPS sensitive species that have been recorded within the *Walnut Creek*, *California* 7.5-minute Topographic Quadrangle Map and eight surrounding quadrangles (project vicinity).[15,16,17] The 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 in the project site was based on presence of suitable habitats, soil types, and occurrences recorded by the CNPSEI and CNDDB within the nine USGS quadrangle maps surrounding the project site. No rare or special-status plant species were observed during the 2024 general biological survey.

Based upon the field survey, literature review, and on-site habitat conditions, no special-status plant species have the potential to occur within the project site due to absence of suitable habitat and the long-term use of the site as an active business park. The project site does not contain rhyolitic, sandy, or alkaline soils to support special-status plant species. There is no suitable habitat to support special-status plant species, such as coastal scrub, coastal prairie, closed-cone coniferous forest, North Coast coniferous forest, lower montane coniferous forest, chaparral, meadows, seeps, marshes, swamps, or vernal pools. No special-status species or suitable habitat were observed during the October 2024 field survey or found to have the potential to occur. For the reasons outlined above, it is reasonable to conclude that the 91 special-status plant species are determined to be absent from the project site.

Special-status Wildlife at the Project Site

The Special-status Wildlife Species Table (Appendix C, Table 2) lists 53 federal and State-listed threatened and/or endangered wildlife species and State Species of Special Concern that have been recorded within the *Walnut Creek, California* USGS 7.5-minute Topographic Quadrangle Map and eight surrounding quadrangles.[18,19] The table also includes the species' status, required habitat, and potential to occur within the project site. Special-status wildlife species that were determined to

[18] California Department of Fish and Wildlife (CDFW). 2024. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://map.dfg.ca.gov/rarefind/view/RareFind.aspx. Accessed October 1, 2024

[19] California Department of Fish and Wildlife (CDFW). 2024. Biogeographic Information and Observation System (BIOS 6). Website: https://map.dfg.ca.gov/bios/. Accessed October 1, 2024.

have no potential to occur on-site are also included in the table, along with the justification for their exclusion from further discussion. Potential to occur in the project site was based on presence of suitable habitats and occurrences recorded by the CNDDB and BIOS 6.

Based upon the field survey, literature review, and on-site habitat conditions, no special-status wildlife species have the potential to occur within the project site due to absence of suitable habitat, due to the fully developed nature of the site and surrounding development. The project site has been used as an active business park for 40 years and would not support special-status wildlife species. No special-status wildlife species or associated habitat were observed during the October 2024 field survey or found to have the potential to occur. For the reasons outlined above, it is reasonable to conclude that the 54 special-status wildlife species are determined to be absent from the project site. However, functional groups (i.e., nesting birds) have the potential to occur within the project site. These functional groups are further discussed below.

Protected Nesting Birds (Including all Special-status Bird Species)

Active nests of most resident and migratory (game and non-game) birds are protected by the MBTA and/or Fish and Game Code and are, therefore, categorized as "special-status" wildlife functional group during this time.

The project site provides nesting opportunities for different taxa of birds. The ornamental trees located within the project site could provide nesting and foraging opportunities to support successful nesting and rearing habitat. Therefore, it is likely that protected bird nests are present on-site during the nesting season (typically considered to last from February 1 to August 31 for most species).

Wildlife Movement Corridors and Nursery Sites

Wildlife movement corridors allow wild animals to move between suitable habitats that are disconnected by either natural barriers or human development. Fragmentation of natural habitats by rivers or mountains in combination with roads and urban areas can create "islands" for wildlife populations. These islands may not be sufficient habitats to allow population growth and can impact genetic and species diversity. Movement corridors are areas of suitable substrate for particular species that can safely be used to mix with other populations, increasing genetic exchange and access to corridors for fish and other aquatic animals, while natural land cover such as grasslands or forests provide corridors for mammals, birds, reptiles, and more. Wildlife nursery sites include nesting birds and maternity bat roosts, aquatic breeding habitats, and special-status and non-special-status wildlife breeding or nesting colonies.

City of Walnut Creek

Terrestrial habitat throughout the City ranges from high to low quality and varies in accessibility and continuity for wildlife movement. Riverine and riparian habitats provide wildlife movement corridors for numerous fish and bird species. In addition, the Pacific Flyway (a major north–south flyway for migratory birds in America) encompasses the entire West Coast; migrating bird species utilize the wetland and riparian habitats for foraging and resting.

Project Site

An FCS Biologist evaluated the CDFW's BIOS 6 database on wildlife linkages within the project site and concluded that the proposed project does not have the potential to interfere with the movement of native wildlife. The project site is fully developed and is surrounded by other urbanized developments. While no formal corridor movement studies were carried out, the project site does not constitute a potential wildlife movement corridor. The high level of development around the project site combined with various barriers, including roads surrounding the site, impedes the movement of terrestrial species through the area. Additionally, lack of hydrological connection to off-site aquatic features would inhibit potential movement corridors for aquatic wildlife through the area.

No significant breeding/nesting colonies were observed during the wildlife surveys. However, individual nesting birds have the potential of being present on-site and within disturbance distance seasonally. For example, urban adapted avian species may nest in on-site trees that occur throughout the site.

Regulated Trees

Project Site

An Arborist Report for the project site was prepared in June of 2024 and later updated on December 11, 2024, by HortScience (Appendix C). The Arborist Report assessed 488 trees (457 on-site and 31 off-site) and includes guidelines for tree preservation during project development to address potential impacts.

As previously discussed, Title 3, Chapter 8 of the Municipal Code establishes tree guidelines. Trees that meet native tree species and minimum size criterium are considered highly protected.

The removal of any highly protected tree defined by Ordinance No. 1966 within the site requires a removal permit under Municipal Code Title 3, Chapter 8, which contains the City's *Preservation of Trees on Private Property* Ordinance. Trees to be preserved on-site must adhere to guidelines set forth in the City's Municipal Code and Arborist Report.

3.3.3 - Regulatory Framework

Federal

Endangered Species Act

The United States Congress passed the 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 guidelines prohibit the issuance of wetland permits for projects that jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species. The 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 development resulted 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

Raptors (birds of prey), migratory birds, and other avian species are protected by a number of State and federal laws. The federal MBTA prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior.

Clean Water Act

Section 404

On August 29, 2023, the United States Environmental Protection Agency (EPA) and USACE (the agencies) issued a final rule to amend the final "Revised Definition of 'Waters of the United States'" rule. The final rule conforms the definition of "waters of the United States" to the U.S. Supreme Court's May 25, 2023 decision in *Sackett v. Environmental Protection Agency* ("*Sackett*").[20] In *Sackett,* the Supreme Court adopted the test for adjacent wetlands described in the plurality opinion in *Rapanos v. United States & Carabell v. United States*. Under that authority, "waters may fairly be read to include only those wetlands that are as a practical matter indistinguishable from waters of the United States, such that it is difficult to determine where the water ends and the wetland begins," which occurs when wetlands have "a continuous surface connection to bodies that are 'waters of the United States' in their own right."[21]

The USACE administers Section 404 of the CWA, which regulates the discharge of dredge and fill material into waters of the United States of the CWA. The term "waters of the United States" is defined in USACE regulations at 33 Code of Federal Regulations Part 328.3(a) as:

1. Waters which are:
    a. 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;
    b. The territorial seas; or
    c. Interstate waters;

[20] *Sackett v. Environmental Protection Agency*, 598 U.S. 651 (2023).
[21] *Sackett*, at 678 (internal quotations and citations omitted).

2. Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;
3. Tributaries of waters identified in paragraphs (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;
4. Wetlands adjacent to the following waters:
    a. Waters identified in paragraph (a)(1) of this section; or
    b. Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;
5. Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section.

The following are not "waters of the United States":

1. Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the CWA;
2. Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. 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 United States Environmental Protection Agency (EPA);
3. Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;
4. Artificially irrigated areas that would revert to dry land if the irrigation ceased;
5. Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;
6. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;
7. Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and
8. Swales and erosional features (e.g., gullies, small washes) characterized by low volume, infrequent, or short duration flow.

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

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 Section 404 permit, applicants must apply for and receive a Section 401 Water Quality Certification from the 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. The purpose of CESA is to ensure that the 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 CDFW on projects or actions that could affect listed species, directs CDFW to determine whether jeopardy would occur, and allows CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. CESA allows CDFW to authorize exceptions to the State's prohibition against take of a listed species if the take is incidental to carrying out an otherwise lawful project that has been approved under CEQA (FGC § 2081).

California Fish and Game Code

The California Fish and Game Code defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" (FGC § 86). Except for take related to scientific research, all take of fully protected species is prohibited. Fully protected fish species are protected under Fish and Game Code Section 5515; fully protected amphibian and reptile species are protected under Section 5050; fully protected bird species are protected under Section 3511; and fully protected mammal

species are protected under Section 4700. Fish and Game Code Section 3503 prohibits the killing of birds or the destruction of bird nests. Section 3503.5 prohibits the killing of raptor species and the destruction of raptor nests. Fish and Game Code Sections 2062 and 2067 define "endangered and threatened species."

California Department of Fish and Wildlife Species of Concern

In addition to formal listing under the Endangered Species Act and CESA, certain species receive additional consideration by 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 that tracks species in California whose numbers, reproductive success, or habitats 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 RWQCB regulates actions that would involve "discharging waste, or proposing to discharge waste, within any region that could affect the water of the State" (Water Code § 13260(a)), pursuant to provisions of the Porter-Cologne Water Quality Act. "Waters of the State" are defined as "any surface water or groundwater, including saline waters, within the boundaries of the State" (Water Code § 13050(e)). In 2019, the California State Water Resources Control Board (State Water Board) published the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures) to guide wetland/waters of the State determinations and the permitting process.

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 State Water Board through one of 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 requiring certification. With the recent changes narrowing the definition 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 CDFW, in collaboration with CNPS and other technical experts, 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. The CRPR system includes six rarity and endangerment ranks that are defined as follows:

- **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 numerous elsewhere
- **Rank 3:** Plants about which more information is needed
- **Rank 4:** Watch List: Plants of limited distribution

All plants appearing on the CNPS List ranked 1, 2, 3, or 4 are considered to meet the California Environmental Quality Act (CEQA) Guidelines Section 15380 criteria. Rank 3 and 4 plants do not automatically meet this definition. Rank 4 plants do not clearly meet CEQA standards and thresholds for impact considerations.[22] Nevertheless, some level of CEQA review is justified for California Rare Plant Rank (CRPR) 4 taxa, and under some circumstances, a full impact analysis is warranted. Taxa that can be shown to meet the criteria for endangered, rare, or threatened status under CEQA Section 15380(d) or that can be shown to be regionally rare or unique as defined in CEQA Section 15125(c) must be fully analyzed in a CEQA document. Rank 4 plants do not clearly meet CEQA standards and thresholds for impact considerations; nevertheless, some level of CEQA review is justified for CRPR 4 taxa, and under some circumstances, a full impact analysis is warranted. Taxa that can be shown to meet the criteria for endangered, rare, or threatened status under CEQA Section 15380(d), or that can be shown to be regionally rare or unique as defined in CEQA Section 15125(c), must be fully analyzed in a CEQA document. Some circumstances, such as local rarity, having occurrences peripheral to the taxon's distribution, or having occurrences on unusual substrates or rare and declining habitats, provide justification for treating some CRPR 4 taxa occurrences as regionally rare or unique. One limitation to fully analyzing impacts on CRPR 4 taxa is the difficulty in obtaining current data on the number and condition of the occurrences.

Local

Habitat Conservation Plan

The project site is not under the jurisdiction of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other conservation plan.

City Of Walnut Creek General Plan

The purpose of the City of Walnut Creek 2025 General Plan (2025 General Plan) is to express the broad goals and policies, and specific implementation measures, which will guide decisions on future growth, development, and the conservation of resources through the year 2025. The following are the applicable 2025 General Plan goals, policies, and action items most pertinent to the proposed project with regard to protection and preservation of the biological resources in the area.

[22] California Native Plant Society (CNPS). 2020. Considerations For Including CRPR 4 Plant Taxa in CEQA Biological Resource Impact Analysis – Technical Memorandum. January 21.

Natural Environment and Public Spaces

Goal 1 Maintain and enhance open space lands.

Policy 1.1 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 areas wetland resources and critical for habitat and habitat connectivity.

Action 1.2.2 Strive to eliminate non-native plant species and expand areas with native plants.

Action 1.2.3 Monitor and control the factors affecting the habitat value of open space, including trail use and grazing.

Goal 3 Maintain and enhance the area's creek systems, their riparian environments, and their recreational amenities.

Policy 3.1 Restore riparian corridors and waterways throughout the City.

Action 3.1.1 Conduct an evaluation of existing creek conditions and restoration opportunities.

Action 3.1.3 Develop a coordinated set of creek policies covering setbacks from creeks, damage prevention, creek stewardship, nuisance abatement, public access, pathways, and similar public and environmental concerns. Policies may differ for creeks in open space lands and for creeks on private lands.

Goal 26 Develop a comprehensive, integrated plan to preserve the natural environment in the built environment.

Policy 26.4 Protect tree resources on public and private property.

Policy 26.5 Protect tree groves (especially oaks) and their understories.

Action 26.5.1 Assess the effectiveness and efficiency of and, if necessary, modify the City's Tree Preservation Ordinance.

Action 26.5.2 Plan for the replacement of trees that have been removed.

Action 26.5.3 Set standards for—and require new developments to have—adequate tree canopy.

Policy 26.6 Recognize the benefit of urban wildlife and their habitat.

Action 26.6.3 Identify wildlife corridors and encourage their preservation.

City Of Walnut Creek Municipal Code

Chapter 8–Preservation of Trees on Private Property

City of Walnut Creek Tree Preservation Ordinance Title 3 Chapter 8 establishes regulations controlling the removal of and the preservation of trees within the City.

Chapter 3-8.03–Tree Removal Permit Required

The City of Walnut Creek requires tree removal permits to cut down, destroy, or remove any trees growing within city limits from any property. In approving any permit, the City shall review all tree removal permits. In making the foregoing determinations, the reviewing body shall consider such factors as the following:

1. The species, size, age, condition and value of the tree.
2. Whether the tree is part of an important grove of trees.
3. Whether the tree has particular historical or heritage value.
4. The visibility and value of the tree to the neighborhood and the public.
5. The contribution of the tree to the character of the site and the neighborhood.
6. Whether the development provides a public benefit.
7. The extent of hardship to the applicant in constructing the development using a different design, size or on-site location.
8. Whether measures short of removing the tree can be employed consistent with the development.

Chapter 3-8.05 Preservation and Maintenance of Existing Trees

Prior to and during any ground-disturbing activities, all trees within construction limits for any project shall be protected by a 6-foot-high chain-link fence installed around the dripline of each tree. All fence sections shall be clearly marked with a sign stating, "This is a Tree Protection Zone (TPZ) and no one is allowed to disturb this area." A certified arborist shall provide a comprehensive report showing project compliance with City regulations.

The existing ground within the dripline of any tree shall not be cut, filled or compacted unless otherwise approved by the Director. Excavation adjacent to any tree when permitted shall be in such a manner so as to minimize root damage. Inspection shall be required prior to backfilling. None of the following activities are permitted within the TPZ unless permitted by a dripline encroachment permit:

1. Mechanical excavation within the dripline of any tree;
2. The construction or installation of any structure, foundation, paving or other similar improvement within the dripline of any tree; or
3. Any intentional or incidental soil compaction, or application of fill soil four (4) inches or greater in depth within the dripline of any tree.

Chapter 3-8.07 Preservation and Maintenance of Existing Trees During Development

An Arborist Report of all on-site trees shall be prepared and submitted to the City prior to final inspection of the development or certificate of occupancy. The final report shall document the tree preservation methods implemented during construction and evaluate the post-construction health of all trees on-site. If the health of any tree deteriorates to such a degree that it results in continued decline and/or death.

Walnut Creek Ordinance No. 1966 amends Title 3 Chapter 8, *Preservation of Trees on Private Property*, of the City's Municipal Code. Ordinance No. 1966 defines certain native tree species (valley oak, blue oak, coastal live oak, California black oak, canyon live oak, interior live oak, madrone, California buckeye, California black walnut, and grey pine) having a single perennial stem with a circumference of 28 inches (diameter 9 inches) or greater, or multi-stem perennial plant having an aggregate circumference of 40 inches (13-inch diamteter) or greater as *Highly Protected*. The removal and preservation of highly protected trees require adherence to guidelines set forth in the City's Municipal Code, including tree preservation measures and permits.

3.3.4 - Methodology

Literature Review

A literature review was conducted to analyze existing documentation regarding biological resources and habitat conditions within the project site and vicinity and is summarized below.

Existing Documentation

As part of the literature review, an FCS Biologist compiled and analyzed existing environmental documentation for the project site and relevent areas in its vicinity. This documentation included literature pertaining to the habitat requirements for special-status species with the potential to occur in the proejct vicinity; federal register listings, protocols, species data provided by the USFWS, CDFW, and CNPS; and Tree Inventory, Assessment and Protection Report (2024) Prepared by HortScience (Appendix C). Additionally, FCS Biologists reviewed applicable ordinances pertaining to tree preservation and protection and ascertained whether tree replacement measures or permits for the removal of protected trees are required.

Topographic Maps and Aerial Photographs

An FCS Biologist reviewed current USGS topographic quadrangle map(s) and aerial photographs as a preliminary analysis of the existing conditions within the project site and immediate vicinity. Information obtained from topographic maps included elevation, general watershed information, and potential drainage feature locations using Google Earth in conjunction with EPA Watershed Assessment, Tracking, and Environmental Results System (WATERS). Aerial photographs provided a perspective of the current site conditions relative to on-site and off-site land use, plant community locations, and potential locations of wildlife movement corridors.

Soil Surveys

The USDA has published soil surveys that describe the soil series (i.e., group soils with similar profiles) occurring within a particular area. These profiles include major horizons with similar thickness, arrangement, and other important characteristics. These series are further subdividied

into soil mapping units that provide specific information regarding soil characteristics. Many special-status plant species have a limited distribution based exclusively on soil type. Therefore, pertinent USDA soil survey maps were reviewed to determine the existing soil mapping units within the project site and to inform whether the soil conditions on-site are potentially suitable for any special-status plant species. However, NRCS soil maps utilize an approximately 1.4-acre minimum mapping unit and line placement may not be accurate on a large (i.e., parcel-level) scale.

Special-status Database Search

An FCS Biologist compiled a list of threatened, endangered, and otherwise special-status species previously recorded within the project vicinity based on a search of the USFWS Information for Planning and Consultation (IPaC) database, the CNDDB, and the CNPSEI of Rare and Endangered Vascular Plants of California for the *Walnut Creek, California* USGS 7.5-minute Topographic Quadrangle Map, and the eight surrounding quadrangles (Appendix C). The CNDDB Biogeographic Information and Observation System (BIOS 6) was used to determine the distance between the known occurrences of special-status species and the project site.

Field Surveys

As discussed above, FCS Biologists familiar with the biological resources of the region conducted field surveys on October 1, 2024, in support of the Biological Resources Assessment, which is wholly contained in this document. Methodology used during the October 2024 field survey is summarized in Section 3.4.2 above.

3.3.5 - Thresholds of Significance

Significance Criteria

The lead agency derives its significance criteria based on the questions in the CEQA Guidelines Appendix G Environmental Checklist. Accordingly, impacts resulting from the implementation of the proposed project would be considered significant if the project would:

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. (Refer to Chapter 4, Effects Found not to be Significant)

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. (Refer to Chapter 4, Effects Found not to be Significant)

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. (Refer to Chapter 4, Effects Found not to be Significant)

Approach to Analysis

Additional guidance on the significance of biological resource impacts is found in CEQA Guidelines Section 15065, subdivision (a)(1), which provides that a lead agency shall find that a project may have a significant effect on the environment if "[t]he project has the potential to: . . . substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; [or]substantially reduce the number or restrict the range of an endangered, rare or threatened species[.]" The "mandatory findings of significance" are also found in the Appendix G sample Initial Study checklist, though near the end.

Impacts on biological resources were evaluated based on the likelihood that special-status species, sensitive habitats, wildlife corridors, and protected trees are present within the project site, and the likely effects of project construction or operation on these resources. For the purposes of this Draft EIR, the word "substantial" as used in the significance thresholds above is defined by the following three principal components:

- Magnitude and duration of the impact (e.g., substantial/not substantial),
- Uniqueness of the affected resource (rarity), and
- Susceptibility of the affected resource to disturbance.

In this Draft EIR, the project site is defined as all areas directly affected by project development.

For purposes of evaluating the above thresholds, the following additional criteria are used to evaluate the significance of biological resources impacts resulting from implementation of the proposed project:

- Result in direct take or habitat removal or alteration for candidate, sensitive, or special-status species
- Remove vegetation or damage water quality related to riparian habitat or other sensitive natural community
- Remove, fill, or damage a federally protected wetland
- Interrupt fish movement in an aquatic channel or impede terrestrial movement via a land corridor
- Remove, damage, or replace trees designated by the City of Walnut Creek Tree Ordinance

3.3.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate. Further environmental review determined that impacts pertaining to riparian habitat or other sensitive natural community, protected wetlands, and conflict with an adopted conservation plan would have no impact and are further discussed in detail in Chapter 4, Effects Found not to be Significant.

Special-status Species

Impact BIO-1:	**The proposed project could 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.**

Construction

Construction activities would result in the removal of much of the non-native and ornamental vegetation found in the project site. Vegetation removal has the potential to negatively impact special-status wildlife species and their habitat.

Special-status Plant Species

As discussed above, the target list of special-status plants is shown in the Special-status Plant Species Table (Appendix C), which includes all special-status species mentioned in the CNDDB occurring within the *Walnut Creek*, *California*, USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles. A total of 91 special-status plant species were recorded in the CNDDB search; however, the project site does not provide the habitat conditions required for any of these special-status plant species, such as specific soil and/or habitat types. Based upon the field survey, literature review, and on-site habitat conditions, no special-status plant species have the potential to occur within the project site due to absence of suitable habitat. For the reasons outlined above, it is reasonable to conclude that the 91 special-status plant species are determined to be absent from the project site. Therefore, no impacts to special-status plant species from project construction are anticipated and impacts would be less than significant.

Special-status Wildlife Species

Special-status wildlife species known to occur in the project vicinity based on results of a search of the CNDDB database and based on the knowledge of FCS wildlife biologists are evaluated in the Special-status Wildlife Species Table (Appendix C). A total of 53 special-status wildlife species were recorded in the vicinity of the *Walnut Creek*, *California*, USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles by the CNDDB search. No special-status wildlife species have the potential to occur in the project site; however, functional groups are discussed in more detail below.

Protected Nesting Birds

The vegetated habitats within the project site provide suitable nesting habitat for a variety of species of nesting birds protected under State and federal laws. Relatively undisturbed trees, grassland, and

barren areas provide potential nesting opportunities for ground nesting birds. Construction activities that occur during the avian nesting season (generally February 1 to August 31) could disturb protected nesting sites within the construction footprint and within disturbance distance. Grading and the removal of vegetation during the nesting season could result in direct harm to nesting birds, while noise, light, and other construction-related disturbances may cause nesting birds adjacent to the vegetation removal areas to abandon their nests. These disturbances could result in potentially significant impacts.

With implementation of Mitigation Measure (MM) BIO-1, which requires pre-construction nesting bird surveys and avoidance of direct and indirect impacts on nests, potential project-related impacts on protected bird nests would be reduced to less than significant.

Operation

Impacts related to a project's potential effect on special-status species would be limited to construction impacts. The developed project site would remain consistent with its surrounding urban environment and would continue to provide on-site nesting opportunities. The mixed-use developments (i.e. residential, commercial, schools, etc.) adjacent to the project site would also continue to provide nesting opportunities. Operational uses associated with the proposed residential homes would not result in additional impacts to nesting birds. Therefore, no respective operational impacts would occur.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described in Chapter 2, Project Description, would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and could potentially impact nesting birds, including special-status avian species. However, with implementation of pre-construction and avoidance buffers (MM BIO-1), neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM BIO-1 Pre-construction Surveys for Active Bird Nests (includes implementation of avoidance buffer, if found)

The project applicant/sponsor shall ensure that removal of trees shall be limited to only those necessary to construct the proposed project as reflected in the relevant project approval documents.

If the proposed project requires vegetation to be removed during the nesting season (February 1 to August 31), the project applicant/sponsor shall conduct or cause to be conducted pre-construction surveys no more than 5 days prior to the start of

ground or vegetation disturbance (including tree removal) to determine whether or not active nests are present.

If an active nest is located during pre-construction surveys, the project applicant/sponsor shall retain or cause to be retained a qualified Biologist to do the following: (1) determine an appropriately sized avoidance buffer based on the species and anticipated disturbance level. (The California Department of Fish and Wildlife [CDFW] recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors, which shall be taken into consideration as a part of the determination); (2) delineate the avoidance buffer using Environmentally Sensitive Area fencing, pin flags, and/or yellow caution tape. The project applicant/sponsor shall maintain the buffer zone around the active nest site(s) until the young have fledged and are foraging independently and shall ensure that no construction activities or construction foot traffic is allowed to occur within the avoidance buffer(s).

As a part of the retainer, the qualified Biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project work. Nest monitoring shall continue during project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified Biologist, unless otherwise approved in writing by the CDFW. Once it has been determined that nesting young have fully fledged and the nest is no longer occupied, the established buffer and exclusionary fencing may be removed and monitoring efforts shall cease.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

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, but could impede the use of wildlife nursery sites.**

Construction and Operation

Wildlife Movement Corridors

The project site is surrounded by urban development on all sides, and is not considered suitable as a migratory wildlife corridor or wildlife nursery site. The entirety of the project site is developed and comprised of an existing paved lot, numerous office buildings, and ornamental landscaping. Additionally, an artificial (manufactured) water feature (i.e., pond, fountain, and connecting reaches) runs throughout the project site. The existing water feature does not contain hydrological connection and is fed through a water pumping system. Although marginally suitable aquatic habitat is present on-site, it would not support breeding ponds or wildlife movement. Accordingly, impacts related to wildlife movement corridors would be less than significant.

Wildlife Nursery Sites

The project site does not contain unique breeding or nesting colony opportunities as no significant breeding or nesting colonies were observed during the 2024 field survey. However, nesting birds have the potential of being present on-site and within disturbance distance seasonally. Project implementation would require the removal of trees which may result in direct loss of nesting bird habitat. Implementation of MM BIO-1 and adherence to the City's Tree Preservation Ordinance guidelines would reduce impacts to nursery sites to a less than significant level through avoidance and minimization of impacts to wildlife species.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM BIO-1.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and is not considered suitable as migratory wildlife; however, the removal of existing trees may potentially impact wildlife nursery sites, including nesting bird sites. Implementation of pre-construction and avoidance buffers (MM BIO-1) would reduce potential impacts from construction and/or operation of the Community Benefit Variant and neither would result in additional or increased impacts related to substantial adverse effects involving interference with fish and wildlife movement corridors or nursery sites.

Level of Significance After Mitigation

Less than significant with mitigation incorporated.

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.**

Construction and Operation

As discussed above, the project site contains 457 trees on-site and 31 trees were identified as off-site but closely adjacent. Of the total 488 trees evaluated, the project would preserve 27 trees within or directly adjacent to the proposed development footprint. The project proposes to remove a total of 461 trees, of which 449 are within the project boundary and 12 are located off-site but adjacent. Of the 461 trees proposed for removal, 416 are considered protected by the City of Walnut Creek. The project proposes to replace the 461 removed trees through planting a total of 510 trees on-site (Exhibit 2-10).

City of Walnut Creek General Plan Policies

Local policies and ordinances applicable to the proposed project include the 2025 General Plan and Municipal Code as described above. These include protection of biological and natural resources and require the protection of existing biological resources, including trees, creeks, and wildlife corridors.

As previously discussed, the project proposes to remove a total of 461 trees, 416 of which are considered protected by the City of Walnut Creek. The proposed project could conflict with provisions related to protected trees, including General Plan Policy 26.4, regarding protection of tree resources on private property, and Policy 26.5, regarding protection of tree groves (especially oaks) and their understories. Removal of 416 protected trees could also result in potential conflicts with the City's tree protection policies. However, the proposed project would adhere to City of Walnut Creek Tree Ordinance Chapter 3-8.03–*Tree Removal Permit,* and would obtain the required permits for all trees proposed for removal and replace all removed trees through planting 510 trees throughout the site. Additionally, the proposed project would comply with the City's Tree Ordinance Chapter 3-8.05–*Preservation and Maintenance of Existing Trees,* and Chapter 3-8.07–*Preservation and Maintenance of Existing Trees During Development,* through the installation of barrier fencing surrounding the dripline of all highly protected trees proposed to be retained and avoidance of harmful activities (i.e. mechanical excavation, development encroachment, or soil compaction) within the designated Tree Protection Zones (TPZs). Additionally, the proposed project would implement Tree Preservation Guidelines that adhere to the standard provisions of the City's Tree Ordinance, as identified within the Arborist Report provided by HortScience (Appendix C). Tree Preservation Guidelines outlined in the Arborist Report would ensure project activities would be avoided within a preserved tree's TPZ. Lastly, the proposed project would maintain the 8 preserved trees on the project site to ensure long-term health. Project compliance with the City's Tree Preservation Guidelines would be required by the City as a condition of approval. With the adherence to local policies, ordinance regulations, and project-specific tree preservation/maintenance guidelines as previously discussed, the proposed project would not conflict with the City's local regulations.

City of Walnut Creek Municipal Code

Of the 27 trees to be preserved by the project, four are valley oak trees that are considered highly protected under the City of Walnut Creek Tree Ordinance No. 1966 (Municipal Code Chapter 8). According to the 2024 Arborist Report, prepared by by HortScience, three off-site valley oak trees (#434, 437, and 439) and one on-site (#393) tree are considered protected and would be preserved as a part of the proposed project (Appendix C). In compliance with City Ordinance Chapter 3-8.03–*Tree Removal Permit,* all trees 9 inches in diameter and larger (441 trees on-site) require a permit for removal and would require compliance with all applicable ordinance regulations, including obtaining tree removal permits. Additionally, the 27 preserved trees on-site would require adherence to the City's Tree Ordinance Chapter 3-8.05–*Preservation and Maintenance of Existing Trees,* and Chapter 3-8.07–*Preservation and Maintenance of Existing Trees During Development*, through the establishment of TPZs and/or tree maintenance. As discussed above, the proposed project would implement Tree Preservation Guidelines, based on standard provisions of the City's Tree Ordinance guidelines, as indicated within the Arborist Report provided by HortScience (Appendix C). Tree Preservation Guidelines outlined in the updated Arborist Report would ensure project activities would be avoided within a preserved tree's TPZ and promote the long-term health of the preserved trees on-site. With adherence to City Tree Ordinance regulations and Tree Preservation Guidelines

within the December 2024 Arborist Report, the proposed project would not conflict with the City's Tree Preservation Ordinance.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and would adhere to the City of Walnut Creek General Plan Policies and the City of Walnut Creek Municipal Code, including tree protections and removal requirements. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to substantial adverse effects involving conflict with any local policies or ordinances protecting biological resources.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

3.3.7 - Cumulative Impacts

The geographical scope of the cumulative impact analysis for biological resources is the City of Walnut Creek, with a focus on the 3-mile radius around the project site. The analysis also considers the foreseeable development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, and Exhibit 3-1, Cumulative Projects Location Map, in the City of Walnut Creek and the surrounding areas, in addition to the proposed project.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to biological resources. This analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for a project's cumulative effects to rise to the level of a significant impact. If both conditions apply, this analysis will then evaluate feasible cumulative mitigation that would reduce cumulative effects. If one or both conditions do not apply, cumulative impacts would be less than significant, and no cumulative mitigation is necessary. If there is no impact associated with respect to a particular CEQA threshold, the proposed project would have no contribution to potential cumulative impacts and, therefore, further discussion of cumulative impacts is not required.

Special-status Species

Cumulative projects within the geographic context would be required to comply with applicable federal, State, and local laws, regulations, and policies and all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts on biological resources. Cumulative projects would be required to adhere to standard pre-construction surveys and, if necessary, avoidance procedures would be required for projects with the potential to impact special-status species such as nesting birds (see, e.g., MM BIO-1). Given the already urbanized nature of the cumulative geographic context and because cumulative development would be required to comply

with applicable General Plan and Municipal Code requirements (as described in Section 3.4.3, Regulatory Framework), cumulative biological impacts related to special-status species would be less than significant. Additionally, the proposed project would not have a cumulatively considerable contribution to this less than significant cumulative impact with the implementation of MM BIO-1 and compliance with other applicable standards and requirements under the comprehensive regulatory framework.

Fish and Wildlife Movement Corridors or Wildlife Nursery Sites

Cumulative projects are predominantly located in areas that have already been built out or are within limited potential to support wildlife corridors or wildlife nursery sites. Cumulative projects within the cumulative geographic context would be required to comply with applicable General Plan Policies and Municipal Code requirements (as described in Section 3.4.3, Regulatory Framework Section). Moreover, as discussed in Impact BIO-6, the proposed project does not contain suitable aquatic habitat to support breeding or wildlife movement, despite the artificial, man-made water features present. Accordingly, impacts related to wildlife movement corridors would be less than significant. Additionally, although the site does contain marginally suitable habitat to support nesting birds, with implementation of MM BIO-1 and adherence to the City's Tree Preservation Ordinance, impacts to wildlife nursery sites would be reduced to a less than significant level and would not have a cumulatively considerable contribution to the less than significant cumulative impacts. No additional mitigation is necessary to address cumulative impacts.

Local Policies or Ordinances

Cumulative projects may result in the removal of trees that are governed by the City's Tree Protection Ordinance. Additionally, cumulative projects may impact special-status species and habitats, though high levels of development within the cumulative geographic context lower the likelihood of this. Impacts to these biological elements would be in direct conflict with local and regional policies and ordinances. However, all projects within the cumulative geographic context would be required to adhere to applicable local and regional policies and ordinances, such as Municipal Code Chapters 3-8.03, 3-8.05, and 3-8.07 and General Plan Goals 1, 3, and 26 which would ensure that cumulative impacts would be less than significant. Moreover, with implementation of MM BIO-1, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impact. With adherence to all applicable local and regional policies and ordinances, cumulative projects would produce less than significant cumulative impacts.

Community Benefit Variant

The cumulative impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The proposed roundabout and bicycle infrastructure would be constructed in compliance MM BIO-1. Therefore, implementation of the Community Benefit Variant would not result in additional or increased cumulative impacts to Biological Resources and impacts would be less than significant.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None required.

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3.4 - Cultural Resources

3.4.1 - Introduction

This section describes the existing cultural resources setting and potential effects from project implementation on the site and its surrounding area. The descriptions and analysis in this section are based, in part, on a records search conducted at the Northwest Information Center (NWIC), archival research, and a pedestrian survey as presented in the confidential Phase I Cultural Resources Assessment (Phase I CRA) prepared for the proposed project, which is included in Appendix D. The applicable regulatory framework is also discussed below. In addition, recommendations provided in the Phase I CRA pertaining to feasible mitigation of identified potential significant impacts to cultural resources are also addressed in this section. For an analysis of the potential effects related to Tribal Cultural Resources (TCRs), refer to Section 3.18, Tribal Cultural Resources.

Public comments on the topics listed below were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to cultural resources:

- Summary of Assembly Bill (AB) 52 requirements for cultural resources and TCRs (see Section 3.16 for a discussion of TCRs).
- Recommendations for Cultural Resource Assessments.

3.4.2 - Environmental Setting

Overview

The term “cultural resources” encompasses historic resources, archaeological resources, and burial sites, which are generally defined as follows:

- **Historic Resources:** Historic resources are associated with the recent past. In California, historic resources are typically associated with the Spanish, Mexican, and American periods in the State’s history and are generally less than 200 years old. Historic resources often take the form of buildings, structures, and other elements of the built environment.
- **Archaeological Resources:** Archaeology is the study of artifacts and material culture with the aim of understanding human activities and cultures in the past. Archaeological resources may be associated with pre-contact Indigenous cultures as well as later historic periods.
- **Burial Sites and Cemeteries:** Burial sites are formal or informal locations where human remains, usually associated with Indigenous cultures, are interred.

More specifically, cultural resources may be understood as resources that have been formally recognized by a lead agency and/or are listed or determined eligible for listing on the California Register of Historical Resources (CRHR) (Public Resources Code [PRC] § 5024.1, Title 14 California Code of Regulations [CCR] § 4852). However, the fact that a resource is not yet identified as a historical resource or found eligible for the CRHR does not preclude a lead agency from determining that said resource is a historical resource pursuant to Public Resources Code Sections 5020.1(j) or

5024.1. Under the California Environmental Quality Act (CEQA), a substantial adverse change in the significance of a historical resource would constitute a significant effect on the environment.

Overall Cultural Setting

Following is a brief overview of the relevant historic background, providing context in which to understand the background and relevance of sites found in the general project vicinity. This section is not intended to be a comprehensive review of the current academic resources available; rather, it serves as a general overview. Unless otherwise stated, information contained in this section is drawn directly from the Phase I CRA conducted by FirstCarbon Solutions (FCS).[1] Further details can be found in ethnographic studies, mission records, and major published sources referenced in the Phase I CRA.

Regional Historic Background

Spanish and Mexican Exploration and Settlement

The Spanish Period (1769–1821)

In 1772, the Spanish began exploring the inner coastal region of California. During these explorations, Captain Pedro Fages encountered the Bay Miwok-speaking Saclan people in the area that now encompasses Walnut Creek. Other expeditions followed, and soon the Spanish established a permanent presence in the Bay Area. The Bay Miwok and other Indigenous groups were gathered together in missions and converted, by agreement or by force, to Christian agriculturalists and laborers. Many Native Americans were not willing converts, and there are numerous accounts of neophytes fleeing the missions and a series of "Indian Wars" broke out when the Spanish tried to return them to the missions. During this period, Native American populations were declining rapidly from an influx of Euro-American diseases. In 1832, a party of trappers from the Hudson's Bay Company, led by John Work, traveled down the Sacramento River unintentionally spreading a malaria epidemic to Native Californians.

The Mexican Period (1821–1848)

The Mexican revolt against Spain in 1822 and the secularization of the missions in 1834 changed land ownership patterns in California. The Spanish philosophy of government was directed at the founding of presidios, missions, and secular towns with the land held by the Crown, whereas the later Mexican policy stressed individual ownership of the land. Following Mexico's independence from Spain in 1822, the vast mission lands were granted to private citizens. The last of the mission land holdings were relinquished in 1845, which led the way for the large ranchos common to California in the mid-1800s.

During the Mexican Period, vast tracts of land, including former Mission lands that had reverted to public domain, were granted to individuals. The project area is situated in lands that were once part of Rancho Los Medanos (meaning "Sand Dunes Ranch"), an 8,859-acre land grant given to José Antonio Mesa and José Miguel Garcia by Governor Juan Alvarado to in 1839. In 1846, on the eve of the U.S.-Mexican War (1846 to 1848), the estimated population of California was 8,000 non-Natives and 10,000 Native Americans. However, these estimates have been debated. Cook suggests the

[1] FirstCarbon Solutions (FCS). 2024. Phase I Cultural Resources Assessment: Mitchell Townhomes Project

Native American population was 100,000 in 1850; the U.S. Census of 1880 reports the Native American population as 20,385.

Euro-American Expansion

In 1848, James W. Marshall discovered gold at Coloma in modern-day El Dorado County, which started the Gold Rush into the region that forever altered the course of California's history. The arrival of thousands of gold seekers in the territory contributed to the exploration and settlement of the entire State. By late 1848, approximately four out of five men in California were gold miners. The Gold Rush originated along the reaches of the American River and other tributaries to the Sacramento River, and Hangtown, present-day Placerville, became the closest town offering mining supplies and other necessities for the miners in El Dorado County. Gold subsequently was found in the tributaries to the San Joaquin River, which flowed north to join the Sacramento River in the Great Delta east of San Francisco Bay.

By 1864, the California Gold Rush had essentially ended. The rich surface and river placers were largely exhausted and the miners either returned to their homelands or stayed to start new lives in California. After the Gold Rush, people in towns such as Jackson, Placerville, and Sonora turned to other means of commerce, such as ranching, agriculture, and timber production. With the decline of gold mining, agriculture and ranching came to the forefront in the State's economy. California's natural resources and moderate climate proved well suited for cultivation of a variety of fruits, nuts, vegetables, and grains.

Local History

Contra Costa County

The Contra Costa region, named for its location opposite San Francisco across the Bay, was a vital area for both early Indigenous populations and European settlers. Contra Costa County was established in December 1849, as one of California's original 27 counties, with Martinez as the county seat. This area, with its fertile soils and proximity to San Francisco, quickly became recognized for its agricultural potential. Early settlers took advantage of these resources, cultivating crops such as pears, prunes, walnuts, and grapes, while ranching also thrived in drier regions of the county.

Agriculture, supported by seasonal rainfall and innovations in irrigation, remained central to the region's economy throughout the late nineteenth century. However, as mechanized farming technologies and larger commercial operations became more prominent, small family farms found it increasingly difficult to compete. These shifts were driven by land price inflation and the expansion of transportation networks. The completion of the Western Pacific Railroad in 1869 and the Santa Fe Railroad in 1896 opened the region to broader commercial opportunities and increased land values, thus shaping Contra Costa's trajectory toward industrialization and suburbanization.

By the early twentieth century, the growth of Contra Costa's transportation infrastructure, particularly railroads, fueled population increases and connected the region to larger urban and economic centers. However, the County's continued reliance on agriculture, particularly walnut orchards, also persisted as a defining feature. Walnuts were a particularly successful crop in the

central portions of the county, where English walnut trees were grafted onto hardy American walnut rootstocks, allowing for high yields and disease resistance.

City of Walnut Creek

The City of Walnut Creek, located centrally within Contra Costa County, has experienced significant shifts in its economic and environmental landscape. Originally inhabited by the Bay Miwok and other Indigenous peoples, the area around the City of Walnut Creek was rich in natural resources, supporting a complex network of seasonal movements, trade, and resource management. With the arrival of Spanish settlers, land grants subdivided the large ranchos that had been established during the Mexican era, transforming the area's landscape for agricultural use.

The development of Walnut Creek as a settlement can be traced back to the late nineteenth century, when its proximity to emerging transportation routes spurred its growth. Following the establishment of the Western Pacific Railroad and its connection to larger agricultural networks, Walnut Creek transformed from a rural farming community into a more commercial town. The town's economy was dominated by agriculture, particularly walnut and pear orchards, which flourished due to favorable irrigation systems. However, the rise of large-scale commercial farming, paired with a growing local population, saw residential and commercial development encroaching on Walnut Creek's agricultural landscape, especially by the early twentieth century.

By the mid-twentieth century, Walnut Creek became part of the broader suburbanization trend across the Bay Area. In the post-World War II era, highway construction and the development of the region's suburban communities led to a boom in residential housing and urban development. The City's commercial district, anchored by the Broadway Plaza shopping center and other retail developments, mirrored this suburban expansion, reflecting the broader economic shift toward a consumer-driven economy.

Over time, Walnut Creek, both the waterway and the City, have experienced significant environmental changes due to urbanization. The creek itself, once a natural watercourse supporting wildlife and local agriculture, was altered during the twentieth century for flood control and urban development. Much of the creek's natural flow was redirected or modified, impacting both the ecological balance and local infrastructure. These modifications, while necessary for flood prevention, also reduced natural habitats and affected water quality, a challenge that continues today.

The development of parks and open spaces in recent decades, such as the Walnut Creek Open Space Foundation's efforts, aims to restore and protect natural habitats and mitigate the effects of urbanization. The City has also invested in environmental preservation, seeking to balance growth with sustainability. Notable efforts include the creation of new parks and the restoration of riparian habitats along the creek, allowing residents to experience a more natural environment while maintaining urban development.

In addition to the City's economic and environmental transformations, Walnut Creek has become known for its cultural development, particularly in the arts. The establishment of the Lesher Center for the Arts in the 1990s provided a cultural hub for the City, offering theater productions, concerts,

and visual arts exhibitions that enriched the community. The City has also invested in the preservation of its historical structures and landmarks, with several sites listed on the National Register of Historic Places (NRHP). These include the old Walnut Creek Train Station and the Shadelands Ranch Historic District, which reflect the City's agricultural past and its early role in the Bay Area's development.

3.4.3 - Methodology

Records Searches and Pedestrian Survey to Identify Existing Cultural Resources

The information in this section is based on the Phase I CRA prepared for the proposed project by FCS in November 2024 and on additional information presented below. The Phase I CRA used the methods below to analyze the potential impacts of project implementation.

Northwest Information Center

On September 19, 2024, a records search for the project area and a 0.5-mile radius beyond the project site boundary was conducted at the NWIC located at Sonoma State University in Rohnert Park, California. The current inventories of the NRHP, the 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 of previously documented local historical resources.

The results of the records search indicate that no pre-contact cultural resources have been recorded within the project site or the 0.5-mile search radius. There are no historic resources recorded with the project site; however, three historic built environment resources are recorded in the 0.5-mile (industry standard) search radius (Table 3.4-1). The Shadelands Ranch House (listed on the BERD) is also located within 0.5 mile of the project site. The house was recorded and evaluated in 1985 and appears to be eligible for the NRHP as an individual property through a survey evaluation and is listed on the CRHR and NRHP. In 1990, the evaluation was resubmitted to the Office of Historic Preservation (OHP) for action; however, the house was not reevaluated. Additionally, no area-specific survey reports are on file within the project site or within 100 feet of the project boundaries. This indicates that the project site has not been previously surveyed for cultural resources.

Table 3.4-1: Cultural Resources Within 0.5-mile Radius of the Project Site

Resource No.	Resource Description	Date Recorded
P-07-002695	Contra Costa Canal: HP20 Canal/aqueduct	1993, 1995, 2003, 2005, 2008, 2009, 2010, 2021
P-07-001139	The Shadelands Ranch House (Shadelands Ranch Historical Museum): OTIS ID 413502, 2660 Ygnacio Valley Road	1985, 1990
P-07-003006	Walnut Creek PG&E Tower #2/19: HP08 Industrial building	2010
Source: Northwest Information Center (NWIC) Records Search. September 19, 2024.		

Historic Maps and Aerial Photographs

A review of 22 historic aerial photographs from 1946 to 2022 indicates that from the earliest aerial in 1946 until 1968, the project site and the surrounding areas were undeveloped and used for agricultural purposes. In the 1979 aerial photograph, nine of the 11 buildings were in the process of being constructed, in addition to residential and commercial buildings in the surrounding vicinity of the project site. Between 1979 and 1980 two additional buildings in the southwest portion of the project site were constructed. From 1980 to the present, the project site has remained relatively unchanged.

Cultural Resources Pedestrian Survey

On October 8, 2024, FCS Director of Cultural Resources/Principal Investigator Dr. Dana DePietro surveyed the proposed project site to identify any unrecorded cultural resources within the project boundary. The rectangular project site is situated within the Shadelands Business Park District of Walnut Creek and is bound by Mitchell Drive to the northwest, Shadelands Drive to the southeast, Oak Grove Road to the northeast, and an adjacent business park to the southwest. The site is entirely developed and consists of parking lots, landscaping features, an artificial pond with a series of concrete waterways, and four clusters of identical L-shaped office buildings (11 buildings in all).

The survey began in the north of the project site and moved south using standard 5-meter intervals whenever possible. The visibility of native soils was very poor due to the completely developed nature of the site. Observed soils were primarily composed of grey-brown (Munsell 10 YR 5/2) compact soil with low clay content, interspersed with small (2–3 centimeter) stones composed primarily of schist and chalk. These soils were limited exclusively to landscaping elements and were likely imported from off-site.

Survey conditions were documented using digital photographs and field notes. During the survey, Dr. DePietro 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, 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). Particular attention was paid to the buildings and structures present within the project site. Historic aerials photographs show the complex under active construction in 1979, making it less than 50 years in age and likely ineligible for inclusion on the NRHP, CRHR, or on any local register of historically significant buildings or resources.

While no indications of historic or pre-contact archaeological resources were encountered over the course of the pedestrian survey, visibility of native soils was poor and the developed nature of the site does not preclude the possibility that subsurface archaeological features may be present within the project boundary.

Buried Site Potential

In addition to the pedestrian survey, the potential for yet identified cultural resources in the vicinity was reviewed against geologic and topographic geographic information system data for the general

area and information from other nearby projects. The proposed project was evaluated against a set of criteria identified in the Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4 that was prepared for the California Department of Transportation (Caltrans). This study mapped the "archaeological sensitivity," or potential to support the presence of buried pre-contact archaeological deposits, throughout the San Francisco Bay Area 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 and concluded that sites consisting of flat, Holocene-era deposits in close proximity to 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 flat, developed land. According to the California Department of Conservation geological map, the project site is situated on marine and nonmarine (continental) sedimentary rock of Pleistocene deposits, which contains older alluvium, lake, playa, and terrace deposits. Applying the criteria set forth in Meyer and Rosenthal, all Holocene-era deposits have the potential to contain archaeological deposits, which increases with the ease of the slope and proximity to water resources. Although separated by other development, Pine Creek is directly east of the project site, and the Native American Heritage Commission (NAHC) search results were positive for TCRs in the project site (refer to Section 3.16, Tribal Cultural Resources). However, the lack of recorded pre-contact resources within a 0.5 mile of the project site and the results of the pedestrian survey indicate a low to moderate potential for unanticipated buried cultural resources to be impacted by project construction.

Architectural and Historic Resources Assessment

As noted above, there are buildings and structures within the project site. Based on review of historic aerial photographs, the complex was under active construction in 1979. This makes the buildings and structures less than 50 years in age and likely ineligible for inclusion on the NRHP, CRHR, or on any local register of historically significant buildings or resources.

Summary of Existing Cultural Resources at the Project Site

Historic Architectural Resources

Based on the NWIC record search results, pedestrian survey, and archival research, no known potentially 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, recorded resources (three historic built environment resources) are located within a 0.5-mile search radius surrounding the project site.

3.4.4 - Regulatory Framework

Federal

National Historic Preservation Act and National Register of Historic Places

The National Historic Preservation Act of 1966 (NHPA) (16 United States Code 470f), established the NRHP, which contains an inventory of the nation's significant prehistoric and historic properties. Although the proposed project is not anticipated to require compliance with Section 106 of the NHPA, the National Register and federal guidelines related to the treatment of cultural resources are relevant for the purposes of determining whether significant cultural resources, as defined under CEQA, are present and guiding the treatment of such resources.

Built-environment and archaeological resources are protected through the NHPA, which requires project review of effects on historic properties only when projects involve federal funding or permitting or occur on federal land; therefore, it is not applicable to discretionary actions at the municipal level. However, the NHPA establishes the National Register, which provides a framework for resource evaluation and informs the process for determining impacts on historical resources under CEQA. Under Title 36 Code of Federal Regulations Part 60, typically a resource is recommended for possible inclusion on the NRHP if it is at least 50 years old, has sufficient historical 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.

Properties that are listed in the National Register, as well as properties that are formally determined to be eligible for listing in the National Register, are automatically listed in the California Register of Historical Places, described below, and therefore considered historical resources under CEQA.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) amended the Antiquities Act of 1906 (16 United States Code [USC] 431–433), setting a broad policy that archaeological resources are important to the nation and should be protected and requiring special permits before the excavation or removal of archaeological resources from public or Indian 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 Indian 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.

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, including the following:

   (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
   (B) Is associated with the lives of persons important in our past;
   (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
   (D) Has yielded, or may be likely to yield, information important in prehistory or history.

(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 CEQA, 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, laws, and regulations, as enumerated in the Public Resources Code Section 5024.1. 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 California Register is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and indicating which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC Section 5024.1(a)). The California Register criteria are based on the National Register criteria (PRC Section 5024.1(b)). Likewise, many local preservation ordinances employ 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.

CEQA Guidelines 15064.5(c)–Effects on Archaeological Resources

CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. 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 not considered 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. If an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

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); 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 for the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items (CEQA Guidelines § 15064.5(e)).
- If the NAHC is unable to identify an MLD, 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 on the property (CEQA Guidelines § 15064.5(e)).
- 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)).

Health and Safety Code Section 7050.5 (Treatment of Human Remains)

Section 7050.5 of the 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” except under circumstances as provided in Section 5097.99 of the Public Resource 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 “whenever 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.” 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 2025 General Plan

Chapter 4: Built Environment

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, Northeast 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 an inventory and map of historically significant properties.

Action 25.1.2 Develop a historic preservation plan and supporting ordinances.

3.4.5 - Approach to Analysis

This evaluation focuses on whether implementation of the proposed project would have potentially significant impacts on historic resources, architectural resources, archaeological resources, or human remains.

A project could have a significant impact on a historical resource if construction of the project would significantly impair a resource's eligibility for inclusion in the CRHR; thus, this information has been considered, as appropriate, as part of the methodology used in this evaluation. Analysis is based, in part, on information collected from record searches at the NWIC, additional archival research, pedestrian surveys, and information from the historic architectural assessment of existing properties more than 50 years in age (if any) located within the project site boundaries. If a project would leave an identified cultural resource no longer able to convey its significance, meaning that the resource would no longer be eligible for listing in the CRHR, then the proposed project's impact would be considered a significant adverse change. Pursuant to CEQA Guidelines Section15126.4(b)(1), if a project adheres to the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, then the project's impact "shall generally be considered mitigated below a level of significance and thus is not significant."

A project may have an impact on an archaeological resource or human remains if construction of the project would physically damage or destroy archaeological data or human remains (including those interred outside of dedicated cemeteries). Analysis is based, in part, on information collected from record searches at the NWIC, the additional archival research, and pedestrian surveys.

Both direct and indirect effects of project implementation were considered for this analysis. Direct impacts are typically associated with construction and/or ground-disturbing activities and have the potential to immediately alter, diminish, or destroy all or part of the character and quality of archaeological resources and/or historic architecture or human remains. Indirect impacts are typically associated with post-project implementation conditions that have the potential to alter or diminish the historical setting of a cultural resource (generally historic architecture) by introducing visual intrusions on existing historical structures that are considered undesirable.

3.4.6 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether cultural resources impacts resulting from the implementation of the proposed project would be considered significant if the project would:

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.

3.4.7 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Historic Resources

Impact CUL-1:	**The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.**

Impact Analysis

Construction

Historical resources in the context of this analysis primarily refers to the built environment; mainly buildings and structures over 50 years in age that may be eligible for inclusion on the CRHR or NRHP.

There are no recorded built environment resources on the project site. Records search results, conducted at the NWIC, identified three historic built environment resources located within the 0.5-mile records search radius (Table 3.4-1); however, the resources are not located in close proximity to the project site, nor would they be adversely impacted by the proposed project. Additionally, while buildings and structures were encountered during the pedestrian field survey, the review of historic aerial photographs show that the existing office complex on the project site was under active

construction in 1979. This makes the buildings and structures less than 50 years in age and likely ineligible for inclusion on the NRHP, CRHR, or on any local register of historically significant buildings or resources. Therefore, construction of the proposed project would not have an adverse impact on historic era built environment resources.

Operation

No respective operational impacts would occur to the proposed project's potential to cause a substantial adverse change in the significance of a historical resource.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described in Chapter 2, Project Description, would be the same as described for the proposed project. There is no recorded evidence of historic resources located in close proximity to the project site and the Community Benefit Variant would be constructed entirely within the existing right-of-way. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to substantial adverse effects involving historic resources.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

Archaeological Resources

Impact CUL-2:	**The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.**

Impact Analysis

Construction

Section 15064.5 of the CEQA Guidelines defines significant archaeological resources as resources that meet the criteria for historical resources, as discussed above, or resources that constitute unique archaeological resources. A project-related significant adverse effect could occur if a project were to affect archaeological resources that fall under either of these categories.

Record search results from the NWIC did not identify any archaeological resources (pre-contact or historic archaeological resources) located within the project site or within the 0.5-mile search radius. The project site is situated on Pleistocene marine and nonmarine (continental) sedimentary rock deposits that contain older alluvium, lake, playa, and terrace sediments. As a result of the developed nature of the project site, visibility of native soils was poor during the pedestrian survey. Thus, no archaeological resources were encountered during the pedestrian survey.

There is always the possibility that earthmoving activities associated with project construction could encounter previously undiscovered archaeological resources. Archaeological resources can include but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and

structural elements. Damage or destruction of these resources would be a potentially significant impact. Implementation of Mitigation Measure (MM) CUL-2a and MM CUL-2b would reduce potential impacts to archaeological resources that may be discovered during project construction. As such, impacts would be less than significant after the implementation of mitigation.

Operation

Impacts related to a project's potential to cause a substantial adverse change in the significance of an archaeological resource are limited to construction impacts. No respective direct or indirect operational impacts related to archaeological resources would occur.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and would implement MM CUL-2a and MM CUL-2b to minimize impacts to potential archaeological resources during earthmoving activities associated with construction. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to archaeological resources.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM CUL-2a Prior to the initiation of construction activities for each construction phase, the applicant/project owner/project sponsor shall ensure that all construction personnel conducting ground disturbance at the site be provided a Worker Environmental Awareness Program (WEAP) cultural resources "tailgate" training. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may found within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, and any Native American Monitors or representatives consulting on the project. This training is mandatory for all construction personnel conducting any ground disturbance construction activities on-site throughout construction duration. A sign-in sheet for attendees of this training shall be recorded and submitted to the City within 48 hours.

An Archaeological Monitor reporting to the qualified Archaeologist, along with a Tribal Monitor, shall be present during the clearing and grubbing phases of ground disturbance to check for the inadvertent exposure of cultural materials. In the event exposed soils indicate cultural materials may be present, this may be followed by regular or periodic monitoring as determined by the City, in consultation with the Archaeologist and Native American Monitor (Refer to MM TCR-1).

MM CUL-2b In the event that buried archaeological resources are discovered during construction, the applicant/project owner/project sponsor shall ensure that operations shall stop within a 100-foot radius of the find and an Archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology shall be consulted to determine whether the resource requires further study. The qualified Archaeologist shall make recommendations to the Lead Agency on the 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 cultural resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the City. 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 finds. The City, along with other relevant or tribal representatives, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Treatment of any significant cultural resources shall be undertaken with the approval of the City. No further grading shall occur in the area of the discovery until the City approves the measures to protect these resources. Upon coordination with the City, any archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines.

Level of Significance After Mitigation

Less than significant impact.

Human Remains

Impact CUL-3: The proposed project could disturb human remains, including those interred outside of dedicated cemeteries.

Impact Analysis

Construction

While no known dedicated cemeteries or areas containing human remains are known to be in the project vicinity, the possibility always exists that construction-related ground disturbance may uncover previously undiscovered human remains. In the unlikely event such a discovery is made, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 must be followed. The implementation of MM CUL-3 and MM TCR-4, which detail inadvertent discovery procedures, would reduce potential impacts to previously undiscovered human remains to a less than significant level.

Operation

Impacts related to a project's potential to disturb human remains are limited to construction. No respective direct or indirect operational impacts related to human remains would occur.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and would implement MM CUL-3 to minimize impacts to accidental disturbance of human remains during earthmoving activities associated with construction. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to the disturbance of human remains.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM CUL-3 In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed by the applicant/project owner/project sponsor. If during the course of project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken by the applicant/project owner/project sponsor.

There shall be no further excavation or disturbance of the site where human remains are discovered and/or any nearby area reasonably suspected to overlie adjacent human 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 the result of a crime scene, or otherwise not the remains of a Native American, the Coroner shall follow the provisions of the Health and Safety Code Section 7000 (*et seq*.) regarding the disinterment and removal of non-Native American human remains. Work cannot resume at the discovery location until authorized by the Coroner or their designee.

If the Coroner determines the remains to be Native American, the procedures in Mitigation Measure TCR-4 shall apply.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

3.4.8 - Cumulative Impacts

Cumulative Analysis

The geographic scope for the cumulative analysis is described further below for each type of resource. 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 historical and archaeological resources. This analysis then considers whether the incremental contribution of the impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for the proposed project's cumulative effects to rise to the level of significance. If there is no impact associated with respect to a particular CEQA threshold, discussion of cumulative impacts is not required. Accordingly, cumulative discussion is limited to the potential impacts as discussed below.

Historical Resources

The relevant geographic scope for potential cumulative impacts to historical resources in the built environment is the land within the City's municipal boundaries. This is because the City provides the smallest geographic boundary of potential significance when a historic property (building/structure) is evaluated at the local, State, or federal level. The cumulative setting includes existing commercial and residential uses. Recorded historical resources were identified in the NWIC records search (see Section 3.5.3 Methodology) ; however, the literature review and pedestrian survey of the project site yielded negative results for historical resources. With respect to cumulative projects, these cumulative projects have the potential to result in impacts to historical resources. However, potential cumulative impacts would be mitigated at an individual project level by adherence to applicable current State and federal laws and regulations, as well as other City and County laws, regulations, and mitigations, such as adherence to standard conditions of approval that require monitoring of construction sites in proximity to known resources (similar to as MM CUL-2a, e.g.). The combination of these efforts would reduce potential cumulative impacts related to built environment historical resources to a less than significant level. Moreover, the proposed project would not have a considerably cumulative contribution to this already less than significant impact because there are no known historical resources that would be adversely impacted by the proposed project.

Based on the foregoing, the proposed project would not have a significant cumulative impact on any historical resources.

Archaeological Resources

The geographic scope of the cumulative archaeological resources analysis is the project vicinity. This is because archaeological resource impacts tend to be localized because the integrity of any given resource depends on what occurs in the immediate vicinity around that resource, such as disruption of soils, and the immediate vicinity provides the smallest geographic unit within which significant cumulative impacts spanning multiple projects may occur. Therefore, in addition to the project site itself, the area near the project site would be the area most affected by project activities (generally within a 0.5-mile radius). For the purposes of this analysis, the geographic scope is defined as the 0.5-mile NWIC records search radius. As discussed above, the geographic scope for this cumulative

setting includes existing commercial and residential uses. Three cumulative projects shown on Exhibit 3-1, Cumulative Projects Map, are within the 0.5-mile geographic scope. Moreover, cumulative impacts to archaeological resources are limited to construction. There are no known unique archaeological resources within this geographic scope; however, there is always the possibility of previously unknown archaeological resources that could be damaged or destroyed during subsurface construction activities associated with cumulative projects. Nevertheless, any such potential cumulative impacts would be mitigated at an individual project level by adherence to applicable local, State, and federal laws and regulations, as well as City and County laws, regulations, and mitigations as discussed in Section 3.5.5 and Section 3.5.8. Accordingly, cumulative impacts would be less than significant. Additionally, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impacts. As noted above, there are no area-specific survey reports on file with the NWIC for the project site and its 0.5-mile search radius. No reports address the project site specifically, indicating that it has not previously been surveyed for cultural resources.

For the reasons noted above, the proposed project would not have a cumulative impact on any known archaeological resources, and potentially significant impacts to any previously unknown resources that could be damaged or destroyed during project construction would be mitigated to less than significant by adherence to applicable laws and regulations and compliance with the identified mitigation measures (MM CUL-2a, MM CUL-2b, and MM CUL-3), which require WEAP training for construction staff, monitoring during the clearing and grubbing phases of ground disturbance, and inadvertent discovery procedures. Therefore, the proposed project would not have a cumulatively considerable contribution on this already less than significant cumulative archaeological resources impact.

Human Remains

Potential cumulative impacts are limited to the construction phase. The geographic scope for purposes of evaluating cumulative impacts relative to human remains is the project vicinity. Impacts related to human remains tend to be localized because the integrity of any given resource depends on what occurs in the immediate vicinity around that resource, such as disruption of soils, and the immediate vicinity provides the smallest geographic unit within which significant cumulative impacts spanning multiple projects may occur. Therefore, in addition to the project site itself, the area near the project site would be the area most affected by project activities (generally within a 0.5-mile radius). For the purposes of this analysis, the geographic scope is defined as the 0.5-mile NWIC records search radius. As discussed above, the geographic scope for this cumulative setting includes existing commercial and residential uses.

No known burial sites are located within the project site boundaries or within the geographic scope. (See Table 3.4-1.) Nonetheless, past, present, and reasonably foreseeable construction activities may have the potential to encounter undiscovered human remains and/or dedicated cemeteries, and these cumulative projects would be required to mitigate for impacts through compliance with applicable federal and State laws governing human remains and/or dedicated cemeteries. Additionally, the implementation of standard construction mitigation measures and best management practices would ensure undiscovered human remains and/or dedicated cemeteries are

not adversely affected by cumulative project-related construction activities, which would prevent the destruction or degradation of potentially significant cultural resources within the geographic scope. Therefore, cumulative impacts would be less than significant. Additionally, as the proposed project does not contain any known burial sites and would comply with all existing regulations in the event of an unanticipated discovery, it would not have a cumulatively considerable contribution to the less than significant cumulative impacts.

Community Benefit Variant

The cumulative impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The proposed roundabout and bicycle infrastructure would be constructed in compliance with MM CUL-1 through MM CUL-3 which would address potential impacts associated with Cultural Resources. Implementation of the Community Benefit Variant would not result in additional or increased cumulative impacts to Cultural Resources, and impacts would be less than significant.

Level of Cumulative Significance

Less than significant impact.

3.5 - Energy

3.5.1 - Introduction

This section describes the existing energy setting in the project area, as well as the relevant regulatory framework. This section also evaluates the possible impacts related to energy that could result from the implementation of the proposed project. Information in this section is based on project-specific energy calculation outputs included in Appendix B.

During the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period, no public comments were received relating to energy impacts.

3.5.2 - Environmental Setting

Energy Basics

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) or cubic feet.[3] Fuel, such as gasoline or diesel, is measured in gallons or liters.

Electricity

Electricity is used primarily for lighting, appliances, and other uses.

Natural Gas

Natural gas is used primarily for heating, water heating, and cooking purposes and is typically associated with commercial and residential uses.

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 2023 (the most recent data available), the State of California generated approximately 215,623 gigawatt-hours (GWh) of electricity.[4] Approximately 43.68 percent of this energy generation was sourced from natural gas, 35.32 percent from renewable sources (i.e., solar, wind, and geothermal), and 12.55 percent from large hydroelectric sources, and the remaining 8.46 percent was sourced from coal, nuclear, oil, and other

[1] 1 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] A unit for quantity of heat that equals 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.

[4] California Energy Commission (CEC). 2023 Total System Electric Generation. Website: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2023-total-system-electric-generation. Accessed April 25, 2025.

nonrenewable sources. Additionally, California imported 65,518 GWh of electricity from other states in 2023.

According to the United States Energy Information Administration (EIA),[5] in 2023, California ranked fourth in electricity production, second 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 (CCAs), and electric service providers.[6]

Contra Costa County

Pacific Gas and Electric Company (PG&E) and Marin Clean Energy (MCE) provide electricity to Contra Costa County. In 2024, approximately 3,200 gigawatt-hours (GWh) of electricity was consumed by residential users while approximately 5,400 GWh of consumption was from all other nonresidential users in Contra Costa County.[7]

PG&E is both a utility and a load-serving entity. In its utility capacity, PG&E owns and operate the transmission lines, distribution lines, transformers, and utility poles that make up the grid. In many areas, it is also the load-serving entity, but in other areas its load is served by CCAs. MCE, Contra Costa's community choice energy provider, has been the default electricity provider for the City of Walnut Creek (City) since September 2016.

Project Site

The project site is currently occupied by a business park comprising 11 office buildings, each between 30,000–36,000 square feet in size and built between 1973–1986, and approximately 1,481 parking stalls in a paved surface parking lot with ancillary landscaping. The existing buildings consume energy in the form of electricity use to the buildings and fuel to power vehicles currently accessing the project site. Given the date of construction of the existing buildings, it is assumed that they use natural gas and electricity much less efficiently than buildings subject to post-2000 building codes.

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 EIA in 2023, total natural gas demand in California was approximately 2,087 billion cubic feet per year (BCF/year). This demand is distributed across various sectors, including industrial, residential, and

[5] United States Energy Information Administration (EIA). 2024. California State Energy Profile. Website: https://www.eia.gov/state/print.php?sid=CA. Accessed February 28, 2025.

[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 December 9, 2024.

[7] California Energy Commission (CEC). 2024. Annual Electricity Consumption Report. Website: https://www.pgecorp.com/assets/pgecorp/csr/csr_2024/assets/pge-csr-2024.pdf. Accessed February 28, 2025.

commercial uses and electric power generation.[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 2023, it was estimated that California consumed 2,156.2 trillion Btu of natural gas.[9]

Natural gas-fired generation has become the dominant source of electricity in California; in 2023, it accounted for 43.68 percent of California's electric generation.[10] Because natural gas is a dispatchable 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 and renewable resources for electricity generation and overall consumer demand are the variables that shape natural gas use in electric generation.

Contra Costa County

Contra Costa County (County), including the City of Walnut Creek, consumes fossil fuels, natural gas, and gasoline for construction, lighting, heating, and cooling of residences and transportation of people within, to, and from the County.

Project Site

As stated previously, the project site is currently occupied with existing structures on-site, which have both electricity and natural gas uses.

Fuel Use

State of California

California is one of the top producers of petroleum in the nation, with drilling operations occurring throughout the State. A network of crude oil pipelines connects production areas to oil refineries in the Los Angeles area, the San Francisco Bay Area, and the Central Valley. California oil refineries also process Alaskan and foreign crude oil received in ports in Los Angeles, Long Beach, and the San Francisco Bay Area. Crude oil production in California and Alaska is in decline. According to the EIA, California's field production of crude oil has steadily declined since the mid-1980s, totaling approximately 4,103 million barrels in 2022.[11] At the same time, California refineries have become increasingly dependent on foreign imports.[12] Foreign suppliers provide approximately half of the crude oil refined in California.[13]

[8] United States Energy Information Administration (EIA). 2023. California Natural Gas Consumption by End Use. Website: https://www.eia.gov/dnav/ng/ng_cons_sum_dcu_SCA_a.htm. Accessed April 25, 2025.

[9] United States Energy Information Administration (EIA). 2023. California Energy Consumption Estimates. Website: https://www.eia.gov/state/seds/data.php?incfile=/state/seds/sep_fuel/html/fuel_use_ng.html&sid=US&sid=CA. Accessed April 25, 2025.

[10] California Energy Commission (CEC). 2023 Total System Electric Generation. Website: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2023-total-system-electric-generation. Accessed April 25, 2025.

[11] California Energy Commission (CEC). California Field Production of Crude Oil. Website: https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=MCRFPCA2&f=M. Accessed December 9, 2024.

[12] California Energy Commission (CEC). 2023. Oil Supply Sources to California Refineries. Website: https://www.energy.ca.gov/data-reports/energy-almanac/californias-petroleum-market/oil-supply-sources-california-refineries. Accessed December 9, 2024.

[13] California Energy Commission (CEC). 2023. Foreign Sources of Crude Oil Imports to California 2021. Website: https://www.energy.ca.gov/data-reports/energy-almanac/californias-petroleum-market/foreign-sources-crude-oil-imports. Accessed December 9, 2024.

According to the EIA, transportation accounted for nearly 42.5 percent of California's total energy demand, amounting to approximately 2,917.3 trillion Btu in 2022 (the most recent available data).[14] California's transportation sector, including rail and aviation, consumed roughly 524 million barrels of petroleum fuels in 2020 and 2,731 million barrels in 2021.[15] The CEC produces the California Annual Retail Fuel Outlet Report, which is a compilation of gasoline and diesel fuel sales data from across the State available at the county level. According to the CEC, California's 2022 fuel sales totaled 13,640 million gallons of gasoline and 1,883 million gallons of diesel.

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, 57 public hydrogen refueling stations exist in California, five of which are in the County,[16] and 36 public biodiesel refueling stations are in California.[17] California's hydrogen fuel cell network is projected to reach 129 stations by 2030.[18]

Electric Vehicles

Electricity can be used to power electric vehicles (EVs) and plug-in hybrid electric vehicles (PHEVs) directly from the power grid. Electricity used to power vehicles is generally provided by the electricity grid and stored in the vehicle's batteries. Currently, California has 13,836 EV charging stations, including all charger types, and 35,662 EV supply equipment (EVSE) ports.[19] Currently, 108 EV charging stations are located within the boundaries of the County, with 22 stations located within the City of Walnut Creek.

3.5.3 - Regulatory Framework

Federal

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.

[14] United States Energy Information Administration (EIA). 2022. Profile Overview. Website: https://www.eia.gov/state/?sid=CA#tabs-2. Accessed April 25, 2025.
[15] United States Energy Information Administration (EIA). 2021. Total Petroleum Consumption Estimates, 2022. Website: https://www.eia.gov/state/seds/sep_fuel/html/pdf/fuel_use_pa.pdf. Accessed December 9, 2024.
[16] United States Department of Energy. 2023. Alternative Fuels Data Center. Website: https://afdc.energy.gov/stations/#/analyze?country=US&region=US-CA&fuel=BD. Accessed December 9, 2024.
[17] Ibid.
[18] California Air Resources Board (ARB). 2024. 2024 Annual Evaluation of Fuel Cell Electric Vehicle Deployment and Hydrogen Fuel Station Network Development. December.
[19] Ibid.

- Establishing new categories of renewable fuel and setting separate volume requirements for each one.
- Requiring the United States Environmental Protection Agency (EPA) to apply lifecycle GHG performance threshold standards to ensure that each category of renewable fuel emits fewer greenhouse gases (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 (CAFE) 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:

- Increased CAFE Standards
- Federal Vehicle Fleets
- Renewable Fuel Standard
- Biofuels Infrastructure
- Carbon Capture and Sequestration[20]

EPA and National Highway Traffic Safety Administration Light-duty Vehicle GHG Emission Standards and Corporate Average Fuel Economy Standards Final Rule

Congress first passed the CAFE 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, 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 Department of Transportation's National Highway Traffic Safety Administration (NHTSA) announced a joint final rule establishing a national program

[20] United States Environment Protection Agency (EPA). Summary of the Energy Independence and Security Act. 2024. Website: https://www.epa.gov/laws-regulations/summary-energy-independence-and-security-act. Accessed December 9, 2024.

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 would apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. They require 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 (mpg) if the automobile industry were to meet this CO_2 level solely through fuel economy improvements. Together, these standards would 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.[21] The 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 mpg 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 are proposed engine and vehicle standards that began in the 2014 model year and would 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 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 achieve up to a 10 percent reduction in fuel consumption and CO_2 emissions from the 2014 to 2018 model years. Since then, the EPA finalized Phase 2 standards in 2016 that apply to model years 2021 through 2027[22] and Phase 3 standards in 2024 that apply to model years 2027 through 2032, further reducing GHG emissions and improving fuel efficiency for heavy-duty vehicles.[23]

The State of California has received a waiver from the EPA to have separate, stricter CAFE Standards. As of June 2025, California retains its EPA-granted waiver under the Clean Air Act to enforce stricter vehicle emissions standards; however, legal and political challenges to this authority continue to evolve. The State of California's Advanced Clean Trucks regulation requires increasing percentages of manufacturer sales of on-road medium- and heavy-duty vehicles to be zero-emission vehicles (ZEVs)

[21] 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.

[22] United States Environment Protection Agency (EPA). 2024. Regulations for Emissions from Vehicles and Engines. Website: https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-phase-2-greenhouse-gas-emissions-standards. Accessed April 29, 2025

[23] United States Environment Protection Agency (EPA). 2024. Regulations for Emissions from Vehicles and Engines. Website: https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-greenhouse-gas-emissions-standards-heavy-duty. Accessed April 29, 2025

in order to reduce emissions of criteria pollutants, toxic air contaminants (TACs), and GHGs. The EPA has taken steps to rescind the waivers previously granted for implementation of this regulation. Until January 2026, the EPA's Phase 2 and Phase 3 GHG emissions standards for heavy-duty vehicles remain in effect.

State

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. In order to manage the State's energy needs and promote energy efficiency, Assembly Bill (AB) 1575 created the CEC in 1975.

Assembly Bill 939

In addition, to reduce solid waste and associated GHG emissions from landfills, the State enacted AB 939, the California Integrated Waste Management Act of 1989,[24] which established a mandatory 50 percent waste diversion goal for cities and counties. More recently, AB 341 set a statewide goal of diverting 75 percent of solid waste by 2020, and SB 1383, adopted in 2016, established targets to reduce organic waste disposal by 50 percent by 2020 and 75 percent by 2025.

Executive Order N-79-20: Transition to 100 Percent ZEV

Executive Order N-79-20, issued by Governor Newsom in 2020, calls for elimination of new internal combustion passenger vehicles by 2035. It also directs the California Air Resources Board (ARB) to pursue a goal of 100 percent medium- and heavy-duty vehicles in the State to be zero-emissions by 2045. This establishes a target for the transportation sector that helps put the State on a path to carbon neutrality by 2045.

California Assembly Bill 1493: Pavley Regulations and Fuel Efficiency Standards

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. 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.[25] The standards applied to 2009 through 2016 model year vehicles. After adopting these initial GHG standards for passenger vehicles, the ARB adopted continuing standards for future model years.

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, which has since been updated by the Advanced Clean Cars II regulations. 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 regulation aimed to reduce GHGs from new cars by 34 percent from 2016 levels by 2025. The rules reduce pollutants

[24] California Integrated Waste Management Act of 1989 (Assembly Bill 939). Website: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=30. Accessed April 29, 2025.

[25] California Air Resources Board (ARB). 2013. Clean Car Standards—Pavley, Assembly Bill 1493. Website: https://ww2.arb.ca.gov/californias-greenhouse-gas-vehicle-emission-standards-under-assembly-bill-1493-2002-pavley. Accessed December 10, 2024.

from gasoline- and diesel-powered cars and deliver increasing numbers of zero-emission technologies, such as full battery electric cars, PHEVs, and hydrogen fuel cell cars. The regulations also ensure adequate fueling infrastructure is available for the increasing numbers of hydrogen fuel cell vehicles planned for deployment in California.[26]

The ARB adopted the Advanced Clean Cars II regulations in August 2022, establishing more stringent emission standards for light- and medium-duty vehicles for model years 2026 through 2035. Advanced Clean Cars II requires that 100 percent of new car sales in California be ZEVs or PHEVs by 2035. Although the EPA granted California a waiver in January 2025 to enforce the Advanced Clean Cars II regulations, Congress subsequently revoked this waiver through H.J.Res.88, which became law in June 2025. As a result, California's authority to enforce Advanced Clean Cars II is currently suspended pending potential legal or legislative developments.

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 seeks to reduce public exposure to diesel particulate matter 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 power system for greater than 5 minutes at any location when within 100 feet of a restricted area. 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

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 nitrogen oxides (NO_X), diesel particulate matter (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 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

California's Renewable Portfolio Standard (RPS) program was established by SB 1078 in 2002, requiring that 20 percent of the State's electricity come from renewable sources by 2017. SB 107, adopted in 2006, accelerated the deadline to 2010. Executive Order S-14-08 (2008) increased the State's RPS goal to 33 percent by 2020, and Executive Order S-21-09 (2009) directed ARB to adopt regulations to implement the 33 percent goal. In 2011, Senate Bill 2 (1X) codified the 33 percent requirement into law. Senate Bill 350, adopted in 2015, further increased the RPS target to 50 percent by 2030. Most recently, Senate Bill 100, signed into law in 2018, requires that 60 percent of

[26] California Air Resources Board (ARB). 2011. Status of Scoping Plan Recommended Measures.

electricity retail sales come from renewable sources by 2030 and establishes a goal of 100 percent zero-carbon electricity by 2045.

California SB 350: Clean Energy and Pollution Reduction Act

In 2015, the State legislature approved and the Governor signed SB 350, which reaffirms 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 charging stations. Provisions for a 50 percent reduction in the use of petroleum statewide were removed from the bill due to opposition and concern that it would prevent the bill's passage. 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.
- 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.[27]

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. 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. The 2022 Building Energy Efficiency Standards became effective on January 1, 2023.[28]

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 2022 California Green Building Code Standards that became effective January 1, 2023.[29] Local jurisdictions are permitted to adopt more stringent requirements as State law provides methods for local enhancements. The code recognizes that many jurisdictions have developed existing construction and demolition ordinances

[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 December 10, 2024.

[28] California Energy Commission (CEC). 2023. Building Energy Efficiency Standards. Website: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency. Accessed December 10, 2024.

[29] California Energy Commission (CEC). 2023. Building Energy Efficiency Standards. Website: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency. Accessed December 10, 2024.

and defers to them as the ruling guidance provided they include a minimum 50 percent diversion requirement. The code also provides exemptions for areas not served by construction and demolition recycling infrastructure. California Building Standards 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 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 Reach Codes

The City has implemented all-electric reach codes to advance sustainability and reduce GHG emissions. Subsequent to implementation, the Ninth Circuit Court of Appeals found reach codes requiring all-electric construction to be preempted by the Energy Policy and Conservation Act. However, the project applicant proposes to meet the all-electric standards as set forth in the City's reach codes along with the other provisions relevant to the proposed project, which are listed below:

- Mandatory all-electric construction for new residential buildings.
- Requirements for EV charging infrastructure in new buildings.

3.5.4 - Methodology

For the purposes of this Draft EIR, the approach to analysis for energy use is based on the California Environmental Quality Act (CEQA) Guidelines Appendix F (Energy Conservation). CEQA Guidelines Appendix F is focused on energy conservation through the efficient use of energy resources. 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 EIR as Appendix B, which utilizes a baseline of zero for providing a conservative assessment of energy impacts. CalEEMod contains energy intensity rates for the various land uses selected. (See Section 3.8, Greenhouse Gas Emissions, for detailed information on how energy estimates are determined.)

Furthermore, the proposed project is assessed for whether it would conflict with or obstruct a State or local plan for renewable energy or energy efficiency. To achieve this, the proposed project is assessed for its consistency with State goals and plans related to energy efficiency and renewable energy.

3.5.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts related to energy are significant environmental effects. Accordingly, impacts resulting from the implementation of the proposed project would be considered significant if the proposed project would:

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 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Energy Use

Impact ENER-1:	**The proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.**

Impact Analysis

A discussion of the proposed project's anticipated energy usage is presented below. The proposed project would be served with electricity provided by PG&E or MCE. Energy use consumed by the proposed project was estimated and includes electricity and fuel consumption for project construction and operation. Energy calculations are included as part of Appendix B.

Construction

The anticipated construction schedule is assumed to begin in April 2026 and conclude in December 2030. If the construction schedule moves to later years, total energy consumption resulting from project construction would likely decrease as a result of improvements in technology and more stringent regulatory requirements as older, less efficient equipment is replaced by newer and cleaner equipment. Construction of the proposed project would require 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 site (e.g., site clearing and grading), and the actual construction of the proposed residences and structures. Petroleum-based fuels, such as diesel fuels and gasoline, would be the primary sources of energy for these tasks.

The types of on-site equipment used during construction of the proposed project are expected to include gasoline- and diesel-powered construction and transportation equipment, including trucks, excavators, forklifts, and pavers. Construction equipment is estimated to consume a total of 169,122 gallons of diesel fuel over the entire construction duration under the proposed project scenario and 170,190 gallons of diesel fuel under the project variant scenario (Appendix B).

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated, including construction worker trips, haul truck trips for material transport, vendor trips for construction material deliveries, and on-site truck trips. Fuel use from these vehicles traveling to the 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 ARB Emissions Factors model (EMFAC) mobile source emission model. Appendix B provides the specific parameters used to estimate fuel usage. In total, the proposed project is estimated to generate 5,049,678 Vehicle Miles Traveled (VMT) and a combined 313,437 gallons of gasoline and diesel for vehicle travel during construction.

Limitations on idling of vehicles and equipment and requirements that equipment be properly maintained, which are required as a standard condition, would result in fuel savings. California Code of Regulations, Title 13, Sections 2449(d)(3) and 2485, limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB.

The overall construction schedule and process are already designed to be efficient to avoid excess monetary costs. This is because equipment and fuel are not typically used wastefully due to the added expense associated with renting, maintaining, and fueling equipment. Therefore, the opportunities for future efficiency gains during construction are limited. Compliance with regulations such as the In-use Off-road Airborne Toxic Control Measure (ATCM) minimizes emissions by using a modern fleet, keeping equipment well-tuned and limiting idling to 5 minutes or less. Thus, the construction phase of the proposed project would not result in wasteful, inefficient, and unnecessary consumption of energy. Construction-related energy impacts would be less than significant.

The proposed project would consume energy as part of building operations and transportation activities. Project energy consumption for the earliest operational year (2027) is summarized below in Table 3.5-1. The project site is currently occupied with existing structures on-site, which have both electricity and natural gas uses. The consumption estimates listed below in Table 3.5-1 were calculated assuming a baseline of zero, which presents a conservative estimate of net energy consumption.

Table 3.5-1: Estimated Annual Project Energy Consumption (Operation)

Energy Consumption Activity	Estimated Annual Energy Consumption
Operation Vehicle Fuel Consumption	327,439 gallons of gasoline
	34,086 gallons of diesel
	1,524 gallons of CNG
	158,765 kWh of electricity
Building Energy Consumption	3,919,161 kWh of electricity
	0 kBTU of natural gas

Energy Consumption Activity	Estimated Annual Energy Consumption
Notes: CNG = compressed natural gas kWh = kilowatt hour kBTU = kilo-British Thermal Unit Source: Appendix B.	

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, 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.

Decreasing Overall Per Capita Energy Consumption

The proposed project's buildings would be designed and constructed in accordance with CALGreen and Title 24 energy efficiency standards, specifically including both Part 6 (Building Energy Efficiency Standards) and Part 11 (CALGreen Code). Part 6 addresses building energy performance such as insulation, windows, heating, ventilation, and air conditioning (HVAC), and lighting efficiency, while Part 11 establishes mandatory green building measures, including requirements for water efficiency, indoor air quality, and additional voluntary tiers of energy conservation measures. 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 Lighting Power Density requirements under Title 24 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, would help to 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 use energy-efficient appliance models and systems as required by the California Building Code (CBC). The median age of a California home in 2021 was 45 years.[30] Compared to the average per capita residential energy consumption of such homes in California, the proposed project's per capita energy consumption would be lower due to the implementation of newer Title 24 standards and energy-efficient designs that are more stringent than the requirements that apply to existing housing stock statewide. Therefore, the proposed project would be consistent with this criterion.

The decreasing reliance on fossil fuels and increasing use of renewable energy discussed below would also reduce per capita nonrenewable energy consumption for the proposed project compared

[30] National Association of Home Builders. 2023. Age of Housing Stock by State. Website: https://eyeonhousing.org/2023/02/age-of-housing-stock-by-state-4/#:~:text=According%20to%20the%20latest%20data,national%20median%20(40%20years). Accessed April 25, 2025.

to existing housing. Although renewable energy technologies such as solar and wind power can have lower system efficiencies compared to fossil fuel generation in some cases, the overall environmental and energy system benefit is greater. Renewable energy sources contribute to lower GHG emissions and reduce the demand for fossil fuel extraction and combustion, thereby achieving greater energy sustainability over time. Additionally, California's grid is increasingly powered by renewable sources, so new developments inherently consume a higher share of renewables relative to traditional fossil fuel use compared to past decades.

Decreasing Reliance on Fossil Fuels

The proposed project would incorporate elements from Title 24 Part 6 and Part 11 (CALGreen), which would include water efficient landscaping, heat reflecting roof membranes, and installation of solar panels, as required under CBC provisions for new residential and commercial buildings. These project design features would reduce nonrenewable energy consumption compared to standard building practices and older existing developments and consequently, the amount of fossil fuels needed to generate power to meet this demand. For example, low water demand landscaping would reduce the amount of water that would need to be conveyed to the project site. Furthermore, the proposed project would be all-electric in design and would not rely on natural gas and thus would decrease reliance on fossil fuels compared to older residential and commercial developments constructed prior to modern Title 24 and CALGreen standards.

Increasing Reliance on Renewable Energy Sources

As previously discussed, the proposed project would include the installation of EV charging infrastructure beyond mandatory measures which would accelerate the region's and proposed project's adoption of EVs and allow the future transportation energy supply necessary for residents and visitors to be substituted with renewable energy sources. This would occur in part due to the State's regulations requiring electric utility providers to meet electrical demand with carbon-free electricity, which includes renewable energy sources. Although not required to reduce any energy-related impact, implementation of MM GHG-1 would further promote the use of renewable energy sources by requiring the proposed project to include EV charging infrastructure equal to the voluntary CALGreen Tier 2 standards. In addition, the proposed project would include solar panels to generate on-site renewable energy. As such, the proposed project would facilitate a greater dependence on renewable energy sources for building and transportation energy demands compared to existing development in the surrounding area, much of which was constructed prior to California's more stringent renewable energy and electrification regulations. Therefore, the proposed project would be consistent with this criterion.

Conclusion

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 (specifically Section II, which directs lead agencies to evaluate whether a project would result in inefficient, wasteful, or unnecessary energy consumption, or conflict with applicable energy efficiency policies or regulations). The proposed project responds to market demand for housing, showing it is necessary, and would comply with all the rules and regulations that ensure energy is not used in an inefficient or wasteful manner. The proposed project

also is located in a low VMT area and in a location with existing infrastructure, all of which reduces energy use compared to greenfield development. 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 significant environmental impacts. Impacts would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described within Chapter 2, Project Description, would be the same as described for the proposed project. As described above, construction equipment is estimated to consume an additional 1,068 gallons of diesel fuel over the entire construction duration under the Community Benefit Variant as opposed to the proposed project scenario. In addition, the Community Benefit Variant is estimated to generate an additional 2,777 VMT and an additional 148 gallons of gasoline and diesel (combined) for vehicle travel during construction as opposed to the proposed project scenario. This level of additional VMT and fuel use from implementation of the Community Benefit Variant would be considered to be *de minimis*. Operationally, the Community Benefit Variant would be subject to the same energy efficiency requirements as the proposed project and would be more energy efficient than the average residence in California. The Community Benefit Variant also would be more energy efficient than the existing buildings on the project site. Construction and operation of the Community Benefit Variant would not result in additional or increased impacts related to energy use and would not result in wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

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.**

Impact Analysis

The proposed project would be served with electricity provided by PG&E or MCE. In 2023, PG&E obtained 33 percent of its electricity from renewable energy sources, while the remaining electricity was sourced from nuclear (53 percent) and large hydroelectric (14 percent).[31] PG&E also offers a Solar Choice 50 percent option that sources 65 percent of its power mix from eligible renewable energy sources and a Solar Choice 100 percent option that sources 100 percent of its power mix from eligible renewable energy sources. While PG&E's 2023 RPS reporting showed that 50 percent of electricity sales sourced from eligible renewable sources, the RPS requirements apply to a 3-year average of utility provider electricity sourcing to allow for fluctuations in market demand and supply

[31] California Energy Commission (CEC). 2023. Power Content Label. Website: https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure-program/power-content-label/annual-power-4. Accessed April 25, 2025.

availability. MCE, Contra Costa's community choice energy provider, has been the default electricity provider for Walnut Creek since September 2016. MCE offers a Light Green service option that is a minimum of 60 percent renewable (with an additional 33.3 percent of the mix from hydroelectric power) or the Deep Green service option that is 100 percent renewable.

Considering the information above, the proposed project's electricity provider meets the State's current objective of procuring 44 percent of electricity from renewable energy sources by December 31, 2024, required by the RPS provision in SB 100 as discussed in the Regulatory Framework. The proposed project's electricity provider would also be required to meet the State's future objective of 50 percent of in-State electricity sales being generated from renewable energy sources by December 31, 2026; 52 percent by December 31, 2027; and 60 percent by 2030.

The proposed buildings would be compliant with Title 24 standards and would adhere to applicable energy efficiency, water efficiency, and material conservation requirements. Additionally, the proposed project would provide bicycle parking spaces and clean air vehicle parking spaces with EV charging facilities, as required by Title 24 and the City's Reach Code. Although it is not required to reduce any energy-related impact, implementation of MM GHG-1 would further promote the use of renewable energy sources by requiring the proposed project to include EV charging infrastructure equal to the voluntary CALGreen Tier 2 standards. As discussed in more detail under Impact GHG-2, the proposed project also aligns with the City of Walnut Creek's Sustainability Action Plan (SAP), which focuses on actions to address climate change and improve community health and well-being, emphasizing clean air, multimodal transportation, renewable energy, and climate resilience. This emphasis will result in efficient transportation systems and reduced reliance on fossil fuels. The proposed project also would comply with the applicable City energy efficiency standards and electrification requirements. Therefore, the proposed project would be consistent with all applicable energy policies and plans, and this impact would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Implementation of the Community Benefit Variant would not conflict with the City's SAP or impede upon implementation of energy efficiency, water efficiency, or conservation requirements. The Community Benefit Variant would not result in additional or increased impacts related to energy efficiency and renewable energy standards and would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

3.5.7 - Cumulative Impacts

The cumulative analysis considers the foreseeable development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, in the City of Walnut Creek, in addition

to the proposed project. The geographic scope of the cumulative energy analysis is the PG&E or MCE service area.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to energy. This analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project would be significant. If the proposed project would create a cumulative impact or make a cumulatively considerable contribution to a significant cumulative impact, this analysis will then evaluate feasible cumulative mitigation that would reduce cumulative effects.

PG&E serves 5.5 million electrical accounts in 47 counties of California and 4.5 million natural gas customers in 39 counties of California.[32] Although cumulative development would increase regional energy demand, all cumulative projects would be required to comply with applicable ordinances and policies that address energy conservation and energy efficiency, such as complying with the latest California Energy Code and Title 24 standards and more stringent local reach codes. As a result, cumulative development would avoid inefficient, wasteful, or unnecessary energy consumption. Accordingly, potential cumulative impacts would be less than significant, and the proposed project's incremental contribution would be limited in scale and not cumulatively considerable.

The proposed project would require an estimated 4,077,926 kWh of electricity (3,919,161 from building use and 158,765 from EV charging) and 0 kBTU of natural gas on an annual basis (Appendix B).[33] Development associated with the proposed project, as well as development associated with the cumulative projects, would be designed in accordance with Title 24, California's Energy Efficiency Standards for Residential Buildings. These standards include minimum energy efficiency requirements related to the building envelope, mechanical systems (e.g., HVAC and water heating systems), indoor and outdoor lighting, and illuminated signs. Cumulative projects within the City of Walnut Creek would also be subject to the City's local reach code, while projects located outside of the City would be required to comply with applicable energy regulations of their respective jurisdictions. The incorporation of the Title 24 standards, as well as more stringent local requirements as applicable (such as the City of Walnut Creek's reach code requirements), into the proposed project and cumulative projects would ensure that implementation of these projects would not result in the inefficient, unnecessary, or wasteful consumption of energy. Therefore, the proposed project, in conjunction with other planned and approved projects, would not have a significant cumulative impact related to energy consumption and the proposed project's contribution would be less than cumulatively considerable.

Similarly, the incorporation of the Title 24 standards, as well as more stringent local reach codes where applicable, into the proposed project and cumulative projects would ensure that implementation of these projects would not conflict with or obstruct a State or local plan for

[32] Pacific Gas and Electric Company (PG&E). 2025. Company Profile: Fast Facts About PG&E. Website: https://www.pge.com/en/about/company-information/company-profile.html. Accessed February 28, 2025.

[33] The project site is currently occupied with existing structures on-site, which have both electricity and natural gas uses. The consumption estimates were calculated assuming a baseline of zero, which presents a conservative estimate of the proposed project's net energy consumption.

renewable energy or energy efficiency. In addition, projects served with electricity provided by PG&E or MCE would be receiving electricity from a provider that exceeds the State's current objective of 44 percent renewable sourcing required by the RPS and is assumed to continue complying with State law related to increasing the percentage of electricity from renewable and carbon-free sources. The implementation of the proposed project, in conjunction with other planned and approved projects, would not impede PG&E or MCE from meeting the State's future objective of 60 percent of in-State electricity sales being generated from renewable energy sources by 2030. In addition, the proposed project aligns with the City of Walnut Creek's SAP, further ensuring that the proposed project's contribution would be less than cumulatively considerable. Therefore, the proposed project, in conjunction with other planned and approved projects, would not create a significant cumulative impact related to the potential to conflict with or obstruct a State or local plan for renewable energy or energy efficiency and the proposed project's contribution would be less than cumulatively considerable.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. As described above, construction equipment is estimated to consume an additional 1,068 gallons of diesel fuel over the entire construction duration under the Community Benefit Variant as opposed to the proposed project scenario. In addition, the Community Benefit Variant is estimated to generate an additional 2,777 VMT and an additional 148 gallons of gasoline and diesel (combined) for vehicle travel during construction as opposed to the proposed project scenario. Any additional VMT and fuel use that would result from implementation of the Community Benefit Variant would be considered to be *de minimis*. Therefore, the Community Benefit Variant, in conjunction with other planned and approved projects, would not have a significant cumulative impact related to energy consumption and the Community Benefit Variant's contribution would be less than cumulatively considerable.

Implementation of the Community Benefit Variant would not conflict with the City's SAP or impede upon implementation of energy efficiency, water efficiency or conservation requirements. Therefore, the Community Benefit Variant, in conjunction with other planned and approved projects, would not create a significant cumulative impact related to the potential to conflict with or obstruct a State or local plan for renewable energy or energy efficiency and the proposed project's contribution would be less than cumulatively considerable.

Level of Cumulative Significance

Less than significant cumulative impact.

Mitigation Measures

None required.

3.6 - Geology and Soils

3.6.1 - Introduction

This section describes existing conditions related to geology and soils in the region and project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to geology and soils that could result from implementation of the project. Information included in this section is based, in part, on the Preliminary Geotechnical Study prepared by ENGEO Incorporated (ENGEO), which is included in Appendix E.

During the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period, no public comments were received related to geology and soils.

3.6.2 - Environmental Setting

Geologic Setting

Contra Costa County

Contra Costa County (County) is in the Coast Ranges geomorphic province of California. The Coast Ranges have experienced a complex geological history characterized by Late Tertiary folding and faulting that has resulted in a series of northwest trending mountain ranges and intervening valleys. Bedrock in the Coast Ranges consists of igneous, metamorphic, and sedimentary rocks that range in age from Jurassic to Pleistocene. The present physiography 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 in the area, which include the San Andreas, Hayward, and Calaveras Fault Zones, as well as other lesser-order faults.

Several northwest trending fault systems dominate the geology of the County, dividing it into large blocks of rock. For example, binding the Briones Hills is the Hayward Fault zone on the west and elements of the Calaveras Fault zone on the east. Within a particular block the rock sequence consists of: (1) a basement complex of broken and jumbled pre-Tertiary sedimentary, igneous and metamorphic rocks; (2) a section of younger Tertiary sedimentary rocks and some volcanic rocks (flows and tuffs) that locally intertangle with and overlie the sedimentary section; and (3) surficial deposits including stream alluvium, colluvium (slope wash deposits at the foot of steeper slopes), slides, alluvial fans, and Bay Plain deposits.

Project Site

The project site is located in eastern Walnut Creek within central Ygnacio Valley and has an approximate elevation above mean sea level between 110–115 feet. Geologic mapping of Helley and Graymer shows the project site along with Ygnacio Valley are underlain by Pleistocene-age alluvial fans and fluvial deposits (Qpaf) comprising of sandy clay at the top of the soil profile to brown dense gravely and clayey sand or clayey gravel. Pine Creek is approximately 0.5 mile east of the project site and consists of both natural and artificial segments that serve as a tributary for the Suisun Bay to the north with headwaters beginning at the foothills of Mt. Diablo that have deposited younger Holocene-age alluvial fan and fluvial deposits (Qhaf) and Holocene-age stream channel deposits east

of the project site. The Walnut Creek-Concord Valley, approximately 1.4 miles northwest of the project site, is about 75 feet above mean sea level and is underlain by a mixture of Holocene-age floodplain deposits (Qhfp) and Holocene-age alluvial fan and fluvial deposits (Qhaf).

Deposits from an ancestral drainage comprised of older undifferentiated continental gravels of Pilo-Pleistocene age (Qtu) are distributed in isolated patches from the north face of Mt. Diablo approximately 5 miles east of the project site in Clayton and trend northwestward toward the Suisun Bay. Two of these deposits are situated on the northeastern aspect of Shell Ridge with one approximately 1.5 miles west to southwest of the project site at Heather Farm Park and the other deposit about 1.5 miles south of the project site directly west of Northgate High School[1] (Exhibit 3-6.1).

Rock units that are higher in elevation along the Coast Range province are usually older in age with Lime Ridge Open Space approximately 1 mile east of the project site consisting of a mixture of well consolidated marine sedimentary rocks including shale, sandstone, and conglomerate of Eocene age (E), while the east aspect of the Briones Hills contain consolidated shale, sandstone, and conglomerate of Paleocene age (Ep) with higher elevations up to 1,400 feet underlain by well consolidated marine sedimentary rocks including siltstone and breccia.[2]

Seismic Hazards

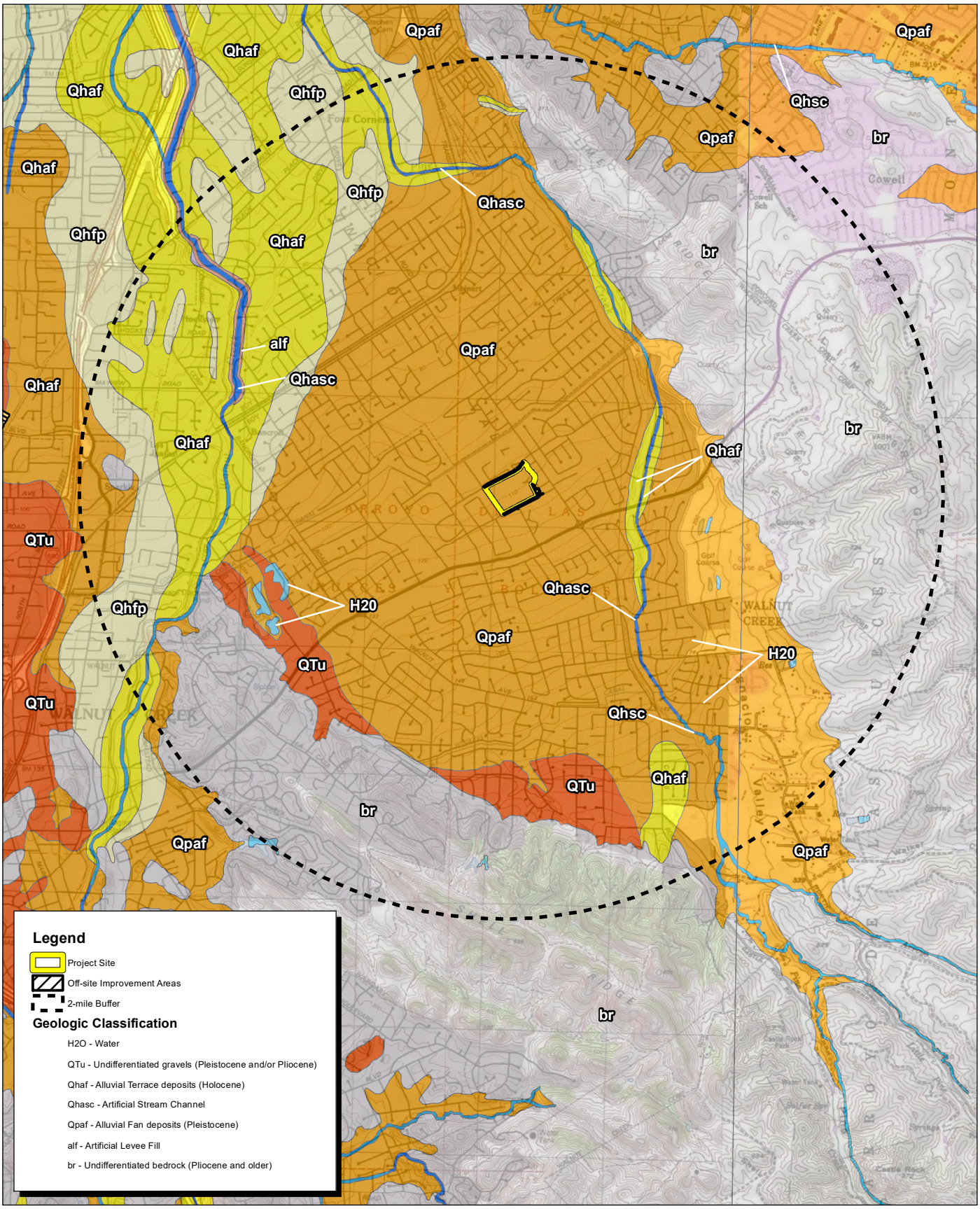
A seismic hazard consists of any primary hazards including surface rupture and strong seismic shaking, and secondary hazards such as liquefaction, landslides, and lateral spreading generated from the seismic waves of an earthquake and are discussed in further detail below.

Surface Rupture

Surface rupture occurs when strong shaking generated from an earthquake causes movement along an active fault (one that has ruptured in the past 11,000 years) to break through, or cause offset directly on the earth's surface. Fault lines capable of producing surface rupture can either trigger vertical offsets which are typically associated with normal and reverse faulting, or lateral offsets usually generated from strike-slip faulting. In addition, surface rupture can happen either rapidly during strong seismic shaking, or gradually from aseismic creep which can offset structures and foundations over long periods of time. Because of surface rupture posing greater threats to structures located directly, or in proximity to active fault lines susceptible to producing surface rupture, the State of California established regulatory zones surrounding active fault lines under the Alquist-Priolo Earthquake Fault Zoning Act of 1972 to prevent the construction of structures within approximately 50 feet of active fault lines.

[1] Helley, E.J., and R.W. Graymer. 1997. Quaternary Geology of Contra Costa County, and Surrounding Parts of Alameda, Marin, Sonoma, Solano, Sacramento, and San Joaquin Counties, California: A Digital Database.

[2] California Department of Conservation, California Geological Survey. 2015. Geologic Map of California. Website: https://maps.conservation.ca.gov/cgs/gmc/. Accessed December 10, 2024.



Source: USGS National Geologic Map Database. U.S. Geological Survey, Publication Date: 1997. Preliminary geologic map of the Walnut Creek 7.5' quadrangle, Contra Costa County, California.

FCS An ADEC Innovation

3,500 1,750 0 3,500 Feet

Exhibit 3.6-1
Map of Quaternary Geology in the Project Vicinity

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The San Francisco Bay Area has approximately 13 fault zones that are classified as Special Study Zones under the Alquist-Priolo Earthquake Fault Zoning Act that pose the risk of rupturing during strong seismic shaking. The closest fault line to the project site capable of producing surface rupture is the Concord Fault, which strikes northwest and is about 0.5 mile east of the project site. However, the project site is not located within a Special Study Zone as no active fault line directly traverses through the project site.[3]

Seismicity and Faulting

Seismic ground shaking is caused by the sudden movement along active fault lines resulting in the release of stored energy in the form of seismic waves. The intensity of ground shaking is influenced by many factors such as the type of local geology, distance from the epicenter, direction of rupture, and depth of the hypocenter. Seismic ground shaking is calculated either using the Richter scale which calculates the amplitude of the largest wave and the epicenter distance using a logarithmic scale,[4] or the Modified Mercalli Scale (MMS) which is arbitrary based on observations from earthquake intensity on a scale from 1-12 designated by roman numerals.[5]

The project site is in a seismically active region with major fault lines and numerous lesser-known faults. Many major fault lines in the San Francisco Bay Region are associated with the San Andreas Fault Zone which separates the Pacific Plate and the North American Plate consisting of northwest strike-slip faults. Major active fault lines of significance in the region include the San Andreas, Hayward, Calaveras, and Concord faults, along with other faults and are discussed further below. A Preliminary Geotechnical Study was prepared by ENGEO on March 1, 2024, to evaluate the geotechnical aspects of the proposed project. The Preliminary Geotechnical Study included an evaluation of strong seismic shaking generated from nearby fault subsections in proximity to the project site by using models to estimate recording peak ground acceleration maintaining sustained shaking up to five seconds having a return period of 2,475 years. Nearby fault subsections to the project site capable of producing strong seismic shaking are listed in Table 3.6-1 with potential earthquake size and distance from the estimated rupture generated by the fault.

Table 3.6-1: Faults Capable of Producing Strong Seismic Shaking at the Project Site

Fault Name	Distance from Rupture (Miles)	Moment Magnitude (M_w)
Concord (2)	1.55	6.6
Mount Diablo (north) [1]	2.37	7.2
Contra Costa (Larkey) [2]	3.13	6.4
Franklin (1)	3.54	7.2
Clayton (0)	4.61	7.0
Concord (1)	4.85	6.6

[3] ENGEO Incorporated. 2024. Shadelands Walnut Creek, California Preliminary Geotechnical Study. April 3.

[4] United States Geological Survey (USGS). 2025. Earthquake Magnitude, Energy Release, and Shaking Intensity. Website: https://www.usgs.gov/programs/earthquake-hazards/earthquake-magnitude-energy-release-and-shaking-intensity. Accessed February 28, 2025.

[5] United States Geological Survey. 2025 The Modified Mercalli Intensity Scale. Website: https://www.usgs.gov/programs/earthquake-hazards/modified-mercalli-intensity-scale. Accessed December 13, 2024.

Fault Name	Distance from Rupture (Miles)	Moment Magnitude (M_w)
Contra Costa (Connected) (4) [1]	5.15	7.3
Contra Costa (Lafayette) (1)	5.27	7.4
Calaveras (north) (0)	6.64	7.1
Hayward (north) (1)	12.6	7.5
San Andreas (Peninsula) (10)	31.4	8.09

Notes:
Parenthesis under Fault Name represents the specific subsection of the fault line. Brackets under Fault Name represents the number of rupture segments along the listed segment.
Source: ENGEO Incorporated. 2024. Shadelands Walnut Creek, California Preliminary Geotechnical Study: Table 2.2.2-1. April 3.

San Andreas Fault

The San Andreas Fault is a lateral strike-slip fault comprised of 10 complex segments characterized by having differences in slip rates, recurrence intervals, and paleo seismic events, and makes up the general north/south motion between the Pacific and North American Plates. The San Andreas Fault is approximately 684 miles long and extends from the Mendocino Triple Junction off the coast of Eureka in the north to the Salton Sea in the south and has produced two surface-rupturing events in the last 200 years with the closest to the project site being the 1906 San Francisco earthquake with a magnitude 7.8 on the Richter scale,[6] and was documented in Walnut Creek having an intensity of VIII (8) out of 12 on the MMS with reports of several houses cracked and weaker structures moved off their foundations.[7] The closest segment is the Peninsula section approximately 31 miles west of the project site and has an estimated recurrence interval of 225 years with the last maximum event being the 1906 San Francisco earthquake. In addition, the segment has a slip rate of approximately 17 mm a year.[8]

Hayward Fault

The Hayward Fault is a major lateral strike-slip fault about 66 miles in length from San Pablo Bay in the north to eastern San Jose in the south striking in a northwest direction and is subdivided into three sections with the northern section approximately 12.6 miles west from the project site. The most recent maximum event was the 1868 Hayward earthquake having a magnitude of 7.0 with particularly severe shaking recorded in Walnut Creek. Although a recurrence interval has not been established, paleo seismic studies have recorded four to seven surface-rupturing earthquakes in the last 1627 radiocarbon years, indicating a possible recurrence interval between 270 and 710. In

[6] Bryant, W.A., M. Lundberg. 2002. Fault number 1c, San Andreas fault zone, Peninsula section, Quaternary fault and fold database of the United States. December 10.
[7] California Department of Conservation California Geological Survey. 2017. Historic Earthquake Online Database. Website: https://maps.conservation.ca.gov/cgs/historicearthquakes/. Accessed December 13, 2024.
[8] Bryant, W.A., M. Lundberg. 2002. Fault number 1c, San Andreas Fault zone, Peninsula section, Quaternary fault and fold database of the United States. December 10.

addition, the fault is characterized by aseismic creep which gradually offsets infrastructure directly established on the fault line having an average creep rate between 3-6 mm/yr.[9]

Calaveras Fault

The Calaveras Fault is a major lateral strike-slip fault extending in a northwest direction about 93 miles from San Ramon, California in the north to Hollister, California in the south and is divided into four segments with the northern Calaveras segment approximately 6.6 miles south of the project site. The most recent event on the fault line was the 1984 Morgan Hill earthquake with a magnitude of 6.3 on the Richter scale. Other noticeable events include a magnitude 5.8 in Coyote Lake in 1979, and a magnitude of 6.2 in 1858 with severe shaking recorded in Pacheco, California. The recurrence interval for the northern segment of the Calaveras Fault ranges from 125-850 years and has a slip rate of 5-6 mm/yr.[10]

Concord Fault

The Concord Fault is a lateral strike-slip fault approximately 12.4 miles in length striking in a northwest direction from Mt. Diablo in the south bordering the western side of Lime Ridge Open Space and penetrates through Concord, California to the Suisun Bay to the north. The Concord Fault has three sections with the southern section about 0.5 mile east of the project site. The most recent notable event on the Concord Fault occurred in 1955 which produced a magnitude of 5.4 on the Richter scale. In addition, the fault line is characterized by generating aseismic creep at a rate of 3.0-3.5 mm/yr.[11]

Liquefaction

Liquefaction is a phenomenon that occurs in loose water-saturated sandy soils with a shallow water table. Strong seismic waves generated from an earthquake can cause the water table to temporarily rise, pulling aggregates apart and turning the soil from a solid into a temporary liquid like state. Damage from strong seismic shaking is typically more severe in areas susceptible to liquefaction such as areas of artificial landfills and is usually associated with the subsidence or tilting of structures and may cause underground utility lines to rise to the surface. ENGEO prepared a Preliminary Geotechnical Study for the project site through review of historical public records in the surrounding area to investigate seismic hazards, along with surface and subsurface conditions. Results from the Preliminary Geotechnical Study indicated subsurface conditions consists of firm to hard, silty clay and sandy clay with medium to high plasticity with loose sand observed in one boring approximately 18 feet below the surface. Groundwater levels are expected to be between 12 to 16 feet below the surface that can fluctuate seasonally and artificial fill that was likely established in an engineered manner may be present in the upper layers of the project site.[12] In addition, the project site is located within a California Geological Survey (CGS) Liquefaction Zone of required investigation[13] with

[9] Bryant, W.A., S.E. Cluett. 2000. Fault number 55a, Hayward Fault zone, Northern Hayward section, Quaternary fault and fold database of the United States. December 14.

[10] Bryant, W.A., S.E. Cluett. 1999. Fault number 54a, Calaveras Fault zone, Northern Calaveras section, Quaternary fault and fold database of the United States. March 4.

[11] Bryant, W.A., S.E., Cluett. 1998. Fault number 38a, Concord Fault, Avon section, Quaternary fault and fold database of the United States. August 18.

[12] ENGEO Incorporated. 2024. Shadelands Walnut Creek, California Preliminary Geotechnical Study. April 3.

[13] Department of Conservation California Geological Survey. 2024. Earthquake Zones of Required Investigation. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/#data_s=id%3AdataSource_4-191d8e4b825-layer-21%3A1854. Accessed December 13, 2024.

liquefaction zones classified as having shallow historic groundwater levels, uncompacted sands and silts deposited during the last 15,000 years, and in areas susceptible to strong seismic shaking.[14] Although the project site is within a CGS Liquefaction Zone of required investigation with recent deposits and shallow groundwater, the Preliminary Geotechnical Study anticipates the risk of liquefaction to be negligible due to subsurface conditions consisting of consolidated firm to hard silty clay and sandy clay with medium to high plasticity which are soils considered to have low liquefaction potential.

Landslides

Landslides are the movement of earth materials down a slope and usually occur on steeper slopes consisting of weak soil and rocks that can be triggered from the results of strong seismic shaking. The project site is on relatively flat terrain ranging from 110 to 115 feet in elevation with the closest landslide zone of required investigation established by the CGS being approximately 1 mile east of the project site on Lime Ridge Open Space.[15]

Lateral Spreading

Lateral spreading is a secondary hazard generated from strong seismic shaking and liquefaction that occurs on nearly horizontal slopes comprised of coherent material overlaying saturated and loose sediments that are susceptible to liquefaction. Primary hazards such as strong seismic shaking induces liquefaction to occur within the lower saturated soils resulting in the upper cohesive material to fracture and entrain slowly downslope.[16] As previously mentioned, subsurface conditions on the project site consist of firm to hard, silty clay and sandy clay with medium to high plasticity with groundwater levels ranging between 12 to 16 feet below the surface situated on relatively flat terrain possibly containing artificial fill in the upper 2 to 3 feet in the soil profile. As indicated by the Preliminary Geotechnical Study, the project site would be relatively flat and soil conditions consist of low liquefaction potential, the risk of lateral spreading at the project site is low.

Surface and Subsurface Conditions

Surface and subsurface conditions are discussed in this section including existing soils on the project site, regional groundwater levels, and potential subsurface hazards including subsidence, expansive soils, and collapsable soils.

Existing Soils

ENGEO prepared a Preliminary Geotechnical Study using historical records to evaluate surface and subsurface conditions on the project site. As previously indicated, existing soils in the project area consist of firm to hard, silty clay and sandy clay with medium to high plasticity. Dense to very dense clayey sand with gravel observed in some borings within a 5-foot-thick layer approximately 15 to 20 feet below ground surface, while one boring at about 18 feet below the surface contained a 2-foot-

[14] California Department of Conservation, California Geological Survey. 2025. Seismic Hazard Zones. Website: https://www.conservation.ca.gov/cgs/sh/seismic-hazard-zones. Accessed December 13, 2024.

[15] Department of Conservation California Geological Survey. 2024. Earthquake Zones of Required Investigation. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/#data_s=id%3AdataSource_4-191d8e4b825-layer-21%3A1854. Accessed December 13, 2024.

[16] United States Geological Survey (USGS). 2023. Lateral Spread. Website: https://www.usgs.gov/media/images/lateral-spread. Accessed December 23, 2024.

thick layer of loose sand. Furthermore, the soil series on the project site is mostly Zamora Silty Clay Loam defined as well-drained having slow to medium runoff and moderately slow permeability with parent material derived from alluvium and stream terraces from mixed sedimentary rocks. Surface conditions of the Zamora series usually remain moist during the cooler seasons and dry during the summers with slight plasticity and very fine pores.[17]

Existing fill on the project site may exist in the upper 2-3 feet of the soil profile due to the sites previous and current uses. However, anticipated fill during previous construction was likely done in an engineered manner.

Groundwater

Fluctuations in groundwater can vary based on natural factors such as rainfall and soil characteristics, and non-natural processes including irrigation practices. Walnut Creek is situated on the Clayton Valley Groundwater Basin with groundwater levels ranging from 12-16 feet below the surface on the project site.[18] Fluctuations have remained relatively constant the last five years with the water table approximately 32.4 feet below the surface in 2019.[19] According to the Phase I Environmental Site Assessment (Phase I ESA) prepared by Cornerstone Earth Group on July 30, 2024 (Appendix F), the project site contains four groundwater wells. Two of the on-site wells are currently used for irrigation on the project site. The existing wells on the project site will not be used as part of the proposed project.

Subsidence

Subsidence is the gradual and widespread sinking of the surface due to the removal of groundwater or other subsurface resources. Subsidence can occur naturally through underlying soil conditions, or through the overexploitation of resources such as groundwater, causing compaction of sediments.[20] As previously mentioned, subsurface conditions at the project site consist of hard silty and sandy clays with the soil series being Zamora Silty Clay Loam which can fluctuate in moisture content seasonally mostly caused by California's Mediterranean climate. Soils highly susceptible to subsidence are clays and silts due to their shrink and swell potential depending on moisture content. Although the project site has subsurface conditions that could be vulnerable to subsidence, the project site is not currently located within an area of existing land subsidence.[21]

Expansive Soils

Expansive soils are clays or silty clays that experience significant volume changes with the removal or addition of moisture and can be considered a geological hazard as the shrinking and swelling potential in volume can generate damage to foundations, underground utilities, and structures

[17] United States Department of Agriculture (USDA). 2018. Zamora Series. Website: https://soilseries.sc.egov.usda.gov/OSD_Docs/Z/ZAMORA.html. Accessed December 13, 2024.
[18] ENGEO Incorporated. 2024. Shadelands Walnut Creek, California Preliminary Geotechnical Study. April 3.
[19] ArcGIS StoryMaps. 2024. California's Groundwater. Website: https://storymaps.arcgis.com/stories/b3886b33b49c4fa8adf2ae8bdd8f16c3. Accessed December 16, 2024.
[20] United States Geological Survey (USGS). 2025 Land Subsidence. Website: https://www.usgs.gov/mission-areas/water-resources/science/land-subsidence#overview. Accessed December 16, 2024.
[21] United States Geological Survey (USGS). 2025 Areas of Land Subsidence in California. Website: https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html. Accessed December 16, 2024.

including walls and ceilings. Medium to high plastic clays may exist on the project site in both existing fill and naturally deposited areas.[22]

Collapsible Soils

Collapsible soil generally consists of sand and silt sized particles that are held together by a bonding material such as clay. Soil particles can decrease in volume or become rearranged when undergoing additional wetting or loading with the occurrence depending on a variety of factors including soil texture, structure, initial moisture content, and void ratio. Collapsible soils naturally occur in alluvial and colluvial deposits in arid and semi-arid environments,[23] and poorly engineered artificial fills which can lead to structural damage. As previously mentioned, the soil series on the project site consists of Zamora Silty Clay Loam derived from alluvial fan and fluvial deposits of Pleistocene-age (Qpaf) and typically fluctuate in moisture content seasonally.

Paleontological Resources

Fossils are nonrenewable resources which can consist of body and trace fossils or can be petrified through replacement of the original fossil with minerals. Rock units that usually contain high potential for the recovery of paleontological resources are middle-Holocene or older sedimentary formations such as sandstones, argillaceous rocks, and paleosols.[24] Areas of greater deposition such as basins, floodplains, or areas of lower elevation that consist of sedimentary formations usually have greater significance in containing paleontological resources. As previously mentioned, the project site is situated on Pleistocene-age alluvial fan and fluvial deposits (Qpaf) in a lower lying basin which are known to locally contain freshwater mollusks and extinct late Pleistocene vertebrate fossils.[25] The mention of stronger soil profiles on this unit implies that a fossil soil may be present. Fossil soils (paleosols) often contain fossils of rodents, rabbits, and reptiles.

According to a preliminary analysis using the University of California Museum of Paleontology (UCMP) Localities Database, at least 11 vertebrate fossils and four plant fossils are likely within the City of Walnut Creek with most uncovered in Tertiary deposits indicating discovery at higher elevations presumably within Walnut Creek's open space preserves. Three vertebrate fossils identified in Walnut Creek from the Localities Database were discovered in the same rock units consisting of Pleistocene-age deposits that underlay Ygnacio Valley including the project site.[26]

The UCMP was consulted to conduct a paleontological records search with a focus on a 2-mile radius of the project site. Rock units from the records search from the UCMP database identified the area consisting of Quaternary alluvium matching the results originally obtained from the Quaternary Geology of Contra Costa County report. The records search revealed two vertebrate localities from which a composite assemblage of three specimens were collected in 1951. The closest locality to the project site is locality V5124 approximately 1.7 miles southwest of the project site around the

[22] ENGEO Incorporated. 2024. Shadelands Walnut Creek, California Preliminary Geotechnical Study. April 3.
[23] California Department of Transportation (Caltrans). 2024. Geotechnical Manual: Collapsible Soil. February.
[24] Society of Vertebrate Paleontology. 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources.
[25] Helley, E.J., and R.W. Graymer. 1997. Quaternary Geology of Contra Costa County, and Surrounding Parts of Alameda, Marin, Sonoma, Solano, Sacramento, and San Joaquin Counties, California: A Digital Database.
[26] University of California Museum of Paleontology (UCMP). 2025. Locality Search. Website: https://ucmpdb.berkeley.edu/loc.html. Accessed December 16, 2024.

modern-day intersection of Muller and Lakewood Road revealing cheek teeth of bison (*Bison bison antiquus*), and locality V5116 about 1.8 miles northwest of the project site at the 1800 block of Gilly Lane which produced two specimens, an isolated horse (*Equus*) premolar and a mammoth or mastodon proximal femur.[27]

3.6.3 - Regulatory Framework

Federal

National Earthquake Hazards Reduction Program

The National Earthquake Hazards Reduction Program (NEHRP) was established by the United States Congress when it passed the Earthquake Hazards Reduction Act of 1977, Public Law 95–124. In establishing the 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 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. There are four primary NEHRP agencies:

- National Institute of Standards and Technology of the Department of Commerce
- National Science Foundation
- United States Geological Survey (USGS) of the Department of the Interior
- Federal Emergency Management Agency (FEMA) 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

[27] Holroyd, Patricia A. Senior Museum Scientist, University of California Museum of Paleontology. Personal Communication: email. December 23, 2024.

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 the 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] Sections 2621 to 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 Earthquake Fault 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. With the exception of 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.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (PRC §§ 2690–2699.6), which was passed in 1990, addresses earthquake hazards other than surface fault rupture. These hazards include strong ground shaking, earthquake-induced landslides, liquefaction, or other ground failures. Much like the Alquist-Priolo Earthquake Fault Zoning Act discussed above, these seismic hazard zones are mapped by the State Geologist to assist local government in the land use planning process. The Act states, "it is necessary to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety." The Act also states, "cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard." Most recently updated Seismic Hazards Mapping Act (SHMA) mapping from 2024 by the State Geologist delineates the project site to not be situated on a seismic hazard zone for earthquake-induced landslides. The project site is on a seismic hazard zone for earthquake-induced liquefaction.

California Building Code

The State of California provides minimum standards for building design through the California Building Standards Code (California Code of Regulations [CCR], Title 24). Where no other building codes apply, Chapter 29 regulates excavation, foundations, and retaining walls. The California Building Standards Code (CBC) applies to building design and construction in the State and is based on the federal Uniform Building Code (UBC) used widely throughout the country (generally adopted on a state-by-state or district-by-district basis). The CBC has been modified for California conditions with more detailed and/or more stringent regulations.

The State earthquake protection law (California Health and Safety Code Section 19100 *et seq*.) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. The CBC identifies seismic factors that must be considered in structural design. Chapter 18 of the CBC regulates the excavation of foundations and retaining walls, and Appendix Chapter A33 regulates grading activities, including drainage and erosion control and construction on unstable soils, such as expansive soils and areas subject to liquefaction.

Local

City of Walnut Creek

City of Walnut Creek General Plan

The following goals, policies, and actions from the General Plan address geology, seismicity, and paleontological resources that are relevant to this analysis.

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.

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.

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.

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 City of Walnut Creek Municipal Code (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. 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. The City also provides for land use and development regulations for proposed developments within Municipal Code Chapter 10-2 Zoning under Part III Regulations Applying in All or Several Districts, and Municipal Code Section 10-2.3.409 Required Findings for Project Approval mandates the review of seismic and slope instability hazard maps as well as the Association of Bay Area Governments (ABAG) Ground Shaking and Damage Potential Maps for proposed developments in compliance with the SHMA.

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).[28] The Annex identifies hazard mitigation elements specific to the City of Walnut Creek focusing on the hazard risk assessment and mitigation strategy for the community which is a participating jurisdiction to the 2024 Contra Costa County Hazard Mitigation Plan update. 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 **I**ntegrate the hazard mitigation plan into other plans, ordinances and programs that dictate land use decisions in the community, including the General Plan, Sustainability Action Plan, and the Capital Improvement Program.

WC-3 Actively participate in the Hazard Mitigation Plan maintenance protocols outlined in Volume 1 of the Contra Costa County Hazard Mitigation Plan.

WC-6 Develop a soft story building inventory for the City of Walnut Creek.

WC-14 Study, design, and implement Overlook landslide prevention mitigation.

WC-17 Provide grants and low-cost permits to property owners to strengthen soft story buildings.

[28] Contra Costa County. 2024. 2024 Hazard Mitigation Plan City of Walnut Creek Annex.

3.6.4 - Methodology

Impacts related to geology and soils were determined by reviewing information contained in the Preliminary Geotechnical Study provided by ENGEO. As part of the Preliminary Geotechnical Study, ENGEO reviewed historical public records, topographic and lithologic data, and conducted modeling to determine the potential impacts of surrounding seismic hazards and presented information on surface and subsurface conditions.

Additional evaluations of geologic hazards were based on review of web maps and databases provided by the California Department of Conservation, CGS, and USGS, while supplemental information on surface and subsurface conditions including soil properties and groundwater were evaluated using available web maps, databases, and reports from the Natural Resources Conservation Service (NRCS), California Department of Water Resources (DWR), California Department of Transportation (Caltrans), and USGS.

Impacts related to paleontological resources were evaluated through comparing the Society of Vertebrate Paleontology's (SVP) Standard Procedures for the Assessment and Mitigation of Adverse Impacts document with the Quaternary Geology of Contra Costa County report that supplements the Quaternary Geology of Contra Costa County, and Surrounding Areas geologic map provided by the USGS.

Both the Quaternary Geology of Contra Costa County map and supplemental report were used to determine whether rock units underlying the project site meet SVP's definition as having high potential for containing significant paleontological resources, as well as reviewing the UCMP Localities Database to analyze previous discoveries of paleontological resources in the surrounding area.

The UCMP was contacted to request a localized paleontological records search based on preliminary findings suggesting that underlying rock units may contain a high potential of uncovering paleontological resources of significant importance. The localized paleontological records search was prepared by Patricia A Holroyd, a consulting Paleontologist.

3.6.5 - Thresholds of Significance

The Lead Agency derives its significance criteria based on the questions in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist. Accordingly, impacts resulting from the implementation of the proposed project would be considered significant if the project would:

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 proposed 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. (Refer to Chapter 4, Effects Found not to be Significant)

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

3.6.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary. Further environmental review determined that impacts pertaining to use of septic tanks or alternative wastewater disposal systems would have no impact and are further discussed in detail in Chapter 4, Effects Found Not To Be Significant.

Earthquakes

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:**

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.

Impact Analysis

Construction and Operation

Fault Rupture

According to the California Department of Conservation CGS Earthquake Zones of Required Investigation web map application, the project site is not within an established Earthquake Fault Zone (EFZ). The Concord Fault zone is approximately 0.50 mile east of the project site. Since the project site is not within an established EFZ, the risk of surface rupture at the project site is low. The impact would be less than significant.

Ground Shaking

As previously mentioned, the Preliminary Geotechnical Study from ENGEO identified surrounding fault lines capable of generating strong seismic events and concluded that the project site is in a seismically active region. Impacts associated with strong seismic shaking include the potential to damage structures or off-site improvements that can result in the injury or loss of human life, which could represent a potentially significant impact. The risk of damage from ground shaking is controlled by using sound engineering judgment and compliance with the latest provisions of the CBC, as a minimum. The seismic design provisions of the CBC prescribe minimum lateral forces applied statistically to the structure(s), combined with the gravity forces and dead-and-live loads. The code-prescribed lateral forces are generally considered to be substantially smaller than the comparable forces that would be associated with a major earthquake. The intent of the code is to enable structures to (i) resist minor earthquakes without damage, (ii) resist moderate earthquakes without structural damage but with some nonstructural damage, and (iii) resist major earthquakes without collapse but with some structural as well as nonstructural damage. Furthermore, the proposed project would meet the Walnut Creek General Plan Goal 1, Protect Life and Property from Geologic Hazards, including Policy 1.1 and Action 1.1.1 which call to reduce seismic hazards and identify areas of concern. Since the proposed project would incorporate seismic safety and structural design provisions maintained by the CBC and other requirements from the General Plan, impacts related to the risk of loss, injury, or death involving strong seismic shaking would be less than significant.

Ground Failure

Considering the California Department of Conservation CGS Earthquake Zones of Required Investigation web map identified the project site to be within a Liquefaction Zone of required investigation, a Preliminary Geotechnical Study was prepared by ENGEO to evaluate subsurface conditions and seismic hazards using historical public records and data of the surrounding area. The report identified subsurface conditions to consists of firm to hard, silty clay and sandy clay with medium to high plasticity with loose sand observed approximately 18 feet below the surface along with shallow groundwater levels ranging from 12-16 feet below the surface. Further investigation from ENGEO used USGS mapping to identify areas susceptible to liquefaction, finding that the project site is located in a zone of low liquefaction susceptibility. Since the proposed project is located in a zone of low liquefaction susceptibility based on the review of maps identified in the Preliminary Geotechnical Study, there would be a less than significant impact related to risk of loss, injury, or death involving liquefaction from seismic-related ground failure.

Landslides

The project site is located on relatively flat terrain approximately 100–115 feet in elevation and is not located in a Zone of Required Investigation from the California Department of Conservation CGS. Therefore, impacts related to risk of loss, injury, or death involving landslides induced from strong seismic shaking would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described in Chapter 2, Project Description, would be the same as described for the proposed

project. The Community Benefit Variant would occur entirely within the existing right-of-way and would be constructed in compliance with applicable roadway design standards. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to substantial adverse effects involving earthquakes and seismic shaking.

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.

Impact Analysis

Construction

Since the proposed project would disturb at least one acre of land during construction, it would be required to obtain a Construction General Permit from the California State Water Resources Control Board (State Water Board) consistent with the Contra Costa County's Municipal Regional Permit (MRP) (Order No. R2-2022-0018; NPDES Permit No. CAS612008). Compliance with permit conditions and requirements designed to minimize potential erosion issues. Compliance with the County's NPDES permit, CBC, and Municipal Code Title 9 Chapter 9 would ensure that BMPs are implemented through grading and erosion control plans including, but not limited to, methods such as geotextiles covering exposed soils and silt fences around storm drain inlets thereby preventing sediments from becoming airborne or eroding into stormwater drain inlets. Since construction of the proposed project would be required to abide by existing regulatory requirements, impacts from construction-related activities on and off the project site would not result in substantial soil erosion or the loss of topsoil. Therefore, construction-related impacts to soil erosion and loss of topsoil would be less than significant.

Operation

The proposed project would minimize potential soil erosion during project operation via construction of approximately 43,216 square feet of bioretention areas as well as compliance with BMPs contained the County's Phase II MRP. These BMPs would manage stormwater flow on the project site during operations, thus ensuring that no significant soil erosion would occur. See Section 3.9, Hydrology and Water Quality, for more information. Given the proposed construction of bioretention areas and compliance with federal, State, and local regulations, operation-related impacts to soil erosion and loss of topsoil would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and would be constructed in compliance with permit conditions from the County's NPDES permit and Municipal Code and would not have the potential to increase soil erosion. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to substantial soil erosion or the loss of topsoil.

Level of Significance

Less than significant impact.

Unstable Geologic Location

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.**

Impact Analysis

Construction and Operation

As discussed above, ENGEO reviewed historical public records and maps in their Preliminary Geotechnical Study and identified the risk of liquefaction to be negligible. Furthermore, the project site has not been identified to be within a zone of required investigation for landslides and consists of relatively flat terrain. Furthermore, lateral spreading is a secondary effect induced from liquefaction which was already found to be trivial. This in combination with the project site's location on flat terrain results in the project site having a low risk of generating lateral spreading. Since the project site has a low risk of liquefaction, is not in a zone of required investigation for landslides and is on relatively flat terrain, and lateral spreading is a secondary effect from liquefaction, impacts related to the project being located on an unstable geologic unit resulting in on or off-site liquefaction, landslides, and lateral spreading would be less than significant.

The project site potentially has underlying soil conditions that can fluctuate in moisture content and have expansive properties which can trigger subsidence. However, the project site is not mapped as being in an area experiencing land subsidence and will not extract groundwater for potable or irrigational use as existing groundwater wells on the project still will be abandoned and no longer in use In addition, groundwater fluctuations in the Clayton Valley Groundwater Basin have not experienced significant fluctuations in groundwater levels in the previous five years. Since the proposed project is not mapped in an area that has experienced land subsidence, will not extract groundwater, and groundwater fluctuations have remained relatively constant, impacts related to the project being located on an unstable geologic unit resulting in subsidence would be less than significant.

Soil consolidation leading to collapsibility generated from additional loading could occur on the project site given the subsurface conditions, which consist of Pleistocene-age alluvial fans and fluvial deposits (Qpaf) with firm to hard, silty clay and sandy clay having medium to high plasticity associated with the Zamora Silty Clay Loam series which typically fluctuate in moisture content seasonally. Furthermore, soil borings analyzed in the Preliminary Geotechnical Study revealed dense to very dense clayey sand with gravel in a 5-foot-thick layer between 15 to 20 feet below the surface with one boring containing a 2-foot layer of loose sand about 18 feet below the surface. Although subsurface conditions on the project site indicate potential for containing collapsible soils, historical data reviewed in the Preliminary Geotechnical Study found that subsurface clay and silt materials on the project site are relatively stiff to very stiff and would likely experience negligible consolidation or collapse from the additional load of the proposed buildings. Since subsurface materials on the

project site have been identified to be relatively stiff to very stiff, the project would not be located on unstable soils that would result in project induced collapse. Therefore, project generated collapsibility would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant includes roadway infrastructure improvements that would occur entirely within the existing right-of-way and would be constructed in compliance with applicable roadway design standards. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to unstable subsurface conditions from on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Level of Significance

Less than significant impact.

Expansive Soil

Impact GEO-4:	**The proposed project could 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.**

Construction and Operation

As previously discussed, expansive soils change in volume with fluctuations in moisture content and can shrink and swell resulting in damage to shallow foundations and pavements. The project site is situated on the Zamora Silty Clay Loam series which has medium to high plasticity that differs in moisture content seasonally, indicating a potential for expansive soils within the subsurface and near-surface fill areas. Since subsurface conditions have medium to high plasticity clays that have shrink and swell potential, the proposed project may have a potentially significant impact related to creating substantial direct or indirect risk to life or property due to being located on expansive soils.

Foundation recommendations provided in the Preliminary Geotechnical Study include incorporation of post-tension mat foundations, deepening below the moisture fluctuation zone, incorporation of select fill, retention of expansive soils prior to construction, and realignment of pavement-facing slopes. The implementation of Mitigation Measure (MM) GEO-4 would require a design-level geotechnical study to be prepared by a Geotechnical Engineer prior to the issuance of building or grading permits. The design-level study shall include additional findings on subsurface hazards that could generate risks to life and property on the project site, including expansive soils, and shall provide more detailed recommendations on suitable design measures that the proposed project should incorporate to reduce any subsurface impacts. Implementation of MM GEO-4 would require compliance with recommended design measures provided by the Geotechnical Engineer to reduce the impacts on expansive soil prior to the issuance of grading permits. Therefore, the proposed project would not create a substantial direct or indirect risk to life or property due to being situated on expansive soil with mitigation incorporated.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and would be constructed in compliance with applicable roadway design standards. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to expansive soils.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM GEO-4 Design-Level Geotechnical Study

Prior to the issuance of building and grading permits, a design-level geotechnical exploration and assessment will be performed by a qualified Geotechnical Engineer. The design-level exploration and reporting would include the following scope items:

- Borings with soil sample collection to support design-level recommendations.
- Laboratory testing, including, but not limited to, moisture content, unit weight, plasticity index, gradation, strength, and corrosivity testing.
- Design-level assessment of geologic and geotechnical hazards, including, but not limited to:
  - Characterization of subsurface conditions, including further evaluation of the depth, lateral extent, and continuity of potentially non-engineered fill.
  - Static load-induced static settlement based on structural loading.
- Design recommendations for suitable foundation alternatives.
- Design-level earthwork, improvement design, and construction recommendations.

The recommendations included in the Design-Level Geotechnical Report shall be incorporated by the applicant/project owner/project sponsor into project documents prior to the issuance of grading permits and shall be implemented by the applicant/project owner/project sponsor during construction activities, including grading and excavation.

Level of Significance After Mitigation

Less than significant impact.

Destruction of Paleontological Resource or Unique Geologic Feature

Impact GEO-6:	**The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.**

Construction and Operation

Impacts to paleontological resources are limited to the construction phase. No operational impacts are anticipated.

The project site is located in a lower lying basin underlain by alluvial fans and fluvial deposits of Pleistocene-age (Qpaf) which are known to locally contain freshwater mollusks and extinct late Pleistocene vertebrate fossils. As previously discussed, at least three vertebrate fossils were found in the same generalized rock type in Walnut Creek according to the UCMP Localities Database, and a records search conducted by the UCMP identified two localities with rock units consisting of Quaternary alluvium which uncovered three specimens within a 2-mile radius of the project site, indicating possibly high potential for the discovery of paleontological resources. Construction activities for the proposed project consist of ground-disturbing activities including excavation, grading, and fill which could result in the uncovering and unintentional destruction or disturbance of paleontological resources of important significance. The project site is in an area of previous deposition with older Pleistocene-age alluvial fans and fluvial deposits (Qpaf) which have similar characteristics matching the SVP definition of high potential rock units. Furthermore, paleontological resources have been uncovered in the same rock units in the surrounding area. Therefore, the unintentional discovery of a unique paleontological resource during construction activities may occur. As such, impacts related to directly or indirectly destroying a unique paleontological resource of geologic feature could be potentially significant.

However, implementation of MM GEO-6a through MM GEO-6c would require the proposed project to contract a qualified professional Paleontologist who would provide a variety of services by implementing the SVP standard procedures and measures to mitigate impacts from construction activities on paleontological resources. As such, impacts to a unique paleontological resource or a geologic feature would be reduced during construction of the proposed project. Therefore, the proposed project would have a less than significant impact with regard to paleontological resources with mitigation incorporated.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way which has been previously disturbed and graded. Therefore, construction of the Community Benefit Variant would not result in additional or increased impacts related to paleontological resources.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM GEO-6a On the first day of ground disturbance, and prior to the start of any mass grading and/or trenching disturbing activities, a qualified professional Paleontologist that meets the Society of Vertebrate Paleontology (SVP) Standard Procedures shall be retained to prepare and conduct a project-wide Worker Environmental Awareness Program (WEAP) training. The WEAP training shall include a review of applicable federal, State, and local regulations related to paleontological resources; recognition and understanding of significant paleontological resources pertinent to the geography and geology of the region and the types of paleontological resources that

may be encountered; procedures to be followed in the event that paleontological resources are encountered; the protocols that apply in the event of inadvertent discovery, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated and any other appropriate protocols. In the event construction crews are phased in, additional training shall be conducted for new construction personnel.

MM GEO-6b The entire project site contains rock units that are classified as having high potential under the SVPs assessment of the paleontological potential of rock units, as such, the qualified professional Paleontologist shall be present to monitor all ground-disturbing activities in the demolition, site preparation, and grading phases. The level of monitoring may be reduced, or suspended entirely under the Paleontologist's discretion after half of the excavations are complete and no rock units bearing any fossils of important significance have been uncovered. If paleontological resources are unearthed during excavation, the applicant/project owner/project sponsor shall ensure all ground-disturbing activities be stopped immediately until the qualified professional Paleontologist can examine the importance of the specimen and recommend appropriate removal, treatment, and future monitoring and mitigation if necessary. Construction workers should not attempt to remove such finds.

MM GEO-6c Rock units on the project site that are classified as Pleistocene-age alluvial fan and fluvial deposits which have more fine-grained sedimentary horizons are known locally to contain freshwater mollusks, and their older age indicates the potential presence of paleosols. These characteristics indicate a higher possibility that microvertebrates, or other microfossils may be present. The qualified Paleontologist may implement recovery methods for microfossils such as screenwashing and bulk matrix sampling. Samples may need to be processed off the project site to avoid construction delays.

The qualified professional Paleontologist shall document the discovery as needed and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. Salvaged specimens must be prepared for identification and cataloged in advance of curation. Specimens must be identified to the lowest taxonomic level possible and a list of specimens to be added into the collection must be prepared by the qualified Paleontologist for the Curator before being deposited to an applicable repository institution, where uncovered specimens will be properly curated and made available for future research. The qualified Paleontologist shall notify the City and other appropriate agencies to determine procedures that shall be followed before construction activities are allowed to resume at the project site. If the applicant/project owner/project sponsor determines that avoidance is not feasible, the qualified Paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery to the extent feasible.

The plan shall be submitted to the appropriate repository and to the City for review and approval prior to implementation. The applicant/project owner/project sponsor shall adhere to the recommendations in the approved plan.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

3.6.7 - Cumulative Impacts

A cumulative impact combines the potential impacts generated from the proposed project with other past, present, and foreseeable future projects. Since significant impacts related to geology and soils are site-specific, the relevant cumulative setting, or geographic area for potential cumulative impacts related to geology and soils includes projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 that are within a 0.5-mile radius. Three cumulative projects are in proximity to the proposed project (a storage facility approximately 0.18 mile from the project site, a senior housing project, and a fast-food restaurant project both about 0.3 mile from the project site) and therefore could be cumulatively considerable in combination with the proposed project.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could be cumulatively considerable with respect to geology and soils. This analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project would be considerable. Both conditions must apply for a project's cumulative effects to rise to the level of a significant impact. If both conditions apply, this analysis will then evaluate feasible cumulative mitigation measures that would reduce cumulative effects. If one or both conditions do not apply, the project's contribution to cumulative impacts would be less than significant, and no cumulative mitigation is necessary. If there is no project impact associated with respect to a particular CEQA threshold, the proposed project would have no contribution to potential cumulative impacts and, therefore, further discussion of cumulative impacts is not required.

Seismic-Related Hazards

As previously mentioned, three of the cumulative projects in Chapter 3, Environmental Impact Analysis, Table 3-1 are in the geographic scope for purposes of this analysis. Seismic-related hazards are site-specific and none of the three projects are located in a special study area defined under the Alquist-Priolo Earthquake Fault Zoning Act. The identified cumulative projects consist of the same local geology and are similar distances away from major fault lines as the proposed project and the related potential for seismic-related hazards. However, all cumulative projects would adhere to the same requirements as the proposed project including requiring compliance with seismic safety and structural design requirements of the CBC, and goals and policies from the Walnut Creek General Plan. In addition, the cumulative projects consist of the same rock units, have similar existing soils and groundwater levels where liquefaction impacts are considered negligible, and are located on relatively flat terrain that would not induce landslides or lateral spreading. Accordingly, cumulative impacts would be less than significant. Additionally, as explained above, the proposed project would not have a cumulatively considerable contribution to the already less than significant cumulative impacts due to compliance with existing regulations and incorporation of project design features.

Overall, since seismic-related hazards are site-specific and surrounding cumulative projects are subject to meeting the minimum requirements profound in the CBC and would incorporate Walnut Creek General Plan goals and policies, the proposed project in conjunction with surrounding projects would not result in a cumulatively considerable impact related to seismic-related hazards and the project's impacts would be less than cumulatively considerable.

Soil-related Hazards

Three of the cumulative residential and commercial projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 would be in the geographic scope. These cumulative projects would likely require construction activities such as soil grading and excavation that could result in water and wind erosion. However, similar to the proposed project, surrounding projects would be required to meet the regulatory standards in the CBC including CBC Section 3307.1 and Municipal Code Title 9 Chapter 9 ensuring BMPs are implemented in erosion control and grading plans. All surrounding cumulative projects are on relatively flat terrain eliminating the cumulative impact related to project activities triggering landslides and lateral spreading, and impacts related to soil properties including collapse, expansive capabilities, and liquefaction are site-specific. All three cumulative projects are in an urbanized area and would connect to existing water lines, sewer lines, and stormwater drains and would not extract groundwater which could lead to ground subsidence and eliminates the need to install septic tanks or other alternative wastewater disposal systems. Since surrounding cumulative projects are required to abide erosion control and grading requirements, are on relatively flat terrain in an urbanized area, and because soil hazards related to soil properties are site-specific, cumulative impacts related to soil hazards would be less than significant. Additionally, the proposed project's incremental contribution to the less than significant cumulative impacts would not be cumulatively considerable because the proposed project would comply with all existing regulations. Therefore cumulative impacts would be less than significant.

Paleontological Resources

Potential cumulative impacts to paleontological resources are limited to construction. As discussed above, three cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 are located within the 0.5-mile geographic scope for purposes of this cumulative analysis. They are situated in the same lower lying basin containing older alluvial fans and fluvial deposits of Pleistocene-age (Qpaf) indicating that construction activities associated with these cumulative projects have the potential to unintentionally uncover and disturb significant paleontological resources or geological resources. Like the proposed project, all surrounding cumulative projects are required to abide applicable federal, State, and local laws governing the preservation, recovery, and curation of significant paleontological resources and would implement mitigation measures identified as necessary regarding the potential of uncovering such resources. In addition, the discovery of significant paleontological resources is site-specific and the possible unintentional discovery of significant paleontological resources on the project site and other cumulatively considerable projects from construction activities would not directly increment or exacerbate any significant impacts to possible undiscovered paleontological resources in the surrounding area. Since the proposed project along with cumulatively considerable projects would be required to comply with federal, State, and local rules and regulations pertaining to the preservation and recovery of paleontological resources, would implement mitigation measures to avoid and reduce damage to

potential paleontological resources, and because the uncovering of paleontological resources tend to be site-specific, the cumulative impact of directly or indirectly destroying a paleontological resource or unique geologic feature would be less than significant and the proposed project's incremental contribution to the less than significant impacts would be less than cumulatively considerable.

Community Benefit Variant

The cumulative impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The proposed roundabout and bicycle infrastructure would be constructed in compliance with applicant design and safety standards, including State and local roadway design regulations. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased cumulative impacts to Geology and Soils, and impacts would be less than significant.

Level of Cumulative Significance

Less than significant impact.

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3.7 - Greenhouse Gas Emissions

3.7.1 - Introduction

This section describes the existing greenhouse gas (GHG) emissions setting and potential effects from project implementation on the project site and its surrounding area. Descriptions and analysis in this section are based on project-specific information and modeling results utilizing California Emissions Estimator Model (CalEEMod) Version 2022.1. The Greenhouse Gas Analysis supporting this chapter is included in this Draft Environmental Impact Report (Draft EIR) as part of Appendix B.

The following public comments were received during the Draft EIR Notice of Preparation (NOP) scoping period related to GHG emissions.

- The Draft EIR should evaluate potential air quality and greenhouse gas impacts with regard to the loss of trees.

3.7.2 - Environmental Setting

Greenhouse Gases and Global Emission Sources

Gases that trap heat in the atmosphere are referred to as GHGs. The effect is analogous to the way a greenhouse retains heat. Prominent GHGs that naturally occur in Earth's atmosphere are water vapor, carbon dioxide (CO_2), methane (CH_4), nitrogen oxides (NO_X), and ozone. Anthropogenic (human-caused) GHG emissions include releases of these GHGs plus release of human-made gases with high global warming potential (GWP) (ozone-depleting substances such as chlorofluorocarbons [CFCs])[1] and aerosols, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). The GWP is the potential of a gas or aerosol to trap heat in the atmosphere. The GWP of a gas is essentially a measurement of the radiative forcing of a GHG compared with the reference gas, CO_2.

Individual GHG compounds have varying potential for contributing to global warming. For example, methane is 25 times as potent as CO_2, while sulfur hexafluoride is 22,200 times more potent than CO_2 on a molecule-per-molecule basis. To simplify reporting and analysis, methods have been set forth to describe emissions of GHGs in terms of a single gas. The most commonly accepted method for comparing GHG emissions is the GWP methodology defined in the United Nations Intergovernmental Panel on Climate Change (IPCC) reference documents.[2] The IPCC defines the GWP of various GHG emissions on a normalized scale that recasts all GHG emissions in terms of carbon dioxide equivalents (CO_2e), which compares the gas in question to that of the same mass of CO_2 (by definition, CO_2 has a GWP of 1). The GWP of a GHG is a measure of how much a given mass of a GHG is estimated to contribute to global warming. Thus, to describe how much global warming a given type and amount of GHG may cause, the CO_2e is used. A CO_2e is the mass emissions of an individual GHG multiplied by its GWP. As such, a high GWP represents high absorption of infrared radiation and a long atmospheric lifetime compared to CO_2. One must also select a time horizon to convert GHG

[1] Chlorofluorocarbons (CFCs) destroy stratospheric ozone. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited CFCs production in 1987.

[2] United Nations Intergovernmental Panel on Climate Change (IPCC). 2007. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the IPCC. Geneva, Switzerland.

emissions to equivalent CO_2 emissions to account for chemical reactivity and lifetime differences among various GHG species. The standard time horizon for climate change analysis is 100 years. Generally, GHG emissions are quantified in terms of metric tons (MT) of CO_2e (MT CO_2e) emitted per year.

Units commonly used to describe the concentration of GHGs in the atmosphere are parts per million (ppm), parts per billion (ppb), and parts per trillion (ppt), referring to the number of molecules of the GHG in a sampling of 1 million, 1 billion, or 1 trillion molecules of air. Collectively, HFCs, PFCs, and sulfur hexafluoride are referred to as high GWP gases. CO_2 is by far the largest component of worldwide CO_2e emissions, followed by methane, nitrous oxide, and high GWP gases, in order of decreasing contribution to CO_2e.

The primary human processes that release GHGs include the burning of fossil fuels for transportation, heating, and electricity generation; agricultural practices that release methane, such as livestock grazing and crop residue decomposition; and industrial processes that release smaller amounts of high GWP gases. Deforestation and land cover conversion have also been identified as contributing to global warming by reducing Earth's capacity to remove CO_2 from the air and altering Earth's albedo or surface reflectance, thus allowing more solar radiation to be absorbed. Specifically, CO_2 emissions associated with fossil fuel combustion are the primary contributors to human-induced climate change. CO_2, methane, and nitrous oxide emissions associated with human activities are the next largest contributors to climate change.

GHGs of California concern are defined by California Assembly Bill (AB) 32 (see the Regulatory Environment subsection below for a description) and include CO_2, CH_4, NO_X, HFCs, PFCs, and SF_6. A seventh GHG, nitrogen trifluoride (NF_3), was also added under the California Health and Safety Code Section 38505(g)(7) as a GHG of concern. These GHGs are described in terms of their physical description and properties, GWP, atmospheric residence lifetime, sources, and atmospheric concentration in Table 3.7-1.

Table 3.7-1: Description of Greenhouse Gases of California Concern

Greenhouse Gas	Physical Description and Properties	Global Warming Potential (100 years)	Atmospheric Residence Lifetime (years)	Sources
Carbon dioxide (CO_2)	Odorless, colorless, natural gas.	1	50–200	Burning coal, oil, natural gas, and wood; decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; oceanic evaporation; volcanic outgassing; cement production; land use changes.
Methane (CH_4)	Flammable gas and is the main component of natural gas.	25	12	Geological deposits (natural gas fields) extraction; landfills; fermentation of manure; and decay of organic matter.

Greenhouse Gas	Physical Description and Properties	Global Warming Potential (100 years)	Atmospheric Residence Lifetime (years)	Sources
Nitrous oxide (N_2O)	Nitrous oxide (laughing gas) is a colorless GHG.	298	114	Microbial processes in soil and water; fuel combustion; industrial processes.
Chloro-fluoro-carbons (CFCs)	Nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (level of air at Earth's surface); formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms.	3,800-8,100	45–640	Refrigerants; aerosol propellants; cleaning solvents.
Hydro-fluoro-carbons (HFCs)	Synthetic human-made chemicals used as a substitute for CFCs and contain carbon, chlorine, and at least one hydrogen atom.	140 to 11,700	1–50,000	Automobile air conditioners; refrigerants.
Per-fluoro-carbons (PFCs)	Stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface.	6,500 to 9,200	10,000–50,000	Primary aluminum production; semiconductor manufacturing.
Sulfur hexafluoride (SF_6)	Human-made, inorganic, odorless, colorless, and nontoxic, nonflammable gas.	22,800	3,200	Electrical power transmission equipment insulation; magnesium industry, semiconductor manufacturing; a tracer gas.
Nitrogen trifluoride (NF_3)	Inorganic, is used as a replacement for PFCs and is a powerful oxidizing agent.	17,200	740	Electronics manufacture for semiconductors and liquid crystal displays.

Sources:
United Nations Intergovernmental Panel on Climate Change (IPCC). 2007. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller [eds.]). Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Website: http://www.ipcc.ch /publications_and_data/ar4/wg1/en/contents.html. Accessed December 31, 2024.

United Nations Intergovernmental Panel on Climate Change (IPCC). 2007. Climate Change 2007: Synthesis Report. Contribution of Working Groups I, II and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (Core Writing Team, Pachauri, R.K. and Reisinger, A. [eds.]). IPCC, Geneva, Switzerland. Website: http://www.ipcc.ch/publications_ and_data/ar4/syr/en/contents.html. Accessed December 31, 2024.

Global Climate Change Issue

Climate change is a global problem because GHGs are global pollutants, unlike criteria air pollutants and hazardous air pollutants (also called toxic air contaminants), which are pollutants of regional and local concern. Pollutants with localized air quality effects have relatively short atmospheric lifetimes, approximately 1 day; by contrast, GHGs have long atmospheric lifetimes, several years to several thousand years. GHGs persist in the atmosphere for a long enough time to be dispersed around the globe.

Although the exact lifetime of any particular GHG molecule depends on multiple variables and cannot be pinpointed, more CO_2 is currently emitted into the atmosphere than is sequestered. CO_2 sinks, or reservoirs, include vegetation and the ocean, which absorb CO_2 through photosynthesis and dissolution, respectively. These are two of the most common processes of CO_2 sequestration. Of the total annual human-caused CO_2 emissions, approximately 54 percent is sequestered through ocean uptake, forest regrowth (primarily in the Northern Hemisphere), and other terrestrial sinks within a year, whereas the remaining 46 percent of human-caused CO_2 emissions is stored in the atmosphere.[3]

Similarly, effects of GHGs are borne globally, as opposed to the localized air quality effects of criteria air pollutants and hazardous air pollutants. The quantity of GHGs that it takes to ultimately result in climate change is not precisely known and cannot be quantified, and no single project would measurably contribute to a noticeable incremental change in the global average temperature, or to global or local climates or microclimate.

Emissions of GHGs have the potential to adversely affect the environment because such emissions contribute, on a cumulative basis, to global climate change. A cumulative discussion and analysis of project impacts on global climate change is presented in this Draft EIR because, although no single project will contribute significantly to climate change, cumulative emissions from many projects affect global GHG concentrations and the climate system.

Statewide Climate Impacts

Impacts from increased temperatures are expected to result in more extreme weather, increased wildfire events, and sea level rise. As reported in the California Fourth Climate Change Assessment (2018),[4] California has seen a trend of increased average temperatures, more extreme hot days, fewer cold nights, longer growing seasons, less winter snow, and earlier snowmelt and rainwater runoff. According to updated records from National Oceanic and Atmospheric Administration (NOAA) and the California Office of Environmental Health Hazard Assessment (OEHHA), the Statewide average temperature increased by approximately 2.5°F (degrees Fahrenheit) from 1895 to 2020.[5] A larger proportion of total precipitation is falling as rain instead of snow. Sea level rose by as much as 7 inches along the California coast over the last century, leading to increased erosion and adding

[3] Seinfeld, J. H., and S.N. Pandis. 1998. Atmospheric Chemistry and Physics from Air Pollution to Climate Change. Hoboken, NJ: John Wiley & Sons.

[4] California Natural Resources Agency (CNRA). 2018. California's Fourth Climate Change Assessment: Statewide Summary Report. Website: https://climateassessment.ca.gov/state/. Accessed April 29, 2025.

[5] California Office of Environmental Health Hazard Assessment (OEHHA). 2022. Indicators of Climate Change in California. Website: https://oehha.ca.gov/climate-change. Accessed April 29, 2025.

pressure to the State's infrastructure, water supplies, and natural resources. Within the past decade, California has experienced multiple extreme climate events, including the 2012–2016 drought, a dramatic reduction in Sierra Nevada winter snowpack, forest fires, and back-to-back years of record-setting heat in 2014 and 2015.

Local and Regional Climate Impacts

The San Francisco Bay Area, where the proposed project site is located, has experienced similar trends as California. Averaged across the region, mean annual temperature has increased nearly 1°F over a 30-year period ending in 2017.[6]

These observed trends in the San Francisco Bay Area are anticipated to continue in the future:

- **Substantial increases in temperatures and more extreme hot days.** By 2050, Bay Area annual average temperatures are projected to increase by an additional 2.7°F in the absence of actions to reduce GHG emissions. If current global efforts to reduce GHG's continue, the increase is projected to be limited to approximately 1.7 °F.[7] The number of very hot days and severe heat waves are projected to more than double across the region by midcentury under high-emissions scenarios, while more modest increases are expected with strong GHG reduction efforts.[8]
- **More precipitation extremes, more rain, and less snow.** The Sierra Nevada region has recently experienced some of the wettest and driest years (between 2010 and 2020) in more than 100 years of record keeping. The Sierra Nevada is also the source of much of the Bay Area's water supply, which is typically stored as snow melt rather than water, posing challenges to water storage and distribution, particularly during the longer fire seasons.[9]
- **Sea level rise.** Sea level at the Golden Gate Bridge has risen 8 inches over the last 100 years, creating implications on coastal flooding, erosion, and related damages.
- **Increased frequency of wildfires.** Higher temperatures, higher winds, and drought are fueling wildfires across the Bay Area and California while also lengthening the wildfire season. Wildfires can cause dramatic short-term spikes in air pollution levels and emit massive quantities of CO_2 and black carbon (a short-lived GHG), along with other pollutants.[10]
- **Exacerbation of air quality problems and impacts on public health.** The number of days with high ozone levels correlates closely with the years when the Bay Area experiences more extreme heat days. Higher ozone levels may increase negative health impacts, such as acute respiratory symptoms, lost school days, and even premature death. In addition, heat-related deaths and illnesses are anticipated to rise, and urban heat island impacts will grow. Higher

[6] Bay Area Air Quality Management District (Bay Area Air District). 2017. Final 2017 Clean Air Plan: Spare the Air, Cool the Climate. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?rev=8c588738a4fb455b9cabb27360409529. Accessed April 30, 2025.

[7] California Natural Resources Agency. 2018. California's Fourth Climate Change Assessment: Bay Area Region Report. Website: https://climateassessment.ca.gov/regions/. Accessed April 30, 2025.

[8] Ibid.

[9] Ibid.

[10] Ibid.

temperatures will increase vector-borne diseases and produce more plant pollen and lengthen allergy seasons.[11]

- **Higher temperatures exacerbate pollution from cars and industry.** Higher temperatures increase the use of air conditioners in buildings and cars, which in turn requires more combustion of fossil fuels, which results in increased levels of ozone precursors, particulates, toxic air contaminants (TACs), and GHGs.[12]

Existing GHG Emissions

The GHGs regulated by AB 32, the California Global Warming Solutions Act of 2006, include CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6. According to the IPCC's Fourth Assessment Report:

- **Methane (CH_4):** GWP of 25
- **Nitrous Oxide (N_2O):** GWP of 298
- **HFCs:** GWPs range from hundreds to thousands
- **PFCs:** Very long atmospheric lifetimes, often thousands of years
- **SF_6:** GWP of 23,500, the most potent greenhouse gas known

California Greenhouse Gas Emissions Inventory

California contributed GHG emissions of 371.2 million metric tons (MMT) of CO_2e into the atmosphere in 2022.[13] Anthropogenic CO_2 is largely the byproduct of fossil fuel combustion and attributable to transportation, industry/ manufacturing, electricity generation, natural gas consumption, and agriculture processes. As shown, in California, the transportation sector is the largest emitter at approximately 38 percent of GHG emissions, followed by industrial at approximately 20 percent of GHG emissions.

[11] California Natural Resources Agency. 2018. California's Fourth Climate Change Assessment: Bay Area Region Report. Website: https://climateassessment.ca.gov/regions/. Accessed April 30, 2025.
[12] Ibid.
[13] California Air Resources Board (ARB). 2021. Current California GHG Emission Inventory Data. Website: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed December 31, 2024.

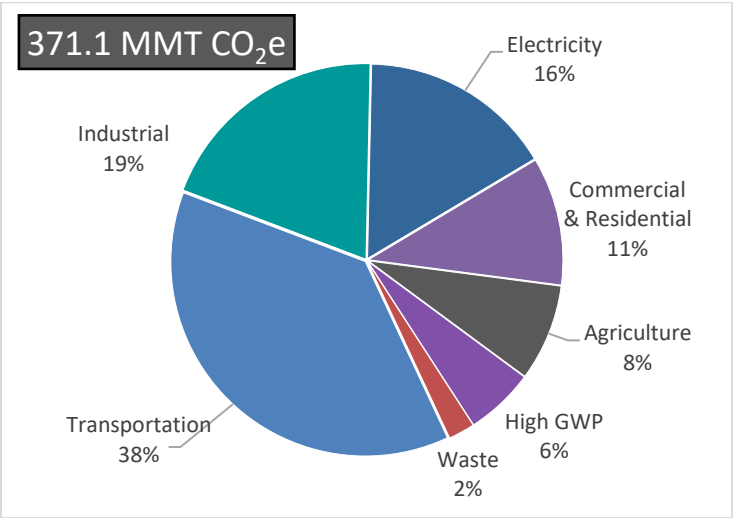


Figure 3.7-1: California GHG Emissions by Scoping Plan Sector (2022)
Source: California Air Resources Board (ARB). 2024. Current California GHG Emission Inventory Data 2000–2022. Website: : https://ww2.arb.ca.gov/ghg-inventory-data. Accessed December 31, 2024.

Regional Greenhouse Gas Inventory

The most recent Bay Area Air Quality Management District (Bay Area Air District) emissions inventory was published in 2017, based on 2011 projected emissions.

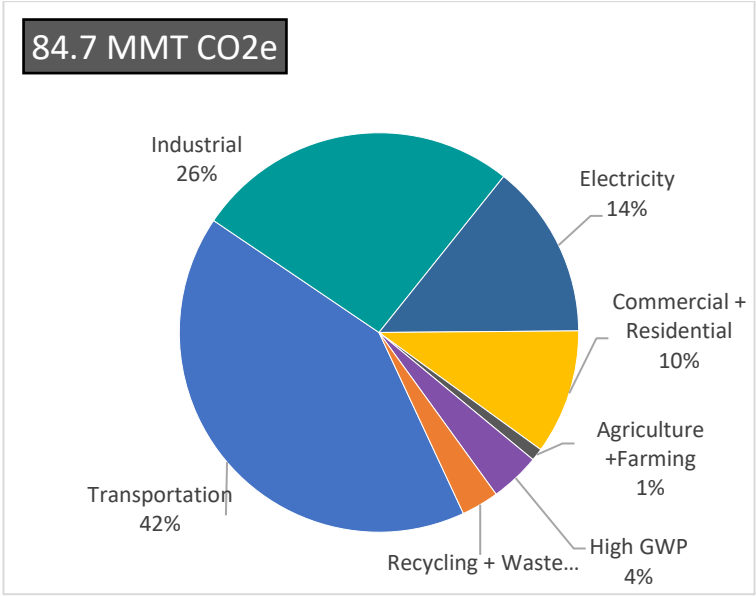


Figure 3.7-2: Bay Area Air District GHG Emissions by Scoping Plan Sector
Source: Bay Area Air Quality Management District (Bay Area Air District). 2017. Bay Area Emissions Inventory: Greenhouse Gas Emissions and Forecasts. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/ghg_emissions_and_forecasts_draft.pdf. Accessed December 31, 2024.

This production-based emissions inventory analyzes GHG emissions that are produced within the Bay Area. The report categorizes GHG emissions from anthropogenic activities into seven major

emissions inventory sectors and presents emissions for a base year of 2015. This report describes preliminary work to forecast trends in GHG emissions in the San Francisco Bay Area up to the year 2050. The report describes the Bay Area Air District's adopted and expected policies and ways to include them in predictions to improve the accuracy of regional GHG forecasts.

The district has a planned inventory update in 2025 as it is currently reassessing the regional methane emissions inventory. Recent studies utilizing facility-scale measurements have found that bottom-up inventorying methods are underestimating methane emissions. The Bay Area Air District is incorporating these measurement-based methane assessments to improve the emissions inventory, wherever feasible.

Climate Change Trends and Effects

CO_2 accounts for more than 75 percent of all anthropogenic GHG emissions, the atmospheric residence time of CO_2 is decades to centuries, and global atmospheric concentrations of CO_2 continue to increase at a faster rate than ever previously recorded. Thus, the warming impacts of CO_2 will persist for hundreds of years after mitigation is implemented to reduce GHG concentrations.

State of California

Substantially higher temperatures, more extreme wildfires, and rising sea levels are just some of the direct effects experienced in California.[14,] As discussed earlier, the California Natural Resources Agency reported in 2018 that, despite annual variations in weather patterns, California has seen a trend of increased average temperatures, more extreme hot days, fewer cold nights, longer growing seasons, less winter snow, and earlier snowmelt and rainwater runoff.

These observed trends in California's climate are projected to continue in the future. Research indicates that California will experience overall hotter and drier conditions with a continued reduction in winter snow (with concurrent increases in winter rains), as well as increased average temperatures and accelerating sea level rise. The frequency, intensity, and duration of extreme weather events such as heat waves, wildfires, droughts, and floods will also change. In addition, increased air pollution and spread of insects potentially carrying infectious diseases will also occur as the climate-associated temperature and associated species clines shift in latitude.

The following is a summary of climate change factors and predicted trends specific to California.[15,16]

- **A reduction in the quality and supply of water from the Sierra snowpack.** If heat-trapping emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snowpack by as much

[14] California Natural Resources Agency. 2018. California's Fourth Climate Change Assessment: Statewide Summary Report. Website: https://climateassessment.ca.gov/state/. Accessed April 29, 2025.

[15] California Climate Change Center (CCCC). 2006. Our Changing Climate, Assessing the Risks to California: A Summary Report from the California Climate Change Center. July 2006. CEC-500-2006-077. Website: www.scc.ca.gov/webmaster/ftp/pdf/climate_change /assessing_risks.pdf. Accessed December 31, 2024.

[16] Moser et al. 2009. The Future Is Now: An Update on Climate Change Science Impacts and Response Options for California. California Energy Commission, PIER Energy-Related Environmental Research Program. CEC-500-2008-071. Website: www.energy.ca.gov/2008publications/CEC-500-2008-071/CEC-500-2008-071.PDF. Accessed December 31, 2024.

as 70 to 90 percent. This can lead to challenges in securing adequate water supplies. It can also lead to a potential reduction in hydropower.

- **Increased risk of large wildfires.** If rain increases as temperatures rise, wildfires in the grasslands and chaparral ecosystems of Southern California are estimated to increase by approximately 30 percent toward the end of the twenty-first century because more winter rain will stimulate the growth of more plant "fuel" available to burn in the fall. In contrast, a hotter, drier climate could promote up to 90 percent more Northern California fires by the end of the century by drying out and increasing the flammability of forest vegetation.
- **Reductions in the quality and quantity of certain agricultural products.** The crops and products likely to be adversely affected include wine grapes, fruit, nuts, and milk.
- **Exacerbation of air quality problems.** If temperatures rise to the medium warming range (a scenario with moderate global GHG reductions), there could be 75 to 85 percent more days with weather conducive to ozone formation in Los Angeles and the San Joaquin Valley relative to today's conditions. This is more than twice the increase expected if rising temperatures remain in the lower warming range. This increase in air quality problems could result in an increase in asthma and other health-related problems.
- **A rise in sea levels resulting in the displacement of coastal businesses and residences.** During the past century, sea levels along California's coast have risen about 7 inches. If emissions continue unabated (i.e., without major GHG reductions) and temperatures rise into the higher anticipated warming range, sea level is expected to rise an additional 22 to 35 inches by the end of the century. Elevations of this magnitude would inundate coastal areas with salt water, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.
- **An increase in temperature and extreme weather events.** Climate change is expected to lead to increases in the frequency, intensity, and duration of extreme heat events and heat waves in California. More heat waves can exacerbate chronic disease or heat-related illness.
- **A decrease in the health and productivity of California's forests.** Climate change can cause an increase in wildfires, an enhanced insect population, and establishment of non-native species.

Natural Gas Generation, Distribution, and Use

State of California

Natural gas is used for everything from generating electricity to cooking and space heating to an alternative transportation fuel. In 2022, total natural gas demand in California for industrial, residential, commercial, and electric power generation was 2,156 billion cubic feet (BCF) per year (BCF/year), slightly down from 2,172 BCF/year in 2021.[17] Demand in most sectors has remained relatively stable over the past decade, due in large part to energy efficiency improvements, while demand for natural gas used in electricity generation has fluctuated significantly depending on drought conditions and hydropower availability.

[17] California Energy Commission (CEC). 2023. Natural Gas Consumption by Sector. Website: https://www.energy.ca.gov/data-reports/energy-almanac/natural-gas-data/natural-gas-consumption-sector. Accessed April 29, 2025.

Natural gas-fired generation is the dominant source of electricity in California, supplying approximately 37.6 percent of the State's electricity in 2023, followed by solar at 28.2 percent and hydroelectric at 13.3 percent.[18] Because natural gas is a dispatchable 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 and renewable resources for electricity generation, and overall consumer demand are the variables that shape natural gas use in electric generation. Because of above average precipitation in 2011, natural gas used for electricity generation was 617 BCF, compared to lower precipitation years in 2010 and 2012 when gas use for electric generation was 736 BCF and 855 BCF, respectively.[19] More recent data from the California Energy Commission (CEC) shows that natural gas use for electric generation was approximately 729 BCF in 2021 and declined to 672 BCF in 2022.[20]

County of Contra Costa

Contra Costa County (County), including the City of Walnut Creek (City), consumes fossil fuels, natural gas, and gasoline for construction, lighting, heating, and cooling of residences and transportation of people within, to, and from the County.

Project Site

As stated previously, the project site is currently occupied with existing structures on-site. Existing office buildings have both electricity and natural gas uses.

Fuel Use

State of California

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 as of 2022. In 2022, 13.3 billion gallons of gasoline were sold, which represents the largest transportation portion of fuel used in California.[21] Diesel is the second largest portion of transportation fuel used in California. According to the CEC, in 2022, 3.8 billion gallons of diesel, including off-road diesel, was sold.[22] Nearly all heavy-duty trucks, delivery vehicles, buses, trains, ships, boats and barges, farm, construction and heavy-duty military vehicles and equipment have diesel engines.

County of Contra Costa

Contra Costa County sold an estimated 390 million gallons of gasoline and 27 million gallons of diesel in 2023.[23]

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[18] California Energy Commission (CEC). 2023. 2023 Total System Electric Generation. Website: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2023-total-system-electric-generation. Accessed April 29, 2025.

[19] California Energy Commission (CEC). 2023. Supply and Demand of Natural Gas in California. Website: https://www.energy.ca.gov/almanac/naturalgas_data/overview.html. Accessed December 31, 2024.

[20] Ibid.

[21] California Energy Commission (CEC). 2023. California Gasoline, Data, Facts, and Statistics. Website: https://www.energy.ca.gov/almanac/transportation_data/gasoline/. Accessed December 31, 2024.

[22] California Energy Commission (CEC). 2023. California Transportation Energy Data: Gasoline and Diesel. Website: https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy. Accessed April 29, 2025.

[23] California Energy Commission (CEC). 2024. 2023 Annual Retail Fuel Outlet Report Results CEC-A15 Results and Analysis, https://www.energy.ca.gov/media/3874, Accessed December 31, 2024.

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. In 2023, the State had 597 renewable diesel refueling stations and 57 private hydrogen stations and seven retail hydrogen stations.[24]

Electricity can be used to power electric vehicles (EVs) and plug-in hybrid electric vehicles (PHEVs) directly from the power grid. Electricity used to power vehicles is generally provided by the electricity grid and stored in the vehicles' batteries. Fuel cells are being explored to use electricity generated onboard the vehicle to power electric motors. As of August 2024, California had a reported 153,034 public and shared private EV chargers; Contra Costa County had a reported 2,384 chargers. This includes 417 Public DC fast chargers, 1060 Public Level 2 chargers, and 895 Shared Private DC fast chargers.[25]

Project Site

The project site is currently occupied by a business park comprised of 11 office buildings, each between 30,000–36,000 square feet in size, (built between 1973–1986) and approximately 1,481 parking stalls in a paved surface parking lot with ancillary landscaping. The existing buildings consume energy in the form of electricity use to the buildings and fuel to power vehicles currently accessing the project site.

3.7.3 - Regulatory Framework

The following section describes federal, State, regional, and local regulations and policies that are specific to reducing GHG emissions and applicable to the proposed project.

Federal

The United States Environmental Protection Agency (EPA) is the governing body responsible for regulating air pollution in the United States and setting nationwide air quality and emissions standards. The EPA adopts and implements several regulations to reduce GHG emissions as well. These include GHG emission reduction standards for passenger cars and light-duty trucks, heavy-duty trucks (including buses), commercial aircraft and large business jets, heavy equipment (with spark-ignition engines and compression-ignition diesel engines), locomotives, marine vessels, recreational vehicles, and small equipment/tools. These also include reduction standards for hydrofluorocarbons (HCFCs) stemming from in-house refrigeration systems, including ozone-depleting refrigerants such as R-22 and R-140, known for their high GWP, i.e., their ability to "trap" infrared radiation in Earth's atmosphere, thus contributing to global warming. In 2020, the EPA banned the production and import of high GWP HFCs in the U.S.[26]

[24] United States Department of Energy (DOE). 2024. Alternative Fueling Station Counts by State. Website: https://afdc.energy.gov/stations/states. Accessed December 31, 2024.
[25] California Energy Commission (CEC). 2024. Electric Vehicle Chargers in California. Website: https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics-collection/electric. Accessed August 15, 2024.
[26] United States Environmental Protection Agency (EPA). Phasing Out HCFC Refrigerants to Protect the Ozone Layer. Website:

The EPA also collaborates with the National Highway Traffic Safety Administration (NHTSA) on Corporate Average Fuel Economy (CAFE) standards, which require manufacturers to improve fuel efficiency and reduce GHG emissions from passenger cars and light-duty trucks. California has implemented more stringent GHG emissions reduction regulations on the same sources listed above (excepting commercial aircraft and large business jets). Therefore, those regulations and their impact are discussed in greater detail below.

State

California has taken several legislative steps to reduce Statewide GHG emissions and is internationally known for its leadership on action to address climate change. In 2006, California legislature passed AB 32, which created a comprehensive, multi-year program to reduce GHG emissions in California and required the State (by law) to reduce GHG emissions to 1990 levels by 2020. The legislature built upon this law by passing SB 32, which requires the State to reduce GHG emissions 40 percent below 1990 levels by 2030, and later passed AB 1279, which requires the State to achieve net-zero GHG emissions by 2045 and net-negative emissions thereafter.

Several Executive Orders (EOs) also support and guide California's GHG targets, including:

- **EO S-03-05** (2005), which first set long-term GHG reduction goals
- **EO B-30-15** (2015), which established the interim 2030 reduction goal
- **EO B-55-18** (2018), which formally established the goal of carbon neutrality by 2045

The State has also passed several laws exceeding EPA standards for regulating HCFCs, including SB 1206, prohibiting the sale of high GWP HCFCSs in the State starting in 2025, and additional restrictions planned for 2040 and 2033 for HCFCs exceeding 1,500 GWP and 750 GWP respectively.[27] To achieve these State-mandated emissions reduction targets, a document known as the Scoping Plan was required to be created by the California Air Resources Board (ARB) beginning in 2007 and be updated at least once every 5 years to "ensure the GHG emissions reduction activities to be adopted and implemented by the State board are complementary, nonduplicative, and can be implemented in an efficient and cost-effective manner." The Scoping Plan outlines strategies across nearly all levels of California's government and economy and defines—at a granular level—the regulatory actions needed to reduce GHG emissions from all economic sectors to meet the targets.

ARB is the Statewide governing body which focuses on California's unique air quality challenges by setting the State's own, stricter, GHG and air pollutant emissions standards for a range of Statewide pollution sources including vehicles, fuels, on- and off-road equipment, and consumer products. ARB also manages the cap-and-trade program to achieve GHG emission reductions from large industrial facilities. ARB has pioneered a range of approaches in California that have set the standard for effective air and climate programs for the nation and the world. ARB regulations, based on extensive research and established science, have driven innovation, leading to significant technological developments such as the production of low- and zero-emission cars and trucks and cleaner fuels. As

https://www.epa.gov/sites/default/files/2015-07/documents/phasing_out_hcfc_refrigerants_to_protect_the_ozone_layer.pdf. Accessed June 5, 2025.

[27] California Air Resources Board (ARB). SB 1206. About. Website: https://ww2.arb.ca.gov/our-work/programs/sb-1206/about#:~:text=Research%20Division-,About,from%20millions%20of%20installed%20units.Accessed June 5, 2025.

stated, ARB is tasked by the legislature with updating the Scoping Plan, which was most recently adopted in 2022 (2022 Scoping Plan) to ensure the State carries out actions to meet the 2030 and 2045 GHG emissions reduction targets.

Other State agencies responsible for regulating GHGs include:

- **California Energy Commission**: the State's energy policy and planning agency, responsible for climate change related programs including energy efficiency and leading the State to a 100 percent clean energy reality. The CEC mandates building energy efficiency standards (in new and existing buildings) and manages the Renewable Portfolio Standard (RPS).
- **California Department of Resources Recycling and Recovery (CalRecycle)**: California's recycling and waste management agency, responsible for implementation of State climate policies including landfill methane emissions reduction, waste-to-energy production, and composting requirements. CalRecycle implements food and yard waste recycling regulations, including mandates to cut organic waste disposal 75 percent by 2025.
- **California Governor's Office of Land Use and Climate Innovation (LCI):** California's long-range planning agency, responsible for implementing California Environmental Quality Act (CEQA) review and conducting Statewide research on all climate change policies and impacts.

As a result of these actions, California reached its 2020 GHG emissions reduction target of reducing GHG emissions back to 1990 levels 4 years early and is on track to meet the 2030 GHG reduction target. Many of the regulations described below were formalized in the ARB's 2022 Scoping Plan, which serves as the State's long-term climate strategy for achieving carbon neutrality no later than 2045. The Scoping Plan outlines a suite of regulations, incentives, and sector-specific targets to reduce emissions across transportation, energy, buildings, and industrial operations.

Below is a summary of State regulations that are applicable to the proposed project and will serve to reduce GHG emissions now and in the future to ensure California stays on the path to meeting the State-mandated 2030 and 2045 targets:

- **Advanced Clean Cars II (ACC II)**: Designed to reach 100 percent new vehicle Zero-Emission Vehicles (ZEVs) and clean PHEVs in California by the 2035 model year.
- **Advanced Clean Trucks Regulation**: Requires fleets to transition to ZEV medium- and heavy-duty vehicles starting in 2024, with manufacturer sales targets increasing overtime.
- **Small Off-Road Engine Regulations**: Transition 100 percent of small off-road spark-ignition engines (at or below 25.5 horsepower and used in non-stationary equipment) to zero-emission by 2035 (where feasible).
- **Low Carbon Fuel Standard**: Increase the availability and use of low carbon fuels, including renewable diesel, biodiesel, renewable and natural gas by mandating that the fuel carbon intensity in California must achieve a 20 percent reduction by 2030.
- **Renewable Portfolio Standard**: Also known as the Clean Energy and Pollution Reduction Act (SB 350), as updated by SB 100, the RPS is one of California's key programs for advancing

renewable energy. It sets continuously escalating renewable energy procurement requirements for the State's load-serving entities. All entities providing electricity to end users must procure 60 percent of their electricity portfolio from renewable energy resources by 2030.

- **Building Energy Efficiency Standards–Title 24, Part 6 (Energy Code**): Contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings; the requirements have gradually increased in efficiency and technology over the past decades. The current standard, known as the 2022 Energy Code, builds on California's technology innovations, and includes encouraging heat pumps, requiring electric-ready single-family homes, and solar/battery storage standards for various building types. The 2022 Energy Code also strengthens ventilation standards to improve indoor air quality. The next update to the Energy Code will occur in 2025 (known as the 2025 Energy Code) and will apply to newly constructed buildings effective as of January 1, 2026.
- **California Green Building Standards Code–Title 24, Part 11 (CALGreen)**: Mandatory green building standards code for the State with the goal of reducing GHG emissions from buildings, including reducing energy and water consumption.

Regional

The Bay Area Air Quality Management District (now the Bay Area Air District) is one of 35 local air pollution control districts in California tasked with regulating air pollutant emissions from businesses and stationary sources within the Bay Area. The district's efforts are crucial in supporting California's broader GHG reduction goals and ensuring compliance with State and federal regulations.

The Bay Area Air District's Spare the Air Clean Air Plan is a comprehensive strategy aimed at improving air quality and reducing GHG emissions in the Bay Area. Key components of the plan include promoting clean transportation, reducing industrial emissions, enhancing energy efficiency, and increasing the use of renewable energy.

In addition to the Spare the Air Clean Air Plan, the Bay Area Air District has developed a Regional Climate Protection Strategy that outlines specific actions to reduce GHG emissions across various sectors, including transportation, buildings, energy, and waste management. This strategy complements State-level initiatives and ensures that the Bay Area contributes effectively to California's climate goals.

The Bay Area Air District implements various control measures to achieve these goals, such as:

- **Regulating Industrial Emissions:** Enforcing stricter emissions standards for industrial facilities and promoting the adoption of cleaner technologies. These regulations are codified in the Bay Area Air District's rules and regulations, which set limits on emissions of pollutants and GHGs from various sources.
- **Vehicle Emissions Programs:** Encouraging the use of EVs and expanding EV charging infrastructure. This includes regulations that require reductions in emissions from mobile

sources, aligning with California's Advanced Clean Cars and Advanced Clean Trucks regulations.

- **Energy Efficiency Programs:** Supporting energy efficiency improvements in residential, commercial, and industrial sectors. These efforts are guided by regulations that mandate energy efficiency standards and promote the use of low-emission technologies.
- **Renewable Energy Initiatives:** Promoting the use of renewable energy sources like solar and wind power. This is supported by regulations that incentivize renewable energy adoption and set targets for renewable energy use.
- **Land Use and Development:** Integrating air quality and GHG reduction measures into land use planning and development processes. This includes promoting smart growth principles, encouraging higher-density development near transit hubs, and implementing green building standards. The Bay Area Air District provides technical assistance and policy guidance to local governments to ensure that land use decisions contribute to regional air quality and climate goals.

The Bay Area Air District works closely with local governments providing technical assistance, funding opportunities, and policy guidance to support the development and implementation of local climate action plans.

The Bay Area Air District provides specific CEQA Guidelines and thresholds for GHG emissions, helping local agencies assess and mitigate the environmental impacts of proposed projects. By aligning its regulations and control measures with CEQA requirements, the Bay Area Air District ensures that projects within its jurisdiction contribute to regional and State GHG reduction goals. In 2022, the Bay Area Air District Board of Directors adopted updated CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. These thresholds and associated guidance assist lead agencies in evaluating air quality and climate impacts from proposed land use projects in the San Francisco Bay Area Air Basin (SFBAAB) during the environmental review process.

The Metropolitan Transportation Commission and Association of Bay Area Governments (MTC/ABAG) also must adopt a Sustainable Community Strategy (SCS) at least every 8 years. The SCS is a plan that ties local land use planning with infrastructure funding to reduce GHG emissions from cars and light-duty trucks. Beginning on October 1, 2018, the regional SCS, called Plan Bay Area, targets a 19 percent reduction in GHG emissions compared to 2005 levels by 2035. The most recently adopted version of Plan Bay Area is Plan Bay Area 2050, which is focused on 35 strategies that can be implemented in the Bay Area at the city, county, regional or State level to reduce GHG emissions from cars and light-duty trucks. ARB is in the process of updating the required GHG reductions that MTC/ABAG must achieve.

Local

City of Walnut Creek Climate Action Plan/Sustainability Action Plan

The City of Walnut Creek has a Sustainability Action Plan that serves as their climate action plan and builds on their 2012 climate action plan. This plan, adopted in July 2023, focuses on actions the

community will take to address climate change and improve the health and well-being for people living and working in Walnut Creek. The plan aims to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 85 percent below 1990 levels by 2045.[28]

The Sustainability Action Plan has 21 strategies to reduce GHG emissions, many of which are applicable to buildings, including operational electricity use and waste. The 21 strategies are listed below, with the strategies relevant to the proposed project bolded:

Energy Supply

1. Require transition to renewable and carbon-free energy sources.
2. Facilitate energy efficiency and electrification at existing municipal buildings and infrastructure.
3. Facilitate energy efficiency and electrification at existing buildings and infrastructure.
4. **Require electrification and low-carbon materials for new buildings.**

Transportation and Land Use

5. Expand adoption and accessibility of electric vehicle modes.
6. **Increase availability of electric vehicle charging.**
7. Electrify the City's vehicle fleet.
8. **Promote sustainable development, which reduces vehicle miles traveled and greenhouse gas emissions.**
9. Ensure safe, efficient, and reliable mobility options throughout the community.
10. Support reduction of school-related emissions and vehicle miles traveled.
11. Expand and improve transportation partnerships to reduce local and regional vehicle miles traveled and emissions.

Water and Wastewater

12. Expand City-led efforts to reduce water use community-wide.
13. Expand water reuse community-wide.

Waste

14. Reduce the amount of generated and landfilled waste to ensure a diversion rate of 75 percent by 2030.

Outdoor Equipment

15. Transition to pollution-free outdoor equipment.

[28] City of Walnut Creek. 2024. Sustainability Action Plan Tracker. Website: https://www.walnutcreekca.gov/government/departments/e-c-o-sustainability/climate-action/sustainability-action-plan/sustainability-action-plan-near-term-dashboard. Accessed December 13, 2024.

Community Health and Resilience

16. Reduce the impacts of poor air quality and improve air quality in the community.
17. Decrease community vulnerabilities to climate change hazards.
18. Create a network of local resilience hubs and support regional resilience hubs.
19. Support a fair and just countywide and statewide transition to a low-carbon economy.
20. Reduce carbon emissions through local and in-state nature-based solutions, including sequestration.
21. Explore unique community-led sustainability techniques

City of Walnut Creek Reach Codes

The City has implemented all-electric reach codes to advance sustainability and reduce GHG emissions. Subsequent to implementation, the Ninth Circuit Court of Appeals found reach codes requiring all-electric buildings to be preempted by the Energy Policy and Conservation Act. However, the project applicant proposes to meet the all-electric standards as set forth in the City's reach codes along with the other provisions relevant to the proposed project, which are listed below:

- Mandatory all-electric construction for new residential buildings.
- Requirements for EV charging infrastructure in new buildings.

3.7.4 - Methodology

Consistent with CEQA Guidelines Appendix G and the three factors identified in CEQA Guidelines Section 15064.4(b), the GHG impacts would be considered significant if the project would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, which is evaluated by determining whether the project would conflict with a compliant GHG Reduction Plan adopted by the lead agency or exceed another applicable GHG Reductions threshold; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of GHGs.

Greenhouse Gas Estimation

The California Emission Estimator Model (CalEEMod) was used to calculate and assess GHG emissions which consist of on-site and off-site construction and operational emissions generated from all facets of the proposed project. CalEEMod provides a uniform platform for government agencies, land use planners, and environmental professionals to emissions from land use development and linear projects in California.

Construction and operational emissions reported in this analysis were modeled using CalEEMod Version 2022.1. A baseline of zero was conservatively used to quantify the proposed project's estimated GHG emissions, which accounts for the full GHG emissions associated with implementation of the proposed project and not the net increase (when factoring in any existing

uses). Appendix B includes a detailed description of model inputs used in the analysis, while a summary of the major sources of operational GHG emissions that would occur over the long-term operations of the proposed project are summarized below.

Motor Vehicles

Motor vehicle emissions refer to emissions from the motor vehicles that would travel to and from and within the project site. The GHG emissions from the proposed project's mobile sources were assessed according to the trip generation rates from the Mitchell Drive Townhomes–Trip Generation, Vehicle Miles Traveled (VMT) Screening and Transportation Demand Management Plan Memorandum by Fehr & Peers dated July 15, 2024.

Energy

CalEEMod default electricity and natural gas consumption are based on land use and climate zone and utilize 2019 consumption estimates from the CEC's 2018–2030 Uncalibrated Commercial Sector Forecast and 2019 Residential Appliance Saturation Survey.

Electricity

GHG emissions modeling includes those indirect emissions from electricity consumption based on CalEEMod defaults for energy usage based on land use type and the 2019 Title 24 Building Standards. The proposed project would be subject to the 2022 Title 24 Building Standards or the standards applicable at the time building permits are filed; however, no adjustments were made to the CalEEMod default values to adjust for any additional energy consumption reductions associated with the most recent building standards. The energy consumption in megawatt hour per year (MWh/year) is used in conjunction with the Energy Intensity of the purchased electricity to calculate the GHG emissions in CO_2e.

Natural Gas

Emissions from this sector are principally from use of space and water heating. The City of Walnut Creek requires all-electric construction for new residential buildings. As such, the proposed project will not utilize natural gas or have natural gas lines to the residential buildings.

Area Sources

In addition to typical mobile source emissions, long-term operational emissions also include area-source emissions. Area-source emissions include occasional architectural coating activities for repainting of buildings associated with the proposed project. Other area-source emissions include consumer products that involve solvents that emit volatile organic compounds (VOCs) (VOCs can form with other molecules to produce GHGs) during use and equipment used for landscape maintenance.

Stationary Sources

Emergency Generators and Emergency fire pumps represent common sources of operational stationary sources. The proposed project does not include plans for either of these types of equipment.

Water and Waste

CalEEMod includes calculations for indirect GHG emissions for electricity consumption, water consumption, and solid waste disposal. For water consumption, the model calculates embedded energy (e.g., treatment, conveyance, distribution) associated with providing each gallon of potable water to the project site. For solid waste disposal, GHG emissions are generated as solid waste generated by the proposed project decomposes in a landfill.

Refrigerants

During operation, there may be leakages of refrigerants (hydrofluorocarbons) from air conditioners and any refrigeration systems. Hydrofluorocarbons are typically used for refrigerants, which are long-lived GHGs.

Vegetation

CalEEMod has a module that addresses the impacts of Land Use Change and Sequestration. The project applicant proposes planting trees and integrating landscaping into the proposed design, which would provide carbon sequestration. In total, approximately 449 of the 457 existing on-site trees and 12 off-site trees would be removed and replaced by approximately 519 new proposed trees. This replacement and addition of trees would contribute to carbon sequestration. However, the precise impact of this tree planting on carbon sequestration is still challenging to determine accurately. For this analysis, emissions due to carbon sequestration were assumed to balance. This is a conservative assumption, as newly planted trees typically sequester more carbon annually as they grow compared to mature trees, leading to increased carbon uptake over time.

This analysis focuses on the greenhouse gases (GHGs) identified by AB 32, which include:

- CO
- CH_4
- N_2O
- Hydrofluorocarbons
- Perfluorocarbons
- Sulfur hexafluoride

3.7.5 - Thresholds of Significance

The City utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether greenhouse emissions impacts resulting from the implementation of the proposed project would be considered significant if the project would:

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.

Approach to Analysis

The CEQA Guidelines define a significant effect on the environment as "a substantial, or potentially substantial, adverse change in the environment." GHG analysis is cumulative in nature because no one project has GHG emissions sufficient to cause climate change. Instead, past and present global development have created a climate change crisis to which an individual project's emissions could make a cumulatively considerable contribution. Because GHG emissions are long lasting, they can have an effect years after the emission occurred and in a vastly different geographic location. Therefore the geographic scope of the cumulative GHG emissions analysis is the entire Earth, as explained by the California Supreme Court. "[B]ecause of the global scale of climate change, any one project's contribution is unlikely to be significant by itself." (*Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4th 204, 219.) "'With respect to climate change, an individual project's emissions would most likely not have any appreciable impact on the global problem by themselves, but they would contribute to the significant cumulative impact caused by greenhouse gas emissions from other sources around the globe. The question therefore becomes whether the proposed project's incremental addition of greenhouse gases is "cumulatively considerable" in light of the global problem, and thus significant.'" (Id., quoting Crockett, Addressing the Significance of Greenhouse Gas Emissions Under CEQA: California's Search for Regulatory Certainty in an Uncertain World (July 2011) Golden Gate U. Envtl. L.J. 203, 207–208.)

To determine whether a proposed project would have a significant impact on GHGs, the type, level, and impact of emissions generated by the proposed project must be evaluated.

Construction

The 2022 Bay Area Air District CEQA Guidelines state that because construction emissions are temporary and variable, the Bay Area Air District has not developed a quantitative threshold of significance for construction-related GHG emissions. However, the lead agency should quantify and disclose GHG emissions that would occur during construction. Citing LCI's Discussion Draft Climate Change Advisory document, it is recommended lead agencies quantify a project's construction (as well as its operational) GHG emissions, using available data and tools, to determine the amount, types, and sources of GHG emissions resulting from the proposed project.

Operation

The Bay Area Air District's 2022 CEQA Air Quality Guidelines provide recommended significance thresholds for GHGs for land use development projects and plans.

The Air District recommends that lead agencies use a "fair share" approach for determining whether an individual project's GHG emissions would be cumulatively considerable. If the project is doing its fair share to implement California's plans to address the cumulative problem, its contribution can be treated as less than cumulatively considerable. The California legislature has established climate goals, and State agencies are establishing and refining plans to achieve these goals. These plans include specific measures and initiatives that various sectors of the economy across the State will need to implement to achieve California's climate goals set forth in SB 32, EO B-55-18, and EO S-03-05.

These measures and initiatives, as outlined in California's 2017 Climate Change Scoping Plan (since updated in 2022, see regulatory setting section for current key measures), constitute a fair share of the solution for each economic sector. If a project would contribute its fair share of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact would not be significant because the proposed project would help to solve the problem of global climate change. This method of analysis, which was approved by the California Supreme Court in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, provides an appropriate approach to ensuring that individual land use projects will be part of the solution to the problem of global climate change. As the Supreme Court held on that case, "consistency with meeting [those] Statewide goals [is] a permissible significance criterion for project emissions" (Id. at p. 220), and an agency's "choice to use that criterion does not violate CEQA" (Id. at p. 223). Some project contributions to the cumulative climate problem are directly under the control of the project developer and design, whereas others are less so. For example, compliance with the RPS is an electricity provider requirement that a land use project is not in control of, whereas where a project is sited and the type of appliances and equipment installed in the project are under the direct control of the project developer.

For a land use project to do its fair share to address the climate crisis, and thus for its GHG emissions to be less than significant, a project cannot include sources that will "lock in" GHG emissions for decades into the future. A project that locks in GHG sources, without a clear path to reduce the emissions from those sources, prevents the State from achieving the climate goals. For this reason, the climate impact thresholds of significance specify that certain design elements must be incorporated into the project or the project must be consistent with a local GHG reduction strategy that meets the criteria under CEQA Guidelines Section 15183.5(b) (see Section 6.2.2. below). The land use project threshold of significance should be applied to all GHG emissions of a project that do not require an Air District permit.

The Bay Area Air District thresholds for new land use projects require projects to meet either of two enumerated Criteria, "A" or "B," as shown below in Table 3.7-2. If a land use development project cannot demonstrate consistency with Criterion A or Criterion B, then that project would result in a potentially significant impact related to the generation of direct and indirect GHG emissions.

Table 3.7-2: Bay Area Air District Thresholds of Significance for Greenhouse Gases

Thresholds for Land Use Projects (Must Include A or B)
A. Projects must include, at a minimum, the following project design elements: 1. Buildings a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development). b. 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. 2. Transportation a. Achieve a reduction in project-generated Vehicle Miles Traveled (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 Senate Bill 743 VMT target, reflecting the recommendations provided in the

Thresholds for Land Use Projects (Must Include A or B)
California Governor's Office of Land Use and Climate Innovation (LCI) Technical Advisory on Evaluating Transportation Impacts in CEQA: i. Residential projects: 15 percent below the existing VMT per capita ii. Office projects: 15 percent below the existing VMT per employee iii. Retail projects: no net increase in existing VMT b. Achieve compliance with off-street electric vehicle (EV) requirements in the most recently adopted version of CALGreen Tier 2.
B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).
Source: Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Guidelines. April 20. Revised November 2023.

To provide a conservative estimate for the analysis, a baseline of zero was used to study GHG impacts resulting from the proposed project.

3.7.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Greenhouse Gas Emissions

Impact GHG-1: **The proposed project could generate direct and indirect GHG emissions; however, these emissions would not result in a cumulatively considerable contribution to a significant impact from GHG emissions on the environment.**

Impact Analysis

Both construction and operational activities have the potential to generate GHG emissions. The proposed project would generate GHG emissions during temporary (short-term) construction activities such as demolition, site grading, 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, operation of any landscaping equipment, off-site generation of electrical power over the life of the proposed project, the energy required to convey water to and wastewater from the project site, the emissions associated with the hauling and disposal of solid waste from the project site, and any fugitive refrigerants from air conditioning or refrigerators.

The proposed project's estimated GHG emissions are provided for informational purposes, as recommended by Bay Area Air District.

Project Emissions (for Informational Purposes)

Construction

The proposed project's construction emissions are presented in Table 3.7-3. It should be noted that the analysis conservatively assumes that construction would begin in April 2026 and last approximately 4.5 years. As vehicle and equipment fuel efficiencies and emission control standards continue to incrementally improve each year, project construction emissions would be likely to decrease nominally from what is shown in Table 3.7-3 should the construction schedule move to later years. Therefore, the construction GHG emissions contained in Table 3.7-3 represent a conservative assessment of project construction emissions.

Table 3.7-3: Proposed Project Construction GHG Emissions

Construction Year	Total GHG Emissions (MT CO_2e per year)
Proposed Project	
2026	1,235
2027	884
2028	873
2029	858
2030	711
Total (Proposed Project)	**4,561**
Amortized over 30 years[1] (Proposed Project)	***152***
Community Benefit Variant	
Proposed Project Emissions (2026-2030)	4,561
Total Additional Emissions from Community Benefit Variant (2026)	12
Total (Community Benefit Variant)	4,573
Amortized over 30 years[1] (*Community Benefit Variant*)	152

Notes:
Because of rounding, total MT CO_2e may be marginally different from CalEEMod output.
MT CO_2e = metric tons of carbon dioxide equivalents
[1] Construction GHG emissions are amortized over 30 years to align with the assumed 30-year operational life of the primary GHG-emitting components (appliances, HVAC equipment, etc.) of the proposed project and to allow for a direct comparison with annual operational emissions.
Source: Appendix B.

As shown above, the proposed project would generate approximately 4,561 MT CO_2e during construction. There is no existing or proposed construction-related climate impact threshold at this time. GHG emissions from construction represent a small portion of a project's lifetime GHG emissions. The proposed thresholds for land use projects are designed to address operational GHG

emissions, which represent the vast majority of project GHG emissions. Furthermore, construction GHG emissions are amortized over 30 years to align with the assumed 30-year operational life of the primary GHG-emitting components of the proposed project and to allow for a direct comparison with annual operational emissions. These amortized emissions are then accounted for as part of the proposed project's overall GHG impact. Operational GHG impact is discussed below. As demonstrated below, the proposed project (construction and operation) would make a less than cumulatively considerable contribution to significant GHG impacts with incorporation of MM GHG-1.

Operation

Operational or long-term emissions occur over the life of the project. Project operations were modeled for the 2027 operational year, which is the earliest anticipated operational year for any portion of the proposed project. Because GHG emissions are anticipated to decrease over time as a result of ongoing regulations to reduce emissions from mobile sources and energy use and production, the estimated operational emissions represent a conservative assessment for the proposed project. Sources for operational emissions are summarized below and are described in more detail in Appendix B. Sources for operational GHG emissions include:

- **Motor Vehicles:** These emissions refer to GHG emissions contained in the exhaust from the cars and trucks that would travel to and from the project site.
- **Indirect Electricity:** These emissions refer to those generated by off-site power plants to supply electricity required for the proposed project.
- **Area Sources:** These emissions refer to those produced during activities such as landscape maintenance.
- **Water Transport:** These emissions refer to those generated by the electricity required to transport and treat the water to be used on the project site.
- **Waste:** These emissions refer to the GHG emissions produced by decomposing waste generated by the proposed project.

Table 3.7-4 presents the estimated annual GHG emissions from the proposed project's operational activities. As shown in Table 3.7-4, the proposed project would generate approximately 5,004 MT CO2e per year after the inclusion of 152 MT CO2e per year associated with amortized project construction emissions.

Table 3.7-4: Construction and Operational Greenhouse Gas Emissions

GHG Emissions Source	GHG Emissions (MT CO_2e per year)
Area	17
Energy1	1,404
Mobile (Automobiles)	3,275

GHG Emissions Source	GHG Emissions (MT CO_2e per year)
Refrigerants	1
Waste	91
Water	64
Amortized Construction Emissions for Proposed Project	152
Total Annual Project Emissions (Proposed Project)	**5,004**
Total Annual Project Emissions (Community Benefit Variant)	**12**

Notes:
MT CO_2e = metric tons carbon dioxide equivalent
[1] The estimated GHG emissions from energy use were modeled for the buildout year of 2027; these emissions are the indirect emissions associated with energy production from the utility provider and conservatively do not include additional reductions in energy-related emissions that would occur due to the utility's compliance with the Renewables Portfolio Standard (RPS) over time.

The proposed project's consistency with applicable plans, policy, or regulations of an agency adopted to reduce the emissions of GHG emissions is discussed below.

Project Impacts

As previously discussed, the Bay Area Air District's 2022 GHG significance thresholds represent a method for determining whether the proposed project would be a cumulatively considerable contributor or whether the proposed project contributes to solving the cumulative problem of climate change, taking into consideration the State's long-term climate goal of carbon neutrality by 2045.

The proposed project is evaluated against the design elements in Criterion A of Bay Area Air District's 2022 GHG Significance thresholds:

- **All-electric Design:** According to applicant-provided information, the proposed project would have an all-electric design and would therefore comply with this requirement.
- **Energy Efficiency**: The proposed project complies with all relevant Energy Code and CALGreen requirements, which would ensure energy efficiency. Impact ENER-1 demonstrates that the proposed project would not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required by CEQA. Therefore, the proposed project would be consistent with this design element.
- **VMT Impact:** According to the Mitchell Drive Townhomes–Trip Generation, VMT Screening and Transportation Demand Management Plan Memorandum by Fehr & Peers dated July 15, 2024, the proposed project would have a less than significant VMT impact. Specifically, the proposed project meets the City of Walnut Creek's VMT criteria to generate a home-based VMT per resident that is 85 percent or less than the regional/countywide average based on Resolution 20-70 (October 2020). The City's VMT criteria aligns with the threshold of 15

percent below the regional per capita VMT set forth in the OPR Technical Advisory. Therefore, the proposed project would be consistent with this design element.

- **Tier 2 EV Charging Infrastructure:** The last design element relates to implementation of CALGreen Tier 2 level of EV charging infrastructure, which is beyond the mandatory CALGreen requirement of EV charging spaces. For new single- and two-family dwellings and townhomes with attached private garages, Tier 2 level of EV charging infrastructure calls for the installation of a dedicated 208/240-volt branch circuit, including an overcurrent protective device rated at 40 amperes minimum per dwelling unit.[29] The City of Walnut Creek has adopted CALGreen Tier 2 requirements for certain project types; however, the specifics regarding EV charging to be provided by the proposed project are currently unknown. Therefore, there is a potentially significant impact related to project compliance with this design element. MM GHG-1 would require that the proposed project meet the current CALGreen Tier 2 requirements for EV charging. With implementation of MM GHG-1, the proposed project would be consistent with this design element.

In summary, the proposed project would satisfy all four design elements as outlined in the Bay Area Air District GHG threshold Criterion A after incorporation of MM GHG-1. Therefore, the impacts would be less than significant with mitigation incorporated.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described within Chapter 2, Project Description, would be the same as described for the proposed project. Implementation of the Community Benefit Variant would generate a *de minimis* level of 12 MT CO_2e of additional emissions during construction as opposed to the proposed project. As mentioned, there is no existing or proposed construction-related climate impact threshold at this time, and GHG emissions from construction represent a small portion of a project's lifetime GHG emissions. The proposed thresholds for land use projects are designed to address operational GHG emissions, which represent the vast majority of project GHG emissions.

The Community Benefit Variant would not result in the addition of ongoing operational-related GHG emissions from building energy use, waste, water use, refrigerants, or area sources. As stated above, the proposed project is anticipated to result in a net decrease of traffic and less than significant VMT impacts; implementation of the Community Benefit Variant would not change those findings. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to GHG emissions and would not result in a cumulatively considerable contribution to a significant impact from GHG emissions on the environment.

Level of Significance Before Mitigation

Potentially significant cumulative impact.

[29] California Energy Codes and Standards. 2022. 2022 CALGreen Electric Vehicle Charging Requirements.

Mitigation Measures

MM GHG-1 Implementation of Most Recent CALGreen Tier 2 Standards for EV Infrastructure (Townhomes)

Prior to issuance of any building permits, the applicant/project owner/project sponsor shall demonstrate to the satisfaction of the City (e.g., show on-site plans) that the proposed parking areas for the townhomes are designed to accommodate electric vehicle (EV) charging infrastructure equal to the Tier 2 Residential Voluntary Measures of the 2022 California Green Building Standards Code (CALGreen), Section A4.106.8.1 (new single- and two-family dwellings and townhomes with attached private garages).

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Conflict with Plan, Policy, or Regulation that Reduces Emissions

Impact GHG-2: The proposed project could conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Impact Analysis

The consistency of the proposed project with respect to ARB's 2022 Scoping Plan, Plan Bay Area 2050, and the City's Sustainability Action Plan is discussed below.

ARB 2022 Scoping Plan and AB1279

The ARB 2022 Scoping Plan for Achieving Carbon Neutrality was approved in December 2022 and expands on prior scoping plans to provide measures to meet the State's carbon reduction goals, including from recent legislation such as AB 1279, by outlining a technologically feasible, cost-effective, and equity-focused path to achieve the State's climate target of reducing anthropogenic GHG emissions to 85 percent below 1990 levels and achieving carbon neutrality by 2045 or sooner. To achieve carbon neutrality by 2045, the 2022 Scoping Plan contains GHG emissions reductions, technology, and clean energy mandated by statutes; reduction of short-lived climate pollutants; and mechanical CO_2 capture and sequestration actions.

The measures in the 2022 Scoping Plan apply directly to State agencies and certain private entities, such as landfills and stationary sources. Other measures, such as those directed at utilities to eventually provide carbon neutral electricity, indirectly apply to the proposed project. The 2022 Scoping Plan does not have measures that apply directly to residential development. For this reason, Appendix D of the 2022 Scoping Plan provides recommendations for local governments making land use decisions. Appendix D of the final Scoping Plan outlines three distinct approaches that lead agencies may consider for evaluating project-level consistency with the State's climate goals for project-level alignment for proposed residential and mixed-use development projects. These approaches are recommendations only and are not requirements. They do not supplant lead agencies' discretion to develop their own evidence-based approaches for determining whether a project would make a potentially significant contribution to the cumulative impact from GHG emissions.

The first is to use a table of Key Project Attributes for Residential and Mixed-Use Projects to Qualitatively Determine Consistency with the Scoping Plan to analyze the three priority areas of Transportation Electrification, VMT Reduction, and Building Decarbonization. The second is to apply a net-zero threshold of significance, which may not be feasible, or appropriate, for every project. The third, and the approach used here, is to analyze the GHG impact of proposed projects by employing a threshold of significance recommended by the applicable Air District or other lead agencies. The thresholds must be supported by substantial evidence and aligned with the State's most recent GHG reduction goals.

Appendix B of the Bay Area Air District CEQA Guidelines, CEQA Thresholds for Evaluating the Significance of Climate Impacts, presents the Air District's thresholds of significance Justification Report[30] (presented April 20, 2022, to the Air District Board of Directors) that provides substantial evidence that supports the use of these thresholds. Accordingly, by showing consistency with the Bay Area Air District's GHG thresholds, and with reference to the Justification Report in the CEQA Guidelines: Appendix B, the proposed project is consistent with State's efforts to reduce GHG emissions and the 2022 Scoping Plan. As detailed in Impact GHG-1 above, the proposed project would meet the Bay Area Air District's GHG Criterion A threshold after incorporation of MM GHG-1. Therefore, the impacts related to the proposed project's consistency with the 2022 Scoping Plan would be less than significant and less than cumulatively considerable with mitigation incorporated.

Plan Bay Area 2050

Plan Bay Area 2050 is the Bay Area's regional plan that aims to reduce GHG emissions from cars and light-duty trucks 19 percent from 2005 levels by 2035, as required by SB 375, and also to improve housing, the economy, transportation, and the environment by making the Bay Area more equitable and resilient for all residents. Plan Bay Area 2050 was prepared in coordination with Bay Area cities, and the goals, policies, and programs within Plan Bay Area incorporate the existing land uses of those cities. Plan Bay Area 2050 identifies opportunities to reduce regional GHG emissions by connecting transportation funding to location land use planning. The Plan's core strategy is "focused growth" in existing communities along the existing transportation network to achieve key regional equity, economic, and environmental goals, including reducing VMT and contributing to climate goals.

Even though the proposed project is not consistent with the City's General Plan land use designation used by ABAG and MTC when drafting Plan Bay Area 2050, the proposed project would not impede the region from reaching the GHG reduction goals in Plan Bay Area 2050. As noted in Section 3.17, Transportation, the anticipated trip generation for the proposed project was estimated and compared against the trip generation under existing conditions on the project site (to account for the existing, in-use office building). The proposed project is expected to generate an average of 3,038 trips per day which would represent an average of 62 net *fewer* daily trips when compared to existing conditions. In addition, VMT impacts were found to be less than significant. Therefore, the

[30] Bay Area Air Quality Management District (Bay Area Air District). 2023. Bay Area Air District 2022 California Environmental Quality Act Air Quality Guidelines Appendix B: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans. April.

proposed project is consistent with Plan Bay Area 2050 and will support the regional efforts in meeting GHG reduction goals from transportation.

The proposed project would be developed in an existing community along an existing transportation network with existing infrastructure on a developed project site. It would replace the older, less energy-efficient buildings with state-of-the-art structures, produce renewable energy, and improve solid waste removal and recycling services for the community. Consistent with the Plan Bay Area's aim of reducing regional GHG emissions from cars and light-duty trucks, the proposed project is in a location that results in vehicles associated with the proposed project having VMT that is 15 percent below the regional per capita VMT. In addition, the proposed project would be required to include EV chargers, which incentivize the purchase of electric vehicles. As the share of project residents with EVs increases, GHG emissions from project vehicles will further decrease, consistent with the goals of Plan Bay Area 2050.

City of Walnut Creek Sustainability Action Plan

The City of Walnut Creek 2023 Sustainability Action Plan (SAP) was adopted on July 18, 2023. The SAP is the first update to the City's 2012 Climate Action Plan that includes measures for the reduction of both long-term and short-term GHG emissions. The SAP contains strategies for the City to achieve Statewide goals of reducing GHG emission levels by 40 percent from 1990 levels by 2030 and by 85 percent from 1990 levels by 2045. Strategies included in the plan pertaining to future development include:

- Require transition to renewable and carbon-free energy sources.
- Facilitate energy efficiency and electrification at existing municipal buildings and infrastructure.
- Facilitate energy efficiency and electrification at existing buildings and infrastructure.
- Require electrification and low carbon materials for new buildings.
- Improve water efficiency and conservation by requiring water-efficient fixtures and appliances in new construction and promoting drought-tolerant and climate-appropriate landscaping.
- Promote expanded use of recycled water for irrigation.
- Achieve a 75 percent waste diversion rate by 2030 by enforcing the Construction and Demolition Debris Recycling Ordinance, which requires contractors to divert a minimum percentage of waste from landfills through recycling or reuse.

The measures and goals in the SAP are applicable at the City level. Notably, the City requires all-electric construction for new residential buildings and has requirements for EV charging infrastructure in new buildings. As the proposed project would comply with the applicable City energy efficiency standards and electrification requirements, the proposed project would not conflict with the City's SAP.

Summary

The proposed project would be consistent with the State's climate planning and reduction measures identified in the ARB's 2022 Scoping Plan after incorporation of MM GHG-1. In addition, the proposed project would not conflict with the Plan Bay Area or the City's SAP. Furthermore, the proposed project would be subject to measures in the CALGreen Code and the more stringent measures required by the City of Walnut Creek. Therefore, impacts would be less than significant and less than cumulatively considerable after incorporation of mitigation.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would be consistent with the State's climate planning and reduction measures identified in the ARB's 2022 Scoping Plan. In addition, the Community Benefit Variant would not conflict with the Plan Bay Area or the City's SAP. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to conflicting with a plan, policy, or regulation that reduces GHG emissions and impacts would be less than significant and less than cumulatively considerable.

Level of Significance Before Mitigation

Potentially significant cumulative impact.

Mitigation Measures

Implement MM GHG-1 (See Impact GHG-1).

Level of Significance After Mitigation

Less than cumulatively considerable with mitigation incorporated.

3.7.7 - Cumulative Impacts

As discussed above, the analysis of a project's contribution to global climate change through its GHG emissions is inherently cumulative. Accordingly, a summary of the aforementioned conclusions is provided below and no separate cumulative analysis is required.

Cumulative GHG Emissions

The analysis showed that the proposed project would have a potentially significant GHG impact before mitigation and would reduce to a less than significant GHG impact after the incorporation of MM GHG-1. As such, the proposed project would be considered to result in a potentially cumulatively significant contribution to significant climate change impacts before mitigation as well. Feasible and enforceable mitigation with a nexus to the proposed project's impact have been identified under Impact GHG-1 that reduces the proposed project's contribution of GHG emissions to a less than cumulatively considerable level. While past, present, and reasonably foreseeable future development in the SFBAAB and around the world have created a significant cumulative GHG impacts, the proposed project would result in a less than cumulatively considerable contribution to that significant cumulative GHG impact after incorporation of MM GHG-1.

Conflict with Plan, Policy, or Regulation that Reduces GHG Emissions

As noted above, GHG impacts are inherently cumulative and the project-level analysis showed that the proposed project would make a less than cumulatively considerable contribution to significant cumulative GHG impacts after the incorporation of MM GHG-1. In addition, the project-level analysis details how the proposed project aligns with the City of Walnut Creek's SAP and is consistent with ARB's 2022 Scoping Plan and Plan Bay Area 2050, ensuring that the proposed project's contribution to the potential impact would be less than cumulatively considerable. MM GHG-1 is required for the proposed project to be considered consistent with the 2022 Scoping Plan. Considering this information, the implementation of the proposed project, in conjunction with other planned and approved projects that comply with applicable GHG reduction plans, would not make a cumulatively considerable contribution related to the potential to conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and the proposed project's contribution would be less than cumulatively considerable after incorporation of MM GHG-1.

Level of Cumulative Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM GHG-1 Implementation of Most Recent CALGreen Tier 2 Standards for EV Infrastructure (Townhomes)

Prior to issuance of any building permits, the project applicant/proponent/sponsor shall demonstrate to the satisfaction of the City (e.g., show on-site plans) that the proposed parking areas for the townhomes are designed to accommodate electric vehicle (EV) charging infrastructure equal to the Tier 2 Residential Voluntary Measures of the California Green Building Standards Code (CALGreen), Section A4.106.8.1 (new single- and two-family dwellings and townhomes with attached private garages).

Level of Cumulative Significance After Mitigation

Less than significant impact with mitigation incorporated.

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3.8 - Hazards and Hazardous Materials

3.8.1 - Introduction

This section describes the existing hazards and hazardous materials setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based on the Phase I Environmental Site Assessment (Phase I ESA) and Soil Quality Evaluation by Cornerstone Earth Group (Cornerstone), dated July 30, 2024, included in this Draft Environmental Impact Report (Draft EIR) as Appendix F.

The following public comments were received during the EIR Notice of Preparation (NOP) scoping period related to hazards and hazardous materials:

- This Draft EIR should ensure surveys are conducted for hazardous building materials prior to the demolition of the existing structures on the project site.
- This Draft EIR should evaluate imported soil and fill material to be used for the proposed project for contamination and suitability for intended land uses.
- This Draft EIR should evaluate potential impacts related to asbestos exposure during the demolition of existing structures.
- This Draft EIR should evaluate impacts to emergency access for the proposed northern and southern internal roadways of the proposed project.

3.8.2 - Environmental Setting

Hazards

This description of existing conditions focuses on hazards from fire and overhead power lines, as well as hazardous materials and wastes. A hazard is a situation that poses a level of threat to life, health, property, or the environment. Hazards can be dormant or potential, with only a theoretical risk of harm. However, once a hazard becomes active, it can create an emergency. A hazardous situation that has already occurred is called an incident. Emergency response is action taken in response to an unexpected and dangerous occurrence in an attempt to mitigate its impact on people, structures, or the environment. Emergency situations can range from natural disasters to hazardous materials problems and transportation incidents.

Hazardous Materials and Wastes

Hazardous materials include, but are not limited to, hazardous materials, hazardous substances, and hazardous wastes, as defined in Section 25501 and Section 25117, respectively, of the California Health and Safety Code. A hazardous material is any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released; and any material that a handler or an administering regulatory agency under Section 25501 has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment. Various properties may cause a substance to be considered hazardous, including:

- Toxicity—causes human health effects;
- Ignitability—has the ability to burn;
- Corrosivity—causes severe burns or damage to materials; and
- Reactivity—causes explosions or generates toxic gases.

Hazardous Waste

Hazardous waste is any hazardous material that is to be discarded, abandoned, or recycled. Specifically, materials and waste may be considered hazardous if they are poisonous (toxic); can be ignited by open flame (ignitable); corrode other materials (corrosive); or react violently, explode, or generate vapors when mixed with water (reactive). Soil or groundwater contaminated with hazardous materials above specified regulatory State or federal thresholds is considered hazardous waste if it is removed from a site for disposal. If handled, disposed, or otherwise handled improperly, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. California Code of Regulations, Title 22, Sections 66261.20-24, contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Hazardous Building Materials

Many older buildings contain building materials that consist of hazardous materials. These materials include lead-based paint (LBP), asbestos-containing material (ACM), and polychlorinated biphenyls (PCBs).

Prior to the United States Environmental Protection Agency (EPA) ban in 1978, LBP was commonly used on interior and exterior surfaces of buildings. Disturbances such as sanding and scraping activities, renovation work, and gradual wear and tear, old peeling paint, and paint dust particulates have been found to contaminate surface soils or cause lead dust to migrate and affect indoor air quality. Exposure to residual lead can cause severe health effects, especially in children.

Asbestos is a naturally occurring fibrous material that was extensively used as a fireproofing and insulating agent in building construction materials before such uses were banned by the EPA in the 1970s. In addition, many types of electrical equipment contained PCBs as an insulator, including transformers and capacitors. After PCBs were determined to be a carcinogen in the mid to late 1970s, the EPA banned PCB use in new equipment and began a program to phase out certain existing PCB-containing equipment. For example, fluorescent lighting ballasts manufactured after January 1, 1978, do not contain PCBs and are required to have a label clearly stating that PCBs are not present in the unit.

Hazardous Substances

A hazardous substance can be any biological, natural, or chemical substance, whether solid, liquid, or gas, that may cause harm to human health. Hazardous substances are classified on the basis of their potential health effects, whether acute (immediate) or chronic (long-term). Dangerous goods are classified on the basis of immediate physical or chemical effects, such as fire, explosion, corrosion,

and poisoning. An accident involving dangerous goods could seriously harm human health or damage property or the environment. Harm to human health may happen suddenly (acute), such as dizziness, nausea, and itchy eyes or skin; or it may happen gradually over years (chronic), such as dermatitis or cancer. Some people can be more susceptible than others. Hazardous substances and dangerous goods can include antiseptic used for a cut, paint for walls, a cleaning product for the bathroom, chlorine in a pool, carbon monoxide from a motor vehicle, fumes from welding, vapors from adhesives, or dust from cement, stone, or rubber operations. Such hazardous substances can make humans very sick if they are not used properly.

Hazardous Materials Listing

The Cortese List is a list of known hazardous materials or hazardous waste facilities that meet one or more of the provisions of Government Code Section 65962.5, including:

- The list of hazardous waste and substances sites from the California Department of Toxic Substances Control (DTSC) EnviroStor database.[1]
- The list of Leaking Underground Storage Tank (LUST) sites by county and fiscal year from the California State Water Resources Control Board (State Water Board) GeoTracker database.[2]
- The list of solid waste disposal sites identified by the State Water Board with waste constituents exceeding hazardous waste levels outside the waste management unit.[3]
- The list of active cease-and-desist orders and cleanup and abatement orders from the State Water Board.[4]
- The list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, as identified by the DTSC.[5]

Existing Fire Related Conditions and Presence of Hazardous Materials

The hazards in the City of Walnut Creek (City) and the project area discussed in this section are related primarily to fire hazards and hazardous materials. Fire hazards and hazards from hazardous materials are typically site-specific, so existing conditions related to fire hazards and the transport, use, and disposal of hazardous materials are discussed below in the impact analysis.

Fire hazards present a considerable problem to vegetation and wildlife habitats throughout Contra Costa County (County). Grassland fires are easily ignited, particularly in dry seasons. These fires are

[1] California Department of Toxic Substances Control (DTSC). "Cortese" list of DTSC's EnviroStor database list of Hazardous Waste and Substances sites. DTSC's Hazardous Waste and Substances Site List—Site Cleanup (Cortese List). Website: http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm. Accessed March 5, 2025.

[2] California State Water Resources Control Board (State Water Board). "Cortese" List of Leaking Underground Storage Tank Sites by County (San Francisco County). Website: https://geotracker.waterboards.ca.gov/sites_by_county. Accessed March 5, 2025.

[3] California Environmental Protection Agency (Cal/EPA). "Cortese" list of solid waste disposal sites identified with waste constituents above hazardous waste levels outside the waste management unit. Website: http://www.calepa.ca.gov/files/2016/10/SiteCleanup-CorteseList-CurrentList.pdf. Accessed March 5, 2025.

[4] California Environmental Protection Agency (Cal/EPA). "Cortese" list of State Water Board sites with active Cease and Desist Orders or Cleanup Abatement Orders. Website: http://www.calepa.ca.gov/files/2016/10/SiteCleanup-CorteseList-CDOCAOList.xlsx. Accessed March 5, 2025.

[5] California Environmental Protection Agency (Cal/EPA). "Cortese" list of sites subject to Corrective Action pursuant to Health and Safety Code 25187.5. Website: https://www.calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/. Accessed March 5, 2025.

relatively easily controlled if they can be reached by fire equipment; the burned slopes, however, are highly subject to erosion and gullying. While brushlands are naturally adapted to frequent low intensity wildfires, fire suppression policies in recent decades have resulted in heavy fuel accumulation on the ground. Wildfire is a serious hazard in undeveloped areas and on large lot home sites with extensive areas of unirrigated vegetation, natural vegetation, and steep slopes as fire tends to travel rapidly upslope on steeper terrain, as well as in geographic regions that have dense vegetation patterns and steep slopes that experience frequent periods of warm temperatures, low humidity, and high winds.

Hazardous Waste Facilities and Materials

As previously mentioned, the DTSC and the State Water Board are responsible for compiling a list of hazardous materials or hazardous waste facilities to the California Environmental Protection Agency (Cal/EPA) annually under Government Code Section 65962.5, known as the Cortese List. A description of surrounding areas with recorded hazardous waste facilities and areas containing hazardous materials, waste, or substances from the Cortese List is provided below.

Hazardous Waste Facilities and Substance Sites

The DTSC's EnviroStor database lists hazardous waste facilities and substance sites, tracks cleanup, permitting, enforcement, and investigation efforts and provides a CalEnviroScreen score for the census tract where the hazardous waste facility or substance site is located. The CalEnviroScreen score is based on environmental, health, and socioeconomic factors and identifies census tracts affected by significant amounts of pollution generated from the listed hazardous waste facility in combination with surrounding facilities in the region.[6] The City has one historic cleanup site at 1800 Mount Diablo Boulevard, approximately 3.3 miles southwest of the project site. This cleanup site was listed as a State response area in 1985 and previously owned by Stead Cadillac. The cleanup site has successfully completed remediation activities.[7]

Hazardous Waste Sites Subject to Corrective Action

The DTSC is responsible for recording information on hazardous waste sites listed under corrective action. These sites are defined as sites where the property owner failed to comply with the established date for examination and cleanup, resulting in DTSC taking direct action for cleanup.[8] The closest site that was under corrective action is approximately 0.3 miles northwest of the project site at 2700 Mitchell Drive in Walnut Creek, with former operations consisting of the manufacturing and assembly of laboratory equipment resulting in potential contamination to soil and groundwater. Results from soil and groundwater sampling for 2700 Mitchell Drive revealed low concentrations of motor oil and diesel and trace concentrations of trichloroethylene (TCE) in surrounding groundwater that is not used as a source of potable water. Further analysis indicated soil and groundwater contamination at 2700 Mitchell Drive as having *de minimis* risk with no threat to human health or the environment, and a status of no further investigation issued for the site in 2009.[9] The corrective

[6] California Office of Environmental Health Hazard Assessment. 2025. Website: https://oehha.ca.gov/calenviroscreen/about-calenviroscreen. Accessed March 5, 2025.
[7] Bergman D. 1985. Health Service Department Environmental Health Division. October 4.
[8] California Environmental Protection Agency (Cal/EPA). 2025. Website: https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/. Accessed March 5, 2025.
[9] Envirostor. 2025. Website: https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=80001632. Accessed March 5, 2025.

action site and the project site are in the same census tract and have a CalEnviroScreen percentile score of 10–15 percent, indicating the surrounding area experiences a lower level of pollution and has a population less vulnerable to the effects of pollutants emitted, based on surrounding sensitive receptors and socioeconomic factors.

Leaking Underground Storage Tanks and Solid Waste Disposal Sites

The State Water Board GeoTracker database provides regional boards and local agencies with regulatory data from solid waste disposal sites, areas with authorized or unauthorized discharges of waste to land outside their waste management unit, including LUSTs and facilities with permitted underground storage tanks (USTs).[10]

According to the GeoTracker database, the City of Walnut Creek has a total of 78 LUST sites where 72 sites have completed remediation, while only five LUST sites are undergoing a site assessment, including, but not limited to, investigating the type of contaminants, delineating the extent of contaminants, and determining the risk of contamination to human health and the environment. One site is under remediation where the responsible party is implementing methods to stop or reverse environmental contamination. LUST sites with an open-site assessment and those implementing remediation in the City are provided in Table 3.8-1.

Table 3.8-1: Leaking Underground Storage Tank Sites with Current Open Assessment or Remediation in Walnut Creek

Site Name	Address	Distance and Direction from Project Site	Potential Contaminants	Potential Media of Concern	Status
Shell Service Station	1790 Ygnacio Valley Road	1.3 miles west	Gasoline, methyl tert-butyl ether (MTBE), tert-butyl alcohol (TBA), Other fuel oxygenates and petroleum contaminants	Nonpotable groundwater, soil	Open-Site Assessment
Jim's Auto Body	2639-2645 North Main Street	2.5 miles west	Benzene, ethylbenzene, gasoline, toluene, total petroleum hydrocarbons, waste oil/motor/hydraulic/ lubricating, xylene.	Nonpotable groundwater, soil	Open-Site Assessment
Rodrigues Property	2679 North Main Street	2.5 miles west	Gasoline	Nonpotable groundwater, soil	Open-Site Assessment
EBMUD Fleet Maintenance East	2658 North Main Street	2.4 miles west	Total petroleum hydrocarbons	Nonpotable, groundwater, soil, soil vapor	Open-Site Assessment

[10] California State Water Resources Control Board (State Water Board). 2023. Website: https://www.waterboards.ca.gov/ust/electronic_submittal/about.html. Accessed March 5, 2025.

Site Name	Address	Distance and Direction from Project Site	Potential Contaminants	Potential Media of Concern	Status
Chevron	1998 Tice Valley Boulevard	4.6 miles southwest	Benzene, dichloroethane (DCA), diesel, ethylbenzene, gasoline, MTBE, TBA, naphthalene, tetrachloroethylene (PCE), total petroleum hydrocarbons, trichloroethylene (TCE), vinyl chloride, waste oil/motor/hydraulic/ lubricating, other fuel oxygenates and petroleum contaminants	Indoor air, nonpotable groundwater, soil, soil vapor, surface water	Open-Site Assessment
Doherty Brothers	2082 Mount Diablo Boulevard	3.5 miles southwest	Gasoline	Nonpotable groundwater	Remediation

Sources:
California State Water Resources Control Board (State Water Board). 2025. Geotracker. Shell Service Station #136245Website: https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000001797. Accessed March 5, 2025.

California State Water Resources Control Board (State Water Board). 2025. Geotracker. Jim's Auto Body. Website: https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000001956. Accessed March 5, 2025.

California State Water Resources Control Board (State Water Board). 2025. Geotracker. Rodrigues Property. Website: https://geotracker.waterboards.ca.gov/profile_report?global_id=T0601300565. Accessed March 5, 2025.

California State Water Resources Control Board (State Water Board). 2025. Geotracker. EBMUD Fleet Maintenance East. Website: https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000021090. Accessed March 5, 2025.

California State Water Resources Control Board (State Water Board). 2025.Geotracker. Chevron. Website: https://geotracker.waterboards.ca.gov/profile_report?global_id=T0601300733. Accessed March 5, 2025.

California State Water Resources Control Board (State Water Board). 2025. Geotracker. Doherty Brothers. Website: https://geotracker.waterboards.ca.gov/profile_report?global_id=T0601379345. Accessed March 5, 2025.

No solid waste facilities with discharges to land outside their waste management unit have been identified in the City by the State Water Board. However, the State Water Board has located two such facilities in the County, with the first being WDR-USS Posco site in Pittsburg, approximately 10.5 miles northeast of the project site, and the second being the WDR-Ortho DIV-Richmond Plant, associated with the Chevron Chemical Company in Richmond approximately 20 miles west of the project site.[11]

[11] California Environmental Protection Agency (Cal/EPA). 2025. Sites Identified With Waste Constituents Above Hazardous Waste Levels Outside The Waste Management Unit. Website: https://calepa.ca.gov/wp-content/uploads/2016/10/SiteCleanup-CorteseList-CurrentList.pdf Accessed March 5, 2025.

Project Site

Cornerstone performed a Phase I ESA on July 30, 2024, to determine any recognized environmental conditions (RECs) that might indicate the presence of any hazardous substances or petroleum products on the project site that were released or likely released to the environment or that pose a threat of future release into the environment under existing conditions. Cornerstone conducted a thorough investigation and analysis on the historical and present uses on the project site and adjacent properties using a variety of methods, including a historical records review using aerial photography, topographic maps, and City directories; an environmental records review of regulatory agency databases; interviews and contacting those affiliated with the project site; and a site reconnaissance. Furthermore, Cornerstone effectively implemented a soil quality evaluation through on-site soil collection and laboratory analysis to determine the concentration of residual pesticides and insecticides within the subsurface due to historical uses associated with the project site. Cornerstone concluded that no significant RECs are affiliated with the project site and the soil quality evaluation determined the project site to be suitable for residential development. A more detailed summary and results of the methodology utilized by Cornerstone are described below.

Historical Records Review

Cornerstone evaluated possible historical uses associated with the project site through reviewing aerial photography, topographic maps, and City directories at approximate 5-year intervals to identify the likelihood of whether historical activities on and surrounding the project site have led to RECs. Aerial photographs and topographic maps between 1939 and 1973 indicate that the project site and surrounding area were used for agricultural purposes related to orchards and row cropping with spatially distributed small structures. Commercial development was not identified on adjacent properties until 1966, and City directories listed project site addresses that were consistent with multi-tenant office uses by 1975. Aerial photographs reveal nine of the 11 existing office buildings were constructed by 1979, and the two remaining buildings completed by 1982. The overall findings of the historical records review indicate the project site has operated for business use since at least the mid-1970s, with structures likely constructed through the mid to late 1970s and early 1980s. The age of some of the structures may indicate that building materials could contain ACMs and LBP. In addition, the project site had a history of agricultural uses from at least 1940 which may suggest pesticide and insecticide use. Since the site was historically used for agriculture consisting of orchards and row crops, Cornerstone performed a soil quality evaluation and laboratory analysis of on-site soils to determine the concentrations of pesticides and insecticides in the soil which is provided further below.

Environmental Records Review

Cornerstone conducted a review of federal, State, and local regulatory agency databases provided by Environmental Data Resources (EDR) to determine the possibility of contamination incidents on or adjacent to the project site. Database listings found 17 site tenants who either previously occupied or currently occupy the project site to be associated with the generation, use, and storage of hazardous materials or the disposal of hazardous waste. However, the listings were identified to be common with commercial uses in an urban environment and are not indicative of RECs. Databases and online maps did not locate any spill incidents from adjacent properties that could impact subsurface conditions on the project site or the presence of any oil or gas wells on the project site or

adjacent properties. In addition, Cornerstone contacted local agencies who may have documentation of the project site related to environmental contamination, including the Walnut Creek Building Department and the Contra Costa Health Services Hazardous Materials Program (CCHSHMP), which is the regional Certified Unified Program Agency (CUPA). The CCHSHMP provided permits and inspection reports indicating the location of two diesel-powered emergency generators on the project site, with one generator containing a spill response plan mentioning that the generator is double walled with a spill pan. However, no violations indicative of any hazardous materials spills were reported, and the environmental records review did not identify any RECs on or adjacent to the project site.

Environmental Interviews

Cornerstone reached out to the current property owner, the property manager, the applicant, and previous owners or occupants associated with the project site to obtain information on historical or current site uses that may be indicative of the generation, storage, use, and disposal of hazardous materials. The property manager stated that the project site was historically used for agricultural purposes and that the existing structures were constructed in phases during the 1970s and was unaware of any environmental concerns on the project site. The applicant of the proposed project provided two Phase I ESAs, from CREtelligent created in 2022 and AllWest Environmental, Inc., created in 2014, that researched historical uses associated with the project site and confirmed that it was used for agricultural purposes until approximately 1974 when construction of the existing structures started. The two Phase I ESAs documented the two diesel-powered backup generators previously mentioned, and four water supply wells were registered where two are currently in operation for irrigation purposes and to provide water for artificial water features traversing the project site. In addition, the project site was listed in the California Clandestine Drug Labs (CDL) database for containing 21 gallons of chemicals generated from an illegal drug laboratory in 1999. However, the contaminants were successfully removed. Overall, the environmental interviews and supplemental documents provided by the interviewees did not identify any RECs listed on or surrounding properties.

Site Reconnaissance

Cornerstone performed a site reconnaissance by walking through the indoor and outdoor spaces of the project site on April 18, 2024, to investigate and observe any existing site conditions that pose any RECs. Three of the 11 office buildings were vacant and the remaining were occupied by commercial tenants for the use of general office space.

Site observations identified in the Phase I ESA field reconnaissance include the following:

- Two enclosed diesel-powered emergency generators with integral diesel fuel aboveground storage tanks (ASTs). With one enclosure containing several 5-gallon containers with cooling water treatment chemicals, and a metal flammable materials storage cabinet with 2-gallon safety cans of gasoline and diesel fuel.
- A fenced enclosure with a shipping container used for equipment storage comprising of paint related products.
- Hydraulic powered elevators within eight of the 11 on-site buildings.

- Four water supply wells with two in operation that provide irrigation water and water for aesthetic artificial ponds throughout the project site.
- Electrical transformers on concrete pads.

In addition, no petroleum pipelines or wells, noxious odors, stressed vegetation, stockpiles of soil or debris, USTs, on-site septic systems, unidentified substance containers, or any stained or corroded soil, pavement, floors, walls, or ceilings were observed on the project site or within the existing office buildings. Overall, the field reconnaissance did not identify any spills or releases associated with the observed utilities, chemicals, and enclosed areas on the project site, and no RECs were determined.

Soil Quality Evaluation

As previously mentioned, the historical records review and environmental interviews determined that the project site and surrounding area were previously used for agricultural purposes, consisting of orchards and row crops, from at least 1939 to 1973. Historical agricultural uses may have applied pesticides and insecticides potentially leaving residual chemicals in the subsurface such as organochlorine pesticides (OCPs), arsenic, lead, and mercury. Since research by Cornerstone indicated that the property experienced agricultural uses, a soil quality evaluation was conducted on-site on June 12 and July 9, 2024, by Cornerstone, who collected 47 soil samples at 22 locations between the upper approximately 0.5 foot of soil to depths between 1.5 to 2 feet beneath the surface, using a hand auger and placing each sample in stainless steel liners which were transported in a cooler for a laboratory analysis.

The laboratory analysis compared lead, mercury, and OCP concentrations in the soil to the residential environmental screening level (ESL) established by the San Francisco Bay Regional Water Quality Control Board (RWQCB), while arsenic was compared to the regional background concentrations for the urbanized San Francisco Bay region and the OCP compound dichlorodiphenyltrichloroethane (DDT) was compared to the total threshold limit concentration (TTLC) for determining a California non-Resource Conservation and Recovery Act (non-RCRA) hazardous waste. None of the samples analyzed were detected to contain concentrations for lead or mercury above the RWQCB Residential ESL. However, nine of the 47 samples exceeded the regional background concentrations for arsenic, three of the 47 samples were above the residential ESL for the OCP compound dichlorodiphenyldichloroethylene (DDE), and six of the 47 samples were detected at concentrations above the TTLC for DDT. Concentrations exceeding the established threshold were further evaluated by calculating the 95 percent upper confidence limit (UCL) of the sample means, which is used to compare site-wide concentrations to background concentrations or ESLs. The results found that the 95 percent UCL for each concentration that originally exceeded their respective threshold was below the established threshold. As such, the statistical evaluation indicated on-site soil from the soil quality evaluation to be acceptable for unrestricted residential development.[12]

[12] Cornerstone Earth Group. 2024. Phase I Environmental Site Assessment and Limited Soil Quality Evaluation. July 30.

3.8.3 - Regulatory Framework

Federal

Occupational Health and Safety Act

The Occupational Safety and Health Administration (OSHA) of the United States 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. Construction workers and operational employees at the project site would be subject to these requirements.

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 ACMs 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 RCRA of 1976 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 an identified 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.

Asbestos-containing Materials

Friable asbestos is any ACM that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of nonfriable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA began phasing out use of friable asbestos products in 1973 and issued a ban in 1978 on manufacture, import, processing, and distribution of some asbestos-containing products and new use of asbestos products. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

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 DOT provides hazardous materials safety training programs and supervises activities involving hazardous materials. In addition, the DOT 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 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) (United States Code [USC] Title 33 § 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 State Water Board and nine RWQCBs; the San Francisco Bay RWQCB administers the CWA for Contra Costa County. 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 several types of waste and waste management activities that are not covered by federal law.

California Health and Safety Code

California Health and Safety Code Section 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 (HMBP) (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).
- USTs (HSC § 25280, *et seq*.).
- ASTs (HSC § 25270.5(c)).
- Hazardous waste generator requirements (HSC § 25100, *et seq*.).

The 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 Bay 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. Construction workers and operational employees at the project site would be subject to these requirements.

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 State OSHA requirements. The Bay Area Air Quality Management District (BAAQMD) oversees the removal of regulated ACMs (see "Asbestos Demolition, Renovation, and Manufacturing Rule" below).

California Code of Regulations, Title 8, Section 1532.1, includes requirements to manage and control exposure to lead-based paint. 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 lead-based paint 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 State 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 lead-based paint 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 lead-based paint 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 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. Emergency response team members respond and work with local fire and police agencies, emergency medical providers, the California Highway Patrol (CHP), the California Department of Forestry and Fire Protection (CAL FIRE), California Department of Fish and Wildlife (CDFW), and California Department of Transportation (Caltrans).

California Department of Forestry and Fire Protection

CAL FIRE (through its branch of the State Fire Marshal) is required by Government Code Section 51178 to identify potential fire hazard areas throughout California and prepare maps of fire hazard severity zones in the State. 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 hazard, moderate, high, and very high fire hazard. Additionally, CAL FIRE produced a 2010 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. In February 2025, CAL FIRE published updated fire hazard severity zone maps delineating areas that are covered by a fire hazard severity zone designation in State Responsibility Areas and Local Responsibility Areas where State and local jurisdictions have fire protection responsibilities, respectively. Local jurisdictions are required to adopt the CAL FIRE fire hazard map or may increase a fire severity zone designation but may not decrease a zone designation to lower than the CAL FIRE determination.

California Building Code

The State of California provided a minimum standard for building design through the 2022 California Building Standards Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations. The 2022 CBC is based on the 2021 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, building material; and 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[13] on construction equipment that use an internal combustion engine; specify requirements for the safe

[13] 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.

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 (Public Resources Code [PRC] § 4442);
- 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 property 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 requirement to prepare written plans, such as Hazard Communication Plans and HMBPs. 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) (HSC, Division 20, Chapter 6.95 Article 1 §§ 25500–25519).

An 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 storage 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.

California State Water Resources Control Board

The State Water Board enforces Statewide policy to enhance, restore, and preserve water quality to protect public health and the environment, and to sustainably ensure appropriate water resource distribution. The State Water Board oversees the nine semi-autonomous RWQCBs, including the San Francisco Bay RWQCB, that establish regulatory activities within their assigned jurisdiction by watershed basin. Furthermore, the State Water Board enforces regulations pertaining to the 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.

California Air Resources Board

The California Air Resources Board (ARB) establishes State air quality regulations for a range of Statewide and local pollution sources and monitors air pollution control efforts to maintain health-based air quality standards to protect public health and the environment. The ARB administers 35 local air pollution control districts that regulate emissions from a variety of mobile and stationary sources.

Worker Health and Safety

Worker health and safety is regulated at the federal level by OSHA. In California, workers' 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 California Code of Regulations Title 8 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 retains regulatory authority for protecting and restoring surface, groundwater, and drinking water quality within the San Francisco Bay Area's nine counties under the Porter-Cologne Water Quality Control Act through regulating discharges from a variety of sources. The San Francisco Bay RWQCB develops and implements water quality programs and policies including its Strategic Workplan which outlines its progress on its priorities and implemented water

quality programs on a bi-annual basis. In addition, the San Francisco Bay RWQCB addresses other issues such as sea level rise, climate change adaptation, and environmental justice.

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 nonattainment 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 Service Hazardous Materials Program

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 CUPA, responsible for coordinating 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, Stormwater, Unannounced Inspection, and USTs.

Local

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 plans.

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 release 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 investigation 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.

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 adapt 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 Operation Plan.

The City of Walnut Creek Emergency Management Plan

The City of Walnut Creek Emergency Management Plan (EMP) is adopted from the State of California Emergency Plan, which serves as the foundation for disaster response and recovery for the municipality by coordinating emergency organization and task assignments, defining policies, and identifying general procedures to enhance preparation for emergencies, disasters, and recovery efforts in a continuing changing environment

3.8.4 - Methodology

This evaluation focuses on whether the proposed project would result in changes to the physical environment that would cause or exacerbate adverse effects related to the use, transportation, disposal, accidental release, or emission of hazardous materials. The evaluation also includes a determination of whether the proposed project would result in changes to the physical environment, or would impair or interfere with emergency response plans, or would expose people or structures to increased wildfire hazards.

The analysis, in determining whether the proposed project would alter the physical environment from the release of hazardous materials, waste, or substances, along with identifying sites with a history of environmental contamination in the City, consisted of accessing databases under the Cortese List provided by Cal/EPA, including EnviroStor, GeoTracker, those sites under corrective action, that have solid waste materials exceeding hazardous waste levels outside their waste management unit, and active Cease-and-Desist and Cleanup and Abatement Orders. A further review of applicable federal, State, and local rules and regulations involving the proper handling, transportation, disposal, and storage of hazardous waste was also evaluated.

The history of environmental contamination on the project site and surrounding area was evaluated by reviewing the Phase I ESA prepared for the site by Cornerstone in 2024. The Phase I ESA analyzed the project site's historical uses, identifying any previous or existing RECs and any on-site or off-site uses that involved the storing, handling, transporting, and disposing of hazardous waste by reviewing historical, environmental, and agency records, conducting direct interviews with those associated with the property, and performing a field reconnaissance. The Phase I ESAs also determined whether concentrations within existing soils on the project site exceed any established federal, State, or regional threshold for constituents that could pose environmental concerns to future development.

Finally, the City's Emergency Management Plan (EMP) was reviewed to investigate emergency response strategies and designated evacuation routes in the City, along with federal, State and local guidelines that regulate potential impairments to the EMP, such as the Contra Costa County Ordinance Code and Walnut Creek Municipal Code.

3.8.5 - Thresholds of Significance

The Lead Agency derives its significance criteria based on the questions in CEQA Guidelines Appendix G Environmental Checklist. Accordingly, impacts resulting from the implementation of the proposed project would be considered significant if the project would:

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. (Refer to Chapter 4, Effects Found not to be Significant)

e) For a project 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, would the project result in a safety hazard or excessive noise for people residing or working the project area. (Refer to Chapter 4, Effects Found not to be Significant)

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

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate. Further environmental review determined that impacts pertaining to location on a hazardous material site pursuant to Government Code Section 65962.5 and within an airport land use plan would have no impact and are further discussed in detail in Chapter 4, Effects Found not to be Significant.

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.**

Construction

During the construction phase, the proposed project is expected to involve the transport, use, and disposal of hazardous materials including, but not limited to, aggregates, metals, paints, cements, and diesel fuels for the construction of on-site townhomes and off-site improvements, potentially exposing construction workers to hazardous materials. However, the proposed project would be subject to the Hazardous Materials Transportation Act and the California Health and Safety Code, which establish guidelines to eliminate impacts on human health and the environment by creating hazardous material packaging and labeling requirements, implementing management practices, and establishing permit requirements for the transportation and disposal of hazardous waste. Furthermore, Walnut Creek General Plan Policies 3.1, 3.4, and 3.6 require new developments to facilitate proper disposal of hazardous materials and collaborate with federal and State authorities to ensure safe transportation of hazardous materials to protect public health.

During the early stages of construction, the existing office buildings on the project site would be demolished. The 2024 Phase I ESA identified that the existing structures were developed in stages through the mid to late 1970s, with earliest records showing development by at least 1975,

preceding the EPA ban on hazardous building materials like lead-based paints and some asbestos products in 1978. Therefore, these building materials may be present in existing structures. Further, the 2014 Phase I ESA conducted by AllWest Environmental, Inc., which was provided by the applicant to Cornerstone and supplemented in the 2024 Phase I ESA, identified ACMs such as vinyl floor tiles, thermal system insulation on the roofs, and roofing materials in the form of black mastic and further concluded that lead-based paints may be present in areas not renovated since 1978. Since hazardous building materials may be present on the project site, the transportation and deposition of building materials from the demolition of existing structures could result in potential impacts to the health of construction workers and the surrounding public. However, demolition of the proposed project would comply with federal and State regulations, such as NESHAP guidelines from the EPA requiring an inspection of where demolition will occur and identification any ACMs for removal prior to demolition. Furthermore, State regulations such as California Code of Regulations, Title 8, Section 1529, require proper training for workers who perform asbestos abatement, and Section 1532.1 outlines proactive measures to ensure worker safety when exposed to lead-based paints, including the hiring of a certified supervisor to perform air monitoring and oversee demolition activities to ensure compliance with the proper removal, handling, and disposal of lead-containing materials. Additionally, local measures, including District Rule 11-2 from the BAAQMD, would instruct the applicant to obtain permits from the BAAQMD for asbestos removal and abide other regulations to ensure the sufficient removal, handling, and disposal of ACMs.[14] Finally, Walnut Creek General Plan Action 3.6.1 requires environmental investigation following State and County regulations for possible hazardous material releases from previous land uses for lead and asbestos.

Since the construction phase of the proposed project would comply with all federal, State, and local rules and regulations pertaining to the proper removal, transportation, and disposal of hazardous materials and building materials, construction of the proposed project would not create a significant hazard through the transportation, use, and disposal of hazardous materials to the public and surrounding environment. Impacts would be less than significant.

Operation

During project operations, hazardous materials may be transported, used, or disposed of on the project site. However, hazardous material usage would be consistent with typical daily household and residential materials and items such as pesticides, paint supplies, cleaning agents, and solvents that represent a low risk when appropriately used. Furthermore, Walnut Creek households have feasible access to Central San's Household Hazardous Waste facility in Martinez for the proper transportation and disposal of hazardous materials, as well as for solid waste disposal of items such as batteries, electronics, and pharmaceuticals provided by local retailers and City resources.[15] Since hazardous materials associated with household and residential uses provide low risk to exposure and surrounding public resources are available for the feasible transportation and disposal for household hazardous materials, operation of the proposed project would not create any significant hazards to

[14] Bay Area Air Quality Management District (BAAQMD). 1998. Regulation 11 Hazardous Pollutants Rule 2 Asbestos Demolition, Renovation, and Manufacturing. October 7.

[15] Central Contra Costa County Solid Waste Authority (RecycleSmart). 2024. Hazardous Recycling and Waste Disposal. Website: https://www.recyclesmart.org/hhw/. Accessed March 5, 2025.

the surrounding area through the transportation, use, or disposal of hazardous materials. Therefore, operational impacts would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant as defined and described within Chapter 2, Project Description, would be the same as described for the proposed project. The construction of the Community Benefit Variant would occur entirely within the existing right-of-way and would be subject to the Hazardous Materials Transportation Act and California Health and Safety Code, which establish guidelines to eliminate impacts on human health and the environment by creating hazardous material packaging and labeling requirements, implementing management practices, and establishing permit requirements for the transportation and disposal of hazardous waste. The operation of the Community Benefit Variant could involve the appliance of hazardous materials for continued maintenance. However, the applied hazardous materials would consist of typical roadwork materials such as paints and concrete that would be employed in small increments. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to the transportation, use, and disposal of hazardous materials.

Level of Significance

Less than significant impact.

Risk of Upset

Impact HAZ-2:	**The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.**

Construction

Construction of the proposed project would involve the transport, use, and disposal of hazardous materials such as paints, cements, aggregates, metals, and diesel fuels, and the demolition of on-site structures, which could result in potential exposure to ACMs and lead-based paints. Although there are numerous ways an accident can occur that could release hazardous materials into the environment, those that are reasonably foreseeable due to existing conditions on the project site and planned construction activities include accidents involving vehicles transporting hazardous materials to and from the project site and the demolition of the existing office buildings, which could release hazardous building materials into the area impacting human health and the surrounding environment. However, accidents involving the transportation of hazardous materials would likely not occur as the proposed project would comply with the Hazardous Materials Transportation Act, California Health and Safety Code, and California Code of Regulations Title 8, as well as Policy 3.4 and Action 3.4.1 in the Walnut Creek General Plan, which ensures the safety of transporting hazardous materials, and designates hazardous material carrier routes to direct the transportation of hazardous materials away from sensitive receptors. Further, construction of the proposed project would abide by the NESHAP guidelines from the EPA and other State and local regulations such as California Code of Regulations, Title 8, Sections 1529 and 1532.1; the BAAQMD District Rule 11-2; and General Plan Policy 3.5 and Action 3.6.1, which set forth preliminary measures on preventing the release of

asbestos and lead-based paints prior to demolition of existing buildings through adequate removal, handling, and disposal of hazardous building materials.

The Phase I ESA prepared for the proposed project identified no RECs or other environmental condition associated with previous or existing businesses on the project site, and the Soil Quality Evaluation prepared as part of the Phase I ESA determined on-site soils to be suitable for residential development. Since the on-site soils were found acceptable for development, there are no on-site RECs, and the proposed project would comply with federal, State, and local rules and regulations pertaining to the transportation, disposal, and management of hazardous materials, including existing hazardous building materials, construction of the proposed project would not create a significant hazard through the release of hazardous materials due to potential reasonably foreseeable upset or accidental conditions. Construction impacts related to hazardous materials upset risk would be less than significant.

Operation

The proposed project would develop 422 multi-family dwelling units within 82 buildings, along with associated open space areas, landscaping, roadways, and parking. As such, the proposed project would not include industrial or retail development that involves substantial quantities of hazardous materials such as gas stations, paint stores, or auto parts stores. Unlike industrial or retail facilities, residential development does not involve the type or quantity of hazardous materials that could pose a significant environmental accident.

As previously discussed, during operation the proposed project would most likely contain hazardous materials associated with household and residential uses. Such materials typically used in residential areas are utilized in small quantities posing low risk of causing an accident that would impact human health or the environment. Therefore, operational impacts related to hazardous materials upset risk would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and accidents involving the transportation of hazardous materials would likely not occur as the proposed project would comply with the Hazardous Materials Transportation Act, California Health and Safety Code, and California Code of Regulations Title 8, as well as Policy 3.4 and Action 3.4.1 in the Walnut Creek General Plan. Furthermore, any hazardous materials used to repair or maintain the Community Benefit Variant during operation would comprise of typical roadwork materials such as paints and concrete that would only be applied in small increments. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to substantial adverse risk of upset involving the likely release of hazardous materials.

Level of Significance

Less than significant impact.

Hazardous Emissions Proximate to a School

Impact HAZ-3: **The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.**

Construction

The Little Flowers Montessori School daycare is located directly adjacent to the northeast corner of the project site and would be within 0.25 mile. As previously discussed, construction activity would involve the transportation, use, and disposal of hazardous materials such as paints, cements, aggregates, metals, and diesel fuels, and the removal of ACMs and lead-based paints prior to the demolition of existing structures, which could release hazardous materials into the surrounding environment.

However, the proposed project would comply with the Hazardous Materials Transportation Act, California Health and Safety Code, California Code of Regulations Title 8 and other local rules and regulations which enforce guidelines created to protect public health and safety. Specifically, the proposed project would enforce California Code of Regulations, Title 8, Sections 1532.1, which provides regulations and proactive measures for the proper removal, handling, and disposal of lead-containing material, including on-site air monitoring by a certified supervisor in areas where lead-based paints are present. Federal, State, and local regulations pertaining to enforcement of the safe removal, handling, and disposal of ACMs by following the NESHAP guidelines; California Code of Regulations, Title 8, Section 1529; and District Rule 11-2 by the BAAQMD would be implemented prior to the demolition of existing structures. This would include isolating rooms or facilities with a transparent physical barrier where ACMs are being removed, and further supervision from certified on-site representatives during removal. Furthermore, as discussed in Section 3.2, Air Quality, the construction Health Risk Assessment (HRA) prepared for the proposed project indicated that diesel particulate matter (DPM) emissions generated from construction near the Little Flower Montessori School would not exceed the BAAQMD threshold of health risks from exposure to DPM emissions with the implementation of MM AIR-1 and MM AIR-2. Since the proposed project would comply with federal, State, and local rules and regulations pertaining to the removal, handling, and disposal of hazardous materials and building materials and construction generated DPM emissions would not exceed the BAAQMD threshold by applying MM AIR-1 and MM AIR-2 impacts related to releasing hazardous emissions or handling hazardous materials, substances, or waste within surrounding schools would be less than significant.

Operation

Project operations would require the transportation, use, and disposal of hazardous materials typically associated with residential uses such as paint, solvents, cleaning supplies, and landscape maintenance supplies. Hazardous materials used on the project site would not be associated with retail or industrial development and would not be applied in large quantities or result in emissions that would pose significant risk of exposure to surrounding schools. Hazardous materials likely used on the project site would be correlated to residential uses and generated in small qualities that provide low risk when used as intended. Therefore, operational impacts related to hazardous emissions in proximity to a school would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and any hazardous materials used during construction would be required to comply with the Hazardous Materials Transportation Act, California Health and Safety Code, California Code of Regulations Title 8, and other local rules and regulations which enforce guidelines created to ensure the proper transportation, use, storage, and disposal of hazardous materials to protect public health and safety. Furthermore, any hazardous materials required for the continued maintenance of the Community Benefit Variant during operation would involve the appliance of paints, concrete, and other common roadwork substances that would be used in small increments. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts on releasing hazardous emissions or handling hazardous materials, substances, or waste within a surrounding school.

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.**

Construction

Construction of the proposed project would include installation of underground utilities to connect to existing infrastructure in Mitchell Drive and Shadelands Drive. Construction activities could result in temporary disruptions and detours along these roadways which could affect evacuation and emergency vehicle access. The City EMP serves as the foundation for disaster response and recovery and identifies the Contra Costa County Fire Protection District (CCCFPD) and the Walnut Creek Police Department (WCPD) as the primary local authorities responsible for providing emergency services. As mentioned in Section 3.13, Public Services, the CCCFPD follows regulations pertaining to the Contra Costa County Ordinance Code which adopts the California Fire Code and requires construction projects to obtain permits for establishing temporary fire department access roads for construction under Ordinance Section 3301.3. In addition, Walnut Creek Municipal Code 4-8.02 prohibits obstructions within the public right-of-way but allows construction materials to be stored adjacent to the project site by obtaining an encroachment permit, and General Plan Policy 4.2 and Action 5.5.2 promote collaboration with the CCCFPD on addressing fire-related issues and the submittal of discretionary permits to reduce impacts to police services. Therefore, following compliance with all applicable General Plan, Municipal Code, and EMP requirements, construction of the proposed project would not impair or physically interfere with adopted emergency response or evacuation plans. Construction impacts relating to emergency response and evacuation would be less than significant.

Operation

During operation, access to the project site would be provided by two driveways along Mitchell Drive and two driveways along Shadelands Drive. The EMP mandates that evacuation should occur

through the most reasonable and safe exits out of the City. The project site is proximate to two evacuation routes: Ygnacio Valley Road, approximately 0.3 mile south of the project site traveling in an east–west direction, and Oak Grove Road, located approximately 0.2 mile east of the project site traveling in a north–south direction. Both evacuation routes provide feasible access to Interstate 680 (I-680), which is located approximately 2.2 miles west of the project site. Therefore, the proposed project would utilize identified evacuation routes and would be incorporated into the EMP.

Furthermore, proposed driveways and internal circulation roads would accommodate emergency vehicles through six internal fire apparatus access roadways, exceeding the minimum requirements for the number of fire apparatus roadways for multi-family residential projects with over 100 dwellings as prescribed by the Contra Costa County Ordinance Code. Internal roadways would be designed to meet Contra Costa County Ordinance Code requirements with 20- to 36-foot-wide unobstructed roadways and alleys capable of providing 25-foot inside and 45-foot outside turning radius for fire apparatus and 100-foot hammerhead turnarounds for dead-end roads exceeding 150 feet in length. Furthermore, the applicant would be required to submit development plans, including the preliminary fire access plan, under Action 4.2.1 of the General Plan. Such plans would undergo review and approval by the CCCFPD and would ensure that the circulation and access of the proposed project would not interfere with or impair any emergency or evacuation plans. Project operations would utilize established evacuation routes and be incorporated into the EMP and would allow feasible access to the project site for emergency response, and the CCCFPD would review development plans. Therefore, project operations would not impair or physically interfere with an emergency response or evacuation plan. Impacts related to emergency response and evacuation would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and would be required to submit an application and obtain an encroachment permit under Municipal Code Chapter 7-1 where the application would undergo review by the Public Services Director who would establish specific standards for the construction and maintenance of the encroachment, perform inspections, and attach any conditions necessary to ensure the encroachment does not generate any threats to public health and safety. Furthermore, any potential street closures during the construction of the Community Benefit Variant would be reviewed by the Traffic Operations Engineer who would establish alternate detour routes that would undergo review and approval by the Public Services Director. Lastly, the design of the Community Benefit Variant is required to be consistent with the design standards and performance criteria established in Guide for Roundabouts, National Cooperative Highway Research Program (NCHRP) Report 1043 to ensure the Community Benefit Variant is designed to allow adequate access and egress, along with meeting applicable width and turning radius requirements for safe maneuverability and suitable efficiency and would not limit emergency access to the project site or surrounding area. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts on impairing or interfering with an emergency response or evacuation plan.

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.

Construction and Operation

Areas that are highly susceptible to direct and indirect wildfire risks usually experience critical fire weather consisting of high temperatures, low humidity, and high winds, are situated on steep topography, and are surrounded by large amounts of fuel loads. In Walnut Creek, these areas are associated, or in proximity to, open space areas in the eastern and western portions of the City. The project site is not located in a Fire Hazard Severity Zone (FHSZ) as identified by CAL FIRE in either the State Responsibility Area (SRA) or the Local Responsibility Area (LRA) and has a moderate wildfire risk classification in the General Plan which combines residential housing density and proximity to fire threat.[16] Wildland fire impacts would be unlikely, as the project site is highly urbanized with existing roadways serving as fuel breaks and is situated on relatively flat terrain. The closest open space area to the project site is Lime Ridge Open Space, which is an LRA classified as a Moderate FHSZ approximately 1 mile to the east. The closest High and Very High FHSZs within the SRA are located 1.9 miles south and 3.1 miles east of the project site.[17]

Fire suppression resources are available in the project area, as it is highly urbanized with the closest CCCFPD fire station approximately 0.6 mile north of the project site. In addition, indirect wildfire impacts like landslides and downstream flooding would be improbable due to the project site's location away from steep slopes. Finally, the proposed project would comply with the California Fire Code by providing feasible access to and from the project site through fire apparatus access roads, along with California Building Code standards mandating types of building materials and fire safety features. Overall, the project site is not located in an area highly susceptible to wildfires due to being in a highly urbanized area with direct access to fire suppression resources, and would comply with applicable federal, State, and local standards. As such, the proposed project would not expose people or structures directly or indirectly to significant loss, injury, or death involving wildland fires. Impacts related to direct and indirect wildland fire risks would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way in a highly urbanized area with direct access to fire suppression resources and would not be susceptible to fire hazards. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts on related to substantial direct or indirect risk to life or property due to wildland fires.

[16] City of Walnut Creek. 2025. General Plan 2025. July 15.

[17] Fire Hazard Severity Zones. 2025. Website: https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones. Accessed March 5. 2025.

Level of Significance

Less than significant impact.

3.8.7 - Cumulative Impacts

A cumulative impact combines the potential impacts generated from the proposed project with other past, present, and foreseeable future projects. The relevant cumulative setting, or geographic area for potential cumulative impacts related to hazards and hazardous materials is the City of Walnut Creek. This analysis also includes the foreseeable development projects that may have a cumulative impact on hazards and hazardous materials listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to hazards and hazardous materials. This analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project would be considerable. Both conditions must apply for a project's contribution to cumulative effects to rise to the level of a significant impact. If both conditions apply, this analysis will then evaluate feasible cumulative mitigation measures that would reduce cumulative effects. If one or both conditions do not apply, the project's contribution to cumulative impacts would be less than significant and no cumulative mitigation is necessary. If there is no project impact associated with respect to a particular CEQA threshold, the proposed project would have no contribution to potential cumulative impacts and, therefore, further discussion of cumulative impacts is not required.

Hazardous Materials Exposure Risk

Exposure to hazardous materials during the construction phase can be associated with significant adverse health and safety effects. According to Table 3-1: Cumulative Projects, all cumulative projects consist of either commercial, residential, or mixed-use projects which would likely involve similar hazardous materials that would be routinely transported, used, and disposed of which could lead to the risk of upset if not handled properly. However, all cumulative projects would be subject to federal, State, and local rules and regulations such as the Hazardous Materials Transportation Act, California Health and Safety Code, California Code of Regulations Title 8, and General Plan Policies 3.1, 3.4, and 3.6, and would reduce the risk of exposure and prevent any foreseeable accident conditions. As previously mentioned, the cumulative projects listed in Table 3-1 are commercial and residential in scope that would likely use low risk hazardous materials in small quantities that are associated with typical residential uses and would have access to the same public resources for the disposal of hazardous waste materials.

Cumulative projects listed in Table 3-1 may include demolition of existing structures built before the EPA ban of lead-based paints and phasing out of ACMs in the 1970s which may contain hazardous building materials. To prevent the release of hazardous building materials, cumulative projects are required to comply with federal, State, and local regulations such as NESHAP guidelines from the EPA; California Code of Regulations, Title 8, Section 1529 and 1532.1; BAAQMD's District Rule 11-2; and General Plan Policy 3.5 and Action 3.6.1 ,which implement preliminary measures ensuring the

effective removal, handling, and disposal of hazardous building materials before demolition of existing structures.

The proposed project would be developed in concurrence with seven other residential, mixed-use, and community facility projects listed in Table 3-1. As relevant to the threshold of significance under HAZ-3, two of these cumulative projects are within a 0.25-mile radius of the Little Flowers Montessori School daycare : the Oakmont Senior Housing and Residential Care Facility for the Elderly project approximately 0.13-mile northwest of the school, and the Chick Fil-A Restaurant at Citrus Marketplace Shopping Center project approximately 0.2-mile southeast of the school. The proposed project along with the two cumulative projects within 0.25-mile of the Little Flowers Montessori daycare could exacerbate the amount of hazardous materials or emissions released in proximity to the surrounding school during each project's construction phase. However, these two cumulative projects would be subject to the same federal, State, and local rules and regulations such as the Hazardous Materials Transportation Act, California Health and Safety Code, California Code of Regulations Title 8, and those mentioned in the General Plan, along with NESHAP guidelines provided by the EPA; California Code of Regulations, Title 8, Section 1529 and 1532.1; and BAAQMD's District Rule 11-2, if the two cumulative projects involve the demolition of older structures that may contain lead and ACMs. During operation, the two cumulative projects along with the proposed project would involve the transportation, use, and disposal of hazardous waste in proximity to Little Flowers Montessori School daycare but that waste would be associated with hazardous materials utilized by residential and commercial uses such as solvents, cleaning agents, and pesticides that would be applied in small quantities and would promote little risk to exposure. Previous and current uses of the project site investigated in the Phase I ESA conducted by Cornerstone identified 17 businesses to have generated, used, or stored hazardous materials on-site and such businesses could have disposed of such hazardous wastes on-site. However, on-site tenants identified in database listings had no RECs associated with the previous, likely, or future threat of release of hazardous materials. Cornerstone identified contaminants in individual soil samples taken on the project site to be above the established regulatory background concentration or ESL; however, when calculating the 95 percent UCL of the sample means, the contaminated soil samples were found to be below the established thresholds.

In addition, further analysis accessing databases within the Cortese List did not identify the project site to be listed as any hazardous material sites, contain any LUST, be subject to any corrective action, Cease-and-Desist, or Cleanup Abatement Orders, or generate any excessive solid waste discharges. Therefore, the proposed project's potential incremental contribution of hazardous materials with other cumulative projects would not be cumulatively considerable. Since the proposed project and cumulative projects would be subject to the same federal, State, and local rules and regulations pertaining to the proper transportation, use, and disposal of hazardous and hazardous building materials, as well as the project site containing no identified RECs or contaminated soils above their respective threshold, the proposed project in concurrence with other cumulative projects would not increase the risk of exposure to the public and the surrounding environment to hazardous materials, or emit hazardous emissions and materials within 0.25-mile of a school. The cumulative impact associated with the exposure to hazardous materials would be less than significant and the proposed project's contribution would not be cumulatively considerable.

Emergency Response and Evacuation

As previously mentioned, cumulative projects listed in Table 3-1 are residential and commercial in scope and are expected to permanently and temporarily increase the population of Walnut Creek. The construction of these projects may partially impair roadways resulting in cumulatively disrupting emergency and evacuation response, possibly impairing the EMP. Evacuation routes that the cumulative projects would likely use are Oak Grove Road, Ygnacio Valley Road, I-680, and State Route (SR) 24 for feasible evacuation outside Walnut Creek. However, the operation of the cumulative projects would utilize these evacuation routes in the event of an emergency and would become incorporated into the EMP. In addition, all cumulative projects are required to comply with the California Fire Code, California Building Code, Walnut Creek Municipal Code, and General Plan Policy 4.2 and Action 4.2.1 requiring the submittal of development plans, installation of fire safety features such as fire apparatus roads, sprinkler systems, and fire-resistant building material, which would reduce the threat of uncontrolled fires. Furthermore, all cumulative projects would need to obtain applicable permits if construction obstructs the public right-of-way which would only be temporary. Since cumulative projects would become incorporated into the EMP during operation, along with being subject to federal, State, and local rules and regulations on fire safety features and obstructing the public right-of-way, the proposed project along with cumulative projects would not impair or interfere with applicable emergency or evacuation response plans or expose individuals to fire related hazards or risk of wildfire. Cumulative impacts related to hazards and emergency response would be less than significant and the proposed project's contribution would not be cumulatively considerable.

Wildfire

As previously discussed, areas in the City that are highly susceptible to wildfire impacts are located around open space areas which are associated with the outskirts and more rural areas of the City. The Cumulative Projects listed in Chapter 3, Environmental Impacts Analysis, Table 3-1, along with the proposed project, are in a highly urbanized environment with many streets and infrastructure serving as fuel breaks and consist of a minimal amount of vegetative fuel loads not located on steep topography. All the cumulative projects have direct access to fire suppression resources with six CCCFPD fire stations in the project area along with direct connection to existing water utilities. In addition, none of the cumulative projects are located within or in direct proximity to SRAs designated as moderate, high, or very high FHSZ delineated by CAL FIRE, nor are they located in such designated areas in the LRA. Since the proposed project and the cumulative projects are located in a highly urbanized environment with direct access to fire suppression resources and are not in proximity to an SRA classified as a FHSZ or designated as high or very high zones in the LRA, cumulative impacts related to direct and indirect exposure to wildland fires would be less than significant and the proposed project's contribution would not be cumulatively considerable.

Community Benefit Variant

The cumulative impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. As described in Chapter 2, Project Description, the Community Benefit Variant is limited to roadway infrastructure improvements within the existing right-of-way, as contemplated by the Shadelands Multi-Modal Improvement Plan. Therefore, neither

construction nor operation of the Community Benefit Variant would result in additional or increased cumulative impacts related to hazards and hazardous materials and impacts would be less than significant.

Level of Significance

Less than significant cumulative impact.

3.9 - Hydrology and Water Quality

3.9.1 - Introduction

This section describes the existing hydrology and water quality setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based, in part, on the Preliminary Drainage and Stormwater Control Plan prepared by Carlson, Barbee, and Gibson, Inc. (Carlson, Barbee, and Gibson) dated June 28, 2024 (Appendix G).

During the Draft EIR scoping period, no public comments were received related to the project's potential hydrologic impacts.

3.9.2 - Environmental Setting

Surface Hydrology

City of Walnut Creek

The Contra Costa Clean Water Program (CCCWP) designates watersheds in the County. According to the CCCWP, the project site is located within the Walnut Creek Watershed, which encompasses 93,556 acres in central Contra Costa County. Draining the west side of Mount Diablo and the east side of the East Bay Hills, its major tributaries include San Ramon Creek, Bollinger Creek, Las Trampas Creeks, Pine Creek, and Galindo Creek. These tributaries constitute important water sheds draining into Walnut Creek, and together form the Walnut Creek Watershed.[1]

Project Site

The project site is located within the 146-square-mile Walnut Creek Watershed, the largest in Contra Costa County.[2] 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 310 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.

Surface Water Quality

City of Walnut Creek

The San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB) and the CCCWP, managed through the County's Public Works Division, monitor surface water quality in Walnut Creek.[3] The Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin outlines

[1] Contra Costa Clean Water Program (CCCWP). Walnut Creek Watershed. 2022. Website: https://cccleanwater.org/wp-content/uploads/2024/05/CCCWP_UCMR_WY-2021_FINAL-WITH-APPENDICES_03312022.pdf. Accessed November 27, 2024.

[2] Contra Costa Public Works Division. 2025. Walnut Creek Watershed Restoration Plan. Website: https://www.contracosta.ca.gov/10011/Walnut-Creek-Watershed-Restoration-Plan#:~:text=The%20Walnut%20Creek%20Watershed%20is,channels%20in%20Contra%20Costa%20County. Accessed January 17, 2025.

[3] Contra Costa Public Works Division. 2025. Monitoring. Website: https://www.contracosta.ca.gov/2803/Monitoring#:~:text=In%20early%202010%2C%20the%20County,POC%20Monitoring. Accessed January 16, 2025.

the beneficial water uses that the California State Water Resources Control Board (State Water Board) protect, and the water quality objectives and strategies for achieving these objectives. The San Francisco Bay RWQCB identifies 46 impaired bodies of water within Contra Costa County, with constituents including pesticides, trash, metals, and toxic organics.[4] Four of these waterbodies exist in Walnut Creek, including Walnut Creek and three of its tributaries: Pine Creek, Las Trampas Creek, and San Ramon Creek.[5] These impaired bodies were found to contain pesticide contaminants such as diazinon, pyrethroids, and bifenthrin.[6]

Project Site

The CCCWP conducted water quality sampling for sediment and bio-nutrients (pesticide contamination) in Walnut Creek pursuant to the County's Phase II Municipal Regional Stormwater Permit (MRP) Provision C.8.h.iii.[7] This testing was conducted at the Walnut Creek Station near Concord Avenue (ID 207R02615) as part of the CCCWP's 2023 Urban Creeks Water Monitoring Report. The test sample results all met or exceeded the minimum annual requirements of the MRP in all pollutant categories, yet overall toxicity was found to be within test acceptability criteria.[8]

Groundwater Basin Hydrology

City of Walnut Creek

The Contra Costa Water District (CCWD) 2020 Urban Water Management Plan (UWMP) identified the Ygnacio Valley, Clayton Valley, Pittsburg Plain, and East Contra Costa Groundwater Basins as the primary groundwater basins within its service area.[9] The Ygnacio Valley Groundwater Basin underlies the cities of Walnut Creek and Pleasant Hill.

The Ygnacio Valley Groundwater Basin in northern Contra Costa County has a surface area of approximately 15,900 acres, bounded by Suisun Bay to the North, Interstate 680 (I-680) to the west, Concord Fault to the east, and the City of Walnut Creek to the south.[10]

The Ygnacio Valley Basin occupies a structural depression between the Berkeley Hills and Diablo Range. Thick alluvial deposits that cover a faulted and folded complex of consolidate Cretaceous and Tertiary rocks underlie the basin. The water-bearing units in the basin are Quaternary alluvium and alluvial valley fill deposits. Aquifers in the basin area are hydrologically connected to the Sacramento River.[11]

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4 California State Water Resources Control Board (State Water Board). 2024. 2024 California Integrated Report. Website: https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html. Accessed January 16, 2025.

5 Ibid.

6 California State Water Resources Control Board (State Water Board). 2024. 2024 Integrated Report ArcGIS Viewer. Website: https://gispublic.waterboards.ca.gov/portal/apps/webappviewer/index.html?id=f0e4ac76fd0e4a53bebead89339ef3c9. Accessed January 16, 2025.

7 San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB). 2022. Municipal Regional Stormwater NPDES Permit Order No. R2-2022-0018. May 11.

8 Contra Costa Clean Water Program (CCCWP). 2024. Urban Creeks Monitoring Report: Water Year 2023. March 31.

9 Contra Costa Water District (CCWD). 2021. 2020 Urban Water Management Plan. June.

10 California Department of Water Resources (DWR). 2004. San Francisco Bay Hydrologic Region California Groundwater Bulletin 118: Ygnacio Valley Groundwater Basin. February 27.

11 Ibid.

Project Site

The project site is located within the Ygnacio Valley Groundwater Basin.

Groundwater Water Quality

City of Walnut Creek

According to the California Department of Water Resources (DWR) Bulletin 118: Ygnacio Valley Groundwater Basin, no published groundwater quality data is available for the Basin.[12]

Project Site

The project site currently contains four water supply wells to provide irrigation for the surrounding landscape and decorative ponds that traverse the project site. These wells will be abandoned as a part of the proposed project.

Stormwater Runoff

City of Walnut Creek

The San Francisco Bay RWQCB administers the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program and regulates stormwater in the San Francisco Bay region. The County is a permittee under the Phase II NPDES MRP and implements the County-specific components of the CCCWP.

The Contra Costa County Flood Control District (Flood Control District) guides regional drainage plans throughout the County. The Flood Control District owns property throughout the County for the purpose of constructing and maintaining regional flood control basins, channels, and creeks.[13]

Project Site

The project site is currently developed with approximately 72 percent impervious surfaces and 28 percent pervious surfaces. Under existing conditions, stormwater runoff flows from the project site into the City's existing 24- to 36-inch storm drain under Mitchell Drive.

Flooding and Inundation

City of Walnut Creek

Flood hazard areas—those areas susceptible to flooding—are mapped by the Federal Emergency Management Agency (FEMA). FEMA maps do not consider future conditions. To protect such areas from flood hazards, FEMA administers the National Flood Insurance Program (NFIP). The NFIP is a federal program created to avert future flood losses through building and zoning ordinances and to provide federally backed flood insurance protection for property owners. The County is a participant in the NFIP.

To support the NFIP, FEMA publishes Flood Insurance Rate Maps (FIRMs) for participating communities for flood insurance and floodplain management purposes. The FIRMs delineate

[12] California Department of Water Resources (DWR). 2004. San Francisco Bay Hydrologic Region California Groundwater Bulletin 118: Ygnacio Valley Groundwater Basin. February 27.

[13] Contra Costa Public Works. 2025. Flood Control District. Website: https://www.contracosta.ca.gov/5586/Flood-Control-District. Accessed November 26, 2024.

different special flood hazard area zones. Special flood hazard areas associated with the 1 percent probability of annual exceedance are zones that begin with the letter "A" (e.g., Zone A, Zone AE, and Zone AO).

According to FEMA FIRM National Flood Hazard Layer Viewer, the City intersects with 1 percent and 0.2 percent annual flood hazard zones, which both occur on the northern and southern peripheries of the City's boundaries.[14]

Project Site

According to FEMA FIRM National Flood Hazard Layer Viewer, the project site is not within a designated flood hazard zone.[15]

3.9.3 - Regulatory Framework

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 of the project or variant. 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 an 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.

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 project are listed in the San Francisco Bay RWQCB Basin Plan.[16]

[14] Federal Emergency Management Agency (FEMA) National Flood Hazard Layer (NFHL) Viewer FIRMette. 2020. Website: https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd. Accessed November 27, 2024.

[15] Ibid.

[16] California State Water Resources Control Board (State Water Board). 2022. Website: https://www.waterboards.ca.gov/waterboards_map.html. Accessed November 26, 2024.

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). A TMDL is a calculation of the total maximum daily load (amount) of a pollutant that a water body can receive on a daily basis and still safely meet water quality standards. The 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. 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. The San Francisco Bay RWQCB develops TMDLs for the Contra Costa County Area.

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 responsible for the project site.

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.

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 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 Parks 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 Toxics Rule and California Toxics Rule

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. 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 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.

FEMA also administers the NFIP, a federal program that 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 responsible for the project site.

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 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.

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, the project applicant must file a notice of

intent 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.

Project sites served by the combined sewer system are not required to obtain coverage under the NPDES Construction General Permit.

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 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."

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
- Granting of effluent compliance exceptions.

The goal of the State Implementation Plan is to establish a standardized approach for permitting discharges of toxic effluent to inland surface waters, enclosed bays, and estuaries throughout the State.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) was passed in 2014, establishing a Statewide framework to protect and manage groundwater resources with local agencies responsible for managing their groundwater basins. Local agencies are required to form groundwater sustainability agencies (GSAs) for areas with a basin prioritization classification of medium or high priority and need to develop and implement a groundwater sustainability plan (GSP) outlining how groundwater in the region will be managed and address existing issues to achieve long-term sustainability within 20 years after implementation of the applicable GSP. The Ygnacio Valley Groundwater Basin is classified as having very low priority and is not managed by any established GSA, nor does it contain a GSP.

Local

City of Walnut Creek

City of Walnut Creek General Plan 2025

The City of Walnut Creek sets forth the following goals, policies, and actions that are relevant to hydrology and water quality:

Built Environment

Goal 29 **Promote Water Conservation**

Policy 29.1 Implement water conservation measures in City facilities and operations.

Policy 29.2 Promote water conservation throughout the community.

Goal 32 **Meet or Exceed State and Federal Water Quality Standards.**

Policy 32.1 Support regional, State, and federal clean water efforts.

Policy 32.3 Maximize infiltration of rain water into the soil, where appropriate.

Policy 32.4 Reduce the transport of urban runoff and surface pollutants off-site.

Policy 32.5 Encourage preservation of natural water bodies and drainage systems.

Policy 32.6 Reduce pollutant loading in the wastewater system.

3.9.4 - Methodology

Impacts related to hydrology and water quality were determined by reviewing information regarding regional and local hydrology, climate, topography, and geology contained in the San Francisco Bay RWQCB Basin Plan, FEMA FIRMs, and the Preliminary Drainage and Stormwater Control Plan prepared by CBG on December 5, 2024 (Appendix G). Evaluation of impacts is based on comparison of existing conditions to the proposed project's built condition, such as changes in impervious surfaces. Specifically, the impact evaluation focuses on effects on surface and groundwater quality, groundwater supply, and drainage (in terms of erosion, siltation, flooding, stormwater system exceedance, and polluted runoff).

Water quality conditions are compared with water quality standards and WDRs by identifying potential contaminants and pollution pathways, amount of impervious area, and runoff treatment requirements. Additionally, as part of the analysis, inundation and flooding on the project site is assessed by reviewing potential inundation zone elevations relative to the final grade elevations of facilities and features for the project.

3.9.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether hydrology and water quality impacts resulting from the implementation of the proposed project would be considered significant if the project would:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater 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 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

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Surface and Groundwater Quality

Impact HYD-1:	**The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.**

Impact Analysis

As previously mentioned, the project site is currently developed with approximately 72 percent of impervious surfaces and 28 percent pervious surfaces where stormwater runoff is subsequently drained into the City's existing 24- to 36-inch storm drain located under Mitchell Drive.

The proposed project would slightly increase total impervious surfaces by approximately 6 percent (1.3 acres). To compensate for the potential increased runoff, a new stormwater runoff system would be constructed throughout the proposed project with the establishment of 14 Drainage Management Areas (DMAs), including approximately 36,661 square feet of bioretention areas and rain gardens dispersed throughout the project site, as well as a network of storm drains and low-flow water quality pumps designed for Low Impact Development (LID). The DMAs would collect additional stormwater runoff that would be dispersed into the proposed bioretention areas consisting of landscape depressions with mixtures of soils, sands, and gravels allowing natural pollutant removal through plant uptake and filtration before being transported into the City's existing stormwater drainage collection system and infiltrated into the stormwater line beneath Mitchell Drive.

Additionally, as provided in the Preliminary Drainage and Stormwater Control Plan, the project site is within the County Hydromodification Susceptibility Area which indicates whether hydromodification requirements apply to development projects. The proposed project would be required to provide hydromodification per provision C.3 of the MRP, which outlines site design requirements to minimize and compensate for the increase in surface runoff from imperious surfaces introduced by new developments.

Runoff from the proposed project would be divided between 14 DMAs. Runoff from each of these areas is managed by a treatment Integrated Management Practice (IMP) bioretention area. Stormwater runoff would be collected into catch basins along the internal roadways that would convey into underground storm drain lines installed throughout the project site. Catch basins in DMAs 2, 4, 7, 8, 10, 11, 13, and 14 would transfer storm water from the surface into the internal storm drain lines that would be conveyed into the DMAs applicable bioretention area. Both catch basins with internal storm drain lines and low-flow storm drain pumps would be used for DMAs 1, 3, 5, 6, and 9 and two within DMA 12 (12A and 12B) to convey stormwater runoff at a rate of 0.4 inches

per hour, exceeding the MRP minimum requirement of 0.2 inches per hour into the DMAs bioretention area. All larger flow events would bypass the bioretention areas via gravity into the storm drain system in Mitchell Drive.

Operation and maintenance of stormwater management facilities would be the responsibility of the property owner through payment of an annual fee to offset the cost of inspecting the site and verifying that the stormwater management facilities are being maintained. As required under Municipal Code Section 9-16.105, Stormwater Management and Discharge Control, the applicant would prepare and submit an SWCP prior to the start of construction and would execute a Stormwater Management Facilities Operation and Maintenance Agreement prior to project operations. As required by the MRP, the proposed project would implement stormwater treatment BMPs that require minimum maintenance similar to that of any landscape areas, including the bioretention areas, pumps, and vault and flow control structures. BMPs would be regularly maintained to ensure that they continue to be effective and do not cause flooding.

Construction

Construction of the proposed project would include grading, demolition, excavation, and removal of vegetative cover that has the potential to result in runoff that contains sediment and other pollutants that could degrade surface and groundwater quality, if not properly controlled. Sources of potential pollution associated with construction include fuel, grease, oil and other fluids, concrete material, sediment, and litter. These pollutants have the potential to result in impacts due to chemical contamination from construction activities and materials that could pose a hazard to the environment or degrade water quality if not properly managed and controlled.

As construction of the proposed project would disturb more than 1 acre of land, compliance with the NPDES General Permit for Small MS4s, Order No. 2003-0005-DWQ (NPDES General Permit) would be required. The NPDES General Permit would require the development and implementation of a project-specific SWPPP. As discussed in Section 3.9.3, Regulatory Framework, the objectives of a SWPPP are to identify pollutant sources that may be delivered off-site (in the form of runoff) and affect the quality of stormwater discharge; to implement site controls and practices to reduce stormwater pollution; and to protect water quality of receiving waters. The SWPPP would incorporate site-specific BMPs that would preserve and maintain stormwater management facilities, such as limited use of fertilizers and/or pesticides; inspection of pump during storm events to ensure proper operation and replacement of parts; and ensuring vault flow control through clearing of debris and sediment. The SWPPP would be subject to review and approval by the City's Public Services director and/or an authorized enforcement officer. Additionally, the proposed project would be required to comply with the County's MRP, which regulates stormwater discharges in the County.

Implementation of a SWPPP and associated BMPs, and compliance with the County's MRP, would reduce potential impacts related to violating water quality standards or WDRs. As such, impacts to water quality during construction would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described in Chapter 2, Project Description, would be the same as described for the proposed

project. The construction of the Community Benefit Variant would occur entirely within the existing right-of-way and would not affect the quality of stormwater discharge following the SWPPP. Therefore, construction of the Community Benefit Variant would not result in additional or increased impacts related to violation of water quality standards or waste discharge requirements.

Operation

The project site is in an urbanized area with mostly impervious surfaces. Project operation would generate runoff, which may carry pollutants such as pesticides, fertilizers, and deposits of fluids and metals from motor vehicles or allow seepage of such pollutants into the associated groundwater table.

The proposed project would increase impervious surfaces by approximately 6 percent, or 56,625 square feet (1.3 acres) compared to existing conditions, and therefore could generate increased amounts of runoff that could carry pollutants into downstream water bodies. However, the proposed project would comply with the County's MRP and the CCCWP, the City of Walnut Creek General Plan 2025 (General Plan), and all County and City Ordinance Codes related to stormwater pollution, whose combined application would minimize the potential to degrade water quality in downstream water bodies to the maximum extent possible.

Although the Preliminary Drainage and Stormwater Control Plan identifies a 73,260 cubic feet underground stormwater runoff storage vault on the northwest corner of the project site, further review determined that the stormwater vault no longer exists. However, the proposed project would compensate for the removed stormwater vault through the construction of a new stormwater detention vault beneath bioretention area 3 at the northwest corner of the project site, and the City determined there is sufficient room to construct a larger stormwater detention vault if necessary. All regular stormwater runoff on the project site would be channeled into the on-site stormwater collection system and would be subsequently conveyed into proposed bioretention areas. In storm events larger than a 10-year storm, runoff would bypass the proposed bioretention areas via gravity and flow into an existing stormwater collection line under Mitchell Drive.

Furthermore, the proposed project would incorporate BMPs into project design in compliance with C.3 requirements and would abide by the County MRP's design standards for LID. Adherence to the County's MRP design standards would reduce impacts during operation of the proposed project.

Finally, none of CCWD's active water sources in the Division 3 system have levels of Per- and polyfluoroalkyl substances (PFAS) compounds over current California response levels.[17] The proposed project would not exacerbate or contribute to PFAS levels in its water sources. The proposed water storage and bioretention treatment facilities would be constructed and operated consistent with federal and State regulations related to PFAS while CCWD is developing its own regulations. Thus, impacts related to water quality standards or groundwater quality would be less than significant.

[17] Contra Costa Water District (CCWD). 2024. PFAS. Website: https://www.ccwater.com/422/PFAS. Accessed December 2, 2024.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would be constructed as an additional component of the proposed project and would be under the same project-specific SWPPP prepared for the proposed project as required by the NPDES General Permit. As such, applicable BMPs identified in the SWPPP would be implemented for the construction of the Community Benefit Variant that would identify and control point and non-point source pollutants and sedimentation. Operation of the Community Benefit Variant would occur entirely within the existing right-of-way and, if necessary, incorporate BMPs into project design in compliance with C.3 requirements and would abide by the County MRP's design standards for LID. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to violation of water quality standards or waste discharge requirements.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

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.**

Impact Analysis

As previously mentioned, the project site contains four existing on-site wells which extract groundwater for irrigation purposes and to manage the decorative ponds that traverse throughout the project site. The proposed project would create approximately 1.3 acres of new impervious surfaces; however, all runoff collected would be discharged to the on-site bioretention areas and treated. Water supplies for the proposed project would be supplied via connections to the CCWD and would not require project-specific groundwater pumping. In addition, the CCWD does not currently use any groundwater as part of its water supply during regular, non-drought operations.[18]

Construction

Impacts related to depletion of groundwater supplies or interference with groundwater recharge are limited to operational impacts. Construction of the proposed project would not require the use of groundwater. Additionally, as discussed in Impact HYD-1, the proposed project would comply with applicable stormwater requirements as well as incorporate treatment BMPs to address water quality and control runoff from the project site, including groundwater recharge. Therefore, runoff would not be absorbed into the groundwater supplies.

[18] Contra Costa Water District (CCWD). 2021. 2020 Urban Water Management Plan. June.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The construction of the Community Benefit Variant would occur entirely within the existing public right-of-way and would not require the use of groundwater nor introduce any impervious surfaces that could interfere substantially with groundwater recharge.

Operation

The project site would be served by the CCWD. The CCWD has over 61,000 connections. The proposed project could lead to an increased demand for water, which could lead to an increase in demand for groundwater production. The CCWD derives its water supply primarily from surface water derived from the Sacramento-San Joaquin Delta and does not currently retain groundwater sources. [19] However, the agency is able to utilize groundwater supplies from the Eastern Contra Costa Irrigation District (ECCID) during dry periods or periods of low surface water availability to supplement its surface water supply. The ECCID sources its water from the San Joaquin Valley East Contra Costa Groundwater Basin, which is designated as a medium priority by the DWR.[20] In the event that the CCWD utilizes groundwater sources during a drought scenario, it and the ECCID would be required to adhere to standards and regulations contained in the East Contra County Subbasin Groundwater Sustainability Plan (GSP). Moreover, the CCWD would be limited to a maximum groundwater transfer from the ECCID of 4,000 acre-feet per year, which represents approximately 3 percent of CCWD's total water supply in 2020.[21] Given that the proposed project would not independently source groundwater, and the CCWD would comply with the East Contra Costa County Subbasin GSP during occasions in which it sources groundwater, the proposed project would not significantly affect groundwater. Therefore, impacts related to groundwater recharge and supply would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing public right-of-way and would not require the use of groundwater or increase the demand for groundwater production. Furthermore, the Community Benefit Variant would be constructed on already existing impervious surfaces and would not require any roadway widening that could increase impervious surfaces and interfere with groundwater recharge. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to decreased groundwater supplies or recharge.

Level of Significance

Less than significant impact.

[19] Contra Costa Clean Water District (CCCWD). 2022. The Source of Your Water. Website: https://www.ccwater.com/365/The-Source-of-Your-Water. Accessed December 2, 2024

[20] California Department of Water Resources. 2019. East Contra Costa Irrigation District. Website: https://gis.water.ca.gov/app/bp-dashboard/final/. Accessed December 2, 2024.

[21] Contra Costa Water District (CCWD). 2021. 2020 Urban Water Management Plan. June.

Mitigation Measures

None.

Drainage Leading to Erosion/Siltation, Flooding, Additional Sources of Polluted Runoff, or Impedance of Flood Flows

Impact HYD-3: **The proposed 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?

Impact Analysis

As discussed in the Preliminary Drainage and Stormwater Control Plan, the proposed project would create approximately 1.3 acres of new impervious surface. The resulting stormwater runoff would be drained by 14 DMAs, which would include approximately 35,661 square feet of bioretention areas dispersed throughout the proposed project site. Stormwater runoff would be collected by the proposed stormwater drainage collection system through a network of catch basins, storm drains, and low-flow quantity pumps, and would be subsequently conveyed to one of 14 proposed bioretention areas. In the event stormwater runoff on-site exceeds a 10-year storm event, runoff would bypass the proposed bioretention areas and flow directly into an existing 24- to 36-inch storm drain pipe within Mitchell Drive.

As discussed previously, the proposed project would also compensate for the previously existing stormwater vault on the northwest corner of the project site by constructing a new vault under bioretention area 3 and has sufficient detention area to expand the stormwater vault if necessary to reduce runoff rates. Thus, the proposed drainage system would provide sufficient capacity to convey stormwater runoff from the project site to the City's stormwater collection system.

According to the FEMA FIRM National Flood Hazard Layer Viewer, the project site is not within a designated flood hazard zone.

i. Erosion and Siltation

Construction

The proposed project would have a significant impact if it were to substantially alter the existing drainage pattern of the site in a manner that would result in substantial erosion or siltation on- or off-site. Such drainage effects could occur from grade changes at the project site, exposure of soils for periods of time during stormwater discharge, or alterations to creek beds. These types of changes would have a potentially significant impact to on-site drainage patterns.

The proposed project would involve grading and construction of a 22.2-acre site that is currently primarily composed of impervious surfaces (72.1 percent). Construction activity could result in substantial erosion or siltation, leading to drainage pattern alteration and the increased potential for polluted runoff to enter nearby water bodies, including downstream facilities. This could represent a potentially significant impact.

However, as previously discussed, the proposed project would be required to comply with the regulations of its NPDES General Permit, which requires the design and implementation of a project-specific SWPPP to ensure that erosion, siltation, and flooding are prevented or minimized to the maximum extent feasible during construction. The SWPPP would include both structural (physical devices or measures) and operational (timing of construction) BMPs that would prevent or reduce the discharge of pollutants directly or indirectly into waterbodies. Therefore, construction impacts related to alteration of drainage patterns resulting in erosion or siltation would be less than significant.

Operation

Development of the project site would increase impervious surfaces compared to existing conditions by approximately 1.3 acres. Thus, proposed project operation could result in increased amounts of stormwater runoff that could carry pollutants into nearby water bodies. However, as discussed above, the proposed project's addition of new bioretention areas and having sufficient detention capacity to construct a new stormwater detention vault on the northwest corner of the project site would create enough capacity to serve the proposed project. Therefore, operational impacts related to the alteration of drainage patterns resulting in erosion or siltation would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would be constructed as an additional component of the proposed project and would be incorporated into the project-specific SWPPP that would identify construction and operation BMPs as regulated under the NPDES General Permit. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to substantial erosion or siltation.

ii. Surface Runoff

Construction

As discussed under Impact HYD-1, the proposed project would implement a project-specific SWPPP and incorporate BMPs contained within to reduce the potential for water quality impacts related to erosion, sedimentation, and other construction-related pollutants that may result in surface runoff. As such, construction-related impacts would be less than significant.

Operation

As previously discussed, the proposed project would increase impervious surface area on the project site by approximately 1.3 acres, thereby increasing the amount of surface runoff. However, the proposed project's bioretention areas and the project site having the capacity available to construct a new stormwater vault would create sufficient stormwater capacity to serve the proposed project,

and would reduce 10-year storm peak flows. Furthermore, surface runoff from the project site would continue to be directed into the existing storm drain within Mitchell Drive, similar to existing conditions. As such, the operation of the proposed project would not result in substantial on-site flooding. Therefore, the operational impact related to increasing the rate or amount of surface runoff related to impervious surfaces or flooding would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Although the proposed roundabout under the Community Benefit Variant would incorporate a 2-foot vertical curb around the 20-foot diameter central island that could alter drainage patterns and increase surface runoff, all aspects of the Community Benefit Variant would be incorporated as an additional component to the proposed project. As such, the Community Benefit Variant would be accounted for in the project-specific SWPPP where suitable BMPs would be identified and implemented to minimize surface runoff to the maximum extent feasible as regulated under the NPDES General Permit. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to surface runoff.

iii. Exceedance of Storm Drain Capacity

Construction

The proposed project would be required to implement a project-specific SWPPP as part of its NPDES General Permit that would identify potential point and non-point sources of pollution and would install of site-specific BMPs that would prevent the discharge of pollutants and temporarily detain storm water runoff to reduce storm water runoff to the maximum extent feasible accelerated from the introduction of any impervious surfaces or grade changes. Thus, construction of the proposed project would not contribute to runoff that would exceed the capacity of the City's existing storm drainage system or provide additional sources of polluted runoff. Therefore, construction impacts related to storm drainage capacity exceedance or additional sources of polluted runoff would be less than significant.

Operations

The proposed project would result in increased impervious surface area and increased runoff. However, the proposed project would construct 14 new bioretention areas and would construct a new stormwater vault on the northwest corner of the project site beneath bioretention area 3.The bioretention areas would allow for stormwater infiltration to occur gradually into the soil to leach out any storm water pollutants while detaining stormwater on-site prior to being released into the City's existing storm drainage system, thus reducing peak flows and the release of storm water pollutants. These bioretention areas would be designed with adequate capacity in accordance with all applicable standards to accommodate stormwater flows at the project site. Because stormwater would be treated through bioretention areas to ensure no net increase in off-site stormwater flow, the proposed project would not result in an exceedance of storm drain capacity. Therefore, impacts would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Although construction of the proposed roundabout from the Community Benefit Variant would modify the existing roadway through installing a central island that is 20-feet in diameter and two feet in height, the Community Benefit Variant would be implemented as an additional component of the proposed project and as such, be included into the project-specific SWPPP where BMPs would be established that would minimize storm water runoff. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to exceedance of storm drain capacity.

iv. Flood Flows

Construction

As discussed above, the project site is not within a flood hazard zone and implementation of a SWPPP, associated BMPs, and compliance with the County's MRP would limit potential impacts of flood flows during construction of the proposed project. As such, construction would not result in significant impacts associated with impeding or redirecting flood flows.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The construction of the Community Benefit Variant would not occur within a flood hazard zone and implementation would limit potential impacts of flood flows during construction. Therefore, construction of the Community Benefit Variant would not result in additional or increased impacts related to flood flows.

Operation

As described above, the project site is not within a flood hazard zone and stormwater flow would be transported into proposed bioretention areas by proposed catch basins, storm drains, and low flow pumps and further funneled into the new stormwater detention vault at the northwest corner of the project site beneath bioretention basin 3. The City also determined that the project site has sufficient capacity to increase the size of the new stormwater vault if necessary. As previously mentioned, the proposed bioretention areas would compensate for the increase in impervious surfaces implemented by the proposed project, which would temporarily hold and gradually release water into the proposed stormwater detention vault and the City's existing stormwater drainage system. Therefore, the proposed bioretention areas and the new stormwater vault would provide adequate capacity to accommodate the project to ensure no net increase in off-site flow of stormwaters during storm events. Therefore, project operation would not result in significant impacts associated with impeding or redirecting flood flows.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would not occur in a flood hazard zone. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to flood flows.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Risk of Pollutant Release Due to Inundation

Impact HYD-4:	**The proposed project would not be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation.**

Impact Analysis

As mentioned previously, the project site is not within a FEMA-designated flood hazard zone. The nearest large body of water, the San Francisco Bay, is located 16 miles west of the project site. Thus, the proposed project is not within either a seiche zone or a tsunami hazard zone.

Construction

Potential pollutants stored on-site during construction would be stored in a manner consistent with the proposed project's NPDES-mandated SWPPP, as well as applicable regulations by the Occupational Safety and Health Administration (OSHA) and the California Department of Toxic Substances Control (DTSC) which prevent pollutant release. As previously described, the project site is not located in a flood, seiche, or tsunami hazard zone. Therefore, no construction-related impacts would occur.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The construction of the Community Benefit Variant would not occur within a flood, seiche, or tsunami hazard zone. Therefore, construction of the Community Benefit Variant would not result in additional or increased impacts related to risk of pollutant release due to inundation.

Operation

As described above, the project site is not located in a flood hazard zone and is not likely to be inundated with flood flows that would result in the release of pollutants into surface waters. Moreover, the proposed project includes residential land uses, which do not represent the type of use that would otherwise degrade water quality (e.g., industrial land uses that utilize hazardous materials that could adversely affect water quality). Anticipated and potential pollutants generated by the proposed project would be limited to personal use through household items and limited use through landscaping operations, where normal and expected materials for the proposed land uses would include sediment, nutrients, pesticides, metals, pathogens, oil, and grease. All household uses would be restricted to personal use quantities. All uses associated with landscaping operations would be conducted in compliance with the treatment BMPs stipulated in Impact HYD-1 as well as the Preliminary Drainage and Stormwater Control Plan.

A tsunami is a sea wave that can be generated by an earthquake, landslide, or volcanic eruption. An event such as an earthquake creates a large displacement of water resulting in a rising or mounding at the ocean surface that moves away from this center as a sea wave. Tsunamis generally affect coastal communities and low-lying (low-elevation) river valleys in the vicinity of the coast. The California Geological Survey (CGS) Tsunami Hazard Area Map does not show the project site as being located in a Tsunami Hazard Area.[22] Because the site is not identified as within a tsunami inundation area or low-lying flood-prone area and due to its elevation, the proposed project would not experience impacts from a tsunami.

Seiches are changes or oscillations of water levels within a confined water body. Seiches are caused by fluctuation in the atmosphere, tidal currents, or earthquakes. The effect of this phenomenon is a standing wave that would occur when influenced by external causes. As previously described in detail, the project site is not located within the immediate vicinity of a body of water which could be susceptible to a seiche. Therefore, there would not be any impacts related to inundation from a seiche.

Furthermore, the proposed project's stormwater drainage system, including 14 bioretention areas, and the new stormwater drainage vault at the northwest corner of the project site would have sufficient capacity to serve the proposed project; further, confirmation by the City determined that additional capacity is available to expand the stormwater detention vault if necessary. The proposed stormwater collection and treatment system would be designed in accordance with all applicable standards, and would provide adequate stormwater runoff detention capacity to accommodate the project site during 10-year storm events and ensure no net increase in off-site flow of stormwaters. Therefore, impacts would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would not store any pollutants or occur within a flood, seiche, or tsunami hazard zone. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to risk of pollutant release due to inundation.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

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.**

[22] California Department of Conservation (DOC). Tsunami Hazard Area Map. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/ts_evacuation/. Accessed December 2, 2024.

Impact Analysis

Construction

The San Francisco Bay RWQCB has established regulatory standards and objectives for water quality in San Francisco Bay in the Basin Plan.[23] The proposed project would not conflict with the Basin Plan or the County's MRP. Given that proposed construction would disturb more than one acre of land, the proposed project would be required to comply with the terms of the NPDES General Permit, which require the preparation and implementation of a project-specific SWPPP that includes BMPs to ensure reduction of pollutants from construction activities potentially entering surface waters. In addition, the proposed removal of the four water supply wells situated on the project site would be subject to the Model Water Well, Cathodic Protection Well, and Monitoring Well Drilling and Abatement Ordinance under California Water Code Section 13801 that implements minimum standards contained in Bulletin 74-81 from the State Water Board for water well construction, maintenance, and abandonment to protect groundwater quality.

Bulletin 74-81 provides requirements for groundwater well destruction such as notifying the enforcing agency of any pollutants or contaminants in the well prior to destruction, securing approval from the enforcing agency to proceed with well destruction, and meeting material, sealing, and filling requirements. To ensure compliance with well abandonment requirements, the proposed project would be subject to Condition of Approval (COA) HYD-1, which requires the project applicant to submit documentation of the Final Abandonment Report to Contra Costa County and the City for review. Following compliance with the established regulatory framework and COA HYD-1, construction impacts related to a water quality control plan or groundwater management plan consistency would be less than significant.

Operation

As discussed in Impact HYD-2, above, the proposed project would be served by CCWD. The CCWD derives its water supply primarily from surface water from the Sacramento-San Joaquin Delta and occasionally from groundwater wells, with supply sourced from the San Joaquin Valley East Contra Costa Basin. The Basin is designated as medium priority by DWR. Thus, the basin is regulated under the Sustainable Groundwater Management Act, and the preparation and implementation of a GSP is required. However, according to the 2020 UWMP, CCWD does not currently utilize groundwater sources except during drought scenarios, during which the CCWD can source up to 4,000 acre-feet per year (approximately 3 percent of the CCWD's water supply in 2020) of groundwater from the ECCID. The 2020 UWMP further found that the CCWD will be able to meet countywide water demands for existing and future development through 2045 without the use of groundwater under regular conditions.[24] Any groundwater usage would be subject to compliance with the East Contra Costa County Subbasin GSP. As such, the proposed project would not cause a significant impact to a GSP.

Finally, as discussed under Impact HYD-2, the proposed project would incorporate a SWPPP and associated BMPs to mitigate impacts to surface water quality to less than significant levels during

[23] California State Water Resources Control Board (State Water Board). 2024. Basin Planning: Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin. Website: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html. Accessed December 2, 2024.

[24] Contra Costa Water District (CCWD). 2021. 2020 Urban Water Management Plan. June.

operations. Thus, the proposed project would not obstruct implementation of the 2020 UWMP or any other water quality plan.

Given the information above, the proposed project would not interfere substantially with surface water quality or groundwater supply. Therefore, impacts related to a water quality control plan or a sustainable groundwater management plan would be less than significant.

Community Benefit Variant

The impact analysis and level of significance of the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would consist of an additional component of the proposed project and as such, would be included into the project-specific SWPPP regulated under the NPDES General Permit. The project-specific SWPPP would identify the potential sources of point and non-point source pollutants associated with the construction of the Community Benefit Variant. Furthermore, the Community Benefit Variant involves the construction of a roundabout and the extension of bicycle facilities that would not involve the usage of any groundwater from the ECCID delivered by the CCWD. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to water quality control or sustainable groundwater management plan consistency.

Level of Significance

Less than significant impact.

Condition of Approval

COA HYD-1 Well Abandonment

The project applicant shall obtain necessary permits from the relevant regulatory agency prior to initiating well destruction activities. Well abandonment shall be completed in compliance with the California Water Code Section 13801 and the minimum standards outlined in the State Water Resources Control Board's Bulletin 74-81 and Bulletin 74-90. The project applicant shall submit the Final Abandonment Report, which shall include verification of materials used and plugging depth to Contra Costa County. A copy of the Final Abandonment Report and proof of acceptance by the County shall also be submitted to the City for confirmation prior to site development in accordance with the approved project plans.

Mitigation Measures

None required.

3.9.7 - Cumulative Impacts

The geographical scope of the cumulative impact analysis for Hydrology and Water Quality is the Walnut Creek Watershed, unless otherwise noted. All properties on the cumulative projects list in Table 3-1 are located within the City of Walnut Creek, within the Walnut Creek Watershed, where all respective surface water in the watershed eventually discharges into Suisun Bay.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a significant cumulative impact with respect to hydrology and water quality. This analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project would be cumulatively significant. Both conditions must apply for a project's cumulative effects to rise to the level of a significant impact. If both conditions apply, this analysis will then evaluate feasible cumulative mitigation that would reduce cumulative effects. If one or both conditions do not apply, cumulative impacts would be less than significant, and no cumulative mitigation is necessary. If there is no impact associated with respect to a particular CEQA threshold, the proposed project would have no incremental contribution to any cumulative impact and, therefore, discussion of cumulative impacts is not required.

Hydrology

Any cumulative projects located within incorporated and unincorporated Contra Costa County, including the proposed project, would be required to comply with the CCCWP. In addition, cumulative projects would also be required to demonstrate consistency with the City or County's General Plan and applicable codes, ordinances, and policies related to preventing pollutants from being conveyed off-site. The combination of these policies and required BMPs would prevent significant cumulative impacts to hydrology. Thus, there would be a less than significant cumulative impact related to hydrology. Additionally, the proposed project's contribution to the less than significant impacts would not be cumulatively considerable as discussed above.

Surface Water Quality

All cumulative projects, including the project, would involve short-term construction and long-term operational activities that would have the potential to degrade water quality in downstream water bodies, including Walnut Creek and Suisun Bay. All cumulative project construction would be required to obtain a Construction General Permit from the State Water Board, which would require preparation of a SWPPP that would control potential discharges of contaminants into Walnut Creek and Suisun Bay. Operations of these cumulative projects would be required to comply with the CCCWP, County Ordinance Code regarding stormwater, or the City of Walnut Creek's applicable codes, ordinances, and policies related to water quality. Development in the County would be required to implement similar measures in accordance with adopted regulations, while projects would be subject to the Construction General Permit if applicable. Development in the City of Walnut Creek would be required to implement similar measures in accordance with adopted regulations, while projects would be subject to the Construction General Permit if applicable. Thus, there would be a less than significant cumulative impact related to surface water quality. Additionally, the project's contribution to the less than significant cumulative impact would not be cumulatively considerable because as discussed under Impact HYD-2, the proposed project would incorporate a SWPPP and associated BMPs to mitigate impacts to surface water quality to less than significant levels during operations.

Groundwater Quality

The geographic context for consideration of cumulative impacts related to groundwater quality and management is the Ygnacio Valley Groundwater Basin. All cumulative projects, including the project, would involve short-term construction and long-term operational activities that would have the potential to impact groundwater quality and management. All cumulative project construction would be required to obtain a Construction General Permit from the State Water Board, which would mandate preparation of a SWPPP that would control pollutants that could seep into groundwater and would adhere to Bulletin 74-81 by the CDWR if any surrounding cumulative projects require the destruction of existing groundwater wells. Operations of cumulative projects in Contra Costa County would be required to comply with the CCCWP and the County Ordinance Code regarding groundwater. Operations of cumulative projects in Walnut Creek would be required to comply with the CCCWP and the City of Walnut Creek Ordinance Code regarding groundwater. Operations of cumulative projects in Pleasant Hill would be required to comply with the CCCWP and the City of Pleasant Hill Ordinance Code regarding groundwater. Thus, there would be a less than significant cumulative impact related to groundwater quality. Additionally, the project's contributions to the less than significant impacts would not be cumulatively considerable, in part, because the proposed project would adhere to the objectives and sustainability goals provided in the 2020 UWMP related to groundwater usage and coordination with partner agencies. Furthermore, the proposed project would incorporate BMPs in compliance with C.3 requirements and the County MRP's design standards for LID.

Groundwater Supply/Recharge

The geographic context for addressing cumulative impacts to groundwater supply and recharge is the CCWD service area. Cumulative projects could lead to an increased demand for water, which could lead to an increase in demand for groundwater production. While the CCWD does primarily obtain its water supply from surface water, it does acquire up to 4,000 acre-feet per year of groundwater from the ECCID during drought years. This groundwater supply would be required to be supplied in compliance with the East Contra Costa County Subbasin GSP. According to the 2020 UWMP, the Contra Costa County Water District is projected to have sufficient supplies to meet projected demands through 2045 without the use of groundwater in regular years. Accordingly, cumulative impacts would be less than significant.

Furthermore, the proposed project has the potential to reduce on-site groundwater recharge through the increase of impervious surfaces; however, approximately 8.6 acres of the project site would remain pervious, and proposed stormwater collection and treatment infrastructure, such as bioretention basins, would also permit groundwater recharge. Jurisdictional water features in adjacent areas would remain undisturbed, further allowing groundwater recharge to continue. Therefore, cumulative impacts related to groundwater recharge and supply would be less than significant, and the proposed project's incremental contribution would not be cumulatively considerable.

Erosion/Siltation, Flooding, Additional Sources of Polluted Runoff, or Impedance of Flood Flows

Cumulative projects could have a significant impact if they were to substantially alter the existing drainage pattern in a manner that would result in substantial erosion or siltation. Such drainage effects could occur from grading changes at individual project sites, exposure of soils for periods of time during stormwater discharge, or alterations to creek beds.

The nearest cumulative project is located approximately 0.1 mile from the project site, and would be required to comply with the regulations of the County's MRP. Additionally, any cumulative projects would be required to comply with construction-phase BMPs and requirements for erosion and sediment control plans. These BMPs may include scheduling and timing of grading (soil disturbing) activities, timely revegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include designated washout areas or facilities, control of trash and recycled materials, covering of materials stored on-site, and proper location and maintenance of temporary sanitary facilities. Because of the distance of the nearest cumulative project and with compliance with the County's MRP and BMPs, cumulative impacts would be less than significant.

Additionally, the proposed project's incremental contribution to the less than significant impacts would not be cumulatively considerable because the proposed project would be required to design and implement a SWPPP to ensure that erosion, siltation, and flooding are prevented or minimized during construction. The SWPPP would include both structural (physical devices or measures) and operational (timing of construction) BMPs that would prevent or reduce the discharge of pollutants directly or indirectly into waterbodies. Additionally, during operation, implementation of the stormwater control plan would prevent erosion and siltation caused by stormwater flows in accordance with the County's MRP. Therefore, construction and operation impacts related to alteration of drainage patterns resulting in erosion or siltation would be less than significant, and the proposed project would not have a cumulatively considerable contribution to less than significant impacts.

Impacts related to the impedance of flood flows would only occur during operation. As such, no cumulative construction impedance of flood flow impacts would occur. Cumulative projects could increase the amount of new impervious surfaces. However, all cumulative development would be required to adhere to existing regulations to address stormwater management in a manner that ensures that flooding would not increase, and flood flows would not be redirected to other areas not currently prone to flooding. All cumulative projects would be required to include stormwater management features, and, therefore, cumulative impacts would be less than significant.

Additionally, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impact. The proposed project's bioretention areas and stormwater treatment infrastructure would have sufficient capacity to accommodate the proposed project during storm events to ensure no net increase in off-site flow of stormwaters. Therefore, the

proposed project's incremental contribution to less than significant cumulative impacts related to surface water quality and sustainable groundwater management would not be cumulatively considerable.

Risk of Pollutant Release Due to Inundation

Implementation and operation of the proposed project (as well as the cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1) would require conformance with State and federal regulatory requirements related to hydrology and water quality, including applicable elements of the CWA, NPDES, Porter-Cologne Water Quality Control Act, FEMA floodplain standards, and RWQCB Basin Plan. These regulatory requirements constitute a regional basin-wide effort to implement hydrology and water quality protections. Accordingly, there is not a cumulative impact related to pollutant release due to inundation.

Moreover, the proposed project's contribution to this less than significant cumulative impact would not be cumulatively considerable. Flooding of the proposed bioretention areas could impact operations; however, since the residential project site is not located within a 100-year flood zone or other hazard area, the proposed project is not expected to result in the release of pollutants due to flood flows.

Finally, since the project's proposed stormwater treatment and detainment infrastructure, which would be divided into14 DMAs comprised of installed catch basins, internal storm drains, and low flow pumps that would funnel to a designated bioretention areas and a new storm water vault, impacts related to flood hazards and pollutants would be less than significant. Therefore, the proposed project's incremental contribution to less than significant cumulative impacts related to surface water quality and sustainable groundwater management would not be cumulatively considerable.

Water Quality Control or Sustainable Groundwater Management Plans Consistency

The RWQCB has established regulatory standards and objectives for water quality in San Francisco Bay in its Basin Plan. The cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 would be subject to compliance with the 2020 UWMP and the County's MRP. Because conformance with these requirements would be required for all cumulative projects, cumulative hydrology/water quality impacts would be less than significant.

Furthermore, as previously discussed, the CCWD does not utilize groundwater sources except under certain drought scenarios. However, the CCWD complies with regulations contained in the East Contra Costa County Subbasin GSP. In addition, the 2020 UWMP found that the CCWD is projected to meet countywide water demands for existing and future development through to 2045 without the use of groundwater under normal operational conditions.[25] Cumulative projects over 1 acre in size, including the proposed project, would also be required to incorporate a SWPPP and associated BMPs to reduce impacts to surface water quality to less than significant levels per the NPDES General Permit, and cumulative projects destroying any existing groundwater wells would adhere to Bulletin

[25] Contra Costa Water District. 2021. 2020 Urban Water Management Plan. June.

74-81 of the CDWR, which would require notifying the enforcing agency of any pollutants or contaminants within the groundwater wells and would require approval by the enforcing agency prior to destruction of groundwater wells. As such, cumulative projects would not obstruct implementation of the 2020 UWMP, any GSPs, or any other water quality plan.

Thus, the proposed project would not interfere substantially with surface water quality or groundwater supply. Therefore, the proposed project's incremental contribution to less than significant cumulative impacts related to surface water quality and sustainable groundwater management would not be cumulatively considerable.

Community Benefit Variant

The cumulative impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Implementation of the Community Benefit Variant would not result in additional or increased cumulative impacts to hydrology and water quality and impacts would be less than significant.

Level of Cumulative Significance

Less than significant impact.

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3.10 - Land Use and Planning

3.10.1 - Introduction

This section describes the existing land use and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based, in part, on review of the Walnut Creek General Plan 2025 (General Plan), Walnut Creek Municipal Code (Municipal Code) and Zoning Ordinance, and the Walnut Creek Residential and Residential Mixed-Use Design Review Standards, and in part on State housing laws including the Housing Accountability Act.

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to land use and planning.

- The Draft EIR should evaluate impacts related to zoning discrepancies in the Shadelands area and removal of local businesses.

3.10.2 - Environmental Setting

Land Use

Project Site

The project site is currently occupied by a business park comprised of 11 office buildings between 30,000–36,000 square feet in size (built between 1973–1986) and approximately 1,481 parking stalls in a paved surface parking lot with ancillary landscaping. The project site consists of three parcels with Assessor's Parcel Numbers (APNs) 143-040-079, 143-040-099, and 143-040-100 that are zoned as Planned Development (PD), intended to allow the diversification in the relationship of various land uses from conventional zoning standards without disproportionately interfering with modern building techniques or planning of residential or commercial purposes. According to the General Plan, the area in and around the project site is within the Shadelands Business Park Specific Plan (SP-2) and is designated as a Business Park (BP).

Surrounding Area

West

Adjacent to the west boundary of the project site is the Shadelands Post-Acute nursing home and the Shadelands Sports Mall, which contains various recreational and commercial uses. A daycare center, a church, and various commercial and office uses are located further west. Land to the west of the project site is designated as BP by the General Plan.

North

The project site is bounded by Mitchell Drive to the north. A preschool, Little Flowers Montessori, is located adjacent to the northeastern corner of the project site. Additionally, a veterinary medical center is located north of the eastern side of the project site, and the Springfield Montessori Preschool and the Contra Costa School of Performing Arts are located north of the western side of the project site. An unoccupied complex of buildings is located directly north of the project site at 2800 Mitchell Drive. Further north of the project site is the Ygnacio Valley High School and the

Shadelands Self Storage center. Land to the north of the project site is designated BP and Mixed-Use–Residential Emphasis (MU-R) by the General Plan.

East

The project site is adjacent to a multi-tenant office space and a commercial bank to the east. Further east of the project site is Oak Grove Road. A single-family residential neighborhood is located further east of Oak Grove Road. Land to the east of the project site is designated as BP, Multi-family Low (MFL), Single-family Medium (SFM), and General Retail (GR) by the General Plan.

South

The project site is bounded by Shadelands Drive to the south. Various medical offices and other office spaces are located south of the western portion of the project site, while the Sequoia Living Viamonte retirement community and the Orchards at Walnut Creek shopping center is located south of the eastern portion of the project site. Land uses south of the project site consist of commercial, office, and senior residential uses. Land to the south of the project site is designated as BP, Mixed-Use–Commercial Emphasis (MU-C), and Public/Semi-Public (PU) by the General Plan.

3.10.3 - Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to land use and planning are applicable to the proposed project.

State

California Government Code Section 65589.5 (The Housing Accountability Act)

The Housing Accountability Act (HAA) is a statute, among many housing laws in California, that aims to address the State's "housing supply and affordability crisis of historic proportions." The HAA, which has been in effect since 1982 and amended many times since then, limits a local government's ability to deny or reduce the density of housing development projects that comply with applicable objective zoning and development standards that are in effect at the time the project submits a preliminary application. In addition, the HAA also limits the bases upon which a local government may deny a housing development project that includes a certain percentage of affordable units and meets certain density requirements. This latter statutory provision, commonly referred to as the "Builder's Remedy," establishes a process that provides limited cases where a city or county can deny a housing project if the project contains a certain percentage of affordable housing and meets certain requirements set by statute.

Even if their development proposals are inconsistent with applicable general plan, zoning, or other program, policies, plan and ordinances, "Builder's Remedy" projects are not required to obtain a general plan amendment, rezoning, or other legislative approval as the statute, much like State Density Bonus Law (discussed further below), deems them consistent, compliant, and in conformity with those applicable standards (Government Code § 65589.5(f)(6)(D)). Cities and counties are required to make one or more specific statutory findings under Government Code Section 65589.5(d) by a preponderance of the evidence in order to deny a Builder's Remedy project, which

includes, among other things, a finding that the city or county had a substantially compliant housing element at the time of project filing and the project is inconsistent with general plan and zoning standards. Another finding would require the city or county to find that the housing development project would have a specific adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the project infeasible, or that the disapproval or conditions are required to comply with specific State or federal law. As revised by Assembly Bill 1893 (2024), an affordable housing project that would be eligible to invoke the Builder's Remedy includes housing development projects in which at least 13 percent of the total units are dedicated to lower income households (Government Code § 65589.5(h)(3)(C)(i)). The proposed project proposes to provide 13 percent of the total units as affordable to lower income households, satisfying this requirement.

The HAA provides for local governments to apply "objective, quantifiable, written development standards, conditions, and policies" to housing development projects and, as mentioned above, to make written findings before they can deny or lower the density of a project that is otherwise compliant with such standards. An "objective design standard" is "a design standard that involve[s] no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal of an application" (Government Code § 66300(a)(7); see also Government Code §§ 65589.5(f)(1), (f)(6), (f)(9)). Relatedly, California Senate Bill (SB) 330, Chapter 654, by Senator Nancy Skinner (D-Berkeley)—which established the Housing Crisis Act of 2019, further prohibits local governments in general from imposing or enforcing design standards established after January 1, 2020 that are not objective. On June 30, 2025, AB 130 was signed into law, which updated various statutes covered by SB 330 to remove sunset provisions and extend these statutory provisions indefinitely. Based on these statutory mandates, therefore, a city may not rely on standards and regulations that do not qualify as objective standards based on the definition above to deny a housing development that otherwise complies with other objective standards.

Projects proposed under the HAA and Builder's Remedy are not automatically exempt from the California Environmental Quality Act (CEQA). In fact, the HAA states that local governments are not relieved from their obligations to comply with CEQA (Government Code § 65589.5(e)). It should be noted that under CEQA, a conflict or inconsistency with an applicable plan is not by itself considered a significant environmental impact. Instead, the inconsistency must result in a significant physical impact for there to be a significant impact under CEQA.

State Density Bonus Law (Government Code Section 65915)

The State Density Bonus Law provides developers with a density bonus, waivers of development standards, incentives and concessions, and reduced parking requirements for constructing affordable or senior housing units within a development provided the developer meets certain requirements, as enumerated in Section 65915(b) of the Government Code:

65915(b) A city, county, or city and county shall grant a density bonus and incentives or concessions described in subdivision (d) when the applicant for the housing development seeks and agrees to construct at least any one of the following:

(1) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(2) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(3) A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code.

(4) Ten percent of the total dwelling units in a condominium project as defined in subdivision (f) of, or in a planned development as defined in subdivision (k) of, Section 1351 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

Under the Density Bonus Law, a local government shall not "apply any development standard that will have the effect of physically precluding the construction of a development" meeting the eligibility criteria under the Density Bonus Law, and an applicant may submit "a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development . . . at the densities or with the concessions or incentives permitted [by the Density Bonus Law]." (Government Code § 65915(e)(1)). In addition, an applicant may also request incentives or concessions consisting of a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards that will result in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted rental units, approval of mixed-use zoning, or other regulatory incentives or concessions proposed by the developer that result in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units (Government Code § 65915(d)(1)-(3)).

The Density Bonus Law requires a local agency to waive or reduce development standards or grant concessions or incentives unless (a) the waiver/reduction of development standards or concession/incentive would have a specific, adverse impact upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact (which is specifically defined by statute) without rendering the development unaffordable to low-income and moderate-income households, or (b) the waiver/reduction of development standards or the concession/incentive would be contrary to State or federal law. (Government Code, §§ 65915(d)(1), 655915(e)(1)). In 2024, AB 1893 revised the HAA to provide that the applicant for a housing development project that qualifies for a density bonus under the Density Bonus Law "shall receive two incentives or concessions in addition to those granted" under the Density Bonus Law. (Government Code, § 65589.5(f)(6)(C).)

With respect to parking requirements, the Density Bonus Law provide additional reductions in addition to the waivers and incentives/concessions a project may request and receive. Specifically, as relevant here:

65915(p)(1) Upon the request of the developer no city, county, or city and county shall require a vehicular ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b) that exceeds the following ratios:

(A) Zero to one bedrooms: one on-site parking space
(B) Two to three bedrooms: two on-site parking spaces

Regional

Plan Bay Area 2050

Plan Bay Area 2050, 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. Plan Bay Area functions as the sustainable communities' strategy mandated by SB 375. As a regional land use plan, Plan Bay Area aims to reduce per capita greenhouse gas (GHG) emissions through the promotion of more compact, mixed-use residential and commercial neighborhoods located near transit. Plan Bay Area is built on Priority Development Areas selected and approved by city and county governments with planning grants, technical assistance, and prioritization for regional and State transportation and affordable housing funds. Plan Bay Area is a limited and focused update that builds upon a growth pattern and strategies developed in the original Plan Bay Area (adopted by MTC in 2013) but with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last 4 years. The plan outlines strategies for growth and investment through the year 2050, including those related to the economy, environment, housing, and transportation, while simultaneously striving to meet and exceed federal and State requirements. The MTC and ABAG adopted Plan Bay Area 2050 in October 2021.[1]

Final Regional Housing Needs Allocation Plan: San Francisco Bay Area, 2023–2031

The Final Regional Housing Needs Allocation (RHNA) Plan for the current planning and housing element cycle, 2023–2031, published by ABAG, was adopted in December 2021 and outlines housing needs in the San Francisco Bay Area for the current planning and housing element cycle. It provides allocations for the number of housing units in each jurisdiction, separated into four affordability levels. The Final RHNA Plan establishes its baseline allocation of housing units using Plan Bay Area 2050 projections and outlines the final housing allocation distributions that local jurisdictions must incorporate into their respective general plans.

According to the Final RHNA Plan, Walnut Creek's final projected housing needs from 2023 to 2031 is 5,805 residential units, consisting of the following income distribution:

- 1,657 units within the very low income level (0–50 percent of area median income);

[1] Plan Bay Area 2050. 2021. Plan Bay Area 2050. Website: https://planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. Accessed October 16, 2024.

- 954 units within the low income level (51–80 percent of area median income);
- 890 units within the moderate income level (81–120 percent of area median income); and
- 2,304 units within the above moderate income level (more than 120 percent of area median income).[2]

Local

City of Walnut Creek General Plan

The General Plan contains the following chapters: Quality of Life, Natural Environment and Public Spaces, Built Environment, Transportation, Safety and Noise, Governance, and Implementation.

Within each element, the General Plan sets forth goals, policies, and implementation measures to guide future development and land use activities. Goals provide a description of general community values and set the direction for more specific policies and implementation programs related to public health, safety, or general welfare. Policies are based upon goals and provide a specific statement intended to guide the decision-making body. Implementation measures are specific actions, procedures, programs, or techniques that carry out policies. As explained above, pursuant to the HAA, General Plan standards that do not meet the definition of "objective standards" thereunder are not applicable to the proposed project, and reference to such standards herein is for informational purposes facilitating a comprehensive discussion only.

The following General Plan goals and policies are applicable to the proposed project:

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 distinctive characteristics of each neighborhood.

Policy 1.2 Protect and enhance neighborhood amenities and services including parks and shopping.

Policy 1.4 Require that development is compatible with surrounding uses.

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

Goal 13 Provide facilities and programs that meet the recreation needs of people of all ages, physical abilities, and economic means.

Chapter 4 Built Environment

Goal 1 **Strive to maintain the balance of housing, commerce, and open space in the community.**

[2] Association of Bay Area Governments (ABAG). 2021. Final Regional Housing Needs Allocation Plan: San Francisco Bay Area, 2023-2031. Website: https:// abag.ca.gov/sites/default/files/documents/2022-12/Final%20RHNA%20Methodology%20Report%202023-2031_update_11-22.pdf. Accessed October 16, 2024.

Goal 2 **Encourage housing development that helps to reduce the increase in traffic congestion.**

Goal 5 **Require that infill development is compatible with its surroundings.**

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

Policy 5.3 Require that all new parcels have permanent access to a public street.

Goal 8 **Allow development consistent with the density ranges of the General Plan 2025 land use map.**

Goal 13 **Maintain and enhance high quality building design and urban design.**

Goal 15 **Enhance connectivity and mobility throughout the City.**

Policy 15.1 Encourage new development that optimizes both interconnecting street layouts within a neighborhood or residential subdivision and street and walkway/bikeway connections to surrounding neighborhoods and nearby commercial areas.

Policy 15.2 Discourage the establishment of gated communities, while allowing for the security of resident parking together with required visitor access to visitor parking.

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

Chapter 5 Transportation

Policy 3.2 Make safety, circulation, and congestion-reduction improvements without excessive community disruption.

Goal 5 **Provide a safe and attractive environment for bicycle travel throughout the community.**

Policy 5.1 Promote bicycle use as an alternative way to get to work school, shopping, recreational facilities, and transit stops.

Policy 5.2 Provide facilities that encourage and support bicycle travel.

Goal 6 **Provide a safe and attractive walking environment accessible to all.**

Policy 6.3 When utility rights-of-way, drainage, or other corridors are established, obtain dedications of land or easements, where appropriate, for paths that would enhance the pedestrian system.

Policy 6.4 Facilitate use of public sidewalks and walkways throughout the City.

Policy 7.3 Link high-density residential developments, schools, employment centers, and shopping areas via transit.

Goal 9 **Promote a pedestrian friendly 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.

Policy 12.2 Promote a wide variety of public and private parking options.

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.

Shadelands Business Park Specific Plan (SP-2)

Specific Plans in the City of Walnut Creek guide development through standards and policies for certain geographic areas that remain consistent with the General Plan but supplant zoning designations. The SP-2 Shadelands Business Park Specific Plan Administrative, Professional, and Research District was adopted by the City Council on August 16, 1971. SP-2 has undergone two amendments since its implementation to improve access to the SP-2 area and to remove 2800 Mitchell Drive from the plan area. As noted above, the proposed project is submitted pursuant to Builder's Remedy and proposes to provide 13 percent of the total units as affordable to lower income households, which limits the City's ability to disapprove a qualifying affordable development based on inconsistencies with general plan and zoning standards unless specific findings are made. Consequently, the proposed project would be able to utilize this State law to be considered consistent with the SP-2 Shadelands Business Park Specific Plan. As a development proposal eligible for the Builder's Remedy, the City may only require the proposed project to comply with the objective, quantifiable, written development standards, conditions, and policies that would have applied to the proposed project had it been proposed on a site with a general plan designation and zoning classification that allow the density and unit type proposed by the applicant. (Government Code, § 65589.5(f)(6)).

Walnut Creek Municipal Code

The Municipal Code regulates land use and structures in order to implement the goals and policies presented in the General Plan. The Zoning Code provides regulations to promote the appropriate and organized use of, and maintain the value of land within the City in a manner that facilitates the provisions of community development and public services, to prevent significant environmental impacts, to promote health, safety, and welfare to the public, to enhance community infrastructure

and quality of life, and to provide social and economic advantages from the planned use of land resources, all in accordance with the City's General Plan.

The project site is located within the City's PD-1543 zoning designation, which is aligned with the BP zoning standards. The purpose of the BP zoning designation is to facilitate a vibrant and flexible administrative, medical, research, and office center within the Shadelands Business Park. The intent is to create, maintain, and support an environment for higher quality, progressive, innovative, and employment-generating businesses, including administrative, professional office, limited industry, medical, research, and similar uses. It is also the intent to provide a mixture of lot sizes to accommodate small businesses as well as larger campus-style uses and to provide amenities, personal service, and convenient restaurant uses for people who work in the business park.[3]

Given the project's proposed density and affordability percentage, Government Code Section 65589.5(f)(6)(A) provides for the project to comply with applicable standards that would have applied to the project had it been proposed on a site with a general plan designation and zoning classification that allow the density and unit type proposed by it, or applicable standards that would facilitate the project's density and unit type. Consequently, given the type, density, and affordability of development, the proposed project is not reviewed against the BP zoning standards but rather against the "best fit" zoning district, which is the M-2 Multiple-Family Zone district (Municipal Code § 10-2.2.303). References in this chapter to the Business Park General Plan standards is for informational purposes to facilitate a comprehensive discussion only.

The purpose of the Multiple Family Residential Districts, including (M-2) sub-classification, is to promote and encourage single and multiple family development at densities that are consistent with the General Plan land use designation and surrounding development. Table 3.10-1 identifies the development standards for land uses, structures, and site development for both the BP and the M-2 Zoning District.

Table 3.10-1: Business Park and Multiple Family (M-2) Zoning District Development Standards

Development Feature	BP Requirement	M-2 Requirement
Minimum Lot Area	100,000 square feet	8,000 square feet
Minimum Lot Width	200 feet	60 feet
Minimum Lot Frontage	200 feet	60 feet
Minimum Lot Depth	N/A	N/A
Maximum Height	40 feet	30 feet
Maximum Density (FAR)	0.5 FAR	1 dwelling unit per 2,000 square feet net lot area
Minimum Side Setback	25 feet	See Note 1

[3] City of Walnut Creek Municipal Code. 2025. Article 12. Business Park District (B-P). Website: https://www.codepublishing.com/CA/WalnutCreek/html/WalnutCreek10/WalnutCreek1002B-12.html. Accessed August 5, 2025.

Development Feature	BP Requirement	M-2 Requirement
Minimum Front Setback	25 feet	15 feet
Minimum Rear Setback	20 feet	See Note 2
Parking	1 per 250 square feet of rentable floor area	1.25 per studio unit; 1.5 per 1 bedroom unit; 2 per 2 bedroom unit; 2.25 per 2+ bedroom units. Every dwelling unit shall have 1 covered space.

Notes:
FAR = floor area ratio
1. The minimum interior side yards for single-story buildings in the M-2 district shall be 5 feet on each side. Every building over one story shall provide a setback, for the second story, of 5 feet, plus 3 inches of additional setback for each foot that such building exceeds 10 feet in height.
2. The minimum depth of the rear yard for buildings in the M-2 district shall be 6 inches per foot of building height, but not less than 10 feet.

Source: City of Walnut Creek Municipal Code. 2025. Article 3. Multiple Family Residential District (M).

City of Walnut Creek Design Review Standards and Guidelines

The City of Walnut Creek Residential and Residential Mixed-Use Design Review Standards and Guidelines (DRSGs) were adopted by the City on June 4, 2024, with minor amendments being made on September 17, 2024. The DRSGs are intended to meet the objectivity requirements under the HAA and relevant State laws, and to provide design professionals, property owners, residents, City staff, and decision-makers with a clear and common understanding of the City's expectations for the planning, design, and review of development proposals in Walnut Creek. These DRSGs establish, among other things, objective design criteria for how site, building, landscaping, lighting, and other elements will be reviewed for residential and residential mixed-use projects. Objective design standards established as DRSGs serve to supplement the development standards in the City's Zoning Ordinance. Project compliance with the DRSGs is subject to review by the City staff prior to approval of any building permits.

3.10.4 - Methodology

Analysis in this section focuses on whether project implementation would physically divide an established community and whether the proposed project would conflict with land use plans, policies, or regulations adopted to avoid or mitigate an environmental effect. Conflicts and inconsistencies with a policy, in and of themselves, do not constitute significant environmental impacts, unless such conflicts or inconsistencies result in direct physical environmental impacts. Physical project impacts are discussed throughout Chapter 3, Environmental Impact Analysis, of this Draft EIR. The potential for land use impacts was assessed through review of applicable land use policy documents and in light of the HAA, Density Bonus Law, and related State housing laws discussed above.

3.10.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to land use and planning resulting from the implementation of the

proposed project would be considered significant. Pursuant to Appendix G, land use impacts would be significant if the proposed project would:

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.

3.10.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Divide an Established Community

Impact LAND-1: The proposed project would not physically divide an established community.

Construction

As previously mentioned, the proposed project would construct off-site improvements along Mitchell Drive and Shadelands Drive, including new sidewalks, signage, streetlighting, and striping and the underground installation of utilities to connect the project site to existing infrastructure. In addition, construction activities would require haul trucks and other construction-related vehicles to transport construction materials to and from the project site. The proposed project would be required to obtain an encroachment permit under Municipal Code Chapter 7-1, Encroachments, prior to construction of proposed off-site improvements in the public right-of-way. The construction of proposed off-site improvements would not be expected to necessitate any closures of public roads. Furthermore, if any street closures were to be required by construction, proposed road closures would be reviewed by the Traffic Operations Engineer, who would provide temporary alternate detours or routes to ensure individuals would have adequate access to their residences. As such, construction of the proposed project would not significantly hinder pedestrian and vehicular traffic in the project area and would not block or interfere with adjacent public roadways. Therefore, the proposed project would not physically divide an established community during construction and impacts would be less than significant.

Operation

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 established community and an outlying area.

The proposed project would construct 422 residential units in approximately 82 buildings on a single cohesive project site. The proposed project would not develop any linear features that could impact local mobility. Furthermore, the project site does not serve as a corridor connecting adjacent communities. As such, the proposed project would not impair access to any established community, impede travel, or otherwise constitute division of an established community, and impacts related to physically dividing an established community would be less than significant during operation.

Community Benefit Variant

The impact analysis and level of significance of the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and would be subject to Municipal Code Chapter 7-1 through applying for an encroachment permit. The encroachment permit would be reviewed by the Public Services Director to ensure the encroachment does not generate any threats to public health and safety and the Traffic Operations Engineer would establish alternative detour routes if street closures are required during construction. Furthermore, the proposed roundabout would be designed in accordance with design standards established in Guide For Roundabouts, NCHRP Report 1043 to ensure adequate and efficient access along Shadelands Drive and to the project site is maintained. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts on physically dividing an established community.

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 a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Impact Analysis

Development of the proposed project would result in a significant impact if it were to conflict with applicable land use plans and policies of the General Plan, Municipal Code, Zoning Ordinance, or DRSGs adopted to avoid or mitigate environmental impact. A policy inconsistency is considered a significant adverse impact only if the inconsistency would result in a significant adverse physical impact based on the established significance criterion. Consistency of the proposed project with applicable land use plans and policies is evaluated below.

As established under Section 2.2, Project Characteristics, the application of the proposed project has been submitted and processed in accordance with the HAA (including the Builder's Remedy) and State Density Bonus Law. As detailed in the Regulatory Framework above, the HAA limits the City's ability to deny or reduce the density of housing development projects that comply with the applicable objective zoning and development standards that are in effect at the time a development submits a preliminary application. In addition, the Builder's Remedy provision of the HAA prohibits the denial of affordable housing projects on the basis of inconsistency with the Zoning Ordinance or General Plan land use designation unless the City makes specific written findings prescribed by statute. As set forth above, the proposed project meets the HAA's affordability requirements for Builder's Remedy projects, and is being considered to be consistent with the project site's BP General Plan land use designation and applicable PD-1543 zoning standards by operation of law. The PD-1543 zoning district does not have unique zoning standards and instead refers to the City's BP zoning designation development standards. While the proposed project is considered compliant with zoning designation PD-1543, the related BP zoning standards do not provide residential development standards. Thus, the proposed project would be, as provided for under the HAA, constructed in

general compliance with development standards from the "best fit" residential zoning designation, identified as M-2 Multiple Family Residential, as well as applicable BP development standards.

The application for the proposed project also includes a request for several waivers of M-2 development standards, and waivers of BP development standards, under the Density Bonus Law, as well as Municipal Code Section 10-2.3.10, Density Bonus Ordinance. The proposed project would additionally comply with Municipal Code Section 10-2.3.904, Inclusionary Housing Ordinance, which requires that new for-sale developments include 7 percent of the dwelling units as low-income dwelling units. The proposed project would meet this requirement by designating 13 percent of the total 422 proposed units for low-income housing, exceeding the City's inclusionary requirement. These requested waivers are listed in Table 3.10-2.

Table 3.10-2: Proposed Density Bonus Waiver Requests

Objective Design Standard	Waiver Request
Business Park Zoning Waiver Requests	
Front Setback (25 feet requirement Mitchell Drive and Shadelands Drive)	The Contra Costa County Fire Protection District (CCCFPD) requires a 30-foot maximum separation from the public or internal roadways to the proposed residential buildings. The proposed project would be unable to accommodate the proposed number of residential units while satisfying both the BP front setback zoning standard and the CCCFPD standard for building proximity to roadways. As such, the proposed project requests a waiver to allow for 10-foot minimum front yard setbacks.
Side Setback (20 feet requirement)	Absent this waiver, this setback dimension would result in the reduction of the number of units that can be proposed on the site. The proposed project would implement a minimum standard of 10-foot side setbacks.
Density (0.5 FAR)	The limitation of floor area ratio (FAR) to 0.5 would result in a reduction of the number of units proposed. The proposed project would be developed at an FAR of approximately 0.87.
M-2 Multiple Family Residential Zoning Waiver Requests	
Maximum Height (30 feet)	It is infeasible to develop a livable 3-story townhouse that is less than 30-feet in height due to floor plate heights and roof design limitations. Absent this waiver, the proposed project would need to construct 2-story townhouses in order to maintain the proposed square footage for each unit plan, which would take up more lot area and therefore reduce the number of townhouses in the proposed project. Instead, the proposed project would construct to a maximum building height standard of 40 feet.
Front Setback (15 feet Mitchell Drive and Shadelands Drive)	The CCCFPD requires a 30-foot maximum separation from the public or internal roadways to the proposed residential buildings. The proposed project would be unable to accommodate the proposed number of residential units while satisfying both the M-2 front setback zoning standard and the CCCFPD standard for building proximity to roadways. The proposed project would be developed with a minimum 10-foot front setback standard.
Storage (200 cubic feet of private storage space for each residential unit)	Application of this requirement would increase the footprint of each residential unit and building, which would result in a loss of proposed units

Objective Design Standard	Waiver Request
	within the project site. The proposed project would not provide any dedicated storage space for each residential unit.
Residential and Residential Mixed-Use Design Review Standards and Guidelines	
Site Planning Section II.A.AD1: Landscape Design, Required Stormwater Facilities	Absent this waiver, the proposed project could not have functional stormwater treatment facilities, which would preclude any residential development on the project site. The proposed project would construct stormwater bioretention areas in common open space.
Architecture Section I.AD2	While the front and rear elevations of the townhouse units have changes in plane at least every 50 feet, those changes in plane are only 6 to 12 inches deep. Application of the 18-inch minor massing break standard would cause an expansion to the depths of each townhome unit and thus an increase in the townhouse building envelopes. An additional 6-inch increase to the depth of each building would apply throughout the site. Absent this waiver, the increase in building depth would result in a reduction of the number of townhome buildings that could be accommodated.
Source: Signature Development Group, Inc. 2023. Exhibit B Waivers Zoning Standard. December. Signature Development Group, Inc. 2023. Exhibit C Deviations and Waivers from Objective Design Standards. December.	

Construction

Impacts related to consistency with applicable land use plans and policies are limited to operational impacts. No respective construction impacts would occur, as all construction activities would be conducted between the hours of 7:00 a.m. and 6:00 p.m. on weekdays in accordance with Section 4-6.203(f) of the Municipal Code. The proposed project may include limited instances of nighttime, early morning, or weekend construction, such as certain utility work that requires street closure, but these instances would be limited and further mandated by Chapter 7-1 of the Municipal Code as discussed above.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and would be constructed in accordance with Section 4-6.203(f) and Chapter 7-1 of the Municipal Code. Therefore, construction of the Community Benefit Variant would not result in additional or increased impacts related to a conflict with land use plan, policy, or regulation adopted for the purpose of avoiding or mitigation an environmental effect.

Operation

General Plan Consistency

The project site is designated in the General Plan as Business Park. The Business Park designation is limited to a building intensity up to 0.5 floor area ratio (FAR). Land uses allowed within this designation include employment-based businesses including administrative, professional office, and research uses. Additionally, the project site is also located in the SP-2 Shadelands Business Park that extends north to south from the Contra Costa Canal to Ygnacio Valley Road. Given the proposed project is eligible for and being processed under the Builder's Remedy, the HAA deems the proposed

project consistent with the General Plan land use designation and would only require the proposed project to comply with objective standards. To provide additional information and facilitate a comprehensive discussion, the analysis below includes references to the Business Park General Plan standards.

Table 3.10-3 summarizes the proposed project's consistency with the relevant policies of the General Plan adopted for various land use planning reasons, including the purpose of avoiding or mitigating an environmental impact. The proposed project would be consistent with all of the policies evaluated in the table.

Table 3.10-3: General Plan Consistency Analysis

Element	Goal/Objective/Policy		Consistency Determination
	No.	Description	
Chapter 2 Quality of Life	**Goal 1**	Protect and enhance the quality of life in the City's residential neighborhoods.	**Consistent.** The proposed project would feature 422 multi-family residential units, as well as a central common open space area, a rain garden common area, a dog park, and various paseo walking areas. These features would enhance local residential quality of life through increased residential facilities. Furthermore, as analyzed in Section 3.13, Public Services, and Section 3.14, Recreation, the proposed project would not significantly affect existing public service and recreational facilities.
	Policy 1.1	Protect and enhance the distinctive characteristics of each neighborhood.	**Consistent.** The proposed project would develop 422 3-story multi-family dwelling units in townhome-style condominium configuration. The proposed project would be constructed in accordance with the applicable City Design Standards and would not disrupt the distinctive characteristics of an existing neighborhood.
	Policy 1.2	Protect and enhance neighborhood amenities and services including parks and shopping.	**Consistent**. The proposed project would feature a central common open space area, a rain garden common area, a dog park, and various paseo walking areas. Additionally, the proposed project would not disrupt already established neighborhood amenities and services such as parks and shopping.
	Policy 1.4	Require that development is compatible with surrounding uses.	**Consistent.** Surrounding land uses include Business Park, Mixed-Use–Residential, Multi-family, Single-family, General Retail, Mixed-Use–Commercial,

Element	Goal/Objective/Policy		Consistency Determination
	No.	Description	
			and Public/Semi-Public. The proposed project would introduce similar multi-family residential uses to the project area. In addition, the application for the proposed project is being processed under the HAA and Builder's Remedy provisions. As stated above, the proposed project is therefore considered consistent with the General Plan land use designation and zoning by operation of law. As such, the proposed project would be compatible with surrounding uses.
	Policy 1.5	Support neighborhood efforts that strengthen identity and protect or enhance neighborhood character.	**Consistent.** The proposed project would develop 422 multi-family dwelling units in general compliance with the City's M-2 zoning standards. Additionally, the proposed project would feature a central common open space area, a rain garden common area, a dog park, and various paseo walking areas, which would enhance local neighborhood features and characteristics.
	Goal 13	Provide facilities and programs that meet the recreation needs of people of all ages, physical abilities, and economic means.	**Consistent**. The proposed project would include a central common open space area, a rain garden common area, a dog park, and various paseo walking areas.
Chapter 4 Built Environment	**Goal 1**	Strive to maintain the balance of housing, commerce, and open space in the community.	**Consistent.** The proposed project would feature both residential and open space uses, including the development of 422 multi-family dwelling units, as well as a central common open space area, a rain garden common area, a dog park, and various paseo walking areas.
	Goal 2	Encourage housing development that helps to reduce the increase in traffic congestion.	**Consistent.** As detailed in Section 3.15, Transportation and Traffic, there are four public transit bus stops in the vicinity of the project site, as well as direct transit links from the project site to the Pleasant Hill Bay Area Rapid Transit (BART) station. In addition, as discussed in Section 3.15, Transportation and Traffic, the proposed project would not significantly affect traffic congestion and would construct new pedestrian and bicycle facilities. Moreover, existing pedestrian and bicycle facilities on Oak Grove Road and the Contra Costa Canal Trail would further

Element	Goal/Objective/Policy		Consistency Determination
	No.	Description	
			assist in reducing traffic resultant from the proposed project.
	Goal 5	Require that infill development is compatible with its surroundings.	**Consistent.** Surrounding land uses include Business Park, Mixed-Use–Residential, Multi-family, Single-family, General Retail, Mixed-Use–Commercial, and Public/Semi-Public. The proposed project would introduce similar multi-family residential uses to the project area. As such, the proposed project would be compatible with surrounding uses.
	Policy 5.1	Require infill development to be compatible with adjacent and nearby uses.	**Consistent.** Surrounding land uses include Business Park, Mixed-Use–Residential, Multi-family, Single-family, General Retail, Mixed-Use–Commercial, and Public/Semi-Public. The proposed project would introduce similar multi-family residential uses to the project area. As such, the proposed project would be compatible with surrounding uses.
	Policy 5.3	Require that all new parcels have permanent access to a public street.	**Consistent.** Primary vehicular access to the proposed project would be provided via internal roadways connecting all proposed residential units. The internal roadway would be connected to two points of access from Mitchell Drive in the north and two points of access from Shadelands Drive in the south.
	Goal 8	Allow development consistent with the density ranges of the General Plan 2025 land use map.	**Consistent.** The project site is designated in the General Plan as Business Park, which provides a maximum floor area ratio (FAR) of up to 0.5. The proposed project would construct approximately 839,654 square feet of residential buildings, resulting in an FAR of approximately 0.87. However, the application for the proposed project is being processed under the HAA, including the Builder's Remedy and State Density Bonus Law. As detailed above, the proposed project is deemed consistent, compliant, and in conformity with the General Plan land use designation and zoning by operation of law, and in the alternative the project application seeks waivers from any BP

Element	Goal/Objective/Policy		Consistency Determination
	No.	Description	
			standards. As such, density would be considered consistent with the General Plan 2025 land use map.
	Goal 13	Maintain and enhance high quality building design and urban design.	**Consistent.** The proposed project consists of 3-story townhouses ranging from approximately 38 feet to 39 feet 7 inches in height. The proposed buildings would have a modern aesthetic and would primarily be constructed with stucco, fiber cement, and metal and stone veneer accents. All styles and color schemes would be varied throughout the project site and would be constructed in general compliance with applicable BP and M-2 zoning standards. Furthermore, the proposed project would be subject to design review by the City of Walnut Creek.
	Goal 15	Enhance connectivity and mobility throughout the City.	**Consistent.** As detailed in Section 3.15, Transportation and Traffic, the proposed project would be located adjacent to and/or near multiple pedestrian, bicycle, and public transit facilities. In addition, the proposed project would not significantly affect traffic congestion and would also construct new pedestrian and bicycle facilities.
	Policy 15.1	Encourage new development that optimizes both interconnecting street layouts within a neighborhood or residential subdivision and street and walkway/bikeway connections to surrounding neighborhoods and nearby commercial areas.	**Consistent.** As discussed in Section 3.15, Transportation and Traffic, the proposed project would construct new pedestrian and bicycle facilities. These facilities would improve local connections to surrounding neighborhoods and commercial areas. In addition, the proposed project would construct internal roadways providing access to all proposed residential units and accessory features with connections from Shadelands and Mitchell Drive.
	Policy 15.2	Discourage the establishment of gated communities, while allowing for the security of resident parking together with required visitor access to visitor parking.	**Consistent.** The proposed project would not develop a gated community and would provide sufficient visitor and residential parking on proposed internal streets.
Chapter 5 Transportation	**Policy 3.2**	Make safety, circulation, and congestion-reduction	**Consistent.** Primary vehicular access to the proposed project would be provided

Element	Goal/Objective/Policy		Consistency Determination
	No.	Description	
		improvements without excessive community disruption.	via internal roadways connecting all proposed residential units. The internal roadway would be connected to two points of access from Mitchell Drive in the north and two points of access from Shadelands Drive in the south. The proposed internal roadways would comply with Contra Costa County Fire Protection District (CCCFPD) requirements and Municipal Code regulations regarding emergency vehicle access. As discussed in Section 3.15, Transportation and Traffic, the proposed project would not create significant roadway safety hazards or traffic congestion compared to existing conditions.
	Goal 5	Provide a safe and attractive environment for bicycle travel throughout the community.	**Consistent.** The proposed project would develop 422 long-term bicycle parking spaces inside the proposed parking garages and 30 short-term bicycle parking spaces on-site. In addition, the proposed project would construct Class II bicycle lanes along its frontage on Mitchell Drive, connecting to bicycle lanes on Oak Grove Road, thus improving local bicycle facilities.
	Policy 5.1	Promote bicycle use as an alternative way to get to work school, shopping, recreational facilities, and transit stops.	**Consistent.** The proposed project would develop 422 long-term bicycle parking spaces inside the proposed parking garages and 30 short-term bicycle parking spaces on-site. In addition, the proposed project would construct Class II bicycle lanes along its frontage on Mitchell Drive, connecting to bicycle lanes on Oak Grove Road, thus promoting local bicycle facilities.
	Policy 5.2	Provide facilities that encourage and support bicycle travel.	**Consistent.** The proposed project would develop 422 long-term bicycle parking spaces inside the proposed parking garages and 30 short-term bicycle parking spaces on-site. In addition, the proposed project would construct Class II bicycle lanes along its frontage on Mitchell Drive, connecting to bicycle lanes on Oak Grove Road, thus encouraging and supporting bicycle travel.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Description	
	Goal 6	Provide a safe and attractive walking environment accessible to all.	**Consistent.** A network of internal pedestrian walkways would be developed as part of the proposed project, providing access to all proposed features. In addition, as detailed in Section 3.15, Transportation and Traffic, the proposed project would construct off-site sidewalk and crosswalk improvements in addition to existing sidewalks and crosswalks, thus improving the walking environment in the project area.
	Policy 6.3	When utility rights-of-way, drainage, or other corridors are established, obtain dedications of land or easements, where appropriate, for paths that would enhance the pedestrian system.	**Consistent.** The proposed project would comply with all applicable Municipal Code regulations relating to the construction of pedestrian facilities and the installation of utility lines.
	Policy 6.4	Facilitate use of public sidewalks and walkways throughout the City.	**Consistent.** A network of internal pedestrian walkways would be developed as part of the proposed project, providing access to all proposed features. In addition, as detailed in Section 3.15, Transportation and Traffic, the proposed project would construct off-site sidewalk and crosswalk improvements in addition to existing sidewalks and crosswalks.
	Policy 7.3	Link high-density residential developments, schools, employment centers, and shopping areas via transit.	**Consistent.** As detailed in Section 3.15, Transportation and Traffic, the proposed project would be located near four public transit bus stops. These bus stops are connected to the City's public transit networks, and have direct connections to the Pleasant Hill BART station, which provides regional transit connectivity.
	Goal 12	Provide convenient and adequate parking.	**Consistent.** A total of approximately 955 parking spaces would be provided as part of the proposed project, with about 844 of these spaces located in private garages and approximately 111 of these spaces located on proposed internal roadways.
	Policy 12.1	Balance the need for convenient parking access with potential negative impacts on traffic and pedestrian flow.	**Consistent.** A total of approximately 955 parking spaces would be provided as part of the proposed project, with about 844 of these spaces located in private garages and approximately 111 of these spaces

Element	Goal/Objective/Policy		Consistency Determination
	No.	Description	
			located on proposed internal roadways. As discussed in Section 3.15, Transportation and Traffic, the proposed project would not create significant negative impacts regarding traffic congestion or pedestrian facilities.
	Policy 12.2	Promote a wide variety of public and private parking options.	**Consistent.** A total of approximately 955 parking spaces would be provided as part of the proposed project, with about 844 of these spaces located in private garages and approximately 111 of these spaces located on proposed internal roadways, accessible to both visitors and residents.
Chapter 6 Safety and Noise	**Goal 8**	Provide compatible noise environments for new development, redevelopment, and condominium conversions.	**Consistent.** As discussed in Section 3.11, Noise, the proposed project would be consistent with all applicable local regulations and would result in less than significant impacts regarding noise.
	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.** As discussed in Section 3.11, Noise, the proposed project would be consistent with all applicable local regulations and would result in less than significant impacts regarding noise.
	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.** As discussed in Section 3.11, Noise, the proposed project would be consistent with all applicable local regulations and would result in less than significant impacts regarding noise, including noise from sources listed under General Plan Policy 8.2.
Source: City of Walnut Creek. 2025. General Plan 2025. July 15.			

City of Walnut Creek Municipal Code and Zoning Ordinance Consistency

According to the City of Walnut Creek Zoning Map, the project site is zoned PD No. 1543. PD zoning districts are intended to allow diversification for the development of various buildings, land uses, structures, and open spaces through relief from the rigid standards of conventional zoning (Municipal Code § 10-2.2.1701). PDs generally establish zoning use and development capacity regulations separate from that of the City's Zoning Ordinance and Municipal Code but may also refer to development standards taken from the Zoning Ordinance to apply them to developments therein. The PD No. 1543 zoning district utilizes the BP zoning designation development standards and allowable land uses.

The BP zoning and BP General Plan land use designation do not permit residential development as those standards are drafted. As discussed above, however, the project is proposed and being processed under the HAA and the Builder's Remedy. Under these statutory provisions, similar to the application of the Density Bonus Law on applicable development standards for a project, the proposed project would be deemed consistent with applicable Zoning Ordinance and General Plan land use designations in effect at the time of preliminary application submittal based on the project's affordability and eligibility for Builder's Remedy.

As identified in Table 3.10-1, the BP Zoning District requires a 100,000-square-foot minimum lot area with maximum density of 0.5 FAR, 200-foot lot width, 200-foot lot frontage, 40-foot maximum height, 25-foot maximum front and side setback, and 20-foot rear setback. As discussed above and provided for under the HAA, proposed project would use the standards of the M-2 Zoning District, which is considered the "best fit" set of zoning standards for the proposed project. M-2 zoning standards include: an 8,000-square-foot minimum lot area, density of 1 unit per 2,000-square-foot net lot area, 60-foot minimum lot width, 30-foot maximum height, 15-foot maximum front setback, 10-foot maximum corner side setback, 20-foot maximum setback between buildings, and 15-foot rear setback and a minimum of 200 cubic feet per unit of private storage space. The proposed project would meet the minimum requirements for lot area, lot width, lot frontage, and height for the BP Zoning District and would meet the minimum requirement for lot area for the M-2 Zoning District. As described in Table 3.10-3 above, the proposed project would not meet the front setback, side setback, and FAR standards in the BP Zoning District or the front setback, setback between buildings, maximum height, and the private storage space standards for the M-2 Zoning District. Specifically, the proposed project would include a minimum of 10-foot front and side setbacks, 12-foot interior side setback between buildings, building heights between 38 feet to 39 feet 6 inches, and an FAR of 0.87, as detailed in Table 3.10-2. The proposed project, including reduced setbacks, has been reviewed by CCCFPD as part of the City's project review process and no issues were raised or required mitigation at this time.

Because the proposed project would include 13 percent of the dwelling units deed-restricted to lower income households, pursuant to the Density Bonus Law, the proposed project qualifies for one incentive or concession and unlimited waivers or reduction of development standards that would physically preclude the construction of the proposed project. (Government Code § 65915(d)(e)). Under the HAA, a Builder's Remedy project also receives two incentives or concessions in addition to those granted under the Density Bonus Law. (Government Code § 65589.5(f)(6)(C)(i)). As a result, the project is entitled to a total of three incentives or concessions.

As detailed in Table 3.10-2, the proposed project requests to waive development standards from BP and M-2 zoning districts that would prevent the proposed project from accommodating the number of units proposed by the applicant. Through implementation of development standard waivers through the Density Bonus Law and based on the HAA, the proposed project would not conflict with the City's Municipal Code or Zoning Ordinance.

In addition, as detailed in Section 3.3, Biological Resources, the proposed project would comply with the City's Tree Preservation Ordinance (Chapter 3-8 of the Municipal Code). The City's Tree Preservation Ordinance identifies certain native species to the Walnut Creek area, based on size,

vigor, longevity, and response to adapt to a new environment, as "highly protected" and to be preserved on the project site. The Arborist Report prepared for the proposed project identified four highly protected trees (one on-site and three off-site), which would be protected during construction of the proposed project through the implementation of Tree Protection Zones (TPZs) using fencing at the dripline of each tree's canopy. Furthermore, the City's Tree Preservation Ordinance states that all trees with a perennial stem greater than 9 inches in diameter are considered protected and require a permit for removal, and all removed protected trees must be replaced by an equal number or greater number of trees at a similar value or pay an in lieu fee. The proposed project would comply with this by removing 461 trees and planting 510 new trees of similar value. As such, the proposed project would not conflict with the City's Tree Preservation Ordinance.

Design Review Standards and Guidelines Consistency

In addition to the General Plan, Municipal Code and Zoning Ordinance, the proposed project is reviewed for consistency with objective design standards outlined by the DRSGs. To summarize DRSGs relevant to multi-family development projects, the City utilizes an Objective Design Standards Checklist. The proposed project's consistency with the DRSGs is analyzed through the Objective Design Standards Checklist in Table 3.10-4. The consistency of the proposed project with the DRSGs would be further reviewed by the City prior to approval of the proposed project. Design guidelines within the DRSGs that are not objective design standards are considered to be recommended guidelines only and to allow an applicant, architects, and the City to suggest design features that further the intent of the DRSGs. As such, while those guidelines are not governing standards, they are included in this analysis to facilitate a comprehensive discussion.

Table 3.10-4: Residential Design Review Standards and Guidelines Consistency Analysis

Design Review Topic	Objective Design Standard		Consistency Determination
	No.	Description	
Site Relationships	II.C.2	Proposed cut and fill slopes shall be rounded off both horizontally and vertically.	**Consistent.** Grading of the proposed project would round off cut and fill slopes both horizontally and vertically.
	II.C.5	Wood retaining walls shall not exceed 2 feet in height.	**Not applicable.** The proposed project would not construct wooden retaining walls.
	II.C.6	Wood retaining walls shall be set back from the property line, at a minimum, the distance of their height.	**Not applicable.** The proposed project would not construct wooden retaining walls near the property line.
	II.E.6	Where pedestrian circulation crosses vehicular routes, a change in grade materials, textures or colors shall be provided to emphasize the conflict point and improve its visibility and safety.	**Consistent.** The proposed project would comply with all applicable federal, State, and local regulations regarding pedestrian crossing safety. See Section 3.15, Transportation and Traffic, for more information.

Design Review Topic	Objective Design Standard		Consistency Determination
	No.	Description	
	II.E.AD1 Bike Parking	Except in the case of individual locking bicycle lockers and attended bicycle parking, all bicycle parking spaces shall provide a means of securing the bicycle frame and at least one wheel to a securely anchored rack.	**Consistent.** The proposed project would install 30 short-term bicycle parking spaces with adequate means to secure bicycles. The proposed project would also provide 422 long-term bicycle parking spaces within private locked garages.
	II.E.AD2 Bike Parking	Where bicycle parking is not visible from the street, directional signage shall be included at the main building entrance.	**Not applicable.** The proposed project would provide short-term parking spaces in locations adjacent to proposed internal roadways and bicycle and pedestrian paths.
	II.E.AD1 Vehicular Parking	Controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum of 18 feet from the back of sidewalk, in order to accommodate one vehicle entering the facility.	**Not applicable.** The proposed project would construct a private garage for each of the 422 proposed residential townhomes. These would be located in designated alleys away from any proposed sidewalks or pedestrian walkways. The site would not be gated.
	II.E.AD2 Vehicular Parking	Except for garage entrances, structured parking shall not be visible from the street, or any adjacent public park, publicly accessible outdoor space or designated open space area. The public-facing elevations of parking structures shall be lined with residential uses on all levels (commercial may be used on the ground floor when allowed by zoning).	**Not applicable.** The proposed project would not construct any parking structures.
	II.E.AD3 Vehicular Parking	Structured parking shall be designed such that interior lighting shall be fully shielded and automobile headlamps shall not be visible from adjacent buildings, parcels, streets, public parks, publicly accessible outdoor space or designated open space area.	**Not applicable.** The proposed project would not construct any parking structures.
	II.E.AD4 Vehicular Parking	A portion of the required number of parking spaces shall be made available for use by guests, as follows: • 0.10 spaces per dwelling unit for affordable projects (defined as projects reserving at least 50 percent or more of the units for	**Consistent.** The proposed project would not include security gates or access limitation devices. The proposed project would accommodate 0.26 spaces per dwelling unit.

Design Review Topic	Objective Design Standard		Consistency Determination
	No.	Description	
		income-restricted households as defined under California Law). • 0.15 spaces per dwelling unit for all other projects. These guest parking spaces shall be located outside of any security gates or other access limitation devices unless provisions are made to allow a resident to remotely communicate with and provide access to other visiting guest (such as through an intercom and remote control gate, or other similar devices).	
	II.E.AD5 Vehicular Parking	In the Core Area, no surface parking shall be located between the main building and any street.	**Not applicable.** The project site is not located in the City's Core Area.
	II.E.AD1 Private Outdoor Space	For the purpose of this standard, private outdoor space is defined as outdoor space that is usable and accessible only to building residents and their visitors, but not to the general public. A minimum amount of private outdoor space shall be provided for residential projects. 150 square feet of open space per unit is required for affordable projects (projects reserving at least 50 percent or more of the units for income-restricted households, as defined under California Law), and 200 square feet of open space per unit for other projects outside of the Core Area, Private outdoor space may be provided as a combination of "personal" and "common" outdoor space areas. • "Common" outdoor space shall be provided with shared access for all building tenants. These include: – Courtyards, gardens, play areas, outdoor dining areas, Recreation amenities, rooftop amenities.	**Consistent.** as detailed in Chapter 2, Project Description, the proposed project would develop over 259,039 square feet of private and common landscaped outdoor spaces, including gardens, lawns, play areas, dog parks, and amenities that equates to approximately 613.8 acres of common private open space per unit.

Design Review Topic	Objective Design Standard		Consistency Determination
	No.	Description	
		• "Personal" outdoor space shall be provided with direct access from the dwelling unit which it serves. These include: – Balconies, private gardens, private yards, terraces, decks, porches.	
	II.E.AD2 Private Outdoor Space	Unless located on the rooftop, common outdoor spaces shall be designed to be visible from inside the building, such as windows located at building entrances and/or dwelling unit windows.	**Consistent.** The proposed project would construct common outdoor spaces in between and alongside proposed residential units and their windows.
	II.E.AD3 Private Outdoor Space	For each common outdoor space provided, a minimum 15-foot dimension is required in at least one direction, with a minimum dimension of at least 10 feet in all other directions.	**Consistent.** The proposed project would provide common outdoor space areas greatly exceeding this standard's minimum dimensions.
	II.E.AD4 Private Outdoor Space	Up to 15 percent of the common outdoor space may be landscaped using required stormwater treatment planters that are contiguous with the common outdoor space.	**Consistent.** The proposed project would construct 14 bioretention areas totaling 35,661 square feet dispersed throughout the project site.
	II.E.AD5 Private Outdoor Space	For each personal outdoor space provided, a minimum dimension of 5 feet is required in any one direction.	**Consistent.** Each proposed residential unit would contain private outdoor space exceeding both a length and width of 5 feet.
Landscape Design	II.A.4	Dense landscaping and/or architectural treatments shall be provided to screen unattractive views and features such as storage areas, trash enclosures, freeway structures, transformers, generators, and other similar elements.	**Consistent.** The proposed project would incorporate vegetative screens for gas meters and transformers, as well as architectural treatments for air conditioning units. The proposed project would not construct common trash enclosures.
	II.A.5	Electrical transformers which are installed as part of a new project shall be located to the rear of the site or undergrounded. Existing transformers located at the front of the site shall be screened by substantial landscaping and/or an architectural barrier.	**Not applicable.** Pacific Gas and Electric Company (PG&E) does not permit the installation of transformers underground due to the layout of the proposed project and the project site frontage with both Shadelands Drive to the south and Mitchell Drive to the north. Aboveground transformers installed by the proposed project

Design Review Topic	Objective Design Standard		Consistency Determination
	No.	Description	
			would be screened using landscaping.
	II.A.AD1	Required stormwater treatment facilities can be located in publicly accessible outdoor spaces, but shall not be located in private outdoor spaces (common or personal), public rights-of-way, or public access easements. Exceptions include: • Permeable paving (as defined by applicable stormwater management standards), which can be used in private (common or personal) outdoor space. • Landscaping required stormwater treatment planters, which may occupy up to 15% of the common outdoor space.	**Not consistent.** The proposed project would construct stormwater treatment facilities on common outdoor spaces. The application for the proposed project is requesting a waiver for this standard under the Density Bonus Law. See Table 3.10-2 for more information.
	II.B.1	Landscaping shall permit adequate sight distance for motorists and pedestrians entering and exiting a site and shall not interfere with circulation patterns.	**Consistent.** The proposed project would be required to comply with Municipal Code Sections 3-5.117, Sight Distance Area, and would therefore construct landscaping that permits adequate sight distances.
	II.B.2	Landscaping shall be provided adjacent to and within parking areas to screen vehicles from view and to minimize the expansive appearance of parking fields.	**Not applicable.** The proposed project would not construct any parking lots.
	II.B.3	Landscape planting areas shall be provided an average of every 10 parking stalls within a surface parking lot to provide visual relief and summer shade. Landscape planting areas which are used for separation between banks of parking stalls shall be a minimum of 4 feet in width.	**Not applicable.** The proposed project would not construct any parking lots.
	II.B.4	The minimum clear inside dimension of a landscape planting area shall be 2 feet measured from the back of curb. However, trees (with the exception of shrub standards) shall not be planted in areas of less than 4 feet in width.	**Not applicable.** The proposed project would not construct any parking lots.

Design Review Topic	Objective Design Standard		Consistency Determination
	No.	Description	
	II.B.5	Reinforced Portland cement concrete curbing shall be used at the edges of all planters and paving surfaces adjacent to auto circulation or parking areas.	**Not applicable.** The proposed project would not construct any parking lots.
	II.B.7	A 2.5-foot auto overhang is allowed over landscape areas which shall not be less than 4 feet in width measured from back of curb.	**Not applicable.** The proposed project would not construct any parking lots.
	II.C.2	All street ' or parking lot trees shall be a minimum of 24-inch box size. In other areas proposed trees shall meet the following standards: • 1-14 trees proposed: 50% shall be 24-inch box size min., remainder shall be 15 gallon size min. • More than 14 trees proposed: Of the first 14 trees, 50% (or seven trees) shall be 24-inch box size minimum, and the remaining seven trees shall be 15 gallon minimum size. 30% of the remaining trees proposed shall be 24-inch box size min., and remainder shall be 15 gallon size min.	**Consistent.** The proposed project would plant street trees along internal roadways, as well as along the project site's frontage with Mitchell Drive and Shadelands Drive. All proposed street trees would be 24-inch box size. Remaining proposed trees would be at least 24-inch box size or 15-gallon size.
	II.C.5	All proposed shrubs except accent, color or ground cover planting shall be a minimum of 5 gallon size.	**Consistent.** The proposed project would plant shrubs with a minimum size of 5 gallons.
	II.C.8	No irrigated landscape area will be allowed under existing oak trees or other highly protected species which would be adversely effected.	**Consistent.** Four valley oak trees (one on-site and three off-site) are considered highly protected. They would be preserved as part of the proposed project. No irrigated landscaping would occur under these trees. See Section 3.3, Biological Resources, for more information.
	II.D.2	Landscaping plans shall show all obstructions such as street lights, meters, backflow devices, utility covers, transformers, and similar objects which may affect plant placement and installation limitations.	**Consistent.** Landscaping plans related to the proposed project would include all proposed obstructions.
	II.D.6	When installing street trees, Standard City Specifications regarding grate size, staking, etc. Shall be consulted.	**Consistent.** The proposed project would plant street trees in compliance with the Municipal

Design Review Topic	Objective Design Standard		Consistency Determination
	No.	Description	
			Code and Standard City Specifications.
	II.E.1	The master street tree planting plan specifies approved tree species for each residential street. Property owners shall install and maintain street trees consistent with this plan.	**Consistent.** The planting plan for the proposed project identifies approved tree species for all internal roadways and the site's frontage with Mitchell Drive and Shadelands Drive. The identified tree species would be installed and maintained along the internal roadways and project frontage.
	II.E.2	In residential areas, street trees shall normally be planted at 40-foot intervals.	**Consistent.** Street trees along the internal roadways and project frontage with Michell Drive and Shadelands Drive would be planted at approximately 40-foot intervals and would be subject to review and approval by City Staff.
	II.E.3	In residential areas, street trees shall be planted at least 3 feet away from a public sidewalk, at least 10 feet away from sewer or water lines, and at least 5 feet from a driveway, except in an existing parkway area as approved by the Community Development Department or the Design Review Commission.	**Consistent.** The proposed project would plant street trees in accordance with applicable standards in the Municipal Code and DRSGs, and street tree planting plans would be subject to review by City staff.
	II.E.4	All street trees in residential districts shall be installed at a minimum of 24-inch box size.	**Consistent.** Proposed street trees would be of a minimum 24-inch box size.
Off-Street Parking Design	III.A.3	Pedestrian pathways shall be separated from auto circulation routes.	**Not applicable.** This design standard refers to off-street parking design. The proposed project would not construct off-street parking lots or parking facilities.
	III.A.4	Bicycle parking spaces shall be provided within commercial development in convenient and secure locations. The ratio of bicycle parking to auto parking spaces shall be 2 percent.	**Not applicable.** The proposed project would not develop any commercial land uses.
	III.B.1	Continuous Portland cement concrete curbing and vehicle stall striping shall be provided for all parking areas.	**Not applicable.** The proposed project would not construct any parking lots.

Design Review Topic	Objective Design Standard		Consistency Determination
	No.	Description	
	III.B.3	Trees installed in parking lots shall be protected from vehicle damage by concrete curbing which surrounds the landscape pocket.	**Not applicable.** The proposed project would not construct any parking lots.
	III.B.4	Driveway entrances shall provide 10-foot clear behind sidewalk prior to starting the first parking space.	**Consistent.** The proposed project would construct driveway entrances for private garages in proposed "alleys," separate from pedestrian walkways.
Fencing and Screening Design	IV.A.3	Utility lines are required to be undergrounded within the Core Area, along identified scenic corridors and gateways (as identified in the General Plan).	**Not applicable.** The proposed project is not located in the Core Area.
	IV.A.4	Electrical transformers and similar utility structures shall be undergrounded or placed in the rear of the site. If undergrounding is infeasible due to preexisting site conditions such as high water table, the facility shall be enclosed within the building or adequately screened from view. Screening will preferably use solid materials, such as berming or enclosures rather than reliance on solely on plant materials.	**Not applicable.** PG&E does not allow underground transformers. Transformers would be screened using landscaping.
	IV.A.6	Rooftop mechanical and electrical equipment, microwave antennae, or building elements to screen such equipment shall be designed as an integral part of the building architecture.	**Consistent.** The proposed project would not construct any roof mounted mechanical equipment. The proposed project would install rooftop solar panels consistent with the proposed building architecture, and final installation plans would be subject to review and approval by City staff.
	IV.A.AD1	Chain-link, barbed wire, and razor wire fencing is prohibited.	**Consistent.** The proposed project would construct wooden good-neighbor fencing along western and eastern portions of the project site, as well as metal picket fencing around the proposed dog parks. No chain-link, barbed wire, or razor wire fencing would be installed.
	IV.B.1	Trash enclosures shall be constructed of sturdy, durable, opaque materials	**Not applicable.** The proposed project would not construct common trash enclosures.

Design Review Topic	Objective Design Standard		Consistency Determination
	No.	Description	
		(with trash receptables screened from view).	
	IV.B.2	Trash enclosures shall include adequate, accessible and convenient areas for collecting and loading recyclable materials. Dimensions of the recycling area shall accommodate receptacles to meet the recycling needs of the project. The dimensions needed for dumpsters and waste wheelers shall be determined through contacting the solid waste and recycling management representatives.	**Not applicable.** The proposed project would not construct common trash enclosures.
	IV.B.3	Areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas.	**Not applicable.** The proposed project would not construct common trash enclosures.
	V.2	Exterior light of the building and site shall be designed so that light is not directed off the site and the light source is shielded from direct off-site viewing.	**Consistent.** The proposed project would install lighting consistent with standards contained in the Municipal Code. See Section 3.1, Aesthetics, Light, and Glare, for more information.
General Architectural Guidelines	I.7	Exterior materials shall be durable and of high quality. Non-durable materials such as thin layer synthetic stucco products shall not be used within 8 feet of ground level unless specially reinforced or located away from pedestrian accessible areas.	**Consistent.** Construction of proposed buildings would include materials such as fiber cement board and batten sidings, wood looking siding, and reinforced stucco. In addition, the proposed project would comply with standards contained in the California Building Standards Code (CBC) and the Municipal Code with regards to exterior materials.
	I.11	All vents, gutters, downspouts, flashing electrical conduits, etc., shall be painted to match the color of the adjacent surface, unless being used expressly as a trim or accent element.	**Consistent.** Proposed exposed utility installations would be painted in the appropriate proposed color schemes.
	I.12	Soffits and other architectural elements visible to the public but not detailed on the plans shall be finished in a material compatible with other exterior materials.	**Consistent.** The proposed project would comply with all applicable Municipal Code standards and would be subject to review and approval by City staff.
	I.16	Approved address numbers shall be provided so that they are legible to	**Consistent.** Each proposed residential unit would have address

Design Review Topic	Objective Design Standard		Consistency Determination
	No.	Description	
		the public from the street fronting the property. Commercial address signs in the downtown area shall be illuminated.	numbers facing both the alley on the garage side and the pedestrian walking areas on the front door side. Address numbers on both sides would be illuminated by a light fixture.
Building Articulation	I.AD1	Buildings over three stories tall shall have major massing breaks at least every 100 feet along any street frontage, adjacent public park, publicly accessible outdoor space, or designated open space, through the use of varying setbacks, building entries and recesses, courtyards or structural bays. Major breaks shall be a minimum of 5 feet deep and 10 feet wide, and shall extend at least two-thirds of the height of the building. Exceptions include: • For buildings with upper stories (above first floor) stepped back at least five feet, the major break need only extend two-thirds of the height of the portion of the front façade that is not stepped back.	**Not applicable.** The proposed project would not construct buildings with more than three stories.
	I.AD2	Buildings shall have minor massing breaks at least every 50 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of 18 inches deep and four feet wide and extend the full height of the building.	**Not consistent.** The application for the proposed project is requesting a waiver for this standard under the Density Bonus Law. See Table 3.10-2 for more information.
	I.AD3	Rooflines shall be vertically articulated at least every 50 feet along the street frontage, through the use of architectural elements such as parapets, varying cornices, reveals, clerestory windows, and varying roof height and/or form.	**Consistent.** The proposed project would comply with all applicable Municipal Code standards and would be subject to review and approval by City staff.
Residential and Mixed-Use Building Frontages	II.C.AD1	Primary building entrances and associated paths of travel shall be visible from the adjacent street.	**Consistent.** The proposed project would construct a network of interior walkways between proposed buildings and features, as well as sidewalks along internal roadways. These paths would be visible from the internal roadways.

Design Review Topic	Objective Design Standard		Consistency Determination
	No.	Description	
	II.C.AD2	Within the Core Area, any mixed-use building street frontage greater than 150 feet in length shall have multiple pedestrian entrances to access the businesses or residences in the building. The maximum distance between building entrances along the same frontage shall be no more than 75 feet.	**Not applicable.** The proposed project is not located in the Core Area and is not a mixed-use project.
	II.C.AD3	Blank walls (Façades without doors, windows, landscaping treatments) shall be less than 30 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.	**Consistent.** The proposed project would not construct any blank walls.
	II.C.AD4	Storefronts in new mixed-use developments shall contain clear openings and windows for a minimum of 60 percent of the total area of the first floor façades facing sidewalks, pedestrian walks, or publicly accessible outdoor space areas.	**Not applicable.** The proposed project would not include any commercial or mixed uses.
Historic Preservation	V.B.1	Architecturally or historically significant structures and sites shall be preserved and restored as a physical record of the City's heritage.	**Not applicable.** The project site does not contain any architecturally or historically significant structures or sites. See Section 3.4, Cultural Resources, and Section 3.16, Tribal Cultural Resources, for more information.
	V.B.2	The renovation of a historical structure shall retain or reveal its historical characteristics. Removal or alteration of any historical material or distinctive architectural features should be avoided when possible.	**Not applicable.** The project site does not contain any architecturally or historically significant structures or sites. See Section 3.4, Cultural Resources, for more information.
Air, Light, and Privacy	V.B.AD1	Conform to the rear and side setback and courts requirements for primary living room and bedroom windows contained in the MU-R Zone, Section 10-2,2,2203 of the Municipal Code. Required private (personal and common) outdoor space and required stormwater treatment facilities may be used to satisfy this requirement.	**Consistent.** The rear setback does not apply as the proposed project has two fronts along Mitchell Drive and Shadelands Drive. The proposed project would have an interior side setback between buildings that would be inconsistent with the M-2 Zoning District within the MU-R Zone. However, the proposed project would provide private personal and common outdoor space and

Design Review Topic	Objective Design Standard		Consistency Determination
	No.	Description	
			stormwater treatment facilities to satisfy the requirement.
	V.B.AD2	If a dwelling unit has windows on multiple building frontages, operable windows shall be provided on at least two building frontages.	**Consistent.** Proposed buildings would have windows on all frontages.
Materials	V.E.AD1	Mirrored glass is prohibited in order to minimize off-site glare and maximize transparency.	**Consistent.** The proposed project would not incorporate mirrored glass on the exterior of the structure and design would be subject to review by City staff in accordance with Municipal Code Section 10-2.4.1208, Objective Design Review.
	V.E.AD2	Buildings over three stories must provide a ground floor elevation that is distinctive from the upper stories by providing a material change between the first floor and upper floors along at least 75 percent of the building façade with frontage upon a street, adjacent public park or public open space.	**Not applicable.** The proposed project would not construct buildings with more than three stories.
	V.E.AD3	Window frames must be recessed a minimum of two inches from the surrounding wall plane.	**Consistent.** Window frames would be recessed by 2 inches and designs would be subject to review by City staff.
	V.E.AD4	At least two materials shall be used on any building frontage, in addition to glazing and railings. Any one material must comprise at least 20 percent of the building frontage, excluding windows and railings, A change in materials must be offset by a minimum of six inches in depth.	**Consistent.** The proposed project would incorporate a variety of building materials, including stucco, fiber cement board and batten siding, wood looking siding, stone veneers, and fiber cement lap siding.
Standard Design Review Conditions of Approval	1.a	Final building and site development plans shall be reviewed and approved prior to the issuance of a building permit and shall ensure standard commercial or residential security requirements as established by the Walnut Creek Police Department are provided.	**Consistent.** The proposed project would incorporate residential security requirements consistent with the Municipal Code and Walnut Creek Police Department requirements.
	1.e	All plans shall insure that all mechanical equipment, including electrical and gas meters, is	**Consistent.** All mechanical equipment would be screened from

Design Review Topic	Objective Design Standard		Consistency Determination
	No.	Description	
		architecturally screened from view, and that electrical transformers are either underground, enclosed within the building, or placed behind the building so as not to be visible from any public right-of-way.	view via vegetative or architectural screening.
	1.m	No new buildings or remodeling of existing buildings shall use non-colored metal window or door frames unless specifically requested by the applicant and specifically discussed and approved for the project.	**Consistent.** Window and door frames would be constructed with painted fiber cement or foam trims.
	2.g	Final landscape plans, irrigation system plans, tree preservation techniques, and guarantees shall be reviewed and approved by the staff prior to the issuance of the building permit. All such submittals shall ensure that all cut and fill slopes graded and not constructed by September 1 of any given year are hydroseeded with perennial or native grasses and flowers, and that stock piles of loose soil existing on that date are hydroseeded in a similar manner.	**Consistent.** Final landscape plans are subject to City review and would ensure that cut and fill slopes are graded and that stockpiles of loose soil are hydroseeded after September 1.
	2.h	That the area under the drip line of all existing oaks, walnuts, etc., which are to be saved are fenced during construction and grading operations are restricted under them to prevent soil compaction around the trees and to protect them from damage.	**Consistent.** The proposed project would comply with Municipal Code Chapter 3-8.05, Preservation and Maintenance of Existing Trees, which prohibits activities within the Tree Protection Zone (TPZ) of trees preserved as part of the proposed project. See Section 3.3, Biological Resources, for more information.
Source: Signature Development Group, Inc. December 2023.			

As demonstrated in Table 3.10-4, the proposed project is consistent with all but two relevant DRSGs. However, with application of Density Bonus Law and related waivers and concessions, as discussed above, the proposed project would include waivers of the following DRSGs: Site Planning Section II.A.AD1 and Architecture Section I.AD2. Details regarding the waiver requests are included in Table 3.10-2. The application of these waivers pursuant to Density Bonus Law would resolve conflicts with any DRSGs that would have been applicable to the proposed project.

Conclusion

Overall, the proposed project would not conflict with applicable land use plans, policies, or regulations of the General Plan or the Ordinance Code that were adopted for the purpose of avoiding or mitigating an environmental effect, and any inconsistencies waived by the applicant under the Density Bonus Law were not established for the purpose of avoiding or mitigating an environmental effect, or would result in any environmental effect. Therefore, impacts would be less than significant.

Community Benefit Variant

The impact analysis and level of significance of the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and would be constructed in accordance with Section 4-6.203(f) and Chapter 7-1 of the Municipal Code during construction. The Community Benefit Variant would comply with all objective design standards and is consistent with the Shadelands Multi-Modal Improvement Plan. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

3.10.7 - Cumulative Impacts

This cumulative impact analysis for Land Use uses the "summary of projections" approach set forth in Title 14 California Code of Regulations Section 15130(b)(1)(B), using the City's General Plan. The geographic context for cumulative land use and planning impacts varies depending on the environmental impact question being analyzed. For example, impacts related to physically dividing an established community would be within the direct project vicinity, while impacts related to conflicting with land use plan, policy, or regulations would be the City of Walnut Creek's planning area with an emphasis on development standards established for the project sites surrounding area and land uses.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to land use and planning. If so, this analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project would be cumulatively considerable. Both conditions must apply for cumulative effects to rise to the level of a significant impact. If both conditions apply, this analysis will then evaluate feasible cumulative mitigation measures that would reduce cumulative effects. If one or both conditions do not apply, the project's contribution to cumulative impacts would be less than significant, and no cumulative mitigation is necessary. If there is no project impact associated with respect to a particular CEQA threshold, the proposed project would have no contribution to potential cumulative impacts and, therefore, further discussion of cumulative impacts is not required.

Divide an Established Community

As previously discussed, the geographic context for this impact is the direct project vicinity. According to Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, three development projects are located within the project site vicinity, including the Shadelands SecureSpace/Calicraft Storage Facility located approximately 0.1 mile northwest of the project site, the Oakmont Senior Housing and Residential Care Facility for the Elderly located approximately 0.3 mile north of the project site, and the Chick-fil-A restaurant located approximately 0.3 mile southeast of the project site.

Construction of cumulative projects concurrently with the proposed project would involve construction activities which could temporarily divide an established community through the temporary disruption of mobility in the public right-of-way, such as through the installation of underground utilities. However, any excavations in the public right-of-way would need to obtain an encroachment permit under Municipal Code Chapter 7-1, Encroachment, which would establish proper construction standards that would limit interference of the public right-of-way. In addition, temporary alternate detours would be established by the City's Traffic Operations Engineer in the event of any street closures during construction. As such, the cumulatively impact related to dividing an established community during construction would be less than significant. Furthermore, construction of the proposed project would not require any road closures. As such, the proposed project's incremental contribution to this less than significant cumulative impact would be less than cumulatively considerable, and therefore the project's contribution to cumulative impacts during construction would be less than significant.

During operation, the physical division of an established community typically applies to projects that establish linear features such as highways and railroads that would physically divide two or more connected parts of an established community through creating a barrier.

Although there are three other cumulative projects within the proposed project's vicinity, these development projects do not consist of major expansion projects such as roadways, highways, or railroads that could physically divide an established community. In addition, these cumulative projects are confined to already developed parcels of land. The cumulative projects would be reviewed against General Plan Policies and Actions for planning and implementation and mandatory ordinances and policies that are tailored to preclude land use conflicts. In addition, the cumulative projects' compliance with the City's DRSGs, as well as standards and regulations contained in the Municipal Code, would further limit land use conflicts between established and future uses.

The proposed project does not consist of a transportation or other project that would result in a division of a community. The project would be constructed within existing developed land parcels and would not obstruct or otherwise close-off any of the existing roadways surrounding the project site. As such, the project would not have an incremental contribution to any cumulative impact regarding the potential division of an established community. Given this information, operations of cumulative projects would not have a significant impact related to dividing an established community, and the proposed project's incremental contribution to this less than significant cumulative impact would be less than cumulatively considerable, and therefore the project's contribution to cumulative impacts during operation would be less than significant.

Conflict with Applicable Plans, Policies, and Regulations

The geographic scope of the cumulative land use analysis is the City of Walnut Creek with a focus on the area in the project vicinity. Land use decisions for both the proposed project and for the other cumulative projects listed in Table 3-1 are made at the City level.

Development within the City is governed by the General Plan and the Municipal Code, which ensures logical and orderly development and requires discretionary review by the Design Review Commission to confirm that projects do not result in any conflict with City plans, policies, or regulations such as the DRSGs for both residential and mixed-use projects and nonresidential projects, along with the General Plan. Cumulative projects would be reviewed against these plans and policies.

As provided above, the HAA and Density Bonus Law would deem the proposed project is consistent, compliant, and in conformity with applicable plans, programs, policies, ordinances, and similar requirements as the project is proposed and processed under the Builder's Remedy provisions and is proposing waivers and concessions for certain applicable standards as allowed by State law. In addition, under CEQA, a conflict or inconsistency with an applicable plan is not by itself considered a significant environmental impact. Instead, the inconsistency must result in a significant physical impact for there to be a significant impact under CEQA.

Given the above information, there would be a less than significant cumulative impact related to conflicts with plans, policies, and regulations and the proposed project's incremental contribution to this less than significant cumulative impact would be less than cumulatively considerable as the HAA and Density Bonus Law would deem the proposed project consistent, and therefore the proposed project's contribution to cumulative impacts would be less than significant.

Community Benefit Variant

The cumulative impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project and is consistent with the Shadelands Multi-Modal Improvement Plan. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased cumulative impacts to land use and planning, and impacts would be less than significant.

Level of Cumulative Significance

Less than significant impact.

Mitigation Measures

None required.

3.11 - Noise and Vibration

3.11.1 - Introduction

This section describes the existing noise setting and potential noise and vibration effects from project implementation on the project site and the surrounding area. Descriptions and analysis in this section are based on noise modeling performed by FirstCarbon Solutions (FCS). The noise modeling output is included in this Draft Environmental Impact Report (Draft EIR) as Appendix H. The following public comments were received during the EIR Notice of Preparation (NOP) scoping period related to noise. This Draft EIR considered these comments in preparing this analysis. The comments are summarized as follows:

- The Draft EIR should analyze impacts of noise and vibration during construction of the proposed project.
- The Draft EIR should analyze impacts of noise during operation of the proposed project.
- The Draft EIR should analyze impacts of noise from the proposed project on surrounding senior living communities, including Viamonte and Oakmont Senior Living Communities.

3.11.2 - Environmental Setting

Characteristics of Noise

Noise is generally defined as unwanted or objectionable sound. Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm or when it has adverse effects on health. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment. Noise effects can be caused by pitch or loudness. *Pitch* is the number of complete vibrations or cycles per second of a wave that result in the range of tone from high to low; higher-pitched sounds are louder to humans than lower-pitched sounds. *Loudness* is the intensity or amplitude of sound.

Sound is produced by the vibration of sound pressure waves in the air. Sound pressure levels are used to measure the intensity of sound and are described in terms of decibels. The decibel (dB) is a logarithmic unit, which expresses the ratio of the sound pressure level being measured to a standard reference level. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Only audible changes in existing ambient or background noise levels are considered potentially significant.

The human ear is not equally sensitive to all frequencies within the audible sound spectrum, so sound pressure level measurements can be weighted to better represent frequency-based sensitivity of average healthy human hearing. One such specific “filtering” of sound is called “A-weighting.” A-weighted decibels (dBA) approximate the subjective response of the human ear to a broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies that are audible to the human ear.

Because decibels are logarithmic units, they cannot be added or subtracted by ordinary arithmetic means. For example, if one noise source produces a noise level of 70 dB, the addition of another noise source with the same noise level would not produce 140 dB; rather, they would combine to produce a noise level of 73 dB.

Noise Descriptors

There are many ways to rate noise for various intervals, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time-varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the L_{eq} and Community Noise Equivalent Level (CNEL) or the day-night average level (L_{dn}) based on dBA. CNEL is the time-varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale but without the adjustment for events occurring during the evening hours. CNEL and L_{dn} are within 1 dBA of each other and are normally exchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

Other noise rating scales of importance when assessing the annoyance factor include the maximum noise level (L_{max}), which is the highest exponential time-averaged sound level that occurs during a stated time period. The noise environments discussed in this analysis are specified in terms of maximum levels denoted by L_{max} for short-term noise impacts. L_{max} reflects peak operating conditions and addresses the annoying aspects of intermittent noise.

Noise Propagation

From the noise source to the receiver, noise changes both in level and frequency spectrum. The most obvious is the decrease in noise as the distance from the source increases. The manner in which noise reduces with distance depends on whether the source is a point or line source, as well as ground absorption, atmospheric conditions (wind, temperature gradients, and humidity) and refraction, and shielding by natural and manmade features. Sound from point sources, such as an air conditioning condenser, a piece of construction equipment, or an idling truck, radiates uniformly outward as it travels away from the source in a spherical pattern.

The attenuation or sound drop-off rate is dependent on the conditions of the land between the noise source and receiver. To account for this ground-effect attenuation (absorption), two types of site conditions are commonly used in noise models: soft-site and hard-site conditions. Soft-site conditions account for the sound propagation loss over natural surfaces such as normal earth and ground vegetation. For point sources, a drop-off rate of 7.5 dBA per each doubling of the distance (dBA/DD) is typically observed over soft ground with landscaping, as compared with a 6 dBA/DD drop-off rate over hard ground such as asphalt, concrete, stone, and very hard packed earth. For line sources, such as traffic noise on a roadway, a 4.5 dBA/DD is typically observed for soft-site conditions compared to the 3 dBA/DD drop-off rate for hard-site conditions. Table 3.11-1 briefly defines these measurement descriptors and other sound terminology used in this section.

Table 3.11-1: Sound Terminology

Term	Definition
Sound	A vibratory disturbance created by a vibrating object which, when transmitted by pressure waves through a medium such as air, can be detected by a receiving mechanism such as the human ear or a microphone.
Noise	Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
Ambient Noise	The composite of noise from all sources near and far in a given environment.
Decibel (dB)	A unitless measure of sound on a logarithmic scale, which represents the squared ratio of sound pressure amplitude to a reference sound pressure. The reference pressure is 20 micropascals, representing the threshold of human hearing (0 dB).
A-weighted Decibel (dBA)	An overall frequency-weighted sound level that approximates the frequency response of the human ear.
Equivalent Noise Level (L_{eq})	The average sound energy occurring over a specified time period. In effect, L_{eq} is the steady-state sound level that in a stated period would contain the same acoustical energy as the time-varying sound that actually occurs during the same period.
Maximum and Minimum Noise Levels (L_{max} and L_{min})	The maximum or minimum instantaneous sound level measured during a measurement period.
Day-Night Level (DNL or L_{dn})	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring between 10:00 p.m. and 7:00 a.m. (nighttime).
Community Noise Equivalent Level (CNEL)	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the A-weighted sound levels occurring between 7:00 p.m. and 10:00 p.m. and 10 dB added to the A-weighted sound levels occurring between 10:00 p.m. and 7:00 a.m. (nighttime).
Source: Data compiled by FirstCarbon Solutions (FCS). 2025.	

Traffic Noise

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 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 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 Federal Highway Administration (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 truck mix on a given roadway also has an effect on community noise levels. As the number of heavy trucks increases and becomes a larger percentage of the vehicle mix, adjacent noise levels increase.

Stationary Noise

A stationary noise producer is any entity in a fixed location that emits noise. Examples of stationary noise sources include machinery, engines, energy production, and other mechanical or powered equipment and activities such as loading and unloading or public assembly that may occur at commercial, industrial, manufacturing, or institutional facilities. Furthermore, noise generated by the use of motor vehicles over public roads is preempted from local regulation, although the use of these vehicles is considered a stationary noise source when operated on private property, such as at a construction site, a truck terminal, or warehousing facility. The emitted noise from the producer can be mitigated to acceptable levels either at the source or on the adjacent property through the use of proper planning, setbacks, block walls, acoustic-rated windows, dense landscaping, or by changing the location of the noise producer.

The effects of stationary noise depend on factors such as characteristics of the equipment and operations, distance and pathway between the generator and receptor, and weather. Stationary noise sources may be regulated at the point of manufacture (e.g., equipment or engines), with limitations on the hours of operation or with provision of intervening structures, barriers, or topography.

Construction activities are a common source of stationary noise. Construction-period noise levels are higher than background ambient noise levels but eventually cease once construction is complete. Construction is performed 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 each construction site and, therefore, would change the noise levels 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 3.11-2 shows typical noise levels of construction equipment as measured at a distance of 50 feet from the operating equipment.

Table 3.11-2: Typical Construction Equipment Maximum Noise Levels

Type of Equipment	Impact Device? (Yes/No)	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Impact Pile Driver	Yes	95
Auger Drill Rig	No	85
Vibratory Pile Driver	No	95
Jackhammers	Yes	85
Pneumatic Tools	No	85
Pumps	No	77
Scrapers	No	85

Type of Equipment	Impact Device? (Yes/No)	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Cranes	No	85
Portable Generators	No	82
Rollers	No	85
Bulldozers	No	85
Tractors	No	84
Front-end Loaders	No	80
Backhoe	No	80
Excavators	No	85
Graders	No	85
Air Compressors	No	80
Dump Truck	No	84
Concrete Mixer Truck	No	85
Pickup Truck	No	55

Notes:
dBA = A-weighted decibel
Source: Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook, August.

Noise from Multiple Sources

Because sound pressure levels in decibels are based on a logarithmic scale, they cannot be added or subtracted in the usual arithmetical way. Therefore, sound pressure levels in decibels are logarithmically added on an energy summation basis. In other words, adding a new noise source to an existing noise source, both producing noise at the same level, will not double the noise level. Instead, if the difference between two noise sources is 10 dBA or more, the louder noise source will dominate, and the resultant noise level will be equal to the noise level of the louder source. In general, if the difference between two noise sources is 0–1 dBA, the resultant noise level will be 3 dBA higher than the louder noise source, or both sources if they are equal. If the difference between two noise sources is 2–3 dBA, the resultant noise level will be 2 dBA above the louder noise source. If the difference between two noise sources is 4–10 dBA, the resultant noise level will be 1 dBA higher than the louder noise source.

Characteristics of Vibration

Groundborne vibration consists of rapidly fluctuating motion through a solid medium, specifically the ground, which has an average motion of zero and in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. The effects of groundborne vibration typically only cause a nuisance to people, but in extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. Groundborne noise is an effect of groundborne vibration and

only exists indoors, since it is produced from noise radiated from the motion of the walls and floors of a room and may also consist of the rattling of windows or dishes on shelves.

Several different methods are used to quantify vibration amplitude, such as the maximum instantaneous peak in the vibration's velocity, which is known as the peak particle velocity (PPV) or the root mean square (rms) amplitude of the vibration velocity. Because of the typically small amplitudes of vibrations, vibration velocity is often expressed in decibels—denoted as LV—and is based on the reference quantity of 1 microinch per second. To distinguish vibration levels from noise levels, the unit is written as "VdB."

Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors, where the associated effects of the shaking of a building can be notable. When assessing annoyance from groundborne vibration, vibration is typically expressed as rms velocity in units of decibels of 1 microinch per second, with the unit written in VdB. Typically, developed areas are continuously affected by vibration velocities of 50 VdB or lower. Human perception to vibration starts at levels as low as 67 VdB. Annoyance due to vibration in residential settings starts at approximately 70 VdB.

Off-site sources that may produce perceptible vibrations are usually caused by construction equipment, steel-wheeled trains, and traffic on rough roads, while smooth roads rarely produce perceptible groundborne noise or vibration. Construction activities, such as blasting, pile driving, and operating heavy earthmoving equipment, are common sources of groundborne vibration. Construction vibration impacts on building structures are generally assessed in terms of PPV. Typical vibration source levels from construction equipment are shown in Table 3.11-3.

Table 3.11-3: Vibration Levels of Construction Equipment

Construction Equipment	PPV at 25 Feet (inches/second)	rms Velocity in Decibels (VdB) at 25 Feet
Water Trucks	0.001	57
Scraper	0.002	58
Bulldozer—Small	0.003	58
Jackhammer	0.035	79
Concrete Mixer	0.046	81
Concrete Pump	0.046	81
Paver	0.046	81
Pickup Truck	0.046	81
Auger Drill Rig	0.051	82
Backhoe	0.051	82
Crane (Mobile)	0.051	82
Excavator	0.051	82
Grader	0.051	82

Construction Equipment	PPV at 25 Feet (inches/second)	rms Velocity in Decibels (VdB) at 25 Feet
Loader	0.051	82
Loaded Trucks	0.076	86
Bulldozer—Large	0.089	87
Caisson drilling	0.089	87
Vibratory Roller—Small	0.101	88
Compactor	0.138	90
Clam Shovel Drop	0.202	94
Vibratory Roller—Large	0.210	94
Pile Driver (Impact—Typical)	0.644	104
Pile Driver (Impact—Upper Range)	1.518	112

Notes:
PPV = peak particle velocity
rms = root mean square
VdB = velocity in decibels
Sources: Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual, September.
Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook. August.

The propagation of groundborne vibration is not as simple to model as airborne noise. This is because noise in the air travels through a relatively uniform medium, while groundborne vibrations travel through the earth, which may contain significant geological differences. Factors that influence groundborne vibration include:

- **Vibration source:** Type of activity or equipment, such as impact or mobile, and depth of vibration source;
- **Vibration path:** Soil type, rock layers, soil layering, depth to water table, and frost depth; and
- **Vibration receiver:** Foundation type, building construction, and acoustical absorption.

Among these factors that influence groundborne vibration, there are significant differences in the vibration characteristics when the source is underground compared to at the ground surface. In addition, soil conditions are known to have a strong influence on the levels of groundborne vibration. Among the most important factors are the stiffness and internal damping of the soil and the depth to bedrock. Vibration propagation is more efficient in stiff clay soils than in loose sandy soils, and shallow rock seems to concentrate the vibration energy close to the surface and can result in groundborne vibration problems at large distance from the source. Factors such as layering of the soil and depth to the water table can have significant effects on the propagation of groundborne vibration. Soft, loose, sandy soils tend to attenuate more vibration energy than hard, rocky materials. Vibration propagation through groundwater is more efficient than through sandy soils. There are three main types of vibration propagation: surface, compression, and shear waves. Surface waves, or Rayleigh waves, travel along the ground's surface. These waves carry most of their energy along an expanding circular wave front, similar to ripples produced by throwing a rock into a pool of water. P-

waves, or compression waves, are body waves that carry their energy along an expanding spherical wave front. The particle motion in these waves is longitudinal (i.e., in a "push-pull" fashion). P-waves are analogous to airborne sound waves. S-waves, or shear waves, are also body waves that carry energy along an expanding spherical wave front. However, unlike P-waves, the particle motion is transverse, or side-to-side and perpendicular to the direction of propagation.

As vibration waves propagate from a source, the vibration energy decreases in a logarithmic nature and the vibration levels typically decrease by 6 VdB per doubling of the distance from the vibration source. As stated above, this drop-off rate can vary greatly depending on the soil type, but it has been shown to be effective enough for screening purposes, in order to identify potential vibration impacts that may need to be studied through actual field tests. The vibration level (calculated below as PPV) at a distance from a point source can generally be calculated using the vibration reference equation:

$$PPV = PPV_{ref} * (25/D)^n \text{ (in/sec)}$$

Where:

PPV_{ref} = reference measurement at 25 feet from vibration source
D = distance from equipment to the receptor
n = vibration attenuation rate through ground

According to Section 7 of the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual, an "n" value of 1.5 is recommended to calculate vibration propagation through typical soil conditions.[1]

Existing Noise Levels

Existing Land Use

The project site is currently occupied by a business park comprising 11 office buildings, each between 30,000–36,000 square feet in size, and approximately 1,481 parking stalls in a paved surface parking lot with ancillary landscaping. Vehicular access to the project site is provided via Mitchell Avenue to the north and Shadelands Drive to the south. The project site is also currently accessible via adjacent commercial parking lots to the east. The project site includes rooftop mechanical ventilation units (HVACs) on all 11 of the existing office buildings. These are typical commercial units, the operation of which contributes to the existing ambient noise environment. Activity at the office buildings, including parking lot use and HVAC operation, contribute to existing on-site noise levels.

Ambient Noise

The project site is surrounded by commercial and single-family residential uses to the east, Shadelands Drive to the south, medical and recreational uses to the west, and Mitchell Drive to the north.

The dominant noise sources in the project vicinity include traffic on local roadways, primarily from traffic on Shadelands Drive which runs along the southern boundary of the project site, and Mitchell Drive which runs along the northern boundary of the project site. Existing stationary noise sources

[1] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

on the project site include mechanical ventilation system operations and parking lot activity. Other dominant noise sources include nearby parking lot noise and pedestrian traffic noise.

An ambient noise monitoring effort was conducted to document daytime ambient noise levels on the project site. Short-term noise monitoring was conducted by FCS on October 10, 2024, between 2:37 p.m. and 3:36 p.m. The noise measurements were taken during the midday hours, as the midday hours typically have the highest daytime noise levels in urban environments. It should be noted that peak noise hours often vary slightly from peak traffic hours, as peak noise hours more closely align with high volume traffic that is still free flowing, while peak traffic hours often result in slower vehicle speeds due to the volume of traffic on the roadway. The short-term existing noise measurement results are summarized in Table 3.11-4. The noise monitoring data sheets are included in Appendix H.

Table 3.11-4: Existing Ambient Noise Levels on the Project Site

Site ID #	Description	L_{eq}	L_{min}	L_{max}
ST-1	At SW corner of project site, adjacent to project site parking lot driveway connecting to Shadelands Drive. 10 feet from Shadelands Drive.	62.2	46.0	78.2
ST-2	At SE corner of project site, adjacent to driveway entrance to 2151 Oak Grove Road building parking lot. 10 feet off Shadelands Drive Road.	60.6	48.9	73.4
ST-3	Near NE corner of project site, on grass lawn adjacent to 2813 Mitchell Drive parking lot driveway entrance.	63.8	50.7	71.9
ST-4	At NW corner of project site, adjacent to parking lot driveway entrance.	64.5	48.4	76.9

Notes:
L_{eq} = equivalent sound level
L_{min} = minimum noise/sound level
L_{max} = maximum noise level
Source: FirstCarbon Solutions (FCS). 2025.

3.11.3 - Regulatory Framework

Federal

Noise Control Act

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves three purposes:

- Promulgating noise emission standards for interstate commerce
- Assisting state and local abatement efforts
- Promoting noise education and research

The federal Office of Noise Abatement and Control (ONAC) was initially tasked with implementing the Noise Control Act. However, the ONAC has since been eliminated, leaving the development of federal noise policies and programs to other federal agencies and interagency committees.

Among the agencies now regulating noise are the Occupational Safety and Health Administration (OSHA), which limits noise exposure of workers to 90 dB L_{eq} or less for 8 continuous hours or 105 dB L_{eq} or less for 1 continuous hour; the United States Department of Transportation (USDOT), which assumed a significant role in noise control through its various operating agencies; and the Federal Aviation Administration (FAA), which regulates noise of aircraft and airports. Surface transportation system noise is regulated by a host of agencies, including the FTA. Transit noise is regulated by the federal Urban Mass Transit Administration, while freeways that are part of the interstate highway system are regulated by the FHWA. Finally, the federal government actively advocates that local jurisdictions use their land use regulatory authority to arrange new development in such a way that "noise-sensitive" uses are either prohibited from being sited adjacent to a highway or, alternatively, that developments are planned and constructed in such a manner that minimize potential noise impacts.

Since the federal government has preempted the setting of standards for noise levels that can be emitted by transportation sources, local jurisdictions are limited to regulating the noise generated by the transportation system through nuisance abatement ordinances and land use planning.

Federal Transit Administration Standards and Guidelines

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 Manual.[2] 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
III. Nonengineered Timber and Masonry Buildings	0.2	94
IV. Buildings Extremely Susceptible to Vibration Damage	0.12	90

Notes:
in/sec = inches per second
PPV = peak particle velocity
VdB = velocity in decibels
Source: Federal Transit Administration (FTA) 2018. Transit Noise and Vibration Impact Assessment Manual. September.

The FTA has also established construction noise impact guidelines for detailed construction noise impact analyses. The construction noise impact criteria identify thresholds for various types of receiving land uses. For example, the daytime 8-hour average threshold for receiving residential land

[2] Federal Transit Administration (FTA) 2006. Transit Noise and Vibration Impact Assessment Manual. May.

uses is 80 dBA $L_{eq.}$ and the nighttime threshold is 70 dBA $L_{eq.}$. The threshold for receiving commercial land uses is 85 dBA $L_{eq.}$ for daytime and nighttime construction activity. The threshold for receiving industrial land uses is 90 dBA $L_{eq.}$ for daytime and nighttime construction activity.

State

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 significant model is the Land Use Compatibility for Community Noise Environments Matrix, which allows the local jurisdiction to delineate compatibility of sensitive uses with various incremental levels of noise.[3]

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 Office of Planning and Research has prepared State General Plan Guidelines which provide guidance regarding factors that may be used to arrive at noise standards that reflect the goals of the community, the particular community's sensitivity to noise, the community's exposure to noise, and the potential for noise pollution.[4] Appendix D of the State General Plan Guidelines rank noise/land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable. The City of Walnut Creek has adopted and modified the recommended noise land use compatibility standards for new land use development as part of the Safety and Noise Element of its General Plan, as discussed below.

Appendix G of the California Environmental Quality Act (CEQA) Guidelines also provides recommended noise thresholds.

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). 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 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.

[3] California Department of Health Services Office of Noise Control. Land Use Compatibility for Community Noise Environments Matrix. 1976.

[4] California Governor's Office of Land Use and Climate Innovation (LCI). 2017. State of California General Plan Guidelines, Chapter 4, Required Elements. July 31.

Assembly Bill 1307

Assembly Bill (AB) 1307 went into effect January 1, 2024. This bill clarifies that "for residential projects, the effects of noise generated by project occupants and their guests on human beings is not a significant effect on the environment." (Public Resources Code [PRC] § 21085; see also *Make UC a Good Neighbor v. Regents of Univ. of California* (2024) 16 Cal.5th 43.) Therefore, this analysis does not address potential noise impacts from future project occupants and their guests on sensitive receptors in the project vicinity.

Local

The City addresses noise in the Safety and Noise Element of the General Plan and in its Municipal Code.

Walnut Creek General Plan 2025

The Safety and Noise Element of the General Plan establishes land use compatibility standards for noise. The land use compatibility standards for noise provide the basis for making decisions on location of land uses in relation to noise sources and for determining noise mitigation requirements. The City's Land Use/Noise Compatibility standards are based on Day/Night Average Sound Level (L_{dn}). For new multi-family residential development, exterior noise levels up to 65 dBA Ldn are considered normally acceptable, exterior noise levels from 65 dBA to 75 dBA Ldn are considered conditionally acceptable, and noise levels above 75 dBA Ldn are considered unacceptable.

The City has adopted the following General Plan Safety and Noise Element goals, policies, and actions to reduce potential noise hazards.

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 8.2.2 For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 65 Ldn in outdoor areas, excluding balconies.

Action 8.2.3 Strive for a maximum interior noise levels at 45 Ldn in all new residential units.

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.

Policy 9.1.1 Require the evaluation of noise mitigation measures for projects that would cause a substantial increase in noise.

City of Walnut Creek Municipal Code

The City's Noise Ordinance is codified in Chapter 6, Article 2, of the City's Municipal Code. The noise standards that may be applicable to the proposed project include Section 4-6.203(f), which prohibits construction activities other than between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays or those precise hours of operation enumerated in individual building and grading permits.

3.11.4 - Thresholds of Significance

The Lead Agency derives its significance criteria based on the questions in the CEQA Guidelines Appendix G Environmental Checklist. Accordingly, impacts resulting from the implementation of the proposed project would be considered significant if the project would:

a) 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.

b) Generate excessive groundborne vibration or groundborne noise levels.

c) 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, expose people residing or working in the project area to excessive noise levels. (Refer to Chapter 4, Effects Found not to be Significant)

Methodology

Construction Noise Analysis Methodology

Per Section 2.2.5, Phasing and Construction, of Chapter 2, Project Description, construction of the proposed project components and off-site improvements would occur in two phases over a period of approximately 4.5 years, starting in April 2026 and ending in December 2030. Phase I of the proposed project would be expected to finish construction in April 2028, and Phase II of the proposed project would be expected to finish construction in December 2030.

Project construction would typically occur Monday through Friday between the City's permissible hours of 7:00 a.m. and 6:00 p.m. The proposed project may include limited instances of nighttime, early morning, or weekend construction, such as certain utility work that requires street closure which would require an After Hours permit and approval from the City.

For purposes of this analysis, a worst-case scenario was used assuming each piece of modeled equipment would operate simultaneously at the nearest reasonable locations to the closest noise-sensitive receptor for the loudest phase of construction. To evaluate noise levels from construction

of the proposed project, modeling was conducted using noise data from FHWA's Highway Construction Noise Handbook to ascertain the noise generated by specific types of construction equipment. The calculation spreadsheet with the detailed modeling assumptions is provided in the noise report included in Appendix H.

Traffic Noise Modeling Methodology

For the purposes of this analysis, traffic noise levels along selected roadway segments in the project vicinity would result in a significant impact if the proposed project would cause the Day-Night Level (DNL) at noise-sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain "normally acceptable"; or where it would cause the DNL at noise-sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the "normally acceptable" level. Typically, a doubling of the Average Daily Traffic (ADT) hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels. Therefore, for the purposes of this analysis, a doubling of the existing ADT volumes would result in a substantial permanent increase in traffic noise levels.

Stationary Noise Source Analysis Methodology

The existing office park includes mechanical equipment that currently contributes to the ambient noise environment but would be removed with implementation of the proposed project. The proposed project would generate noise from similar but newer mechanical ventilation equipment sources. To provide a conservative analysis, the highest end of the range of reference noise levels for these stationary noise sources, the usage factors of these activities, and the distance to the nearest sensitive receptor land uses were used to calculate the reasonable worst-case hourly average noise levels from each noise source as measured at the nearest sensitive receptor land uses. The calculation spreadsheet with the detailed modeling assumptions is included in the noise report provided in Appendix H.

Vibration Impact Analysis Methodology

The City does not have adopted criteria for construction or operational groundborne vibration impacts. Therefore, the FTA's vibration impact criteria and modeling and analysis methodology were utilized to evaluate potential vibration impacts. The FTA has established industry-accepted standards for vibration impact criteria and impact assessment, which are summarized in Table 3.13-5 above. A reasonable worst-case scenario was analyzed assuming the piece of equipment that would generate the highest groundborne vibration levels would operate at the nearest reasonable location to an off-site structure. FTA and FHWA reference vibration levels for construction equipment, summarized in Table 3.13-3, were used to calculate reasonable worst-case construction vibration levels.

3.11.5 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate. Further environmental review determined that impacts pertaining excessive noise levels from airport activity would have no impact and are further discussed in detail in Chapter 4, Effects Found not to be Significant.

Substantial Noise Increase in Excess of Standards

Impact NOI-1: **The proposed project could 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.**

Impact Analysis

Short-term Construction Impacts

For purposes of this analysis, a significant impact would occur if construction activities would result in a substantial temporary increase in ambient noise levels that would result in a substantial temporary increase in ambient noise levels, especially those that could result in annoyance or sleep disturbance of nearby sensitive receptors. Noise impacts from construction activities associated with the proposed project would be a function of the noise generated by construction traffic, construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities. A discussion of the potential impacts associated with each of these types of activities is provided below.

While the City does not establish noise level thresholds for construction activities, this analysis uses the construction noise impact guidelines established by the FTA to identify the potential for impacts due to substantial temporary construction noise. The FTA identifies construction noise limits in the Transit Noise and Vibration Impact Assessment Manual. During daytime hours, an exterior threshold of 80 dBA $L_{eq(8hr)}$ shall be enforced at residential land uses, 85 dBA $L_{eq(8hr)}$ at commercial land uses, and 90 dBA $L_{eq(8hr)}$ at industrial land uses.

Construction-related Traffic Noise

Noise impacts 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 impact that could occur during project construction would result from the increase in traffic flow on local streets associated with the transport of workers, equipment, and materials to and from the project site. 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 in order to result in an increase of 3 dBA in traffic noise levels, which, as addressed in the characteristics of noise discussion above, is the lowest change that can be perceptible to the human ear in outdoor environments. The proposed project's construction trucks would represent a small fraction of daily traffic and would be below the numbers necessary to generate barely noticeable noise increases. As such, the proposed project's haul trucks would not result in noticeable (much less substantial) noise increases along surrounding roadways, and this impact would be less than significant. Therefore, short-term construction-related noise impacts associated with the transportation of workers and equipment to the project site would be less than significant**.**

Construction Equipment Operational Noise

The second type of short-term noise impact is related to noise generated during construction on the project site. Construction noise levels are rarely steady in nature and often fluctuate depending on the type and number of equipment being used at any given time. In addition, there could be times where large equipment is not operating and noise would be at or near normal ambient levels. Construction is completed in discrete steps, each of which has its own mix of equipment and its own noise characteristics. These various sequential phases would change the character of the noise generated on the site and, therefore, the noise levels surrounding the 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.

Construction of the proposed project would generate noise during the approximate 4 years and 9 months schedule of demolition, site preparation, grading, building construction, paving, and architectural coatings activities.

The project's site preparation phase, which includes demolition, excavation, and grading activities, would be likely 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. Other construction phases would have reduced vehicle requirements. For example, building construction could at times require a crane truck, several construction forklifts, and skid steer loaders. These vehicles are much less powerful than the types of heavy-duty excavators, graders, and bulldozers that would be required to demolish, excavate, and grade the project site. Given this consideration, the following analysis assesses noise impacts that may result from the proposed project's grading activities.

Site preparation for the proposed project is estimated to last approximately 131 days. Construction of the proposed project is expected to require the use of bulldozers, backhoes, front loaders, excavators, and graders. The bulk of grading activities would be characterized by extensive use of a grader, which would be utilized across the project site to level the site and establish proper slopes and drainages. Combined construction noise from multiple pieces of equipment is assessed by modeling the combined noise level from the five loudest pieces of equipment used during each construction activity. The analysis assumes that the five loudest pieces of equipment proposed for a single construction activity would operate concurrently and in the same general location on the project site. Table 3.11-2 above shows typical noise levels of construction equipment as measured at a distance of 50 feet from the operating equipment.

A conservative but reasonable assumption is that this equipment would operate simultaneously and continuously over at least a 1-hour period in the vicinity of the closest existing residential receptors but would move linearly over the project site as they perform their earthmoving operations, spending a relatively short amount of time adjacent to any one receptor. The nearest off-site noise-sensitive receptor to proposed areas of construction would be the Shadelands Post-Acute nursing

home located west of the project site boundary. The façade of this closest noise-sensitive receptor would be located approximately 90 feet from the acoustic center of construction activity, where multiple pieces of heavy construction equipment could potentially operate at the project site. At this distance, reasonable worst-case construction noise levels could range up to approximately 80 dBA L_{max} intermittently and could have an hourly average of up to 76 dBA L_{eq} at the façade of the nearest noise-sensitive receptor when multiple pieces of equipment operate simultaneously at the nearest center of construction activity. The acoustical 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 worst-case maximum noise level. These noise levels would occur for only a short period as noise levels would drop off at a rate of 6 dBA for each doubling of the distance (6 dBA/DD) as construction equipment moves across the site further away from off-site receptors. The noise calculation sheet is provided in Appendix H.

These reasonable worst-case construction noise levels would not exceed the FTA's daytime noise performance standard of 80 dBA $L_{eq(8hr)}$ at residential land uses. However, mitigation is required to ensure that construction activities are restricted to daytime hours so that construction noise would not result in a substantial exceedance of the construction noise standards established by Section 4-6.203(f) of the Municipal Code.

Mitigation Measure (MM) NOI-1, which requires adherence to the permissible construction hours and also requires implementation of best management noise reduction techniques and practices, would ensure that construction noise levels would not result in a substantial temporary increase in ambient noise levels that would result in annoyance or sleep disturbance of nearby sensitive receptors. Therefore, with implementation of MM NOI-1, temporary construction noise impacts would be reduced to less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described in Chapter 2, Project Description, would be the same as described for the proposed project. Similar to the proposed project, the Community Benefit Variant would generate a short-term increase in noise associated with construction. However, construction would be in compliance with permit conditions including Section 4-6.203(f) of the Municipal Code as well as implementation of MM NOI-1. Therefore, construction of the Community Benefit Variant would not result in additional or increased impacts related to substantial noise increase in excess of standards.

Operation

Mobile Source Operational Noise Impacts

A significant impact would occur if project-generated traffic would result in a substantial increase in ambient noise levels compared with those that would exist without the proposed project. The City has not established thresholds for a substantial increase. Therefore, for purposes of this analysis, a substantial noise increase would occur if a project would cause the L_{dn} at noise-sensitive receptors to increase by 3 dBA L_{dn} or more where the noise levels would remain "normally acceptable" or where

it would cause the L_{dn} at noise-sensitive receptors to increase by 3 dBA L_{dn} or more where noise levels would equal or exceed the "normally acceptable" level.

A Transportation Impact Study (TIS) was conducted by traffic engineering consultants W-Trans to evaluate the proposed project on January 30, 2025 (Appendix H). The TIS determined that the proposed project would generate approximately 3,038 average weekday daily trips, approximately 203 AM peak-hour trips, and approximately 241 PM peak-hour trips. This is a reduction of 62 average daily trips below existing trips associated with the current uses on the project site.

These proposed project trips would not result in a doubling of existing peak-hour or average daily trips but, rather, would be lower than existing trips. Therefore, the proposed project would not result in any increase in existing traffic noise levels along roadway segments in the project vicinity but would rather result in a slight reduction in traffic noise. Therefore project-related traffic noise impacts would be less than significant.

Mechanical Equipment Operations

A significant impact would occur if operational noise levels generated by stationary noise sources at the proposed project site would result in a substantial permanent increase in ambient noise levels in excess of any of the noise performance thresholds established in the General Plan. For project-related stationary noise sources, the City noise performance threshold is 60 dBA L_{dn} as measured at outdoor areas of receiving residential land uses, excluding balconies. The City also established a maximum interior noise threshold of 45 dBA L_{dn} in all new residential units. Compliance with the exterior noise performance threshold of 60 dBA L_{dn} would ensure compliance with the interior noise threshold for receiving land uses if windows remain closed. Therefore, this analysis focuses primarily on compliance with the exterior noise performance threshold.

Noise levels from typical residential mechanical ventilation equipment range from 50 dBA to 70 dBA L_{eq} at a distance of approximately 3 feet.

The proposed mechanical ventilation equipment could be located as close as 110 feet from the nearest off-site receptor, the Shadelands Post-Acute nursing home located west of the project site boundary. At this distance, assuming the nearest resulting noise levels would attenuate to less than 31n dBA L_{eq} and 37 dBA L_{dn}, assuming no shielding of any kind (i.e., no shielding from a rooftop parapet or from a sound wall along the project property line). The noise calculation spreadsheet with detailed modeling assumptions is provided in Appendix H.

These noise levels would not exceed the City's exterior Land Use/Noise Compatibility standards for noise levels up to 60 dBA L_{dn}. In addition, it should be noted that these noise levels are well below the documented existing ambient noise levels on the project site, shown in Table 3.13-4 to range from 60.6 to 64.5 dBA L_{eq}. These documented daytime ambient noise levels included all existing ambient noise sources in the project vicinity, including noise from any existing mechanical ventilation equipment that may have been operating at the time of the noise measurement.

Therefore, project mechanical equipment operations would not result in a substantial increase in ambient noise levels above established standards and the impact would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Operation of the Community Benefit Variant would occur entirely within the existing right-of-way and would not introduce land uses with the potential to generate additional operational noise. Therefore, operation of the Community Benefit Variant would not result in additional or increased impacts related to substantial noise increase in excess of standards.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM NOI-1 During construction, to reduce potential construction noise impacts, the project applicant/project owner or sponsor shall implement the following multi-part mitigation measure for the proposed project:

- The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
- The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
- The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from adjacent residences.
- The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and noise-sensitive receptors nearest the project site.
- The construction contractor shall comply with Section 4-6.203(f) of the City's Municipal Code and any additional limitations as a part of the building/grading/site development permits issued. The City's standard restricts construction activities between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays or as enumerated in individual building and grading/site development permits.

Level of Significance After Mitigation

Less than significant impact.

Groundborne Vibration/Noise Levels

Impact NOI-2:	**The proposed project would not result in generation of excessive groundborne vibration or groundborne noise levels.**

Impact Analysis

Construction

A significant 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 3.13-5.

Of the variety of equipment used during construction, the small vibratory rollers that could be used in the site preparation phase of construction would produce the greatest groundborne vibration levels. Small vibratory rollers produce groundborne vibration levels ranging up to 0.101 inches per second (in/sec) PPV at 25 feet from the operating equipment. The nearest off-site structure is a commercial building located east of the project site, approximately 45 feet from the nearest construction footprint where small vibratory rollers would potentially operate. At this distance, groundborne vibration levels could range up to 0.04 PPV from operation of a small vibratory roller. This is well below the FTA's Construction Vibration Impact Criteria of 0.2 PPV for this type of structure, which is a building of nonengineered timber and masonry construction. Therefore, the impact of short-term groundborne vibration associated with construction to off-site receptors would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Construction of the Community Benefit Variant would generate vibrations well below the FTA's Construction Vibration Impact Criteria. Therefore, construction of the Community Benefit Variant would not result in additional or increased impacts related to excessive groundborne vibration or groundborne noise levels.

Operation

Implementation of the proposed project would not include any permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the project vicinity. In addition, there are no existing significant permanent sources of groundborne vibration in the project vicinity to which the proposed project would be exposed. Therefore, project operational groundborne vibration level impacts would be considered less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Operation of the Community Benefit Variant would be limited to roadway infrastructure and would not generate significant permanent sources of groundbourne vibration. Therefore, operation of the Community Benefit Variant would not result in additional or increased impacts related to excessive groundborne vibration or groundborne noise levels.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

3.11.6 - Cumulative Impacts

The geographical scope of the cumulative impact analysis for noise is limited by the range of potential noise impacts. Noise impacts tend to be localized; therefore, noise impacts for construction-related and operational stationary noise sources are limited to approximately 500 feet from the source. The analysis also considers the foreseeable development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, and Exhibit 3-1, Cumulative Projects Location Map, in the City of Walnut Creek and the surrounding areas, in addition to the proposed project.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to noise. This analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for a project's cumulative effects to rise to the level of a significant impact. If both conditions apply, this analysis will then evaluate feasible cumulative mitigation that would reduce cumulative effects. If one or both conditions do not apply, cumulative impacts would be less than significant and no cumulative mitigation is necessary. If there is no impact associated with respect to a particular CEQA threshold, the proposed project would have no contribution to potential cumulative impacts and, therefore, further discussion of cumulative impacts is not required.

Construction Noise

As noted above, construction-related noise impacts for are limited to approximately 500 feet from the source. The nearest cumulative project (Shadelands SecureSpace/Calicraft) is located 0.1 miles from the project site. Therefore, no anticipated future cumulative projects are located within 500-feet of the project site that would contribute to a cumulative construction noise impact with the proposed project. Cumulative impacts would be less than significant. In addition, as shown in the construction noise impact analysis, project-related construction noise impacts would not result in a substantial temporary increase in ambient noise levels as measured at the nearest sensitive receptors in the project vicinity. Therefore, the proposed project would not result in a potentially significant cumulatively considerable contribution to temporary construction noise levels in the project vicinity. This impact would be less than significant.

Operational Traffic Noise

The significance threshold for a cumulative traffic noise impact would be a substantial permanent increase in traffic noise levels along roadway segments accessing the project site, where the highest percentage of project trips would occur, that already experiences noise levels in excess of normally acceptable standards for adjacent land uses.

Based on the existing ambient noise monitoring effort (which included traffic noise sources), the existing daytime ambient noise levels in the project vicinity range from 60.6 dBA to 64.5 dBA L_{eq} adjacent to nearby residential land uses, commercial land uses, and roadways in the project vicinity.

These noise levels are considered normally acceptable for nearby land uses and do not constitute a cumulative noise impact. In addition, the nearest cumulative project (Y22-018) is located 0.18 miles from the project site, and, at that distance, it is not reasonably foreseeable that cumulative trips from that proposed project would double traffic volumes on roadway segments accessing the project site where the highest percentage of project trips would occur. Furthermore, based on the analysis above, implementation of the proposed project would result in a decrease in traffic noise levels in the project vicinity. Accordingly, cumulative impacts are less than significant. Moreover, as discussed above, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impacts. Therefore, implementation of the proposed project would not result in a potentially significant cumulatively considerable contribution to traffic noise impacts in the project vicinity and this impact would be less than significant.

Operational Stationary Noise

As noted above, noise impacts for operational stationary sources are limited to approximately 500 feet from the source. There are no anticipated cumulative projects identified on Chapter 3, Environmental Impact Analysis, Table 3-1 within 500 feet of the project site. The existing ambient noise environment of the project area is described under Section 3.11-2, Environmental Setting.

The significance threshold for a cumulative stationary source operational noise impact would be a substantial temporary noise increase at any location that is already exposed to excessive noise levels from stationary source operational noise. Based on the existing ambient noise monitoring effort, the existing daytime ambient noise levels in the project vicinity range from 60.3 dBA to 64.5 dBA L_{eq} adjacent to nearby residential land uses, commercial land uses, and roadways in the project vicinity. These noise levels are considered normally acceptable for nearby land uses and do not constitute a cumulative noise impact. Therefore, since there is not a cumulative stationary source noise impact in the project vicinity, implementation of the proposed project would result in a less than significant cumulative impact related to stationary source noise.

In addition, as analyzed under Impact NOI-1, noise generated by mechanical ventilation equipment would attenuate to below 30 dBA L_{eq} and 37 dBA L_{dn} at the nearest off-site sensitive receptors. These noise levels would not be audible above existing ambient noise levels as measured at the nearest sensitive receptor. Therefore, implementation of the proposed project would not result in a potentially significant cumulatively considerable contribution to less than significant cumulative stationary source noise impacts in the project vicinity. This impact would be less than significant.

Construction Vibration Impacts

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. There are no long-term development projects currently undergoing construction in the project vicinity that would result in cumulative groundborne vibration impacts. Therefore, since there is not a cumulative groundborne vibration impact in geographic range for the evaluation of cumulative vibration impacts, implementation of the proposed project would result in a less than significant cumulative impact related to construction groundborne vibration. Therefore, implementation of the proposed project would not result in a

potentially significant cumulatively considerable contribution to construction vibration impacts in the project vicinity. This impact would be 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. Implementation of the proposed project would not include any permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the project vicinity. In addition, there are no existing significant permanent sources of groundborne vibration in the project vicinity to which the proposed project would be exposed. Therefore, implementation of the proposed project would not result in a potentially significant cumulatively considerable contribution to ongoing operational groundborne vibration conditions in the project vicinity. This impact would be less than significant.

Community Benefit Variant

The cumulative impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The proposed roundabout and bicycle infrastructure would be constructed in compliance with applicable construction standards, including those related to noise and vibration. Implementation of the Community Benefit Variant would not result in additional or increased cumulative impacts to noise and vibration, and impacts would be less than significant.

Level of Cumulative Significance

No impact.

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3.12 - Population and Housing

3.12.1 - Introduction

This section describes existing population and housing in the region, County, and project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to population and housing that could result from implementation of the proposed project. Information included in this section is based on databases and reports maintained by the Association of Bay Area Governments (ABAG), California Department of Finance (CDF), California Employment Development Department (EDD), and the City of Walnut Creek Housing Element 2023–2031.

The following public comments were received during the Environmental Impact Report (EIR) Notice of Preparation (NOP) scoping period related to population and housing.

- The Draft EIR should evaluate the impacts of population growth in combination with the Oakmont Senior Housing and Residential Care Facility for the Elderly project.
- The Draft EIR should evaluate the cumulative impacts related to unplanned population growth.

3.12.2 - Environmental Setting

Population

San Francisco Bay Area

The ABAG is a regional planning agency and local government service provider that utilizes projections and a suite of models to determine potential employment, population, and household growth that the San Francisco Bay Area's nine counties, consisting of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, may experience. The population of the San Francisco Bay Area was approximately 7,685,860 in 2020 and is projected to increase in population by 588,115 residents leading to a total population of 8,273,975 by the beginning of 2031. consisting of an average annual population growth rate of approximately 0.8 percent.

Contra Costa County

The CDF provides population and housing estimates for the State, along with its counties and cities. Contra Costa County had a 2024 population estimate of 1,146,626, representing a 0.1 percent change from the previously estimated 2023 population of 1,145,274.[1] The County had an average of 2.72 individuals per household as of January 1,2024.[2]

City of Walnut Creek

The City of Walnut Creek's population is estimated to be 69,433 as of January 1, 2024. The City experienced a slight decrease in population from 2000–2010, having an initial population of 64,296 in 2000 declining by 123 inhabitants to 64,173 in 2010, with an average annual population growth of

[1] State of California Department of Finance (CDF). 2024. E-1: State/County Population Estimates with Annual Percent Change. May 1.
[2] State of California Department of Finance (CDF). 2025. Table 2: E-5 City/County Population and Housing Estimates, January 1, 2025. May.

-0.02 percent and a total population growth of -0.2 percent. Nevertheless, the City significantly increased in population between 2010–2020 with the addition of 6,133 residents, comprising a total population of 70,306 in 2020 with an average annual population growth of 1 percent and a total population growth of 9.6 percent.[3]

The population since 2020 has been slightly fluctuating but has decreased overall within a 5-year span between 2020–2024. The 2020 population of 70,306 decreased by 873 inhabitants to 69,433 in 2024, consisting of an average annual population growth of -0.24 percent and a total population growth of -1.2 percent.[4] Despite the City of Walnut Creek experiencing population fluctuations the previous 5 years, the population has been gradually increasing overall since 2000, with an average annual growth rate of 0.5 percent between 2000–2020. Population growth is expected to continue steadily, with a projected population of 81,265 by 2040 with an average annual growth rate of 0.8 percent.[5] The City of Walnut Creek had an average of 2.07 individuals per household as of January 1, 2025.[6]

Housing

San Francisco Bay Area

ABAG's Plan Bay Area 2050 Growth Patterns report displays the region's projected household growth rate using a baseline date of 2015. The San Francisco Bay Area contained approximately 2,677,000 households in 2015 and is projected to increase in the number of households by 1,367,000, totaling 4,043,000 households contributing to a 51 percent growth by 2050. All nine San Francisco Bay Area counties are projected to see an increase in the number of households by 2050, with Santa Clara, San Francisco, and Alameda counties expected to experience the highest increase in the number of households and to contribute the most to the region's overall increase in households. Contra Costa and San Mateo counties are projected to have an increase in the number of households but will contribute little to the region's increase in households, and the four North Bay counties of Marin, Sonoma, Napa, and Solano are anticipated to see the smallest increase in the number of households and will contribute the least to the estimated growth of households in the region.[7]

The jobs to housing ratio compares the total number of jobs in a geographic region to the number of households in that same area. A higher ratio indicates there are more jobs in the region than the number of households provided. The San Francisco Bay Area had a jobs to housing ratio of 1.5 in 2015. Furthermore, based on the most recent Monthly Labor Force Data for Counties report provided by the EDD for employment and City/County Population and Housing Estimates from the CDF, the approximate jobs to housing ratio in 2024 was around 1.3, with the ratio expected to remain around 1.3 through 2050.[8] Nevertheless, the decrease in the jobs to housing ratio from 2015

[3] City of Walnut Creek. 2023. 2023–2031 Housing Element. August.
[4] State of California Department of Finance (CDF). 2024. Table 2: E-4 Population Estimates for Cities, Counties, and State 2021–2024 with 2020 Benchmark. May 1.
[5] City of Walnut Creek. 2023. 2023–2031 Housing Element. August.
[6] State of California Department of Finance (CDF). 2025. Table 2: E-5 City/County Population and Housing Estimates, January 1, 2025. May.
[7] Association of Bay Area Governments (ABAG). 2021. Plan Bay Area 2050 Growth Pattern. January 21.
[8] Ibid.

indicates that households are projected to experience a higher increase than the number of jobs in the region.

Contra Costa County

Contra Costa County contains approximately 1,135,059 households as of January 1, 2024, with a total of 433,574 housing units. Within the estimated total, 287,851 are single-detached units and 34,118 are single-attached units. Multi-family units with 2–4 units per structure consist of 28,776 units, while multi-family units with over five units per structure comprise 75,748 units, in addition to 7,081 mobile homes. The County has 416,907 occupied units and 16,667 vacant units, having a vacancy rate of 3.8 percent.[9]

City of Walnut Creek

The City of Walnut Creek contained 35,167 housing units in 2024 and averages 2.07 persons per household. Regarding the types of housing units, multi-family homes with over five units per structure and single-detached homes constitute most housing units, with 12,823 multi-family five-plus units per structure and 12,731 single-detached homes within the city limits. Single attached homes and multi-family homes with 2-4 units per structure only comprise 27 percent of Walnut Creek's total housing units, with 5,259 units and 4,354 units respectively. The City has 0 mobile homes.[10] Many different types of housing units in Walnut Creek have been constructed from 2010-2024. Although the number of new single-detached and -attached homes has only increased slightly, the number of new multi-family homes with five-plus units per structure has grown significantly with a total growth rate of 18.4 percent and average annual growth rate of 1.3 percent. In contrast, the amount of multi-family homes with 2–4 units per structure has slightly decreased. Table 3.12-1 displays the types of housing units in Walnut Creek from 2010–2024.

Table 3.12-1: Housing Units in Walnut Creek 2010–2024

Housing Unit	2010	2024	Average Annual Growth Rate
Single-detached	12,461	12,731	0.2%
Single-attached	5,027	5,259	0.3%
Multi-family 2–4 Units per Structure	4,360	4,354	-0.01%
Multi-family 5+ Units per Structure	10,833	12,823	1.3%
Total	32,681	35,167	0.5%

Sources:
State of California Department of Finance (CDF). 2024. Table 2: E-5 City/County Population and Housing Estimates, January 1, 2024. May 1.
City of Walnut Creek. 2023. 2023–2031 Housing Element. August.

[9] State of California Department of Finance (CDF). 2025. Table 2: E-5 City/County Population and Housing Estimates, January 1, 2025. May.
[10] Ibid.

Of the 35,167 housing units, 33,109 are occupied resulting in a vacancy rate of 5.9 percent.[11] Based on the year these housing units within the City were constructed, 18,582 units, which make up 53 percent of the total existing units, were constructed between 1960 and 1979. The number of constructed units decreased between 1980 and 1999 with only 7,431 units constructed and further decreased between 2000 and 2009 with only 1,645 units constructed.

Affordable Housing

San Francisco Bay Area

The Regional Housing Needs Allocation (RHNA) establishes the number of new housing units, separated into four different affordability levels, that every local government must accommodate into their housing element for an 8-year period to meet California's housing needs at all income levels. ABAG submitted its draft RHNA methodology to the California Department of Housing and Community Development (HCD), confirming ABAG methodology furthers the objectives of the RHNA.

ABAG determined that the San Francisco Bay Area must plan for 441,176 new housing units from 2023 to 2031. Of those new housing units, approximately 41 percent must accommodate those of extremely low income and very low income having a household income below 30 percent and between 31 percent and 50 percent of the Area Median Income (AMI) and those of low-income groups with a household income between 51 percent and 80 percent of the AMI.[12] The San Francisco Bay Area RHNA for 2023–2031 is listed in Table 3.12-2 below.

Table 3.12-2: San Francisco Bay Area Regional Housing Needs Allocation 2023-2031

Income Level	New Housing Units Needed	Area Median Income (AMI)
Extremely and Very Low	114,442	< 30% and between 31%–50%
Low	65,892	51%–80%
Moderate	72,712	81%–120%
Above Moderate	188,130	> 120%
Total	441,176	

Source:
Association of Bay Area Governments (ABAG). 2022. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023–2031. November.

Contra Costa County

According to the ABAG Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023–2031 report, Contra Costa County must construct a total of 49,043 new housing units to accommodate the housing needs for all income levels. Of the new housing units needed to meet the

[11] State of California Department of Finance (CDF). 2025. Table 2: E-5 City/County Population and Housing Estimates, January 1, 2025. May.

[12] Association of Bay Area Governments (ABAG). 2022. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031. November.

RHNA for the 2023–2031 planning period, the majority of housing units must be planned for above moderate-income levels and extremely and very low-income levels, while moderate and low-income levels require the least amount of new housing units needed to achieve the 2023–2031 RHNA for Contra Costa County. Contra Costa County's RHNA for the 2023–2031 planning period for each income level is provided in Table 3.12-3 below.

Table 3.12-3: Contra Costa County Regional Housing Needs Allocation 2023–2031

Income Level	New Housing Units Needed	Area Median Income (AMI)
Extremely and Very Low	13,346	<30% and between 31%–50%
Low	7,685	51%–80%
Moderate	7,807	81%–120%
Above Moderate	20,205	>120%
Total	49,043	—

Source:
Association of Bay Area Governments (ABAG). 2022. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023–2031. November.

City of Walnut Creek

Per ABAG, the projected housing need for the City of Walnut Creek is 5,805 total housing units, with the majority of housing units needing to be allocated for above moderate-income levels and extremely and very-low income levels, while moderate and low-income levels require the lowest amount of new housing units needed to achieve the City's RHNA for the 2023–2031 planning period,[13] similar to Contra Costa County's RHNA for the planning period. The City of Walnut Creek RHNA for 2023-2031 is listed in Table 3.12-4 below.

Table 3.12-4: City of Walnut Creek Regional Housing Needs Allocation

Income Level	New Housing Units Needed	Area Median Income (AMI)
Extremely and Very Low	1,657	< 30% and between 31%-50%
Low	954	51%-80%
Moderate	890	81%-120%
Above Moderate	2,304	> 120%
Total	5,805	—

Source:
Association of Bay Area Governments (ABAG). 2022. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023–2031. November.

[13] Association of Bay Area Governments. 2022. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031. November.

Overpaying and Overcrowded Households

Households that spend over 30 percent of their income on housing and utilities are considered to be overpaying or "cost-burdened," and those that pay more than 50 percent are classified as "severely cost-burdened."[14] For owner-occupied units in Walnut Creek, 30 percent are cost-burdened with 13 percent severely cost-burdened, while renter-occupied units consist of 41 percent classified as cost-burdened and 21 percent are severely cost-burdened.[15] Although 65 percent of housing units in the City of Walnut Creek are owner-occupied, renter-occupied units that make up 35 percent of all housing units are cost-burdened.

Overcrowded units are defined as being occupied by 1.01 persons or more per room while units classified as severely overcrowded consist of more than 1.5 persons per room, excluding bathrooms and kitchens.[16] The City of Walnut Creek contains 110 owner-occupied and 690 renter-occupied households that meet the definition of an overcrowded unit. Of the overcrowded units, 38 owner-occupied households and 402 renter-occupied households are severely overcrowded. Although only 3 percent of housing units in Walnut Creek are considered overcrowded,[17] the majority of overcrowded and severely overcrowded units are renter-occupied units.

Persons With Special Needs

Many individuals encounter physical, social, and economic life situations or events resulting in requiring special accommodations, resources, or services that make finding adequate and affordable housing that meets their needs difficult. Groups classified under "persons with special needs" are seniors, large families, persons with disabilities, female-headed households, farmworkers, and the homeless and are discussed individually below.

Seniors

A senior family is classified as a household consisting of two people with one individual over the age of 65. The City of Walnut Creek contains 13,454 households that meet the definition of a senior family with 10,755 of these housing units owner-occupied and 2,699 senior family housing units being renter occupied. Although the majority of senior family housing units have a higher moderate and above moderate income, with those having an AMI greater than 100 percent comprising 5,925 units, approximately 32 percent of the total senior family housing units are classified as extremely low to very low-income, with those having income of less than 50 percent of the AMI making up 4,260 units. Of these units, 2,965 are owner-occupied and 1,295 are renter-occupied. Affordable housing is not the only difficulty seniors may encounter as 16 percent of seniors in Walnut Creek experience an ambulatory disability requiring housing that is more adequate and accessible to services such as transportation.[18]

[14] California Department of Housing and Community Development (HCD). 2024. Overpayment and Overcrowding. Website: https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/overpayment-payment-and-overcrowding. Accessed November 1, 2024.
[15] City of Walnut Creek. 2023. 2023–2031 Housing Element. August.
[16] California Department of Housing and Community Development (HCD). 2024. Overpayment and Overcrowding. Website: https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/overpayment-payment-and-overcrowding. Accessed November 1, 2024.
[17] City of Walnut Creek. 2023. 2023–2031 Housing Element. August.
[18] Ibid.

Large Families

Large families are defined as groups with five or more members that require special housing needs. Larger housing units that accommodate more space tend to have limited availability and are less likely to be affordable. Within the City of Walnut Creek, 1,257 (4 percent) of total households are classified as large families with more than five people. Of these households, 813 are owner-occupied and 444 are renter-occupied.[19]

Persons with Disabilities

A person with disabilities is defined as having a physical, mental, or developmental impairment which can impact an individual's life activities and finances through requiring supportive services and additional care making finding affordable housing with appropriate accommodations difficult. A total of 8,545 residents in Walnut Creek identify as having a disability, and despite 91 percent of the disabled population being employed, the unemployment rate for those disabled is higher than the overall City unemployment rate, resulting in residents with a disability potentially needing more assistance finding affordable housing.[20]

Female-Headed Households

Female-headed households require special assistance as caring for a child can prevent women from being fully employed as well as requiring other services, resulting in generating lower-income and inability to pay for housing. The number of female-headed households in Walnut Creek is 1,913 with 55 percent of these households containing children 18 years or younger in age. However, only 170, or 9 percent of female-headed households are below the poverty level.[21]

Farmworkers

Farmworkers may have special housing needs due to their lower wages and seasonal employment. Contra Costa County contains approximately 450 permanent farm workers and 860 seasonal farmworkers, making up only 0.1 percent of the county's total population. However, farms have begun to search for more permanent employees in the past few decades, resulting in a need for affordable housing to meet the needs of permanent farmworkers. Despite the increasing trend of permanent employment, less than 2 percent of Walnut Creek residents identify as employed farmworkers and no parcels encompassing the City are zoned for agricultural use. Therefore, no need for specialized farmworker housing has been established.[22]

Persons Experiencing Homelessness

The exact number of unhoused residents in the City of Walnut Creek is difficult to calculate for many reasons, such as provided shelters do not attract all homeless, shelters are not exclusive to only Walnut Creek residents, and many unhoused individuals are constantly internally migrating. However, data provided by multiple support services and programs developed by the City of Walnut Creek, along with maintaining a partnership with the Trinity Center, have given insight on possible homelessness trends and patterns within the municipality. The City of Walnut Creek Police Department's Homeless Outreach Program has discerned an increase in the number of Walnut Creek

[19] City of Walnut Creek. 2023. 2023–2031 Housing Element. August.
[20] Ibid.
[21] Ibid.
[22] Ibid.

residents experiencing homelessness over the previous decade, with the shortage of affordable housing and fentanyl use being two significant factors for the increase. In addition, between July and December of 2022, 106 unhoused individuals were contacted directly, of whom 46 percent had begun experiencing homelessness in the past year,[23] indicating a potential increase in unhoused individuals.

Accessory Dwelling Units

The City of Walnut Creek permitted a total of 99 accessory dwelling units (ADUs) between 2015–2021. Of the ADU permits issued between 2015–2021, approximately 72 percent, or 71 units, are designed for moderate-income levels. Additionally, 11 ADUs are aimed for above moderate-income levels, 14 are for low-income levels, and only three are for very low-income levels. Although the number of ADUs permitted is expected to increase to 176 total units, the percentage of projected units aimed toward certain income levels are expected to remain relatively the same, with 64 percent of ADUs projected to be designed for moderate-income levels while permitted above moderate-income and low-income units are anticipated to consist of 24 and 31 units respectively, and only seven ADUs are projected to accommodate very low-income levels.[24]

Employment

San Francisco Bay Area

The ABAG Plan Bay Area 2050 Growth Pattern displays projected job growth patterns for the nine counties of the San Francisco Bay Area in 2050, using 2015 as the baseline date. The region is expected to add 1,403,000 jobs between 2015–2050, increasing the total number of jobs by 35 percent from 4,005,000 to 5,408,000. Santa Clara, Alameda, and San Francisco counties are projected to generate the highest number of jobs, with Santa Clara County appending 511,000 new jobs and contributing to 36 percent of the shared regional growth; Alameda County adding 315,000 new jobs and sharing 22 percent of the regional growth; and San Francisco County generating 236,000 jobs and 17 percent of the shared regional growth. Additionally, Contra Costa County and San Mateo County are expected to produce 130,000 and 114,000 jobs with a shared regional growth of 9 percent and 8 percent respectively. The North Bay Counties of Solano, Sonoma, and Napa are expected to all increase in jobs, with Solano County having the highest percentage of individual growth at 53 percent, but only contributing to 5 percent of the shared regional growth, while Sonoma and Napa counties will only produce a shared regional growth of 2 percent and 1 percent. Marin County is the only county forecasted to decrease in the number of jobs, losing 19,000 (14 percent) of its jobs by 2050.[25] Table 3.12-5 displays each county's individual projected increase in the number of jobs from 2015–2050 along with their contribution to the total regional growth in jobs.

Table 3.12-5: Projected Regional Job Growth 2015–2050

County	Number of Jobs in 2015	Projected Number of Jobs by 2050	Increase in Jobs from 2015–2050	Share of Regional Growth
Alameda	867,000	1,182,000	315,000	22%

[23] City of Walnut Creek. 2023. 2023–2031 Housing Element. August.
[24] Ibid.
[25] Association of Bay Area Governments (ABAG). 2021. Plan Bay Area 2050 Growth Pattern. January 21.

County	Number of Jobs in 2015	Projected Number of Jobs by 2050	Increase in Jobs from 2015–2050	Share of Regional Growth
Contra Costa	404,000	534,000	130,000	9%
Napa	72,000	87,000	15,000	1%
Marin	135,000	116,000	-19,000	-1%
San Francisco	682,000	918,000	236,000	17%
San Mateo	393,000	507,000	114,000	8%
Santa Clara	1,099,000	1,610,000	511,000	36%
Solano	132,000	201,000	69,000	5%
Sonoma	221,000	251,000	30,000	2%
Region	4,005,000	5,408,000	1,403,000	100%
Source: Association of Bay Area Governments (ABAG). 2021. Plan Bay Area 2050 Growth Pattern. January 21.				

Contra Costa County

The Labor Market Information Division (LMID) of the California Employment Development Department (EDD) collects, analyzes, and publishes reports and data about California's labor force, employment and unemployment rates, projections, occupations, and other labor market data.[26] As of November 2024, Contra Costa County has a labor force totaling 548,200 individuals, with 521,700 of the labor force employed and 26,500 unemployed, resulting in an unemployment rate of 4.8 percent. Contra Costa County has experienced fluctuations in its labor force, employment, and unemployment but has gradually increased in labor force and employment and decreased in unemployment since 2010. In 2010, after the Great Recession, Contra Costa County had a labor force of 525,700 individuals, with 466,700 of those employed and 59,000 unemployed, resulting in an unemployment rate of 11.2 percent. The 2010s experienced a gradual increase with the labor force, reaching a high in 2019 of 566,000 individuals with 548,600 of those individuals employed and 17,400 unemployed resulting in an unemployment rate of 3.1 percent. However, the COVID-19 pandemic subsequently lowered the labor force and employment, with the present labor force and employment numbers from November 2024 remaining below the peak levels experienced in 2019 and early 2020.[27]

City of Walnut Creek

The EDD Labor Force and Unemployment Rate for Cities and Census Designated Places provides monthly labor force and employment data for California cities.[28] As of November 2024, the City of Walnut Creek had a labor force of 33,600 individuals, with 32,100 employed and 1,400 unemployed,

[26] California Employment Development Department (EDD). 2024. Labor Market Information. Website: https://labormarketinfo.edd.ca.gov/. Accessed November 1, 2024.
[27] California Employment Development Department (EDD). 2024. Historical Civilian Labor Force Contra Costa County. December 20.
[28] California Employment Development Department (EDD). 2024. Labor Force and Unemployment Rate for Cities and Census Designated Places. Website: https://labormarketinfo.edd.ca.gov/data/labor-force-and-unemployment-for-cities-and-census-areas.html. Accessed November 1, 2024.

resulting in a City unemployed rate of 4.3 percent.[29] A total of 55,365 people work in Walnut Creek, including non-residents who increase the City's population during the work week[30] leading to a higher jobs to housing ratio of nearly 1.6, which is higher than the estimated jobs to housing ratio of 1.3 in 2024.

3.12.3 - Regulatory Framework

Government Code Section 65589.5 (Housing Accountability Act)

The Housing Accountability Act (HAA) (Government Code § 65589.5), limits the bases upon which a city or county can deny a housing development project that complies with "applicable objective standards" as defined by statute, or that includes a certain percentage of affordable units and meets certain density requirements. The latter statutory provision, commonly referred to as the "Builder's Remedy," establishes a process that provides limited cases where a city or county can deny a housing project if the project contains a certain percentage of affordable housing and does not exceed maximum density requirements set by statute. Cities and counties are required to make one or more specific statutory findings in order to deny a Builder's Remedy project, which includes, among other things, a finding that the city or county had a substantially compliant housing element at the time of project filing and the project is inconsistent with general plan and zoning standards. Another finding would require the city or county to find that the housing development project would have a specific adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the project infeasible, or that the disapproval or conditions are required to comply with specific State or federal law. As revised by Assembly Bill (AB) 1893 (2024), an affordable housing project that would be eligible to invoke the Builder's Remedy includes housing development projects in which at least 13 percent of the total units are dedicated to lower-income households (Government Code § 65589.5(h)(3)(C)(i)).

Housing Crisis Act (SB 330)

Senate Bill (SB) 330, the Housing Crisis Act, both revised and added provisions to this Government Code. Among other things, SB 330 created a new process for housing development projects to file a "preliminary application," which allows the applicant to vest under the applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the preliminary application was deemed complete. On September 16, 2021, SB 8 was signed into law, which made some clarifications and updated SB 330, extending the provisions of SB 330 from January 1, 2025, to January 1, 2030. On June 30, 2025, AB 130 was signed into law to remove the sunset provisions and extend the provisions indefinitely.

California Housing Element Law

The State Housing Element Law (Government Code Chapter 1143, Article 10.6, §§ 65580, *et seq*.) 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

[29] California Employment Development Department (EDD). 2024. Monthly Labor Force Data for Cities and Census Designated Places. December 20.
[30] City of Walnut Creek. 2023. 2023–2031 Housing Element. August.

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, the California Department of Housing and Community Development (HCD) estimates the relative share of the State's anticipated population growth that would occur in each county in the State based on the California Department of Finance (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 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, which then allocate shares to their cities and 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

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 needs for local jurisdictions, to conform to the SCS as 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 1397

AB 1397 approved in 2017 amends Sections 65580, 65583, and 65583.2 of the Government Code and requires that each city or county maintain an inventory of land listed by Assessor Parcel Number (APN) that is available for, or suitable for, residential development, including vacant sites or other properties that have potential for redevelopment to meet a city or county's housing needs based on income level. Available land with developmental potential must be listed in a city or county's housing element as well as a methodology that describes the land's developmental potential. AB 1397 requires the methodology to consider the city or county's previous experience with converting

existing land uses to high density residential development, explain the present demand for the existing use, and provide an analysis of obstructions that would prevent redevelopment. Land that is suitable for redevelopment must contain accessible utilities and must accommodate at least 20 percent of units to lower-income households during the planning period.

Assembly Bill 1483

AB 1483 was amended in 2019 and requires a city or county to provide data on housing production for its jurisdiction within its annual report under the Planning and Zoning Law if requested by the applicable metropolitan planning organization, only if determined by the HCD to further the State's housing goals. AB 1483 also mandates a city or county to compile, and post on the city or county website, information on zoning ordinances, development fees, and assessments related to housing development and requires the annual submittal of the development status of each housing project with completed applications to the HCD and any applicable metropolitan planning organization.

Assembly Bill 725

AB 725 was approved in 2020 and requires at least 25 percent of a metropolitan jurisdiction's share of the regional housing needs for moderate-income housing to 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 requires that at least 25 percent of a metropolitan jurisdiction's share of the regional housing needs for above-moderate income be allocated to sites with zoning that allows at least four units of housing.

Assembly Bill 1839

In 2024, AB 1893 revised the HAA to provide that the applicant for a housing development project that qualifies for a density bonus under the State Density Bonus Law "shall receive two incentives or concessions in addition to those granted" under the Density Bonus Law. (Government Code, § 65589.5(f)(6)(C).)

Senate Bill 478

SB 478 was passed in 2021 and applies to housing development projects that meet specific requirements and prohibits a local jurisdiction from imposing a lot coverage requirement that physically precludes a housing development project that has a floor area ratio (FAR) less than 1.0 which includes three to seven units or a FAR less than 1.25 on a housing development project which includes eight to 10 units. SB 478 would further prohibit a local jurisdiction from denying a housing development project that does not meet the local jurisdiction's minimum lot size requirements on a parcel.

Regional

Association of Bay Area Governments

ABAG administers regional housing needs for nine San Francisco Bay Area counties by following Statewide goals and is also responsible for forecasting and documenting changes to the San Francisco Bay Area such as population, households, and employment trends. In addition, ABAG provides information related to the RHNA which identifies the number of housing units based on affordability level that every local government in the region must accommodate to cumulatively

meet California's housing needs over an 8-year period. ABAG must submit its methodology to the HCD to ensure ABAG's findings advance the RHNA objectives.

Regional Housing Needs Allocation

The RHNA determines the amount of additional housing units at four different affordability levels that a county, city, or town must accommodate into the Housing Element of its General Plan over an 8-year period. The RHNA must meet five statuary objectives revolving around increasing the number of housing units to improve affordability and equity, promoting environmental and socioeconomic sustainability, balancing the jobs to housing relationship for each affordability level and disproportionate household income distribution, and advancing equal housing. ABAG preforms the RHNA process every 8 years for the San Francisco Bay Area's nine counties, including its cities and towns, by developing a methodology to achieve RHNA objectives and to distribute the number of housing units that each local jurisdiction within the region must allocate based on findings from the HCD.

Plan Bay Area 2050: A Vision for the Future

Plan Bay Area 2050 is a 30-year plan developed by ABAG and the Metropolitan Transportation Commission (MTC) which highlights housing, economic, and transportation strategies to achieve long-term economic and environmental sustainability through 2050. The plan utilized forecasting and modeling methodologies along with considering important components to predict the increase in housing, population, and jobs that the San Francisco Bay Area region may experience from the baseline date of 2015 through 2050.

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 General Plan Housing Element

The Walnut Creek 2023–2031 Housing Element Update was adopted by the Walnut Creek City Council in January of 2023 and certified by the HCD in October of 2023, consistent with State Housing Element Law timelines, covering an 8-year period beginning in October of 2023 to October 2031. The Housing Element provides a variety of goals, policies, and programs to meet the City's housing needs for residents of all income levels by analyzing suitable locations to accommodate new housing units, examining current and projected housing needs and how to improve the development of housing following the RHNA. The update describes new requirements provided from the RHNA; Affirmatively Further Fair Housing (AFFH), which outlines current disparities toward equal opportunity; and goals and objectives to provide opportunity for those experiencing segregated living patterns and poverty while maintaining compliance with existing regulations and also providing substantial evidence that nonvacant sites chosen within the Housing Element are suitable and will be available for future housing development.

California Government Code Section 65583(c) requires the City of Walnut Creek to provide a list of actions that it intends to or will undertake during the planning period to implement suitable programs to achieve the goals and policies developed in its Housing Element. The following relevant goals, policies, and programs from the 2023–2031 Housing Element Update are provided below.

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-1.1 The City shall provide an adequate supply of residentially zoned land at sufficient densities to accommodate its fair share of the existing and future housing needs, and accommodate any shortfalls caused by loss of sites or reduced density developments.

Policy H-1.3 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, particularly for Walnut Creek workers, first-time home buyers, and lower-income renters.

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-2.2 The City shall encourage innovative housing approaches in the design and ownership of units to increase the availability of affordable housing.

Policy H-2.11 The City shall assist extremely low-, very low-, and low-income renters with securing affordable housing.

Goal H-4 Minimize the impact of potential government constraints on the maintenance, improvement, and development of housing.

Policy H-4.1 The City shall provide regulatory and/or financial incentives where appropriate to offset or reduce the costs of affordable housing development, including density bonuses and flexibility in site development standards.

Goal H.6 To ensure equal housing opportunities for all Walnut Creek residents regardless of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, disability, or source of income.

Policy H-6.1 The City shall promote fair housing opportunities for all people regardless of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, disability, or source of income.

Policy H-6.4 The City shall increase access to fair housing services to residents of all cultural and economic backgrounds.

Policy H-6.5 The City shall increase housing opportunity and mobility outside of the Core Area.

Goal H-7 Energy Conservation and Sustainable 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 constructing housing that is integrated into the building site, consume less energy, water and other resources, and are healthier, safter, more comfortable, and durable.

Inclusionary Housing Ordinance

The City of Walnut Creek adopted its Inclusionary Housing Ordinance in 2004 with revisions subsequently made in 2009 and 2010. The Inclusionary Housing Ordinance is a local ordinance that requires future residential development projects to include a percentage of low- or moderate-income housing based on the total number of dwelling units proposed and the type of inclusionary units to be provided pertaining to income level. The developer may either include an appropriate number of inclusionary housing units or pay an in lieu fee, unless the developer proposes an alternative that compensates or maintains the objectives of the Inclusionary Housing Ordinance. In addition, the City provides incentives to facilitate inclusionary housing requirements.

3.12.4 - Methodology

Impacts related to population, housing, and employment and data on existing and forecasted growth at the regional, County, and City levels were analyzed using a variety of reports and databases provided by ABAG Associates, CDF, and EDD and the City of Walnut Creek Housing Element 2023–2031. The proposed project's impacts were evaluated by calculating the approximate population

growth and housing units generated by the proposed project to determine whether the estimated growth in population and housing would remain consistent with the General Plan and established RHNA in the Housing Element and the Municipal Code.

3.12.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether population and housing impacts resulting from the implementation of the proposed project would be considered significant if the proposed project would:

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. (Refer to Chapter 4, Effects Found not to be Significant.)

3.12.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary. Further environmental review determined that impacts pertaining to displacement of persons or housing would have no impact and are further discussed in detail in Chapter 4, Effects Found not to be Significant.

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).**

Construction

Impacts related to inducement of population growth are limited to operational impacts. No respective construction impacts would occur.

Operation

Direct Population Growth

The proposed project would develop 422 multi-family dwelling units on the project site. As provided in Table 3.12-6, the proposed project is estimated to generate 874 new residents, excluding the possibility of current Walnut Creek residents moving onto the project site. This would contribute to a 1.3 percent total population growth in relation to the 2024 Walnut Creek population of 69,433 individuals.

Table 3.12-6: Project-related Population Growth

Dwelling Units	Average Persons Per Household	Approximate Population Growth	Percentage of Population Growth Within 2024 Walnut Creek Population
422	2.07	874	1.3%
Source: State of California Department of Finance (CDF). 2025. Table 2: E-5 City/County Population and Housing Estimates, January 1, 2025. May.			

As previously mentioned, the City of Walnut Creek is expected to have a population of 81,265 residents by 2040 based on ABAG projections, resulting in an average annual growth rate of 0.8 percent. Per ABAG's RHNA methodology that was approved by the HCD, the projected housing need for the City of Walnut Creek for the 2023–2031 planning period is 5,805 total housing units, as listed in Table 3.12-4 above.

Per Section 2.2.5, Phasing and Construction, of Chapter 2, Project Description, construction of the proposed project components and off-site improvements would occur in two phases over a period of approximately 4.5 years, starting in April 2026 and ending in December 2030. All site preparation and grading for the entire project site would also be completed within this timeframe. Phase I of the proposed project would be expected to finish construction in April 2028, and Phase II of the proposed project would be expected to finish construction in December 2030. As such, the proposed project would be expected to add approximately 874 new residents by the year 2031 and would contribute approximately 0.1 percent to the average annual growth rate, which would be below the anticipated 0.8 average annual growth rate as projected by ABAG.

The proposed project would be constructed on three APNs that are currently designated as Business Park (BP) in the General Plan and would replace existing office buildings and land uses. Municipal Code Section 10-2.2.1202, Land Use Regulations, does not permit residential land uses under the BP land use. Regardless, as detailed in Section 3.10, Land Use and Planning, and described in Section 3.12.3 above, the proposed project is a residential development that includes a statutory percentage of affordable units and density and is being processed under the HAA including the "Builder's Remedy" provisions which limits a city's ability to disapprove or condition to render infeasible a qualifying affordable development based on inconsistencies with general plan and zoning standards. Consequently, the proposed project would be able to utilize this State law to develop residential uses on parcels designated as BP.

In addition, the proposed project will contribute toward meeting the City's 6th Cycle RHNA obligations, as the project's 422 dwelling units represents approximately 7.3 percent of the City's RHNA allocation for the current eight-year cycle. Of these units, 55 would be designated as low-income households, which represents approximately 5.77 percent of the City's RHNA allocation for lower income units for this cycle.

Although the proposed project would replace the BP land use designation on the project site with residential uses, the projected population growth generated by the proposed project would remain

within ABAG's population projections and average annual growth rate for the City by 2040 and would meet the City's RHNA obligations by accounting for 422 of the 5,805 total dwelling units established by ABAG as approved by the HCD for the 2023–2031 planning period. As such, the proposed project would be consistent with ABAG's population growth projections for the City and projected housing needs under the RHNA. The proposed project would not induce substantial unplanned population growth in the region, and impacts related to directly inducing unplanned population growth in the region would be less than significant.

Furthermore, by providing 13 percent of the total units as affordable to lower-income households, the proposed project is eligible for additional density and development capacity under the State Density Bonus Law, including an unlimited number of waivers from development standards that would physically preclude the project at the proposed density under Government Code Section 65915(e), one "incentive or concession" under Government Code Section 65915(d)(2), two additional incentives and concessions under Government Code Section 65589.5(f)(6)(C)(i), as well as parking reductions under Government Code Section 65915(p). As such, the project applicant has requested waivers from certain development standards included in the Business Plan land use designation and the PD-1543 zoning designation's zoning standards (which mirror the City's BP zoning standards). Since the proposed project is covered by the HAA (including the Builder's Remedy) and Density Bonus Law, the approximate population growth of the proposed project is consistent with these housing statutes and allowable by operation of law. Therefore, with these grounds combined, impacts related to directly inducing unplanned population growth in the region would be less than significant. See Section 3.10, Land Use and Planning, for more information regarding the proposed project's consistency with SB 330 and the HAA.

Indirect Population Growth

The project site is in an urbanized area and the project site has been developed since the 1980s with maintained connections to existing public utility and transportation infrastructure. The proposed project would develop an internal circulation system to access housing units; however, no extension or construction of off-site roadway infrastructure would occur. In addition, the project site would have feasible access to already existing internal utility systems, including potable water, stormwater lines, and sanitary sewer lines along Mitchell Drive, underground electrical utility lines along Mitchell Drive and Shadelands Drive, and solid waste services and would not require the extension of infrastructure. As such, the proposed project does not require the extension of any infrastructure or existing roads. Therefore, the proposed project would have a less than significant impact related to indirectly inducing substantial unplanned population growth in the area.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The operation of the Community Benefit Variant is limited to roadway infrastructure improvements within the existing right-of-way and would not increase the on-site residential population upon operation either directly or indirectly. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to direct or indirect substantial unplanned population growth.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

3.12.7 - Cumulative Impacts

The geographical scope of the cumulative impact analysis for Population and Housing is the City of Walnut Creek. This includes consideration of the foreseeable development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, and Exhibit 3-1, Cumulative Projects Location Map, in the City of Walnut Creek and the surrounding areas, in addition to the proposed project.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to population and housing. This analysis also considers whether the incremental contribution of impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for a project's cumulative effects to rise to the level of a significant impact. If both conditions apply, this analysis will then evaluate feasible cumulative mitigation that would reduce cumulative effects. If one or both conditions do not apply, cumulative impacts would be less than significant and no cumulative mitigation is necessary. If there is no impact associated with respect to a particular CEQA threshold, discussion of cumulative impacts is not required.

Population Growth

The geographic scope for cumulative impacts related to unplanned population growth is the City of Walnut Creek, which had an estimated population of 69,433 in 2024. Cumulative projects listed in Table 3-1 in combination with the proposed project would increase the City of Walnut Creek's population. As previously discussed, the City is expected to increase at an annual rate of 0.8 percent, resulting in a total population of 81,265 by 2040. As discussed under Impact POP-1, the proposed project would add approximately 874 individuals to the current City's population upon completion of construction in December 2030, representing approximately 0.1 percent of the City's annual projected growth rate of 0.8 percent in the year project occupancy begins. Seven of the cumulative projects listed in Chapter 3, Project Description, Table 3-1 would construct housing for a planned amount of included residential units, as listed in the City's Development Pipeline List for Quarter 4 and in Table 3.12-7. These residential projects would introduce a number of new residents to the City who would be included in the 2040 projected population.

Table 3.12-7: Development Projects That Include Residential Units

Development Project	Project Type	Project Status	Residential Units
Mitchell Townhomes	Residential	Under Review	422
1455 Montego Senior Living	Community Facilities	Approved	39

Development Project	Project Type	Project Status	Residential Units
Cityview Mixed Use Development–1910 North Broadway	Mixed Use	Project On Hold	140
Carmel Drive Townhomes	Residential	Approved/On Hold	11
Oakmont Senior Housing and Residential Care Facility*	Residential	Approved	254 units (+ 136 residents)
2670-80 Walnut Boulevard Subdivision	Residential	Under Construction	13
Sierra Gardens	Residential	Under Review	87
Residences at Abigail Place	Residential	Approved	17
Total	—	—	983

Notes:
*The Oakmont Senior Housing and Residential Care Facility is a two-component project with a Multi-family Senior Housing Complex with 254 residential units and a Residential Care Facility for the Elderly which includes 136 residents. The 136 residents from the second component were added onto the approximate population growth calculated from the residential units included in the first component.
Sources: City of Walnut Creek. 2024. Development Pipeline List. December 19.
City of Walnut Creek. 2024. Website: https://www.walnutcreekca.gov/government/community-development-department/development-projects/oakmont-senior-housing-residential-care-facility-for-the-elderly. Accessed January 18, 2025.

A total of approximately 983 residential units are estimated to be developed from the seven cumulative projects in combination with the proposed project, excluding smaller single-family residential home additions and ADU projects. As previously mentioned, the City averaged about 2.07 persons per household in 2025, and thus, 983 residential units would result in a cumulative estimated population growth of approximately 2,170 persons, including the 136 residents to be generated from the Residential Care Facility for the Elderly within the Oakmont Senior Housing and Residential Care Facility project. The City is expected to have a population of 81,265 by 2040, with an average annual growth rate of 0.8 percent. The proposed project along with the cumulative projects listed in Table 3-1 would generate approximately 2,170 persons and would contribute to an average annual growth rate of 0.2 percent if all projects were constructed in the same year. This would be below the City's annual growth rate of 0.8 percent.

Furthermore, the approximate 983 residential units constructed within the cumulative projects listed in Table 3.12-7 along with the proposed project would facilitate progress toward meeting the City's RHNA target of 5,805 housing units for the 2023–2031 planning period, which was approved by the HCD and distributed by ABAG to be updated and planned into the City's Housing Element to demonstrate that the City has sufficient parcels available for meeting the projected housing needs for all income levels within the City. The approximately 983 residential units would represent nearly 17 percent of the 5,805 housing units estimated by ABAG for the planning period. In addition, the proposed project, along with the cumulative projects listed in Table 3.12-7, was located, planned, and designed to be consistent with ABAG's RHNA five statutory objectives for increasing the diversity of housing supply to improve housing affordability, promoting infill development and socioeconomic

equity, improving intraregional jobs-housing relationship, balancing household income distributions, and affirmatively furthering fair housing. As such, the proposed project along with the cumulative projects listed in Table 3.12-7 would result in a less than significant cumulative impact associated with unplanned direct population growth.

The proposed project would not employ full-time employees. However, other cumulative projects that are commercial, mixed-use, community facility, or senior housing projects in Table 3-1 could generate employment opportunities. As previously mentioned, the City of Walnut Creek had an unemployment rate of 4.3 percent in November 2024, or approximately 1,400 individuals. It is expected that the cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 would draw employees from the City's existing labor force. Therefore, the proposed project, in combination with other cumulative projects, would result in a less than significant cumulative impact related to indirect population growth. Therefore, cumulative impacts related to direct and indirect unplanned population growth would be less than significant.

Community Benefit Variant

The cumulative impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant is limited to roadway infrastructure improvements within the existing right-of-way and would not have the potential to result in direct or indirect population growth. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased cumulative impacts to population and housing and impacts would be less than significant.

Level of Cumulative Significance

Less than significant impact.

Mitigation Measures

None Required.

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3.13 - Public Services

3.13.1 - Introduction

This section describes the existing conditions related to public services in the City and project area, as well as the relevant regulatory framework. This section also evaluates the possible impacts related to public services that could result from project implementation. Descriptions and analysis in this section are based on information provided by the Contra Costa General Plan and City of Walnut Creek General Plan, Contra Costa County Fire Protection District (CCCFPD), Walnut Creek Police Department (WCPD), The Mt. Diablo Unified School District (MDUSD), City of Walnut Creek Arts and Recreation, City of Walnut Creek, City of Concord, Pleasant Hill Recreation and Park District, Contra Costa County Library System, Contra Costa Local Agency Formation Commission (LAFCo), and Ed-Data.

The following public comment was received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to public services.

- The Draft EIR should evaluate potential impacts from the proposed project's planned circulation system on emergency response and access.

3.13.2 - Environmental Setting

Fire Protection and Emergency Medical Services

The CCCFPD provides fire protection serices in Contra Costa County including Fire Prevention and Code Enforcement, as well as emergency medical and ambulance services in contract with Contra Costa County Health Services (CCCHS) in northern Contra Costa County including the City of Walnut Creek. The CCCFPD service area covers northern and eastern Contra Costa County, from Pinole to the west, along the Carquinez Strait from Martinez to Bethel Island in the north, Discovery Bay to the east, and Walnut Creek and Lafayette to the south. The CCCFPD consists of 33 fire stations with more than 400 employees and nearly 1 million people served. In 2023, the CCCFPD responded to a total of 126,387 incidents including 70,922 Emergency Medical Services (EMS) emergencies and 5,125 fire-related incidents. The total number of incidents in 2023 increased by approximately 34 percent compared to the previous year. In addition, the Contra Costa Regional Fire Communications Center processed 234,773 phone calls and dispatched over 125,000 emergency calls. All fire protection districts and city fire departments in the County, along with the California Department of Forestry and Fire Protection (CAL FIRE) have established mutual-aid agreements to provide personnel and equipment to neighboring agencies when needed.

The CCCFPD underwent an expansion in 2023 which included the annexation of East Contra Costa Fire Protection District, the expansion of services to the City of Pinole, as well as the reopening and opening of fire stations across Pinole, Bay Point, Antioch, and Brentwood. In addition, the CCCFPD is currently planning to develop three new fire stations in eastern Contra Costa County.[1]

[1] Contra Costa County Fire Protection District (CCCFPD). 2024. Contra Costa County Fire Protection District Annual Report 2023.

Contra Costa County has established public safety response time standards in their Public Facilities and Services Element within the Contra Costa County 2045 General Plan for fire suppression incidents and emergency medical services. Fire protection districts and city departments in Contra Costa County endeavor to maintain a response time of four minutes or less for the first engine company, and six minutes or less for the second engine company to arrive at a fire suppression incident. Responses to initial full alarm assignments are to maintain a response time of eight minutes or less that does not involve a high rise building, and 10 minutes and 10 seconds or less for initial full alarm assignments that involve a high rise building. Furthermore, emergency medical services attempt to meet a response time of four minutes or less with a unit containing a first responder, and a response time of eight minutes or less for the arrival of advanced life support. All response time standards for both fire suppression incidents and emergency medical services shall strive to maintain these response times at least 90 percent of the time.[2]

Fire Stations

The project site is located within an approximate 3-mile radius of six CCCFPD fire stations, with two of these stations located in the City of Walnut Creek, and four stations situated in the surrounding cities of Pleasant Hill and Concord. Table 3.13-1 summarizes the fire stations closest to the project site.

Table 3.13-1: Fire Stations Within Approximately 3-mile Radius of Project Site

Station	Address	Direction From Site	Distance From Site
10	2955 Treat Boulevard, Concord	NW	0.6 mile
7	1050 Walnut Avenue, Walnut Creek	S	1.1 miles
22	5050 Crystyl Ranch Drive, Concord	NE	2.3 miles
5	205 Boyd Road, Pleasant Hill	NW	2.6 miles
1	1330 Civic Drive, Walnut Creek	SW	2.8 miles
2	2012 Geary Road, Pleasant Hill	W	3.2 miles

Police Protection

The WCPD provides law enforcement, investigation, and crime prevention services for the City of Walnut Creek, located in City Hall at 1666 North Main Street about 3 miles west of the project site. The WCPD had approximately 130 police department staff consisting of both sworn officers and professional staff in 2023,[3] resulting in a service ratio of roughly 1.9 police department employees per 1,000 residents[4] based on the 2024 population of 69,433 residents assuming that staffing levels remained constant for 2024.

The WCPD is divided into two subdivisions: the Administrative Division which investigates crimes and consists of school resource officers, training communications, administrative, records and police

[2] Contra Costa County. 2024. Contra Costa County 2045 General Plan. November 5.
[3] City of Walnut Creek. 2023. Walnut Creek Police Department Annual Report 2023.
[4] 130/69,433 x 1,000 = 1.87 police department staff per 1,000 residents.

services, property and evidence, and investigations; and the Operations Division which provides the first responders to calls for police related services such as traffic, special operations, and patrol services.[5]

Response Times

The WCPD is the primary agency for emergency and non-emergency related calls with a team of Public Safety Dispatchers working at the Communications Center operating 24 hours a day.[6] The WCPD Communications Center received 76,078 incoming phone calls in 2023, with 41,214 of those calls being computer aided dispatched calls requesting police assistance. In addition, approximately 99.7 percent of 911 calls processed by the WCPD Communications Center were answered in less than 15 seconds.[7] Average response times recorded by the WCPD are divided into three categories based on the severity of the request being Priority I (Emergency), Priority 2 (Urgent), and Priority 3 (Routine).[8] The WCPD Average Response Times in 2022 are listed below according to the previous categories mentioned.

Table 3.13-2: Walnut Creek Police Department Average Response Times in 2022

Response Category	Average Response Time (minutes: seconds)
Priority I (Emergency)	3:07
Priority 2 (Urgent)	4:56
Priority 3 (Routine)	5:40
Source: Walnut Creek Police Department (WCPD). 2022. Police Response Data. Website: https://www.walnutcreekpdca.gov/departments/public-safety/police/crime-statistics. Accessed October 11, 2024.	

Patrol Services

The Patrol Bureau in the Operations Division currently employs 36 sworn officers who respond to emergency calls and perform law enforcement services 24 hours a day. Patrol services are divided into five geographic sectors with a total of 11 beats being specific geographical areas within each sector where patrol officers are assigned to conduct uniform patrols. Each geographic subdivision has a sector commander. Sector 1 covers the south and southwest portions of Walnut Creek including Rossmoor, Sector 2 covers the west and northwest areas largely on the west side of Interstate 680 (I-680) and north of State Route (SR) 24, Sector 3 covers the northeastern portions of the City following Ygnacio Valley Road into Concord, Sector 4 covers the downtown area, and Sector 5 primarily focuses on patrol services for the Broadway Plaza shopping center.

The project site is located within Sector 3 which is further subdivided into three beats. The project site is in Beat 32 and is approximately 0.25 mile from the Walnut Creek Police Field Office which

[5] City of Walnut Creek. 2023. Walnut Creek Police Department Annual Report 2023.
[6] Bob Murray & Associates. City Of Walnut Creek Invites Your Interest in The Position of Police Chief.
[7] City of Walnut Creek. 2023. Walnut Creek Police Department Annual Report 2023.
[8] Walnut Creek Police Department (WCPD). 2025. Website: https://www.walnutcreekpdca.gov/departments/public-safety/police/crime-statistics. Accessed October 11, 2024.

allows Sector 3 officers to perform law enforcement services without needing to return to the City Hall Police Station.[9]

Schools

The project site is located within the MDUSD which provides K-12 and Adult Education programs throughout 50 school sites currently serving over 29,000 students, with approximately 3,100 faculty for the cities of Clayton, Concord, Pleasant Hill, and portions of Martinez, Pittsburg, and Walnut Creek, as well as the unincorporated communities of Bay Point, Clyde, Lafayette, Pacheco, and Vine Hill.[10] The MDUSD divides neighborhoods into separate zones and designates specific street addresses with an elementary, middle, and high school. According to the MDUSD School Site Locator, the project site would be served by Bancroft Elementary School (Grades K-5) located at 2200 Parish Drive located approximately 1 mile west of the project site, Foothill Middle School (Grades 6-8) at 2775 Cedro Lane about 0.6 mile south of the project site, and Northgate High School (Grades 9-12) at 425 Castle Rock Road approximately 1.6 miles south of the project site.[11]

The schools serving the project site have seen an overall increase in enrollment between 2019-2024 with Bancroft Elementary School having an approximate 3.8 percent increase in enrollment,[12] Foothill Middle School with an approximate 4.9 percent enrollment increase,[13] and Northgate High School with a 3.2 percent increase in enrollment.[14]

While the MDUSD School Site Locator is a general guide listing schools that are intended to serve a particular addresses location, it does not determine exact school assignment. Therefore, MDUSD schools within a 2-mile radius are listed in Table 3.13-3 along with enrollment trends between the 2019-2024 school years.

Table 3.13-3: Enrollment at Mt. Diablo Unified School District Schools Within a 2-mile Radius

School	Grade Range	Distance From Project Site	Approximate Enrollment					
			2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	Change over five-year period (percent)
Bancroft Elementary School	K-5	1 mile west	661	608	595	675	686	+3.8

[9] City of Walnut Creek. 2023. Walnut Creek Police Department Annual Report 2023.
[10] Mt. Diablo Unified School District (MDUSD). 2025. About Our District. Website: https://www.mdusd.org/about. Accessed November 18, 2024.
[11] Mt. Diablo Unified School District (MDUSD). 2025. Find Your School. Website: https://www.mdusd.org/families/studentservices/enrollmentcenter/find-your-school. Accessed November 18, 2024.
[12] Ed-Data Education Partnership. 2024. Bancroft Elementary. Website: https://www.ed-data.org/school/Contra-Costa/Mt.-Diablo-Unified/Bancroft-Elementary. Accessed November 18, 2024.
[13] Ed-Data Education Data Partnership. 2024. Foothill Middle. Website: https://www.ed-data.org/school/Contra-Costa/Mt.-Diablo-Unified/Foothill-Middle. Accessed November 18, 2024.
[14] Ed-Data Education Data Partnership. 2024. Northgate High. Website: https://www.ed-data.org/school/Contra-Costa/Mt.-Diablo-Unified/Northgate-High. Accessed November 18, 2024.

School	Grade Range	Distance From Project Site	Approximate Enrollment					
			2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	Change over five-year period (percent)
Fair Oaks Elementary School	K-5	1.9 miles northwest	328	303	306	317	297	-9.5
Valle Verde Elementary School	K-5	0.4 mile east	468	459	464	467	485	+3.6
Walnut Acres Elementary School	K-5	0.8 mile south	633	631	670	638	678	+7.1
Woodside Elementary School	K-5	0.7 mile northeast	321	281	282	278	271	-15.6
Ygnacio Valley Elementary School	K-5	1.5 miles north	437	437	423	403	387	-11.7
Foothill Middle School	6-8	0.6 mile south	903	828	786	876	947	+4.9
Oak Grove Middle School	6-8	1 mile northwest	790	748	734	720	692	-12.4
Northgate High School	9-12	1.6 miles south	1,487	1,492	1,496	1,507	1,535	+3.2
Ygnacio Valley High School	9-12	0.4 mile north	1,285	1,265	1,230	1,172	1,111	-13.5
		Total	7,313	7,052	6,986	7,053	7,089	-3.1

Sources:
Ed-Data Education Data Partnership. 2024. Website: https://www.ed-data.org/school/Contra-Costa/Mt.-Diablo-Unified/Bancroft-Elementary. Accessed November 18, 2024.
Ed-Data Education Data Partnership. 2024. Fair Oaks Elementary. Website: https://www.ed-data.org/school/Contra-Costa/Mt.-Diablo-Unified/Fair-Oaks-Elementary. Accessed November 18, 2024.
Ed-Data Education Data Partnership. 2024. Walnut Acres Elementary Website: https://www.ed-data.org/school/Contra-Costa/Mt.-Diablo-Unified/Walnut-Acres-Elementary. Accessed November 18, 2024.
Ed-Data Education Data Partnership. 2024. Woodside Elementary Website: https://www.ed-data.org/school/Contra-Costa/Mt.-Diablo-Unified/Woodside-Elementary. Accessed November 18, 2024.
Ed-Data Education Data Partnership. 2024. Ygnacio Valley Elementary. Website: https://www.ed-data.org/school/Contra-Costa/Mt.-Diablo-Unified/Ygnacio-Valley-Elementary. Accessed November 18, 2024.
Ed-Data Education Data Partnership. 2024. Foothill Middle. Website: https://www.ed-data.org/school/Contra-Costa/Mt.-Diablo-Unified/Foothill-Middle. Accessed November 18, 2024.

School	Grade Range	Distance From Project Site	Approximate Enrollment					
			2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	Change over five-year period (percent)
Ed-Data Education Data Partnership. 2024. Oak Grove Middle. Website: https://www.ed-data.org/school/Contra-Costa/Mt.-Diablo-Unified/Oak-Grove-Middle. Accessed November 18, 2024. Ed-Data Education Data Partnership. 2024. Northgate High. Website: https://www.ed-data.org/school/Contra-Costa/Mt.-Diablo-Unified/Northgate-High. Accessed November 18, 2024. Ed-Data Education Data Partnership. 2024. Ygnacio Valley High. Website: https://www.ed-data.org/school/Contra-Costa/Mt.-Diablo-Unified/Ygnacio-Valley-High. Accessed November 18, 2024.								

Libraries

The Contra Costa County Library System includes 27 libraries within both incorporated and unincorporated portions of Contra Costa County. Services available at library facilities include printing and scanning, free internet and hourly computer use, laptop lending to library card holders, literacy services for children and adults, and rental of meeting rooms, group study rooms, and conference rooms. Other direct library services include operation of three book dispensing machines, a books-by mail service, and virtual library access. In addition, Contra Costa Libraries host a variety of online and in-person events focusing on games and crafts for children, as well as charitable events, wellness events, and computer assistance for adults.[15] Services and events vary depending upon location, hours of operation, and availability. The Contra Costa County Library System currently offers 352 square feet per 1,000 residents.[16]

The project site is within a 3-mile radius of three libraries within the Contra Costa County Library System. The Ygnacio Valley Library on 2661 Oak Grove Road, located approximately 0.6 mile southeast, is the closest library that would most likely serve the proposed project. The Ygnacio Valley Library offers 13,202 square feet of library space with a seating capacity for 81 individuals, 9 internet terminals, and approximate staffing level of 7.5 employees.[17] Information on the libraries closest to the project site is provided in Table 3.13-4 below.

Table 3.13-4: Contra Costa Libraries Within a 3 Mile Radius

Name of Library	Address	Distance and Direction from the Project Site	Full-Time Staff
Ygnacio Valley Library	2661 Oak Grove Road	0.6 mile southeast	7.5
Walnut Creek Library	1644 North Broadway	3 miles southwest	10
Pleasant Hill Library	2 Monticello Avenue	2.6 miles northwest	6

[15] Contra Costa County Library. 2025. Website: https://ccclib.org/?_gl=1%2A1p6ktqd%2A_ga%2ANDA3OTA3NDA0LjE3MzE5NjY3MjI.%2A_ga_G99DMMNG39%2AMTczMTk2NjcyMi4xLjEuMTczMTk3MDI5Mi4wLjAuMA.%2A_ga_ZET0BKEQP0%2AMTczMTk2NjcyMi4xLjEuMTczMTk3MDI5Mi4wLjAuMA. Accessed November 18, 2024.
[16] Contra Costa Local Agency Formation Commission (LAFCo). 2013. Municipal Service Review: Library Services. February 13.
[17] Contra Costa Local Agency Formation Commission (LAFCo). 2013. Municipal Service Review: Library Services. February 13.

Name of Library	Address	Distance and Direction from the Project Site	Full-Time Staff
Source: Contra Costa County Library. 2024. Website: https://ccclib.bibliocommons.com/v2/locations?_gl=1*wlrndk*_ga*NDA3OTA3NDA0LjE3MzE5NjY3MjI.*_ga_G99DMMNG39*MTczMTk2NjcyMi4xLjEuMTczMTk2ODc2NC4wLjAuMA.*_ga_ZET0BKEQP0*MTczMTk2NjcyMi4xLjEuMTczMTk2ODc2NC4wLjAuMA. Accessed November 18, 2024. Contra Costa Local Agency Formation Commission. 2013. Municipal Service Review: Library Services. February 13.			

3.13.3 - Regulatory Framework

State

California Building Standards Code

The California Building Standards Code (CBC) provides minimum standards for general building design and construction requirements to ensure the construction, use, alteration, expansion, and demolition of buildings and structures within the State of California are secure, robust, sanitized, and sustainable. The CBC is Part 2 of Title 24 in the California Code of Regulations and is published every 3 years along with emergency supplements in between. The most recent edition was released in 2022 with each release being developed from building standards that have been adopted from the national model code, by State agencies, and standards that have been developed by the California legislature to address California's complex and changing conditions. All projects and developers in California are to follow CBC standards along with additional amendments adopted by State agencies and local jurisdictions due to specific natural conditions. The CBC mandates many fire safety requirements such as sprinkler installation on high rise buildings, fire-resistant standards for building materials, and defensible space standards within areas susceptible to wildfire hazards.

California Fire Code

The California Fire Code incorporates policies and regulations adopted from the International Fire Code along with State and local amendments that are established to adapt to unique and complex natural conditions found within California. The objectives of the California Fire Code are to mandate regulations to safeguard life and property from dangerous and hazardous conditions that can cause the unexpected ignition and spread of wildfire in both natural and built environments. It is Part 9 of 13 parts in Title 24 within the California Code of Regulations and is published every 3 years with potential necessary supplements in between years. The most recent edition was released in 2022 with a supplement passed in July of 2024.

California Health and Safety Code

The California Health and Safety Code Division 12–Fires and Fire Protection provides rules and regulations pertaining to a variety of fire safety measures including building mandates, hazards handling, building inspections, and the responsibilities of the State Fire Marshal and Board of Fire Services. Policies related to the project within Division 12–Fire and Fire Protection are listed below.

- **Section 13100.1:** The functions of the State Fire Marshal along with CAL FIRE shall be to foster, promote, and develop strategies to protect life and property against fire and panic.

- **Section 13104.6:** The State Fire Marshal may determine the existence of a fire hazard on a property which has been deeded to the State for taxes and may serve a written notice of condemnation of the fire hazard on the State Controller, or on any person designated by the Controller. The fire hazard is then subject to removal in accordance with the law relating to removal of public nuisances on tax deeded property.

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 the percentage of movable classrooms in use.

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. As of January 1, 2025, the allowable amount of statutory school facilities fees (Level I School Fees) are $5.17 per square foot of assessable space for residential development of 500 square feet or more, and $0.84 per square foot of chargeable covered and enclosed space for commercial/industrial development. School districts may levy higher fees if they apply to the State and meet certain conditions.

The fees set forth in the Government Code constitute the exclusive means of both “considering” and “mitigating” a project’s impacts on school facilities. (California Government Code § 65996(a)). In amending the Government Code, the legislature “deemed [the fee] to provide full and complete school facilities mitigation.” (California Government Code § 65996(b)).

Regional

Contra Costa County 2045 General Plan–Public Facilities and Services Element

The Contra Costa County 2045 General Plan was adopted on November 5, 2024, which addresses current issues, challenges, and needs, and establishes a variety of goals, policies, and implementation measures to guide sustainable decision-making to improve development and growth while adapting to environmental stressors and reducing hazards within the General Plan’s many elements. Although not required by State law, the Public Facilities and Services Element of the General Plan is essential to Contra Costa County’s planning strategy and a simple consideration for addressing policy related to growth and development. Contra Costa County also coordinates with State agencies, cities, regional, and local special districts such as the CCCFPD, Contra Costa Library System, and MDUSD who abide by the County General Plan and provide services for regions in the County and the project site. The following General Plan goals, policies, and actions relevant to public services are applicable to this analysis.

Goal PFS-6 Efficient and effective law enforcement, fire, and emergency medical services for all communities.

PFS-P6.1 Require new development to support effective law enforcement and fire protection by providing a safe and accessible public realm for all.

PFS-P6.2 Design, improve, and maintain public spaces to maximize visibility and safety through appropriate lighting and landscaping.

PFS-P6.3 During the discretionary review process for projects with potential to increase demand on fire protection services, consult with the applicable fire district to identify any upgrades to fire protection facilities, infrastructure, and equipment needed to reduce fire risk and improve emergency response.

PFS-A6.1 Engage community members, law enforcement, and local leaders, and amend the County Ordinance Code to incorporate standards for new development that support a safe, accessible public realm for all through environmental design.

Goal PFS-9 Primary, secondary, and higher education facilities that serve the varied educational needs of all County residents.

Policy-P9.1 When reviewing new development proposals, coordinate with affected school districts to ensure adequate school capacity is or will be available, school sites are designated or dedicated if necessary, and adequate access is provided.

Local

City of Walnut Creek

Walnut Creek General Plan

The following General Plan goals, policies, and actions relevant to public services are applicable to this analysis.

Chapter 2: Quality of Life

Goal 2 Sustain the community's quality of life with a vigorous and diverse economy.

Policy 2.8 Maintain a range of high-quality housing and affordable workforce housing options.

Goal 10 Enhance and maintain the quality of the libraries in Walnut Creek.

Action 10.1.2 Promote the multifunctional use of Walnut Creek's libraries as centers for lifelong learning and as community centers.

Chapter 3: Natural Environment

Goal 4 Provide a system of safe, well developed, well connected, and well-maintained trails.

Action 4.1.1 Work with the County, the East Bay Regional Park District, and other agencies to develop trail links between residential areas and parks, creeks, transportation, schools, open space, shopping, and various public facilities.

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.

Action 6.1.1 Maintain 5 acres of parkland per 1,000 people.

Policy 6.2 Require that new development address park needs generated by a project.

Chapter 6: Safety and Noise

Goal 4 Strive to prevent and reduce damage related to fire hazards.

Policy 4.2 Work with the Contra Costa County Fire Protection District (CCCFPD) 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.

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 5.5.1 Incorporate crime reduction and public safety features in the design and planning of private and public projects.

Action 5.5.2 Submit all discretionary permits to the Police Department for analysis of and recommendations to reduce impacts on police services.

Walnut Creek Municipal Code Parkland Dedication

Municipal Code Section 10-1.602 requires new residential subdivisions to dedicate land, or pay a fee in lieu thereof, or both to provide lands designated for recreational purposes, or to maintain parks and facilities managed by the City. It is required that five acres of property be devoted for recreational purposes for each 1,000 persons living within jurisdictional boundaries. Land and the required fee are determined based on community resources, access to land in the subdivision based on natural geography, size and shape of the subdivision including land availability, feasibility of land dedication, and availability of previously acquired recreational lands. The proposed project shall only pay a fee equal to the average estimated market value of the land being developed when no

recreational uses designated by the General Plan for current and future needs are located on the project site.

3.13.4 - Methodology

The existing demand for fire and police services was used as a baseline to determine whether the proposed project would potentially increase or decrease the demand for such services. Existing conditions were calculated by using the ratio of one employee per 250 square feet of office space across the approximately 357,463 square feet of office space from the 11 existing office buildings. The results were then multiplied by 0.80 to account for the existing 80 percent utilization rate on the project site. A total of approximately 1,144 employees are estimated to currently use the project site and was used as the baseline for this analysis when comparing the potential impact on fire and police services compared to the permanent population increase generated by the proposed project.

Impacts related to fire services were determined by evaluating the proposed project's effects on existing fire response times. Approximate response times from the closest fire station to the project site were calculated using the Rand Institute Travel Time Equation. In addition, the CCCFPD website, Fire Protection Districts Report from the Contra Costa LAFCo, and CCCFPD Annual Report 2023 were reviewed.

Impacts related to police services were determined by evaluating the proposed project's effects on police response times. Information on the WCPD, including current staffing levels, the location of local beats,[18] and response times, was obtained from the WCPD 2023 Annual Report and WCPD website. Although the WCPD does not contain an established service ratio, the analysis developed a baseline service ratio by dividing the number of WCPD staff provided in the WCPD 2023 Annual Report by the City's 2024 permanent population assuming that WCPD staffing levels remained constant for 2024, and added the estimated population increase generated by the proposed project to the City's 2024 population to obtain a projected service ratio with implementation of the proposed project to determine whether the permanent population increase would significantly decrease the baseline service ratio.

Impacts related to school services were determined by evaluating enrollment trends for public schools within a 2-mile radius of the project site over a 5-year period. Policies from the General Plan and the MDUSD were also analyzed in relation to the proposed project.

Impacts related to parks and recreational facilities were determined by analyzing the proposed project's effect on existing park and recreational facility usage levels and capacity. Specifically, this analysis utilized the General Plan's ratio of parkland acreage of 5 acres of parkland per 1,000 residents as the threshold of significance. Current parkland to City population ratios were compared to those projected with construction of the proposed project to determine potential impacts. For more information on the potential environmental impacts related to recreation, refer to Section 3.16, Recreation.

[18] A *Beat* is a geographical territory where a police officer is assigned to conduct uniform patrol during their shift to increase response efficiency to emergencies and to effectively prevent crimes.

Impacts relating to libraries and public facilities were analyzed using information provided by the Contra Costa County Library System website and the Contra Costa LAFCo Municipal Service Review for Library Services report.[19] Although the Contra Costa County Library System does not contain a mandated service ratio, the ratio of square feet per 1,000 residents was obtained from the Contra Costa LAFCo Municipal Service Review for Library Services report and utilized as a standard to determine whether the proposed project would substantially increase the ratio.

3.13.5 - Thresholds of Significance

The City, as the Lead Agency, utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether public service impacts resulting from the implementation of the proposed project would be considered significant. 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.

3.13.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

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.**

Construction

Six fire stations managed by the CCCFPD are located within an approximate 3-mile radius of the project site. The closest fire station to the project site that would provide services is Fire Station 10,

[19] Contra Costa Local Agency Formation Commission (LAFCo). 2013. Municipal Service Review: Library Services. February 13.

located on 2955 Treat Boulevard in Concord, approximately 0.6 mile northwest of the project site. Table 3.13-1 lists the other five nearby fire stations.

As described in Section 3.13.3, Regulatory Framework, the City's General Plan Action 4.2.1 requires that all new development plans be submitted to the CCCFPD for review. Since the CCCFPD jurisdictional boundary encompasses many municipalities and covers the northern, eastern, and central portions of the County, the CCCFPD follows the goals, policies, and actions from the Contra Costa County General Plan across its service area including PFS-A6.1, which requires local leaders to amend the Contra Costa County Ordinance Code standards for the environmental design of new developments. The CCCFPD uses the Contra Costa Ordinance Code which follows the 2022 California Fire Code with additional amendments, and would review the proposed project's preliminary fire access plan and other site plans to ensure that all emergency access features installed during construction such as minimum width requirements, height clearances, fire hydrant access, and turnarounds would abide by the Contra Costa County Ordinance Code and would require any necessary changes to project design if project features interfere with response times or any performance objectives. Furthermore, the Contra Costa County General Plan PFS P6.3 requires applicants to consult with the CCCFPD to discuss if any upgrades to existing facilities or if any addition equipment is needed to maintain performance objectives while providing services to the proposed project.

In addition, the Contra Costa County General Plan establishes a public safety response time standard of four minutes or less for 90 percent of fire suppression incidents and emergency medical services, and 6-10 minutes for other emergencies. Using a fire engine as a baseline with a constant speed of 35 mph, a fire engine traveling from Fire Station No. 10 approximately 0.6 mile to the construction site would arrive in 1 minute and 40 seconds with average traffic patterns, terrain, weather conditions, and slowing due to intersections[20] and would be within the acceptable public safety response time standard of four minutes.

Fire Station No. 10 would maintain a sufficient response time to the project site, the project's preliminary fire access plan would be reviewed by the CCCFPD and would be revised if needed to ensure consistency with the Contra Costa County Ordinance Code, which abides by the 2022 California Fire Code, and would address whether any upgrades to the CCCFPD are essential to serve the proposed project. As a result, construction of the proposed project would not interfere with the provision of, or require the construction of new or altered fire protection facilities and impacts related to the provision of, or requiring the need of new or altered fire protection facilities would be less than significant.

Operation

As discussed in Section 3.12, Population and Housing, the proposed project would result in an approximate population growth of 874 residents excluding the potential for current Walnut Creek residents to inhabit the project site. Although the permanent population increase on the project site would result in a demand for fire protection and emergency services, the CCCFPD already provides

[20] University of Tennessee Municipal Technical Advisory Service. 2023. Estimating the Travel Time of Fire Apparatus. Website: https://www.mtas.tennessee.edu/reference/estimating-travel-time-fire-apparatus. Accessed December 3, 2024.

services to the existing office buildings on the project site consisting of approximately 1,144 employees, along with any customers or visitors during the average work week. As such, the CCCFPD would be able to maintain services to the project site despite the land use change from commercial uses to residential uses. Furthermore, the closest fire station would be able to provide services to the project site by maintaining a calculated response time of 1 minute and 40 seconds from Fire Station No. 10 and would meet the County's public safety response time standard of 4 minutes.

During operation, the proposed project would maintain compliance with Title 24, Part 9 of the California Code of Regulations, the 2022 California Fire Code, and the CCCFPD would ensure during design review that the proposed project would be consistent with any additional amendments in the Contra Costa County Ordinance Code. Access to the project site would maintain compliance by providing two driveways along both Mitchell Drive and Shadelands Drive that connect to six internal roadways classified as aerial fire apparatus access roadways, and would meet the requirements for projects that include over 100 dwelling units. Internal roadways that are designated as fire apparatus access roadways would be paved with asphalt having applicable width and turning radius requirements, accessible fire hydrants, and suitable turnarounds for dead-end apparatus roads over 150 feet in length (Exhibit 2-7). In addition, the proposed project would comply with CBC standards which mandate fire safety requirements including the installation of automatic sprinkler systems and use of fire-resistant building materials. The project's internal access was reviewed by CCCFPD as part of the City's project application review process and no concerns or requests for modifications were made. Therefore, the construction of four access points and internal aerial fire apparatus access roads would provide fire engines and other emergency vehicles with access to the project site and would not interfere with response times.

The Public Facilities and Services Element of the Contra Costa County 2045 General Plan under PFS-P6.3 encourages consultation with the applicable fire district to determine the potential increase in demand for fire protection services and to identify needed upgrades or equipment to mitigate fire hazards. Similarly, Policy 4.2 in the City of Walnut Creek General Plan 2025 requires consultation with the CCCFPD to identify and address other fire-related issues, and Action 4.2.1 requires that plans for new developments be submitted to the CCCFPD for review. Consistent with these actions, the project was reviewed by CCCFPD as part of the City's project review process and no issues were raised or required mitigation at this time. Thus, as evidenced by the early consultation with the CCCFPD, the provision of fire responses services to the project site would not result in unacceptable service ratios or necessitate new or physically altered fire protection facilities.

In summary, because the proposed project would comply with design standards established in the California Fire Code, CBC, and amendments in the Contra Costa County Ordinance Code, and has been reviewed by the CCCFPD resulting in no identified issues, operation of the proposed project would not necessitate new or physically altered fire protection facilities and impacts would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Construction of the proposed roundabout would require an encroachment permit under Municipal Code Chapter 7-1 where the Public Services Director would

establish any construction and maintenance standards for the encroachment, certifying that it would not generate any threats to public health or safety and the Traffic Operations Engineer would be assigned to designate alternative detours in the event of a street closure during construction that would guarantee response times and performance objectives are maintained for fire protection services. Furthermore, the proposed roundabout would be designed in compliance with the Guide for Roundabouts, NCHRP Report 1043 that would ensure the safe maneuverability and efficiency for fire apparatus and other emergency vehicles to maintain response times and performance objectives.

Lastly, the Community Benefit Variant would not involve any permanent direct or indirect population growth and temporary population growth from the construction activities do not typically result in a significant demand for fire services and would be less than already existing conditions on the project site. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts on service ratios, response times, and other performance objectives that could result in the provision of, or need for, new or physically altered fire protection facilities.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

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.**

Construction

The WCPD would provide police protection services to the project site, with the nearest police station being the WCPD Field Office located approximately 0.25 mile from the project site. Walnut Creek General Plan 2025, Policy 5.2 indicates the WCPD aims to maintain a response time of less than five minutes for emergency related calls, and less than 20 minutes for other calls 95 percent of the time. The WCPD would be able to maintain an adequate response time to the project site as patrol officers are constantly on patrol in assigned beats. In addition, the WCPD Field Office would allow patrol officers in the surrounding area to stay within or in proximity to their assigned beats rather than traversing back to the Police Station at the Walnut Creek City Hall approximately 3 miles west of the project site. Furthermore, in 2022, the WCPD maintained an average response time of 3 minutes and 7 seconds for emergency related calls, which is below the five-minute standard

established in the General Plan.[21] Given these factors, construction of the proposed project would not be expected to significantly impact police performance objectives.

Construction operations would temporarily replace existing on-site commercial land uses and do not typically result in a significant demand for police response. Therefore, the construction phase of the proposed project would not generate the provision of new or need for physically altered police protection facilities and impacts would be less than significant.

Operation

The WCPD currently provides law enforcement, investigation, and crime prevention services to the project site. As previously mentioned, existing conditions on the project site consist of approximately 1,144 employees excluding visitors and customers generated from office uses during the work week. The proposed project would lead to an approximate population growth of 874 residents, assuming all project residents are new to the City and excluding the possibility of Walnut Creek residents inhabiting proposed residential units. As such, on-site population requiring police response would be reduced but shift from commercial uses to residential uses.

The project site would be served by the Patrol Bureau within Sector 3 Beat 32 who would perform uniform patrols and law enforcement services 24 hours a day within the local beat. The WCPD Field Office allows Sector 3 officers to efficiently achieve performance objectives within their local beat in close proximity to the project site. In addition, the WCPD achieved an average response time of 3 minutes and 7 seconds for Priority I calls in 2022,[22] substantially below the 5-minute standard for Priority 1 calls in Policy 5.2 of the General Plan. Therefore, the proposed project during operation would maintain an adequate response time to emergency calls.

Although the WCPD does not contain a specific standard for service ratios, the WCPD had nearly 1.9 police department staff per 1,000 residents based on employment numbers in the 2023 Annual Report and 2024 population levels, assuming staffing levels persisted around 130 police department staff for 2024.[23] With the proposed project conservatively expected to increase the permanent population of Walnut Creek by approximately 874 individuals, this would lead to a total population of about 70,307 people resulting in a nominal decrease in the service ratio to 1.8 WCPD staff per 1,000 residents. Thus, the WCPD would be able to retain approximately the same service ratio with the operations of the proposed project and would not require the need for new or altered police facilities.

Since the WCPD already serves existing employees on the project site, and the implementation of the proposed project would be able to maintain target response times and service ratios for the WCPD, the projected increase in population from operation of the proposed project would not generate the provision of, or need for new or altered police protection facilities. Impacts would be less than significant.

[21] Walnut Creek Police Department (WCPD). 2022. Police Response Data. Website: https://www.walnutcreekpdca.gov/departments/public-safety/police/crime-statistics. Accessed October 11, 2024.
[22] Walnut Creek Police Department (WCPD). 2022. Police Response Data. Website: https://www.walnutcreekpdca.gov/departments/public-safety/police/crime-statistics. Accessed October 11, 2024.
[23] City of Walnut Creek. 2023. Walnut Creek Police Department Annual Report 2023.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Although the Community Benefit Variant involves the installation of a roundabout, construction of the roundabout would require an encroachment permit under Municipal Code Chapter 7-1, as discussed above.

As previously mentioned, the proposed roundabout would be designed in compliance with the Guide for Roundabouts, NCHRP Report 1043. Further, the Community Benefit Variant would not involve any permanent direct or indirect population growth and temporary population growth from construction activities do not typically result in a significant demand for police protection services and would be less than already existing conditions on the project site. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts on service ratios, response times, and other performance objectives that could result in the provision of, or need for, new or physically altered police protection facilities.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

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.**

Construction

Impacts related to provision of and need for construction of new or expanded school facilities are limited to operational impacts. No construction impacts would occur.

Operation

The proposed project is located within the MDUSD which contains 50 school sites, including six elementary schools, two middle schools, and two high schools within a 2-mile radius of the project site. During the operational phase, residents of the proposed project would likely attend Bancroft Elementary School approximately 1 mile west of the project site, Foothill Middle School about 0.6 mile south of the project site, and Northgate High School about 1.6 miles south of the project site. Between 2019-2024, Bancroft Elementary School experienced about a 3.8 percent increase in enrollment, Foothill Middle School experienced about a 4.9 percent enrollment increase, and Northgate High School experienced an approximate 3.2 percent increase in enrollment. However, the total enrollment for schools within a 2-mile radius of the project site have experienced an overall 3.1 percent decrease in enrollment from 2019-2024. Furthermore, the location of the proposed project does not determine the exact school assignment, and assignments could vary based on

MDUSD school capacity and performance objectives. Other schools within a 2-mile radius of the project site include Fair Oaks, Woodside, and Ygnacio Valley Elementary Schools; Oak Grove Middle School; and Ygnacio Valley High School, which have experienced decreases in enrollment between 2019-2024 (See Table 3.13-3) .

The MDUSD is authorized to assess development fees per square foot toward new residential, commercial, and industrial projects under California Government Code Section 65995(b). Development fees are implemented to fund school facilities to accommodate students that are generated from new residential developments. As of October 27, 2024, the MDUSD charges new residential projects the statutory fee of $5.17 per square foot of development.[24] The proposed project would be required to pay development fees to the MDUSD to accommodate for the increased number of students generated by the proposed project. These statutory fees provide full and complete school facilities mitigation. (See California Government Code § 65996(b)).

The proposed project would be served by existing MDUSD facilities and would offset the cost associated with additional residents in the MDUSD service area through payment of development fees. Therefore, operation of the proposed project would not result in the provision of, or need for new or altered school facilities and impacts would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant involves transportation infrastructure improvements that would not generate further population growth compared to the proposed project and would not increase the demand for MDUSD facilities. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts that could trigger the provision of, or need for, new or altered school facilities.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

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.**

[24] Mt. Diablo Unified School District (MDUSD). 2024. Developer Fee. Website: https://www.mdusd.org/departments/business-services/fiscal-services/new-page. Accessed December 5, 2024.

Construction

Impacts related to provision of and need for construction of new or expanded park facilities beyond those included in the proposed project are limited to operational impacts. No construction impacts would occur.

Operation

The proposed project includes the development of approximately 2 acres of common open space, including a central common open space area along with picnic sites, walking areas, lawns, dog parks, and game tables around the project site for private residential use. The City of Walnut Creek maintains parks, open space areas, and recreational facilities for public use with an established parkland standard of 5 acres of parkland per 1,000 residents. The proposed project is within a 3-mile radius of 30 public parks, 15 recreational facilities, and three open space areas managed by the City of Walnut Creek, the City of Concord Parks and Recreation, the Pleasant Hill Recreation and Park District, and other local, regional, and State parks, including Mt. Diablo State Park, serving northern Contra Costa County and the project area. As of 2024, the City of Walnut Creek maintains a current parkland standard ratio around 47.2 acres per 1,000 residents, significantly exceeding the City's parkland standard of 5 acres of parkland per 1,000 residents.

Project operations would result in an increase of approximately 874 residents, excluding possible existing Walnut Creek residents moving onto the project site. This would result in a need for 4.37 acres of parkland to accommodate the City's parkland standard,[25] and the projected population growth would decrease the current parkland ratio to 46.5 acres of parkland per 1,000 residents, still significantly exceeding the City's standard of 5 acres of parkland per 1,000 residents. Further, the proposed project would abide by the City of Walnut Creek Municipal Code Section 10-1.602 and would be required to pay an in lieu fee of dedicating land for providing and maintaining lands for recreational purposes. For more information on the impact analysis pertaining to parks and recreation, refer to Section 3.14, Recreation.

Overall, the proposed project includes recreational amenities, would remain substantially above the City of Walnut Creek's parkland standard, and would comply with Municipal Code Section 10-1.602 through paying an in lieu fee to provide and maintain lands for recreational purposes. Therefore, operational impacts resulting in the provision of, or need for new or altered parkland and facilities would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur within the existing right-of-way and would consist of transportation infrastructure improvements that would not generate any further population growth compared to the proposed project and, therefore, would not reduce the City's existing parkland ratio or increase the demand for parkland. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or

[25] 874 people/1,000 people x 5 acres = 4.37 acres.

increased impacts that could trigger the provision of, or need for new or altered, parkland and facilities.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

Other Public 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.**

Construction

Impacts related to provision of and need for construction of new or expanded public facilities, including libraries, are limited to operational impacts. No construction impacts would occur.

Operation

The proposed project is located within the Contra Costa County Library System which serves both incorporated and unincorporated portions of Contra Costa County. As previously mentioned, three libraries are in a 3-mile radius of the project site. Although the Contra Costa County Library System does not mandate a standard for library services, the County library system currently offers 352 square feet per 1,000 residents.

The operation of the proposed project is expected to result in 874 residents, representing a nominal population increase as compared to the existing Contra Costa County Library System service area population of 1,146,626 in 2024. The addition of 874 residents would represent a less than 1 percent increase in the service area's population. Therefore, the amount of library space per 1,000 residents would not be impacted by the proposed project and adequate service capacity would be maintained. As such, operation of the proposed project would not result in the provision of, or need for new or altered public library facilities or other public facilities. Therefore, impacts related to the need for or provision of new or physically altered public library facilities or other public facilities would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant involves transportation infrastructure improvements that would not generate further population growth compared to the proposed project and would not have the potential to impact the Contra Costa County Library System's capacity nor increase the demand for library facilities or any other public facilities. Therefore, neither construction nor operation of the Community Benefit Variant would result in

additional or increased impacts that could trigger the provision of, or need for new or altered, library facilities or other public facilities.

Level of Significance

Less than significant impact.

Mitigation Measures

None required.

3.13.7 - Cumulative Impacts

A cumulative impact combines the potential impacts associated with proposed project with other past, present, and foreseeable future projects. The relevant cumulative setting, or geographic area for potential cumulative impacts related to public services varies based on the service providers' established jurisdiction. Because of the differences in established service areas and services provided, cumulative impacts related to each public service are discussed separately below.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to public services. This analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project would be considerable. Both conditions must apply for a project's contribution to cumulative effects to rise to the level of a significant impact. If both conditions apply, this analysis will then evaluate feasible cumulative mitigation measures that would reduce cumulative effects. If one or both conditions do not apply, the project's contribution to cumulative impacts would be less than significant, and no cumulative mitigation is necessary. If there is no project impact associated with respect to a particular CEQA threshold, the proposed project would have no contribution to potential cumulative impacts and, therefore, further discussion of cumulative impacts is not required.

Development projects that may have a cumulative impact on public services are listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects and include 13 projects within 3 miles of the proposed project located in Walnut Creek that are either under review, have entitlements approved, or are under construction. The cumulative projects are major development projects such as residential, mixed-use, and commercial projects excluding single-family residential home additions or accessory dwelling unit (ADU) projects. The cumulative projects included would both increase the permanent population of the City through providing residential units and increase the temporary daily population of the City through providing employment opportunities. Of the 13 projects, seven are incorporating residential units along with the proposed project, totaling approximately 983 residential units.

Based on the 2024 City average of 2.07 persons per household, the cumulative projects adding residential units along with the proposed project are anticipated to contribute to a population growth of approximately 2,170 persons including the 136 residents that are planned to occupy the Residential Care Facility for the Elderly within the Oakmont Senior Housing and Residential Care

Facility project.[26] As such, the increase in the permanent and temporary population may increase the demand for public services.

Fire Protection Facilities

The cumulative setting for fire protection facilities is the service area of the CCCFPD encompassing northern and eastern Contra Costa County. All of the Cumulative projects listed in Table 3-1 are within the geographic scope. These projects are primarily residential and commercial projects which will increase the permanent population from the development of dwelling units, and temporary population with commercial projects conveying customers and patrons to the surrounding area. Therefore, the cumulative increase in population may result in a higher demand for fire protection facilities.

All cumulative projects, including the proposed project, would be required to comply with the Contra Costa County Ordinance Code which adopts the 2022 California Fire Code, and the CBC by submitting land development plans and acquiring suitable permits to install, and ensure fire safety requirements are implemented into cumulative projects such as accessible fire apparatus roads with appropriate fire hydrant distribution, turnarounds, and road widths, as well as the establishment of automatic sprinkler systems and fire-resistant building materials. Furthermore, both the Contra Costa County 2045 General Plan and City of Walnut Creek General Plan 2025 encourage consultation with the applicable fire district, being the CCCFPD, to discuss strategies to maintain service objectives with the development of new projects.

Each project listed in Chapter 3, Environmental Impact Analysis, Table 3-1, as well as the proposed project, would adhere to standards established by the Contra Costa County Ordinance Code and CBC regarding fire apparatus, access roads, and structural fire safety requirements which would assist in enhancing response times and performance objectives. Furthermore, cumulative projects would be required to consult with the CCCFPD per Contra Costa County 2045 General Plan PFS-P6.3, as well as Policy 4.2 and Action 4.2.1 of the Walnut Creek General Plan, including maintaining resources and acceptable service ratios. As such, cumulative projects would not result in the need for the provision of, or need for new or altered fire protection facilities and cumulative impacts would be less than significant. Furthermore, the proposed project's contribution to the less than significant cumulative impacts would not be cumulatively considerable because, among other reasons, the proposed project would not impair response times or result in the need for new or expanded facilities.

Police Protection Facilities

The cumulative setting for police protection facilities is the WCPD service area. All of the cumulative projects identified in Chapter 3, Environmental Impact Analysis, Table 3-1 would be in the geographic scope. As noted above, cumulative projects in combination with the proposed project would result in an approximately additional 2,170 permanent residents. Therefore, the cumulative increase in

[26] City of Walnut Creek. 2025. Oakmont Senior Housing & Residential Care Facility for the Elderly. Website: https://www.walnutcreekca.gov/government/community-development-department/development-projects/oakmont-senior-housing-residential-care-facility-for-the-elderly. Accessed December 6, 2024.

permanent population along with an increase in temporary population from projects that would generate employment could result in an overall increase in demand for police protection facilities.

However, three other cumulative projects in proximity to the proposed project would be served by patrol officers assigned within Sector 3 Beat 32, while other cumulative projects would be served within their own local beat. As previously mentioned, Sector 3 Beat 32 has a supplemental field office allowing officers to stay within the local beat, and the WCPD has maintained an average emergency response time of 3 minutes and 7 seconds, being well below the 5-minute standard established in the General Plan. Furthermore, assuming fluctuations in staffing levels remain constant from 2023 numbers, the approximate 2024 service ratio was nearly 1.9 sworn officers per 1,000 residents. Although the addition of 2,170 individuals would cause a decrease in the 2024 service ratio, the decline is nominal and the WCPD would still maintain a service ratio of 1.8 police department staff per 1,000 residents. This nominal decrease would not result in the need for new or expanded police facilities.

Overall, cumulative projects would be provided law enforcement services within their local beat, the WCPD has maintained an adequate response time, and the decrease in the service ratio generated from current population levels and 2023 staffing levels would be minimal at 1.8 police department staff per 1,000 residents. As such, there would be a less than significant cumulative impact requiring the provision of, or need for new or altered police protection facilities and the project's contribution to the already less than significant impact would not be cumulatively considerable because, among other reasons, the proposed project would not impair response times or result in the need for new or expanded facilities.

School Facilities

The cumulative setting for school facilities is the service area of the MDUSD, which includes all of the projects in Chapter 3, Environmental Impact Analysis, Table 3-1. Within the cumulative projects displayed in Table 3-1, seven are planned to accommodate dwelling units or other facilities providing assisted living conditions. In conjunction with the proposed project, an estimated population growth of 2,170 individuals are projected to occur. However, cumulative projects that are incorporating residential units for those requiring assisted living conditions typically do not produce students. As such, cumulative projects number 2 and 8 from Table 3-1 are not incorporated into the projected population growth generated toward school facilities, and the number of residential units generated from the cumulative projects in Table 3-1 in this case would be 690 units, resulting in a population increase of approximately 1,428 residents. According to the United States Census Bureau for the City, approximately 15 percent of residents are minors[27] which would result in approximately 214 minors generated from the cumulative projects.

Although the estimated cumulative population of approximately 214 minors could result in a higher demand for school facilities, cumulative residential projects over 500 square feet and commercial-industrial projects are required to pay a development impact fee established by the MDUSD under California Government Code Section 65995(b) to accommodate increased enrollment. The fees set

[27] United States Census Bureau. 2023. DP05 ACS Demographics and Housing Estimates. Website: https://data.census.gov/table/ACSDP1Y2023.DP05?q=Walnut+Creek+city,+California. Accessed May 16, 2025.

forth in the Government Code constitute the exclusive means of both "considering" and "mitigating" a project's impacts on school facilities, including cumulative impacts. See Government Code Section 65996.

Since surrounding cumulative projects along with the proposed project are required to pay impact development fees established by State law, cumulative projects including the proposed project would not result in significant environmental impacts. Therefore, there would be a less than significant cumulative impact resulting in the provision of, or need for new or altered school facilities and the project's contribution to cumulative impacts would not be cumulatively considerable.

Public Parks and Recreational Facilities

The geographic scope for the cumulative setting related to public parks and recreational facilities are all cumulative projects listed in Table 3-1 and those public parks and recreational facilities within a 3-mile radius of the proposed project that are managed by the City of Walnut Creek, City of Concord Park and Recreation Department, and the Pleasant Hill Recreation and Park District. The cumulative setting also consists of regional and State parks in northern Contra Costa County managed by the East Bay Regional Park District and the California Department of Parks and Recreation.

The proposed project, in concurrence with the cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, are expected to increase the City population both permanently, with the development of dwelling units housing approximately 2,170 new residents, and temporarily, from commercial, mixed-use, community facility, and senior housing development bringing in patrons, visitors, and employees to the jurisdiction.

The overall increase in population would generate a larger demand for park and recreational facilities. The City of Walnut Creek established a parkland standard to maintain 5 acres of parkland per 1,000 residents, or 0.005-acre per person to support the City's recreational needs and programs. As of 2024, the City of Walnut Creek maintains 3,725 acres of public parks and open space areas, along with having a population of 69,433 residents, resulting in a parkland ratio of approximately 47.2 acres per 1,000 residents. The cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 that are all within a 3-mile radius of the proposed project would add a permanent population of about 2,170 residents contributing to a minimal decrease of 45.7 acres per 1,000 residents, remaining substantially above the parkland standard of 5 acres per 1,000 residents. In addition, the surrounding cumulative projects and the proposed project would also be served by regional and State public parks in unincorporated northern Contra Costa County with Briones Regional Park, Diablo Foothills Regional Park, and Castle Rock Recreation which provide 7,315 acres of open space, sports fields, inter-park-trails, and picnic areas. Furthermore, Mt. Diablo State Park provides 20,000 acres of open space, scenic views, and recreational activities.

Residential cumulative projects, including the proposed project, are required to either dedicate land, pay a fee in lieu of dedication, or both to provide those that will reside in recently developed residential projects with recreational activities, and to improve and maintain lands dedicated as parklands under Municipal Code Section 10-1.602. Cumulative residential projects, including the proposed project, would be required to only pay a fee in lieu of dedication when the project site's

General Plan Land Use Designation is not classified under recreational use. Therefore, cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 that are residential in scope are mandated to at least pay a fee in lieu of dedication to provide lands designated for parks and recreation.

Overall, the implementation of the cumulative projects and proposed project would not substantially impact the City of Walnut Creek parkland standard, are further served by surrounding regional and State parks, and residential cumulative projects are required to pay a fee, dedicate parkland, or both to provide and maintain lands designated for parks and recreational use. As such, the cumulatively considerable impact requiring the provision of, or need of new or altered park and recreational facilities would be less than significant. Moreover, as discussed above, the proposed project's contribution to the less than significant impact would not be cumulatively considerable because the proposed project includes recreational amenities, would remain substantially above the City of Walnut Creek's parkland standard, and would comply with Municipal Code requirements.

Library Facilities

The cumulative setting for library facilities is the Contra Costa County Library System which encompasses unincorporated and incorporated areas in Contra Costa County and includes all of the projects in Chapter 3, Environmental Impact Analysis, Table 3-1. Cumulative projects listed in Table 3-1 in concurrence with the proposed project are mainly residential and commercial projects and could increase the area's population permanently with the establishment of dwelling units, and temporarily with commercial use providing employment opportunities and services.

Although the Contra Costa County Library System has not established a threshold for the provision of library services, the County library system provides 352 square feet of library space per 1,000 residents. As previously discussed, surrounding residential projects would induce a potential population growth of 2,170 individuals resulting in a nominal increase for the Contra Costa County Library Systems service area, which is comprised of Contra Costa County's current population of 1,146,626 residents. The approximate population increase of 2,170 residents represents less than 1 percent of total population growth for Contra Costa County and would not impact the amount of library space offered per 1,000 residents.

Overall, the cumulative projects, including the proposed project, would account for less than 1 percent of the service area's total population growth, triggering no change to the amount of floor space provided by the Contra Costa County Library System. Therefore, the cumulatively considerable impact related to the provision of, or need for new or altered library facilities would be less than significant and the proposed project's contribution to the less than significant impact would not be cumulatively considerable.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Construction of the Community Benefit Variant would require an encroachment permit under Municipal Code Chapter 7-1 where the Public Services Director would establish any construction and maintenance standards for the encroachment certifying that it

would not generate any threats to public health or safety and the Traffic Operations Engineer would be assigned to designate alternative detours in the event of a street closure during construction that would guarantee response times and performance objectives are maintained for emergency services. Furthermore, the proposed roundabout would be designed in compliance with the Guide for Roundabouts, NCHRP Report 1043 that would ensure the safe maneuverability and efficiency for emergency vehicles to maintain response times and performance objectives.

The Community Benefit Variant would not involve any permanent direct or indirect population growth or temporary population growth from the construction activities that could increase demand for public services. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased cumulative impacts on service ratios, response times, and other performance objectives that could result in the provision of, or need for, new or physically altered government facilities.

Level of Cumulative Significance

Less than significant impact.

3.14 - Recreation

3.14.1 - Introduction

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to recreation. This section describes existing parks and recreational facilities in the region and project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to parks and recreational facilities that could result from the implementation of the project. Information in this section is based on information obtained from the City of Walnut Creek General Plan and Municipal Code, the California Department of Parks and Recreation (DPR), East Bay Regional Park District (EBRPD), the City of Walnut Creek, Walnut Creek Arts + Rec, City of Concord Parks and Recreation, and the Pleasant Hill Recreation and Park District.

The following public comments were received during the Draft EIR NOP scoping period related to recreation.

- The Draft EIR should evaluate the absence of green space along Shadelands Drive.

3.14.2 - Environmental Setting

Existing Parks and Recreational Facilities

State Parks

The DPR provides a wide variety of outdoor recreational opportunities at natural spaces such as beaches, lakes, and open spaces; cultural and historical sites like towns, buildings, and monuments; and offers visitors centers, museums, and conference centers to protect, preserve, and educate individuals of California's nautral and cultural resources while producing high-quality recreational activities. Over 68 million people anually visit the recreational parks and facilities managed by the DPR consisting of over 280 State parks, 5,200 miles of trails, 15,000 campsites, 3,195 historic buildings, and 11,000 prehistoric and historic archaeological sites.[1]

The DPR divides the State of California into 21 regional districts which encompass a variety of different parks, cultural resources, historical buildings, and open spaces overseen by DPR. The project site is within the Diablo District, reaching 12 counties from San Benito County in the south to southern Sacramento County in the north. The Diablo District contains 21 park units including State parks, historic parks, wilderness areas, recreation areas, marine reserves, as well as facilitating two of the State's nine vehicular recreation areas. The Diablo District encompasses Contra Costa County, in which one State park is located, discussed further below.

Mount Diablo State Park

Mount Diablo State Park is comprised of over 20,000 acres and draws more than 350,000 visitors annually offering a variety of recreational activities including hiking, horseback riding, cycling,

[1] California State Parks. 2025. California Department of Parks and Recreation. Website: https://www.parks.ca.gov/?page_id=91. Accessed March 5, 2025.

mountain biking, rock climbing, picnicking, and camping, operating 7 days a week from 8:00 a.m. to sunset.

Mount Diablo State Park has four entrances with the North Gate Road and South Gate Road entrances providing vehicular access to the summit and requires a $10 fee per car, while the Mitchell Canyon Road and Macedo Ranch Staging Area offer parking but no vehicular access to the summit charging a $6 fee per car. The closest entrances to the project site are the North Gate Road entrance approximately 2.4 miles from the project site, and the Mitchell Canyon Road staging area about 4.3 miles southeast from the project site.

The park includes many facilities with two visitor centers: the Summit Visitor Center located at the highest peak which includes exhibits, a gift shop, an observation deck with scenic views, and accessible parking; and the Mitchell Canyon Staging Area Visitor Center attainable on Mitchell Canyon Road. Mount Diablo State Park also contains signature areas such as Rock City with unique sandstone formations, wind caves, and Native American grinding rocks, the Diablo Valley Overlook near Juniper Campground,[2] and accommodates more than 50 picnic sites, three group picnic areas serving 20-50 individuals each, over 50 campsites, and five group campsites.[3] Campsites and group picnic areas require reservations with a $30 fee for a campsite, and group camp fees range from $65-$165.[4]

Regional Parks and Trails

The EBRPD is a system of parks in Alameda and Contra Costa counties in the eastern San Francisco Bay Area providing recreational activities and wilderness preserves for the enjoyment of visitors while contributing to environmental education and stewardship to preserve the surrounding ecosystem and cultural resources.

The EBRPD consists of 73 regional parks covering 126,809 total acres including critical wildlife habitats, shorelines, lakes, creeks, ranchlands, and historic sites offering a variety of recreational opportunities with 1,330 miles of trails, 31 inter-park trails that connect to parklands, and camping options. The EBRPD also maintains reservable picnic areas, freshwater lakes, swimming areas, and fishing docks, along with banquet facilities, interpretive and education centers, equestrian centers, and golf courses.[5]

The project site is in proximity to three regional parks and recreation areas managed by the EBRPD with four inter-park trails traversing through the City of Walnut Creek. These are discussed in detail below.

[2] California State Parks. 2025. Mount Diablo State Park. Website: https://www.parks.ca.gov/?page_id=517. Accessed March 5, 2025.
[3] California State Parks. 2018. Mount Diablo State Park. Website: https://www.parks.ca.gov/pages/517/files/MountDiabloFinalWebLayout2018.pdf. Accessed March 5, 2025.
[4] Mount Diablo Interpretive Association. Year. Name of site. Website: https://www.mdia.org/park-information. Accessed March 5, 2025.
[5] East Bay Regional Park District (EBRPD). 2025. Park District Policies and Profile. Website: https://www.ebparks.org/about/policies-profile. Accessed March 5, 2025.

Briones Regional Park

Briones Regional Park is a regional park located in northeastern Contra Costa County with 6,255 acres of open space and wilderness surrounded by the cities of Lafayette to the south, Walnut Creek, Pleasant Hill, and Concord to the east, Martinez to the north, and East Bay Municipal Utility District (EBMUD) watershed lands with the San Pablo and Briones Reservoirs to the west. Briones Regional Park has five major access points and two staging areas with the Alhambra Staging Area in Martinez, California approximately 5.9 miles northwest from the project site and the Bear Creek Staging Area in Lafayette, California about 7.7 miles west from the project site. Briones Regional Park also provides recreational activities like archery, camping, hiking, picnicking, horseback riding, and biking.

Diablo Foothills Regional Park

The Diablo Foothills Regional Park is in southeastern Walnut Creek, California comprising of 1,060 acres and is bordered by Mt. Diablo State Park to the east, the North Gate neighborhood to the north, Shell Ridge Open Space to the west, and a mix of open space and neighborhoods to the south in Alamo, California. The Northern Staging Area is accessible from Castle Rock Road located approximately 2.6 miles southeast from the project site. The park offers a variety of activities including horseback riding, hiking, and bicycling, and encloses the Castle Rock Recreation Area accommodating supplementary recreational activities which is discussed in detail below. Additionally, the park supports a variety of native and diverse habitats, as well as unique geologic formations such as Castle Rock. Although Castle Rock is owned by Mount Diablo State Park, it is accessible through Diablo Foothills Regional Park and is off-limits to the public annually from February 1st to August 1st to protect peregrine falcons during their nesting season.[6]

Castle Rock Recreation Area

The Castle Rock Recreation Area is in the northern portion of Diablo Foothills Regional Park sharing the same parking areas and entrances with the main entrance point located at the end of Castle Rock Road. The recreation area provides many attractions including basketball courts, horseshoe pits, a volleyball court, softball field, and picnic areas open daily.[7] Additionally, the recreation area features a 30 by 70-foot pool complex operating during the spring and summer months.[8]

Regional Inter-Park Trails

The project site is in proximity to four inter-park trails which penetrate through the City of Walnut Creek. Inter-Park trails managed by the EBRPD span across several cities in the East Bay and provide significant recreational opportunities and transportation alternatives consisting of both paved and unpaved, multiuse trails that connect regional parks, schools, community facilities, business parks, and other modes of public transportation. Trail usage is only allowed between 5:00 a.m. to 10:00 p.m. with recommended recreational activities provided by inter-park trails being horseback riding, bicycling, hiking, and running. Activities allowed may vary depending on trails and trail segments.

[6] East Bay Regional Park District (EBRPD). 2025. Diablo Foothills Regional Park . Website: https://www.ebparks.org/parks/diablo-foothills. Accessed March 5, 2025. .

[7] East Bay Regional Park District (EBRPD). 2025. Castle Rock Regional Recreation Area . Website: https://www.ebparks.org/parks/castle-rock. Accessed March 5, 2025..

[8] East Bay Regional Park District (EBRPD). 2025. Castle Rock Pool Complex . Website: https://www.ebparks.org/recreation/swimming/castle-rock. Accessed March 5, 2025. .

The four inter-park trails that cross through Walnut Creek are interconnected with each other and are discussed in further detail below.

Briones to Mt. Diablo Regional Trail

The Briones to Mt. Diablo Regional Trail is a multiuse trail that contains both paved and unpaved segments spanning approximately 11.8 miles west from the Lafayette Ridge Staging Area south of Briones Regional Park east to Diablo Foothills Regional Park. The trail connects to many of Walnut Creek's community parks and shares a segment with the Contra Costa Canal Trail for 1.6 miles from Geary Road eastward to Heather Farms Park before continuing southward to Shell Ridge Open Space and ending at Diablo Foothills Regional Park.[9] The closest segment of the trail to the project site is the divergence of the Briones to Mt. Diablo Regional Trail from the Contra Costa Canal Trail at Heather Farm Park approximately 1.4 miles west from the project site.

California Riding and Hiking Trail

The California Riding and Hiking Trail is a multiuse trail with paved and unpaved areas spanning west from the Carquinez Regional Shoreline in Martinez ending on the east side of Lime Ridge Open Space. The trail extends 20.3 miles in length and shares a large segment with the Contra Costa Canal Trail as it crosses over the cities of Pleasant Hill and Walnut Creek before diverging from the Contra Costa Canal Trail at Lime Ridge Open Space. The trail currently ends south of the California State University East Bay Concord campus after crossing over Lime Ridge Open Space, with plans projected to increase the length of the trail by 2.4 miles that would re-enter Lime Ridge Open Space from the east side eventually connecting to Mt. Diablo State Park.[10] The closest segment of the California Riding and Hiking Trail is 0.3 mile north of the project site between Ygnacio Valley High School and Shadelands Self Storage, sharing a segment with the Contra Costa Canal Regional Trail.

Contra Costa Canal Regional Trail

The Contra Costa Canal Regional Trail is a multiuse paved trail approximately 13.5 miles in length connecting the cities of Martinez, Pleasant Hill, Walnut Creek, and Concord situated alongside the Contra Costa Canal. The trail geographically displays a U-shape beginning in the City of Martinez and moves southward through Pleasant Hill before turning eastward passing through the Ygnacio Valley neighborhood in Walnut Creek, moving northward and eventually ending at Willow Pass Community Park in Concord.[11] The closest segment of the Contra Costa Canal Regional Trail is 0.3 mile north of the project site.

Iron Horse Regional Trail

The Iron Horse Regional Trail is a multiuse whole access trail connecting the cities of Concord and Pleasanton, California, currently reaching 32 miles in length and accommodating three trailheads including the Danville Boulevard Trail Staging Area in Danville, the Lisa Lane Trail Staging Area in Pleasant Hill, and Stone Valley Road Staging Area in Alamo. The trail begins near State Route (SR) 4 in

[9] East Bay Regional Park District (EBRPD). 2025. Briones to Mt. Diablo Regional Trail. Website: https://www.ebparks.org/trails/interpark/briones-mt-diablo. Accessed March 5, 2025.
[10] East Bay Regional Park District (EBRPD). 2025. California Riding and Hiking Trail. Website: https://www.ebparks.org/trails/interpark/california-riding-hiking. Accessed March 5, 2025.
[11] East Bay Regional Park District (EBRPD). 2025. Contra Costa Canal Regional Trail . Website: https://www.ebparks.org/trails/interpark/contra-costa-canal. Accessed March 5, 2025. .

Concord and moves southward cutting through Walnut Creek, Alamo, Danville, and San Ramon before continuing southeastward through Dublin to the Dublin/Pleasanton Bay Area Rapid Transit (BART) station. The Iron Horse Regional Trail ends northeast of Shadow Cliffs Recreation Area in Pleasanton with plans expected to extend the trail by approximately 21 miles, totaling 53 miles in length traversing eastward to Livermore and ending at the San Joaquin County Line.[12] The closest segment of the Iron Horse Regional Trail is approximately 1.8 miles west from the project site, north of the Pleasant Hill/Contra Costa Centre BART station.

Local Community Parks

The project site is located in the City of Walnut Creek and in proximity to the City of Concord to the north and the City of Pleasant Hill to the northwest. Parks and facilities located around the project site are managed by the City of Walnut Creek, the City of Concord Parks and Recreation Department, and Pleasant Hill Recreation and Park District.

City of Walnut Creek

The City of Walnut Creek's Park Services and Open Space Division maintains open space lands, community parks, and facilities in Walnut Creek.[13] The Division oversees 19 public parks encompassing approximately 235 total acres offering sports fields, picnic areas, sand volleyball courts, eight event spaces, three gymnasiums and two swim centers. There are four open space areas consisting of approximately 3,040 acres, 7 miles of neighborhood trails, and 100 miles of hiking and equestrian trails with the objective of providing recreational activities while preserving natural resources and native habitats.[14]

The project site is within 3 miles of 14 public parks, six event facilities, two gymnasium rentals, two swim centers with pool rentals, and two open space areas maintained by the City of Walnut Creek.

City of Concord Parks and Recreation

The City of Concord Park and Recreation Department maintains indoor facilities and outdoor parks within their jurisdiction, including four event facilities.[15] Outdoor parks managed by the City of Concord Park and Recreation Department consist of over 25 different parks with 14 public playgrounds, 14 pickleball courts, 13 tennis courts, a community pool, sports fields, picnic areas, and the northern portion of Lime Ridge Open Space with hiking trails.[16]

The project site is located within 3 miles of 13 City of Concord recreation facilities including parks, event space, pool, and the northern portion of Lime Ridge Open Space.

[12] East Bay Regional Park District (EBRPD). 2025. Iron Horse Regional Trail. Website: https://www.ebparks.org/trails/interpark/iron-horse. Accessed March 5, 2025.
[13] City of Walnut Creek. 2025.Public Works. Website: https://www.walnutcreekca.gov/government/public-works. Accessed March 5, 2025.
[14] City of Walnut Creek. 2025. Open Space. Website: https://www.walnutcreekca.gov/government/departments/open-space. Accessed March 5, 2025.
[15] City of Concord. 2025. Indoor Spaces. Website: https://www.cityofconcord.org/650/Indoor-Spaces. Accessed March 5, 2025.
[16] City of Concord. 2025. Recreation Services. Website: https://www.cityofconcord.org/328/Recreation-Services. Accessed March 5, 2025.

Pleasant Hill Recreation and Park District

The Pleasant Hill Recreation and Park District is an independent government agency separate from the City of Pleasant Hill providing 12 public parks and open space areas consisting of 269 acres of parkland, over 2,300 classes, programs, and recreational activities,[17] and six event facilities.[18]

The project site is located within approximately 3 miles of three public parks and three event facilities maintained by the Pleasant Hill Recreation and Park District. No open spaces overseen by the District are within a 3-mile radius of the project site.

The closest local community parks to the project site are the Valle Verde Neighborhood Park approximately 0.4 mile directly east in contiguity to Valle Verde Elementary School, and the Shadelands Ranch Museum roughly 0.3 mile southwest on Ygnacio Valley Road, both maintained by the City of Walnut Creek. The closest open space is Lime Ridge Open Space with the California Riding and Hiking Trail Trailhead entrance located about 1 mile from the project site, which are maintained by the City of Walnut Creek Park Services and Open Space Division with the exception of the California Riding and Hiking Trail managed by the EBRPD. A list of all public parks, facilities, and open spaces within a 3-mile radius of the project site are listed in Appendix I.

3.14.3 - Regulatory Framework

State

Quimby Act

The Quimby Act (California Government Code § 66477) was established by the California Legislature in 1965 to preserve open space and parkland in rapidly urbanizing areas of the State. The Quimby Act allows cities and counties to establish requirements for new development to dedicate land for parks, pay an in lieu fee, or provide a combination of the two.

The Quimby Act provides two standards for the dedication of land for use as parkland. If the existing area of parkland in a community is greater than 3 acres per 1,000 residents, then the community may require dedication based on a standard of up to 5 acres per 1,000 persons residing in the subdivision based on the current ratio of parkland per 1,000 residents. If the existing amount of parkland in a community is less than 3 acres per 1,000 residents, then the community may require dedication based on a standard of only 3 acres per 1,000 persons residing in the subdivision.

The Quimby Act requires a city or county to adopt standards for recreational facilities in its general plan to adopt a parkland dedication or fee ordinance.

It should be noted that the Quimby Act applies only to the acquisition of new parkland; it does not apply to the physical development of new park facilities or associated operations and maintenance costs. Therefore, the Quimby Act effectively preserves open space needed to develop park and recreation facilities, but it does not ensure the development of the land or the provision of park and recreation services to residents. In addition, the Quimby Act applies only to residential subdivisions.

[17] Pleasant Hill Recreation & Park District. About Us. Website: https://www.pleasanthillrec.com/27/About-Us. Accessed March 5, 2025.
[18] Ibid.

Nonresidential projects could contribute to the demand for park and recreation facilities without providing land or funding for such facilities. Quimby Act fees are collected by the local agency (park district, city, or county) in which the new residential development is located.

Local

City of Walnut Creek

Walnut Creek General Plan

The following General Plan goals, policies, and actions relevant to recreation are relevant to this analysis.

Chapter 3: Natural Environment

Goal 4 Provide a system of safe, well-developed, well connected, and well-maintained trails.

Action 4.1.1 Work with the County, the East Bay Regional Park District, and other agencies to develop trail links between residential areas and parks, creeks, transportation, schools, open space, shopping, and various public facilities.

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.

Action 6.1.1 Maintain 5 acres of parkland per 1,000 people.

Policy 6.2 Require that new development address park needs generated by a project.

Walnut Creek Municipal Code- Parkland Dedication

Municipal Code Section 10-1.602 requires new residential subdivisions to dedicate land, or pay a fee in lieu thereof, or both, to provide lands designated for recreational purposes, or to maintain parks and facilities managed by the City. It is required that five acres of property be devoted for recreational purposes for each 1,000 persons living within jurisdictional boundaries. Land and the required fee are determined based on community resources, access to land in the subdivision based on natural geography, size and shape of the subdivision including land availability, feasibility of land dedication, and availability of previously acquired recreational lands. Applying those rules here, the proposed project would only pay a fee equal to the average estimated market value of the land being developed when no recreational uses designated by the General Plan for current and future needs are located on the project site.

3.14.4 - Methodology

Impacts related to parks and recreational facilities were determined by identifying existing parks, inter-park trails, event facilities, and recreational activities managed by the DPR and EBRPD in the surrounding region. Local parks, facilities, and open spaces within a 3-mile radius of the project site were analyzed from the City of Walnut Creek, City of Concord Parks and Recreation, and Pleasant Hill Recreation and Parks District websites.

The General Plan was analyzed to determine the City of Walnut Creek's parkland standard, or ratio of parkland per 1,000 residents which was used as the threshold of significance. The total number of acres of parkland within the City was divided separately by both the existing population and the population growth generated by the proposed project, then multiplied by 1,000 to determine whether the proposed project would substantially decrease the existing parkland ratio and remain above the City's Parkland Standard of maintaining 5 acres per 1,000 residents. Furthermore, information on the proposed project such as number of dwelling units, size, and its associated recreational amenities were evaluated to determine compatibility with the General Plan and the City's Parkland Dedication standards under the Municipal Code.

3.14.5 - Thresholds of Significance

Recreation

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether recreation impacts resulting from the implementation of the proposed project would be considered significant if the proposed project would:

a) 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.

b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

3.14.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Increase Use of Parks

Impact REC-1:	**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.**

Construction

Impacts related to increased use of existing parks and recreational facilities are primarily associated with project operation. Some temporary increased use of existing recreation facilities could occur as a result of construction employees, such as the use of nearby parks. However, such use would be incidental, ceasing after the completion of construction. As such, construction impacts would be less than significant in this regard.

Operation

The City of Walnut Creek General Plan 2025 Action 6.1.1 within Goal 6: Acquire Additional Parkland, provides a parkland standard to maintain 5 acres of parkland per 1,000 residents, or 0.005-acre per person within City boundaries to continue to support the City's recreational needs and programs. The population of Walnut Creek in 2024 was 69,433 residents and contained approximately 3,275

acres of public parks and open space areas having a current ratio around 47.2 acres per 1,000 residents, which substantially meets the City of Walnut Creek's parkland standard.

The proposed project is expected to construct 422 multiple-family dwelling units on the project site leading to a population increase of about 874 residents excluding current Walnut Creek residents possibly moving onto the project site, resulting in 4.37 acres of parkland needed to accommodate the parkland standard within the General Plan. The proposed project would include approximately 2 acres of open space including a central common open space area along with picnic sites, walking and play areas, dog parks, lawns, and game tables. However, these amenities are for private residential use only and, therefore, do not contribute to the City of Walnut Creek's parkland standard.

As previously mentioned, the proposed project is within a 3-mile radius of 30 public parks, 15 recreational indoor and outdoor facilities, and three open space areas managed by the City of Walnut Creek, the City of Concord Parks and Recreation, and Pleasant Hill Recreation and Park District. In addition to local community parks and recreational facilities in proximity to the project site, the City of Walnut Creek contains additional public parks, facilities, and open spaces within city limits. Mount Diablo State Park encompasses approximately 20,000 acres of open space with the North Gate entrance 2.4 miles from the project site, and Briones Regional Park, Diablo Foothills Regional Park, and Castle Rock Recreation Area comprise an additional 7,315 acres with the closest regional park being Diablo Foothills Regional Park that encloses the Castle Rock Recreation Area both roughly 2.6 miles from the project site. Furthermore, the Contra Costa Canal Regional Trail is located 0.3 mile north of the project site which shares segments and provides access to other regional trails and parks in Contra Costa County. As such, significant existing recreational facilities are available in the project vicinity.

Finally, the proposed project is subject to Municipal Code Chapter 10-12, Dedications for Park Purposes, and Section 10-1.602, which require new residential projects to either dedicate land, pay an in lieu fee, or implement both to provide lands designated for recreational purposes, or to assist in maintaining parks and facilities managed by the City. The proposed project would pay a fee in lieu of dedicating land which is equal to the average market value of land being developed on the project site.

The City substantially exceeds its parkland standard and is in close proximity to State and regional parks. In addition, the proposed project would include recreational amenities and abide by the City's Municipal Code requirement to pay in lieu park dedication fees. Therefore, substantial physical deterioration of recreation facilities would not be expected to occur or be accelerated as a result of the project. As such, impacts would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project because implementation of the Community Benefit Variant would not result in additional construction workers or residential population on the project site. Therefore, neither construction nor operation of the Community Benefit Variant would result in the additional or increased physical deterioration of existing parks or recreational facilities due to increased use.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Recreational Facilities Physical Effect on Environment

Impact REC-2: **The proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.**

Construction

The proposed project would include approximately 2 acres of open space including a central common open space along with other private recreational facilities such as picnic areas, dog parks, paseo walking areas, lawns, a rain garden, bioretention areas, and game tables. Impacts associated with construction of the proposed project, including the development of the recreational areas, (particularly related to air quality, energy, greenhouse gas (GHG) emissions, hazards and hazardous materials, hydrology and water quality, noise, and transportation) are analyzed throughout this Draft EIR (DEIR) and are either less than significant or less than significant with mitigation. Construction impacts relating to the proposed recreational facilities are detailed below.

See Section 3.2, Air Quality; Section 3.5, Energy; Section 3.7; Greenhouse Gas Emissions; Section 3.8; Hazards and Hazardous Materials; Section 3.9; Hydrology and Water Quality; Section 3.11, Noise; and Section 3.15, Transportation and Traffic, for further discussion regarding impacts related to the construction of recreational features of the proposed project.

Air Quality

Less than significant impact with mitigation incorporated. As discussed in Section 3.2, Air Quality, the proposed project, including the proposed recreational facilities, could have a potentially significant impact regarding fugitive dust and air pollution during construction. However, all construction activities would be required to adhere to MM AIR-1 and MM AIR-2, which would reduce construction-related air quality impacts to a less than significant level. As such, impacts relating to air quality effects resultant from the construction of proposed recreational facilities would be less than significant with mitigation. See Section 3.2, Air Quality, for further discussion.

Energy

Less than significant impact. The proposed project, including the proposed recreational facilities, was analyzed regarding energy consumption impacts during construction, and was found to have a less than significant impact. See Section 3.5, Energy, for further discussion.

GHG Emissions

Less than significant impact. As stated in Section 3.7, Greenhouse Gas Emissions, the total of both construction and operational GHG emissions for the proposed project, including the proposed recreational facilities, would be less than significant. See Section 3.7, Greenhouse Gas Emissions, for further discussion.

Hazards and Hazardous Materials

Less than significant impact. As discussed in Section 3.8, Hazards and Hazardous Materials, construction of the proposed project, including the recreational facilities, would involve the transportation, use, and disposal of hazardous materials which could result in potential exposure to construction workers and the surrounding area, along with potentially inducing temporary disruptions along the adjacent roadways which could impair or interfere with an emergency response or evacuation plan. However, compliance with applicable federal, State, and local rules and regulations would result in a less than significant impact related to hazards and hazardous materials from construction activities. See Section 3.8, Hazards and Hazardous Materials, for further discussion.

Hydrology and Water Quality

Less than significant impact. As discussed in Section 3.9, Hydrology and Water Quality, the proposed project, including the recreational facilities, would involve ground disturbing activities such as demolition, site preparation, and grading, along with the use of construction equipment involving the use of chemicals. The alteration of existing surfaces and use of chemicals could degrade surface and water quality, alter existing drainage patterns, and increase the rate of stormwater runoff and erosion. However, construction activities associated with the proposed project would be required to comply with the San Francisco Bay Regional Water Quality Control Board's (San Francisco Bay RWQCB's) National Pollutant Discharge Elimination System (NPDES) General Permit where the applicant would prepare a Storm Water Pollution Prevention Plan (SWPPP) to implement monitoring and reporting strategies and would apply site-specific Best Management Practices (BMPs). As such, construction of the proposed project, including the recreational facilities, would have a less than significant impact on hydrology and water quality. See Section 3.9, Hydrology and Water Quality, for further discussion.

Noise

Less than significant impact. As discussed in Section 3.11, Noise, the proposed project, including the proposed recreational facilities, would have a less than significant impact relating to noise from construction activities. See Section 3.11, Noise, for further discussion.

Transportation

Less than significant impact. As discussed in Section 3.15, Transportation and Traffic, the proposed project, including the proposed recreational facilities, would have a less than significant impact regarding roadway safety and emergency access. See Section 3.15, Transportation and Traffic, for further discussion.

Community Benefit Variant

The Community Benefit Variant does not include construction or expansion of recreational facilities that could result in potential environmental impacts. Therefore, no impact would occur from implementation of the Community Benefit Variant and no mitigation would be required.

Operation

As mentioned above, the proposed project would include recreational facilities such as a central common open space, a rain garden, picnic areas, dog parks, lawns, paseo walking areas, and game tables. The proposed project would include 422 multi-family dwelling units resulting in a projected population increase of approximately 874 residents excluding those who already reside in Walnut Creek, therefore needing 4.37 acres of additional parkland to meet the parkland standard within the General Plan. However, the City of Walnut Creek's Parkland Dedication requires developed residential subdivisions to either dedicate land, pay an in lieu fee, or both to maintain and provide lands for recreational facilities to meet the City of Walnut Creek's needs. Despite the need for 4.37 acres of additional parkland with the implementation of the proposed project, the City of Walnut Creek would continue to achieve its parkland standard of 5 acres of parkland per 1,000 residents with 47.2 acres per 1,000 residents in 2024. With the implementation of the proposed project, the increase in population would lower the current ratio to 46.6 acres per 1,000 residents without considering the City's Parkland Dedication, as well as acreage provided by surrounding regional and State parks.

Furthermore, new residents from the proposed project would have access to 30 public parks, 15 recreational facilities, and three open space areas within a 3-mile radius, along with additional parks and recreational services within the City of Walnut Creek Planning Area, EBRPD, and Mount Diablo State Park.

Although the proposed project includes the construction of private recreational facilities, these facilities would be developed on-site with their potential physical impacts on the environment occurring during the construction phase of the proposed project. Those potential impacts are part of the proposed project evaluated and mitigated accordingly throughout relevant sections of this Draft EIR. During operation, the proposed project would be served by private on-site recreational areas along with other public parks, recreational facilities, and open space areas provided at the local, regional, and State levels. In addition, implementation of the proposed project would maintain the City of Walnut Creek's parkland standard by paying an in lieu fee of dedicating land to provide and maintain lands for parks and recreational facilities within the City; therefore, impacts related to the construction or expansion of new off-site facilities generated by the operation of the proposed project would be less than significant.

Community Benefit Variant

The Community Benefit Variant would not include construction or expansion of recreational facilities that could result in potential environmental impacts. Therefore, no impact would occur from implementation of the Community Benefit Variant and no mitigation would be required.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM AIR-1 and MM AIR-2.

Level of Significance After Mitigation

Less than significant impact.

3.14.7 - Cumulative Impacts

A cumulative impact combines the potential impacts of the proposed project with other past, present, or reasonably foreseeable future projects. The relevant cumulative setting, or geographic area for potential cumulative impacts related to recreation consists of local public parks, indoor and outdoor recreational facilities, and open space areas within a 3-mile radius of the project site managed by the City of Walnut Creek Park Services and Open Space Division, City of Concord Parks and Recreation, and the Pleasant Hill Recreation and Park District, along with other local recreational areas within the planning area managed by the City of Walnut Creek, inter-park trails and regional parks located in central Contra Costa County managed by the EBRPD, and Mount Diablo State Park administered by the DPR.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to recreation. This analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project would be considerable. Both conditions must apply for a project's contribution to cumulative effects to rise to the level of a significant impact. If both conditions apply, this analysis will then evaluate feasible cumulative mitigation measures that would reduce cumulative effects. If one or both conditions do not apply, the proposed project's contribution to cumulative impacts would be less than significant, and no cumulative mitigation is necessary. If there is no impact associated with respect to a particular CEQA threshold, the proposed project would have no contribution to potential cumulative impacts and, therefore, further discussion of cumulative impacts is not required.

Increased Park Use

As previously mentioned in Section 3.12 Population and Housing, the proposed project would construct 422 multi-family dwelling units, leading to a projected population growth of approximately 874 residents excluding the potential of existing Walnut Creek residents moving onto the project site. To determine the potential increase in the usage of public parks and other recreational facilities within the region, an analysis of cumulative projects listed in Table 3-1 that plan to include residential units in conjunction with the proposed project is necessary.

The proposed project would be developed in concurrence with seven other residential, mixed-use, and community facility projects listed in Table 3-1 and Table 3.12-7, leading to approximately 983 new residential units and a projected cumulative population growth of 2,170 persons excluding accessory dwelling unit (ADU) and single-unit projects which would cumulatively increase the demand for park and recreational facilities. In addition, the development of commercial projects may increase the temporary population within the City and could further increase this demand.

To reduce the demand for park and recreational facilities, residential projects must at least pay an in lieu fee if not being constructed on land that allows recreational uses designated by the General Plan and would pay both a fee and dedicate land if construction of the residential project is on land

dedicated for recreation purposes. Although commercial projects are exempt from the City's Parkland Standard, many of the commercial projects listed in Table 3-1 will generate employment opportunities which could increase the temporary population of the City and may potentially increase the use of park and recreational facilities in the area. However, as previously mentioned in Section 3.12, Population and Housing, it is expected that commercial projects will draw most of their employment from the City's labor force. Since each cumulative residential project including the proposed project is at least required to make payments that are allocated to provide, maintain, and improve parkland and facilities in Walnut Creek in compliance with the City's Parkland Dedication, and commercial projects will likely hire most of their employees from the local labor force, the proposed project along with other cumulatively projects would have a less than significant cumulative impact related to the physical deterioration of public parks and recreational facilities due to increased use. Moreover, the proposed project's incremental contribution to the less than significant cumulative impacts would not be cumulatively considerable because the proposed project includes recreational facilities and would pay the in lieu fee.

Recreational Facilities Provision

As previously mentioned, the parkland standard of maintaining 5 acres of parkland per 1,000 residents is established in the City of Walnut Creek General Plan. In 2024, the City of Walnut Creek had an existing ratio of 47.2 acres per 1,000 residents, only including parks managed under the Walnut Creek Park Services and Open Space Division and excluding other municipal, regional, and State Parks in the surrounding area. The proposed project, in concurrence with other cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 that are known to incorporate residential units, would generate an increase in population of approximately 2,170 residents, excluding the possibility of current Walnut Creek residents inhabiting the cumulative projects. Although the estimated increase in population would decrease the existing ratio of parkland per 1,000 people to approximately 45.7 acres per 1,000 people based on the 2024 population, the decrease would be minimal and would continue to substantially exceed the established parkland standard maintained in the General Plan. Furthermore, the proposed project and surrounding cumulative projects would have further access to other municipal, regional, and State parks in the region, such as those managed by the EBRPD and DPR. Since the cumulatively considerable ratio of parkland per 1,000 people would remain above the parkland standard established in the General Plan, as well as the EBRPD and DPR providing additional recreational opportunities in the surrounding area, impacts related to the construction or expansion of new or existing off-site facilities produced by the proposed project in conjunction with cumulative residential projects would have a less than significant cumulative impact related to recreation. Moreover, the proposed project's incremental contribution to the less than significant cumulative impacts would not be cumulatively considerable because the proposed project would include on-site recreation facilities and contribute to acquisition and maintenance of recreation facilities through payment of in lieu fees.

Recreational Facilities Physical Effect on Environment

As shown in Table 3-1 Cumulative Projects, many of the projects are residential and mixed-use projects, which are expected to increase the City's permanent population. The City's Parkland Dedication requires new residential projects to either dedicate land or pay a fee in lieu of dedicating

land when the residential project is not being constructed on land designated for recreational uses. Residential projects can be provided with reductions in paying a fee in lieu of dedicating land if projects incorporate recreational areas for the use of future residents. The proposed project includes common open space and other recreational facilities, the potential environmental impacts of which have been accounted for within the topical analyses throughout this Draft EIR, as described and discussed under Impact REC-2. All impacts would be less than significant or less than significant with mitigation, including under cumulative project circumstances, as detailed in the cumulative analyses of Section 3.2, Air Quality; 3.5, Energy; 3.7, Greenhouse Gas Emissions; 3.8, Hazards and Hazardous Materials; 3.9, Hydrology and Water Quality; 3.11, Noise; and 3.15, Transportation and Traffic of this Draft EIR. Accordingly, the proposed project would not result in a cumulatively considerable contribution related to the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Other cumulative projects would also be required to implement mitigation to address any potentially significant impacts arising from the construction of recreational facilities. Therefore, impacts would be less than significant.

Community Benefit Variant

The cumulative impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant does not include construction of new or alteration of existing recreational facilities that could result in environmental impacts. Additionally, the Community Benefit Variant would not increase construction workers as compared to the proposed project such that construction workers would have an incremental contribution to the cumulatively considerable impact on increased park use. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to recreational facilities.

Level of Cumulative Significance

Less than significant impact.

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3.15 - Transportation and Traffic

3.15.1 - Introduction

This section describes existing conditions related to transportation in the project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to transportation that could result from implementation of the proposed project. Information in this section is based, in part, on the project-specific CEQA Transportation Analysis by W-Trans dated July 31, 2025, supplementing the Trip Generation, Vehicle Miles Traveled (VMT) Screening, and Transportation Demand Management Plan (Transportation Findings Memorandum) dated July 15, 2024, by Fehr and Peers. These reports are included as Appendix J.

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to transportation and traffic.

- The Draft EIR should evaluate the amount of traffic generated by the proposed project on existing roadways.
- The Draft EIR should evaluate impacts related to traffic congestion, circulation, and pedestrian safety on Shadelands Drive.
- The Draft EIR should evaluate impacts related to cyclist and pedestrian safety.
- The Draft EIR should evaluate the potential parking impacts on surrounding shopping centers.
- The Draft EIR should evaluate the amount of traffic generated from the construction phase of the project.
- This Draft EIR should evaluate the potential impacts on project circulation between the northern and southern sections of the project site.
- The Draft EIR should evaluate traffic impacts in concurrence with other development projects in the community.
- The Draft EIR should evaluate the proposed entrances and exits along Shadelands Drive on interfering with emergency access to the Viamonte Facility.
- The Draft EIR should evaluate potential impacts from the proposed project's planned circulation system on emergency response and access.

3.15.2 - Environmental Setting

Roadway Facilities

Regional

Interstate 680

The closest regional roadway is Interstate 680 (I-680). I-680 primarily runs north/south connecting Contra Costa County (County) to regional destinations such as San José to the south and Fairfield to the north. I-680 is located west of the project site and can be accessed via the Ygnacio Valley Rd. interchange. In the project site vicinity, this freeway provides five mixed-flow and one high-

occupancy vehicle lane in the southbound direction, and five mixed-flow lanes in the northbound direction, in addition to auxiliary lanes between interchanges. Approximately 260,000 vehicles per day travel on the I-680 at the Ygnacio Valley Road interchange. Access to/from northbound I-680 in the project site vicinity is provided from on-ramps on either Buskirk Avenue or Oak Road. Access to/from southbound I-680 is provided from the N. California Rd. arterial or at Hillside Avenue. I-680 is a designated Route of Regional Significance, as defined by the Central County Action Plan.[1]

Local

Arterials

Ygnacio Valley Road

Ygnacio Valley Road is an east-west arterial with a four- to six-lane divided roadway that extends from I-680 to Clayton Road. Beyond Clayton Road, Ygnacio Valley Road becomes Kirker Pass Road, a four- to six-lane roadway. Westbound Ygnacio Valley Road provides access to the northbound I-680 via the North California Boulevard arterial and to the southbound I-680 via an on-ramp off Hillside Avenue. Within the project site vicinity, Ygnacio Valley Road provides three travel lanes in the westbound direction and three travel lanes in the eastbound direction, with additional turn pockets at intersections. The posted speed limit is 55 miles per hour eastbound and 45 miles westbound past the Oak Grove Road collector. Sidewalks are provided on both sides of the roadway, except for the small eastbound portion between the Briones and Mount Diablo Regional Trail and Buskirk Avenue. Ygnacio Valley Rd. is a designated Route of Regional Significance and currently operates unacceptably between the I-680 and Oak Grove Road segment with a delay index of 2.3 and average speeds of 13 mph in the westbound direction during the AM Peak hour, and average speeds of 14 mph in the eastbound direction during the PM Peak Hour.

Treat Road

Treat Boulevard is an east-west arterial that extends west from Oak Grove Road, connecting Walnut Creek and Concord, and is located north of the project site. West of North Main Street, Treat Boulevard becomes Geary Road. Off-ramps from northbound I-680 connect to the intersection of Treat Boulevard and Buskirk Avenue. Westbound Treat Boulevard provides access to northbound I-680 via the Buskirk Avenue on-ramp. An on-ramp for eastbound Treat Boulevard connects to southbound I-680. Within the project site vicinity, Treat Boulevard provides three travel lanes in the westbound direction and four travel lanes in the eastbound direction, with additional turn pockets at intersections. On-street parking is only allowed on westbound Treat Boulevard between Jones Road and Oak Road. The posted speed limit is 35 miles per hour. Sidewalks are provided on both sides of the roadway, except for the small eastbound portion between North Main Street and Buskirk Avenue. Treat Boulevard is a designated Route of Regional Significance.

Oak Grove Road

Oak Grove Road is a north-south arterial with two lanes in each direction which connects the Contra Costa Canal Trail and Castle Rock Road collector. Oak Grove Road serves as a parallel route to I-680 via the Treat Road arterial to the north and the Ygnacio Valley Road arterial to the south. The posted speed limit is 40 mph. An existing sidewalk is provided on the east side of Oak Grove Road within the

[1] Transportation Partnership and Cooperation (TRANSPAC). 2017. Central County Action Plan. Website: https://ccta.net/wp-content/uploads/2018/10/59cd5bb45ab01.pdf. Accessed February 26, 2025.

project vicinity. The Shadelands Drive and Mitchell Drive collectors both intersect Oak Grove Road at signalized intersections.

Collectors

Lennon Lane

Lennon Lane is a north-south collector. The roadway has one lane of travel in each direction and connects to the Ygnacio Valley Road arterial to the south and ends to the north at a court. Lennon Lane allows on-street parking but is unmarked and has a posted speed limit of 25 mph. The majority of the Sidewalks are provided on both sides of the roadway, but a portion is segmented on the east side.

Mitchell Drive

Mitchell Drive is an east-west collector. The roadway has one lane of travel in each direction and connects to Oak Grove Road collector and North Wiget Lane. The posted speed limit is 30 mph. There are no existing sidewalks within the project vicinity.

North Wiget Lane

North Wiget Lane is a north-south collector. The roadway has one lane of travel in each direction and connects to Ygnacio Valley Road arterial to the south and turns to the west before connecting to Lennon Lane. North Wiget Lane has unmarked on-street parking and a posted speed limit of 30 mph. Sidewalks are provided on both sides of the roadway.

Shadelands Drive

Shadelands Drive is an east-west collector. The roadway has one lane of travel in each direction and connects to the Oak Grove Road arterial and Lennon Lane, a local street. The road has a posted speed limit of 30 mph. Sidewalks are provided on both sides of the roadway, and only between N. Wiget Lane and the Kaiser Permanente Business Offices.

North Via Monte

North Via Monte is a north-south collector. The roadway has one lane of travel in each direction and connects to the Ygnacio Valley Road arterial to the south and is terminated at a tee intersection to the north by Shadelands Drive. N Via Monte does not permit on-street parking and has a posted speed limit of 30 mph. A sidewalk is provided on the west side while a Class I Multi-Use Path is on the east side of North Via Monte.

Study Area and Data Collected

A project's study area for purposes of a transportation analysis varies depending on the mode of transport. 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. 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 operational analyses, it consists of the project frontage and the following nine study intersections, which consist of both signalized and unsignalized intersections:

Signalized Intersections

1. Mitchell Drive/Oak Grove Road
2. Shadelands Drive/Oak Grove Road
3. Oak Grove Road/Citrus Avenue
4. Ygnacio Valley Road/Wiget Lane
5. Ygnacio Valley Road/Via Monte
6. Ygnacio Valley Road/Oak Grove Road

Unsignalized Intersections

1. Mitchell Drive/North Wiget Lane
2. Shadelands Drive/North Wiget Lane
3. Shadelands Drive/North Via Monte

W-Trans also evaluated Ygnacio Valley Road as a study roadway. Ygnacio Valley Road is a route of regional significance according to the Walnut Creek General Plan 2025 and along the project frontage is a divided six-lane roadway running northeast-southwest.

W-Trans conducted AM and PM traffic counts at the identified study intersections in the vicinity of the project site. Traffic counts were performed at the morning peak hours of 7:00 a.m. to 9:00 a.m., which reflect typical work and school commute hours, while PM counts were performed between 4:00 p.m. and 6:00 p.m., reflecting the homeward-bound commute hours. These hours give a reasonable amount on the highest volumes of traffic in the project area under existing conditions and indicate whether the proposed project's incremental contribution to the local transportation network and circulation system would be potentially significant. The results of the traffic counts from each intersection are provided in Table 3.15-1 below.

Table 3.15-1: Existing Traffic Volumes

Intersection	Intersection Type	AM Peak Hour	PM Peak Hour
Mitchell Drive/Oak Grove Road	Signalized four-legged intersection	2,294	2,421
Shadelands Drive/Oak Grove Road	Signalized T-Intersection	2,114	2,062
Oak Grove Road/Citrus Avenue	Signalized T-Intersection	2,409	1,989
Ygnacio Valley Road/Wiget Lane	Signalized four-legged intersection	3,524	4,167
Ygnacio Valley Road/Via Monte	Signalized four-legged intersection	2,731	3,533
Ygnacio Valley Road/Oak Grove Road	Signalized four-legged intersection	4,594	4,958
Mitchell Drive/North Wiget Lane	Stop controlled T-intersection	769	701
Shadelands Drive/North Wiget Lane	All-way stop controlled four-legged intersection	1,263	1,176
Shadelands Drive/North Via Monte	Minor-road only stop control T-intersection	922	775
Source: W-Trans 2025. Transportation Impact Study for the Mitchell Drive Townhomes Project. April 16.			

Public Transit Service and Facilities

The project site is currently served by five County Connection bus routes: 1, 7, 92X, 93X, 301, and four public transit bus stops within 0.1 mile from the project site with Contra Costa Transit Authority (CCTA) providing transit services throughout communities in the south and central portions of Contra Costa County.

Pleasant Hill BART Station

The Pleasant Hill BART station is located approximately 2 miles from the project site and provides rail network services to five San Francisco Bay Counties. This station is connected to bus stops within 0.1 mile of the project site via the CCTA's Route 7 transit line. In addition, the CCTA provides free shuttle rides to and from the Pleasant Hill BART station for employees and customers in the Shadelands Business Park on weekdays.

Walnut Creek BART Station

The Walnut Creek BART station is located approximately 3 miles from the project site and provides rail network services to five San Francisco Bay Counties. This BART station is connected to bus stops in the project vicinity via the CCTA's Route 1, Route 93X, and Route 301 transit lines.

Bicycle Facilities

The California Department of Transportation (Caltrans) Highway Design Manual classifies bikeways into four categories:

- Class I Multi-Use 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 barrier, or on-street parking.

Existing Bicycle Facilities

In the study area, there are a total of nine existing bicycle facilities and four planned facilities, as provided in Table 3.15-2.

Table 3.15-2: Bicycle Facilities

Location	Class	Length (miles)	Begin Point	End Point
Existing				
The Orchards Perimeter	I	0.75	Shadelands Drive	Ygnacio Valley Road

Location	Class	Length (miles)	Begin Point	End Point
Contra Costa Canal Trail	I	3.60	Ygnacio Canal Trail	Western City Limits
N Via Monte	I	0.2	Shadelands Drive	Ygnacio Valley Road
Oak Grove Road	I	0.2	Shadelands Drive	Ygnacio Valley Road
Shadelands Drive	I	0.2	N Via Monte	Oak Grove Road
Ygnacio Valley Road	I	0.2	N Via Monte	Oak Grove Road
Oak Grove Road	II	3.40	Monument Boulevard	Walnut Avenue
Lennon Lane	IV	0.40	North Terminus	Ygnacio Valley Road
Wiget Lane	IV	0.55	Shadelands Drive	Ygnacio Valley Road
Planned				
Ygnacio Valley Road	I	0.70	Lennon Lane	Oak Grove Road
Oak Grove Road	I	0.40	Ygnacio Valley Road	Mitchell Drive
Shadelands Drive	IV	0.67	Lennon Lane	Oak Grove Road
Mitchell Drive	IV	0.50	North Wiget Lane	Oak Grove Road
Source: W-Trans. 2025. Transportation Impact Study for the Mitchell Drive Townhomes Project. July 31.				

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, there is an existing but discontinuous network of sidewalks, crosswalks, pedestrian signals, and curb ramps providing access for pedestrians in the vicinity of the project site. In addition, the Contra Costa Canal Trail to the north of the project site is classified as a suitable pathway for pedestrian use.

Existing Pedestrian Facilities

In the study area, a network of sidewalks, crosswalks, pedestrian signals, and curb ramps generally provides access for pedestrians in the vicinity of existing residential developments; however, while there are sidewalks adjacent to commercial buildings within the study area, there are limited pedestrian facilities fronting the office buildings currently existing on the project site.

- **Mitchell Drive**: Intermittent sidewalk coverage is provided on Mitchell Drive with a gap on the south side of the street covering the northern border of the entire project site. Marked crosswalks with curb ramps intermittently transect Mitchell Drive. A north-south trending crosswalk without a curb ramp is located directly north of the project site. Additionally, while lighting is provided by overhead streetlights on the north side of Mitchell Drive, there is no external or internal lighting along the south side making up the north side of the project site.
- **Oak Grove Road –** Continuous sidewalks are on both sides of Oak Grove Road between Mitchell Drive and Shadelands Drive, along with curb ramps and crosswalks on side street legs at intersections. Streetlighting is consistently provided.

- **Shadelands Drive:** There is intermittent sidewalk coverage on both sides of Shadelands Drive. Gaps directly south of the project site along Shadelands Drive are present with only a segment of sidewalk located at the south-central portion of the project site which consists of a marked pedestrian crosswalk with a curb ramp which serves as a pathway for the Shadelands Drive and N Via Monte bus station. A segment on the south side of Shadelands Drive between North Wiget Lane and Oak Grove Road is in poor condition. Marked crosswalks and curb ramps are located at intersections and at three midblock locations. Lighting is provided by overhead streetlights only on the south side of Shadelands Drive.
- **North Wiget Lane –** Continuous sidewalk coverage is available on North Wiget Lane between Mitchell Drive and Shadelands Drive. Crosswalks are present, but curb ramps are intermittent. Lighting is provided by streetlights along the roadway.

3.15.3 - Regulatory Framework

Federal

The Intersection Channelization Design Guide, 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.

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) provides rights and protections to assure equality, sustainable and independent living, and opportunity for people with disabilities. To achieve this goal, the U.S. Access Board created accessibility guidelines for the public right-of-way which was adopted in 2025 by the U.S. Department of Transportation (USDOT) addressing accessibility issues in modern roadway design practices such as slope and terrain, curb ramps, public transit, and other components of the public right-of-way.

State

California Department of Transportation LOS Goals

Caltrans builds, operates, and maintains the State highway system, including the interstate highway system. Caltrans's mission is to improve mobility Statewide. The department operates under strategic goals to provide a safe transportation system, optimize throughput and ensure reliable travel times, improve the delivery of State highway projects, provide transportation choices, and improve and enhance the State's investments and resources. Caltrans controls the planning of the State highway system and accessibility to the system. Caltrans establishes LOS goals for highways and works with local and regional agencies to assess impacts and develop funding sources for improvements to the State highway system. Caltrans requires encroachment permits from agencies or new development before any construction work may be undertaken within the State's right-of-way. For projects that would impact traffic flow and levels of services on State highways, Caltrans would review measures to mitigate the traffic impacts. However, Caltrans has adopted the 2013 CCTA Congestion Management Plan (CMP) standards. As discussed further below, Senate Bill (SB) 743 eliminated the use of auto delay or LOS as a basis for determining significant transportation impacts under CEQA.

Senate Bill 743

On September 27, 2013, SB 743 was signed into law, supporting previous climate-focused and transportation legislation, including the Sustainable Communities and Climate Protection Act of 2008 (SB 375) and the California Global Warming Solutions Act of 2006 (Assembly Bill (AB) 32). SB 743 introduced fundamental changes in the assessment of transportation impacts through the CEQA process. These changes include the elimination of auto delay (measured as LOS) as a basis for determining significant transportation impacts. SB 743 included amendments that revised the definition of "infill opportunity zones" to allow cities and counties to opt out of traditional LOS standards established by CMPs and required the California Governor's Office of Land Use and Climate Innovation (LCI) to update the CEQA Guidelines and establish "criteria for determining the significance of transportation impacts of projects within transit priority areas." As part of the new CEQA guidelines, the new criteria "shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." SB 743-compliant CEQA analysis became mandatory on July 1, 2020.

In November 2017, the LCI (formerly the Office of Planning and Research [OPR]) released a technical advisory containing recommendations regarding the assessment of VMT and proposing thresholds of significance and potential mitigation measures for lead agencies to use while implementing the required changes contained SB 743. Also in November 2017, LCI released the proposed text for Section 15064.3, Determining the Significance of Transportation Impacts, which summarized the criteria for analyzing transportation impacts for land use projects and transportation projects and directs lead agencies to "choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure." LCI recommends that for most instances a per service population threshold should be adopted and that a 15 percent reduction below that of existing development would be a reasonable threshold.

As noted in the LCI Guidelines, agencies are directed to choose metrics that are appropriate for their jurisdiction to evaluate the potential impacts of a project in terms of VMT.

In December 2018, OPR released a final advisory to guide lead agencies in implementing SB 743. The updated guidelines eliminate the use of automobile delay metrics, such as LOS, from determining significant environmental impacts from vehicle travel. VMT has been identified as the most appropriate metric to evaluate a project's transportation impacts, as projects that result in lower-than-average VMT support goals of reducing greenhouse gas emissions while projects that result in higher than average levels of vehicle travel contribute to an increasing rate of greenhouse gas emissions.

Projects that are within 0.5-mile of an existing major transit stop, which is defined as a rail transit station, ferry terminal served by bus or rail transit, or at the intersection of two or more major bus routes with service frequencies of 15-minutes or less during the morning and afternoon peak commute periods, are presumed to be less-than-significant if the project has the following characteristics:

- Has a Floor Area Ratio (FAR) greater than 0.75.

- Does not include more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking).
- Is consistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization).
- Does not replace affordable residential units with a smaller number of moderate or high-income residential units.

If a project meets the screening requirements, it is presumed to have a less-than-significant impact related to VMT.

Assembly Bill 1358

The California Complete Streets Act of 2008 requires local jurisdictions to develop a number of policies and design guidelines into existing and proposed roadways that take a multimodal approach supporting multiple modes of transportation. All local jurisdictions that update the circulation element of the jurisdiction's general plan must incorporate policies and programs to implement multiple modes of transportation into its circulation system.

Regional

Plan Bay Area 2050: A Vision for the Future

Plan Bay Area 2050: A Vision for the Future (Plan Bay Area) is the Bay Area's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Plan Bay Area, adopted jointly by the Association of Bay Area Governments (ABAG) and MTC on October 21, 2021, is the current version of the plan. Defined by 35 strategies for housing, transportation, economic vitality, and the environment, Plan Bay Area lays out a $1.4 trillion vision for policies and investments to make the nine-county region more affordable, connected, diverse, healthy, and economically vibrant for all its residents through 2050 and beyond. The transportation strategies in Plan Bay Area fall into three categories:

1. Maintain and optimize the existing system.
2. Create healthy and safe streets.
3. Build a next-generation transit system.

Metropolitan Transportation Commission

The MTC is the applicable transportation planning agency covering the San Francisco Bay Areas nine counties along with its associated cities and communities, including Contra Costa County and Walnut Creek. The MTC in cooperation with ABAG functions as the federally mandated metropolitan planning organization (MPO) and is responsible for implementing the Regional Transportation Plan (RTP) that is intended to guide the development for multiple modes of transportation throughout the region.

Contra Costa Transportation Authority Technical Procedures

The Contra Costa Transportation Authority (CCTA) is the Congestion Management Agency for the County who is responsible for planning and providing transportation projects and programs in the County. The Technical Procedures Document establishes methodologies that public agencies can

utilize to evaluate transportation impacts their projects could generate on the surrounding circulation system. The CCTA also implements the Central County Action Plan, which sets forth performance objectives for Routes of Regional Significance.

Contra Costa County Transportation Analysis Guidelines

The County has adopted VMT-based thresholds for the evaluation of CEQA impacts to the transportation system, which are documented in the Contra Costa County Transportation Analysis Guidelines.[4] The Transportation Analysis Guidelines identifies VMT Screening Criteria, VMT Metrics, VMT Forecasting, VMT Thresholds, and VMT Mitigation.

Local Regulations

City of Walnut Creek

City of Walnut Creek General Plan 2025

The City of Walnut Creek sets forth the following goals, policies, and actions that are relevant to transportation:

Chapter 4: Built Environment

Action 23.2.2 Require streetlights and sidewalks in new development and redevelopment in the Shadelands Business Park.

Chapter 5: Transportation

Goal 1 **Minimize future increases in congestion on regional transportation facilities.**

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 designated roadways within the City's transportation network.

Policy 3.2 Make safety, circulation, and congestion-reduction improvements without excessive community disruption.

Policy 3.3 Promote maximum operational capacity and efficiency on arterials and collectors.

Goal 5 **Provide a safe and attractive environment for bicycle travel through the community.**

Action 5.2.2 Consider sidewalk widths greater than 10 feet whenever bicyclists are allowed or encouraged to use sidewalks.

Action 5.2.4 Provide bicycle racks and other bike storage facilities at key high-use public locations.

Action 5.2.7 Revise design guidelines to require, where appropriate, new projects to provide weather protected, safe bike parking and/or storage facilities and other bicycle-friendly amenities.

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.

Action 6.1.1 Review policies for installing sidewalks and walkways, including in areas designated rural in character.

Action 6.1.4 Eliminate "gaps" in side-walks/walkways and support the additional connections to regional trails and trailheads.

Policy 6.4 Facilitate use of public sidewalks and walkways throughout the city.

Action 6.4.1 Review all projects, programs, and services for accessibility by pedestrians of all abilities.

Action 6.4.2 Ensure that new parking lots in commercial and multifamily housing developments provide safe and direct paths to building entrances from sidewalks and on-site parking areas.

Action 6.4.3 Confirm that developments are providing access in accordance with Title 24, California Administrative Code.

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 7.6 Encourage provision of a variety of transportation services for seniors and members of the public unable to use conventional transit.

Resolution 20-70

In October 2020, the City of Walnut Creek adopted VMT thresholds of significance and local criteria for analysis in Resolution 20-70 in accordance with CEQA Guidelines 15064.3 subdivision (b). Resolution 20-70 defines a variety of screening thresholds; projects that meet such thresholds may be exempt from the requirement to include a detailed VMT analysis, as the impact to VMT would be presumed to be less than significant. Such projects include those fulfilling at least one of the following conditions:

- Any project that is exempt from CEQA.
- Generate or attract fewer than 110 daily vehicle trips.
- Projects with less than 10,000 square feet of non-residential 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 half-mile of an existing major transit stop or an existing stop along a high-quality transit corridor, which includes areas within one-half mile of a BART station.
- Residential projects within areas that have existing home-based VMT at least 15 percent or more below the County-wide home-based average VMT per capita.
- Residential projects that would provide 100 percent affordable housing.

Walnut Creek Citywide Transportation Demand Management Requirements

The City of Walnut Creek developed the Citywide Transportation Demand Management (TDM) Requirements in 2021 that provides a list of strategies encouraging multiple modes of transportation for development projects that meet the low VMT screening threshold to incorporate into their proposed projects under the Citywide TDM Requirements document.

Shadelands Multi-Modal Improvement Plan

In August of 2014, the Walnut Creek City Council created the Shadelands Property & Business Improvement District (PBID), an assessment district consisting of properties owned by certain unified Shadelands property owners who advocate for and direct the future of Shadelands. The Shadelands Multi-Modal Improvement Plan was adopted by the Walnut Creek City Council in 2021 and is intended to improve the business climate, amenities, aesthetics, and value of the Shadelands Business Park Specific Plan (SP-2) area. Primarily, the Shadelands Multi-Modal Improvement Plan emphasizes the enhancement of the circulation system such as installing additional safety features and roadway infrastructure improvements to increase vehicular flow while improving the safety and comfort for pedestrian and bicyclist traveling through the intersections. The Shadelands Multi-Modal Improvement Plan recommends a variety of improvements to the circulation system and intersections in the direct project site vicinity including the installation of single-lane roundabouts at the intersections of Shadelands Drive/North Via Monte, Mitchell Drive/North Wiget Lane, and Shadelands Drive/North Wiget Lane.

Pedestrian Master Plan

The Pedestrian Master Plan was adopted by the City of Walnut Creek in 2016 and intended to enhance the accessibility, safety, and design of the City's pedestrian infrastructure to encourage the future use of pedestrian facilities with a primary focus around areas that usually generate high pedestrian traffic such as schools, transit hubs, and the downtown area.

Walnut Creek Bicycle Master Plan

The Walnut Creek Bicycle Master Plan was adopted in 2011 through a public process involving a variety of stakeholders through establishing policies in the Walnut Creek General Plan 2025 that

envisions safe and attractive bicycle facilities to encourage further bicycle use in the City for travel and recreation.

Rethinking Mobility Transportation Strategic Plan

The Rethinking Mobility Transportation Strategic Plan (Transportation Strategic Plan) for the City of Walnut Creek, 2020, is a five-year plan intended to reduce single-occupant vehicle trips, encourage and enhance multiple modes of transportation, and manage parking demand in the City by incorporating 13 transportation and parking management strategies.

3.15.4 - Methodology

The project's potential impacts on transportation have been evaluated using the analysis included in the CEQA Transportation Analysis by W-Trans dated July 31, 2025, and the Transportation Findings Memorandum by Fehr and Peers dated July 15, 2024, which are both attached as Appendix J of this Draft EIR, and a variety of published resources publicly available online. Project data provided by W-Trans in the CEQA Transportation Analysis is provided below.

Trip Generation

The anticipated trip generation for the proposed project was estimated using standard rates published by the Institute of Transportation Engineers (ITE) in Trip Generation Manual, 11th Edition, 2021. Rates from the "Single Family Attached Housing" (ITE LU No. 215) land use code were used to analyze the proposed projects expected trip generation. Trip generation under existing conditions on the project site were evaluated using rates from the "General Office Building" (ITE LU No. 710) land use code and were reduced by 20 percent to compensate for the office complex 80 percent occupancy.

As shown in Table 3.15-3, the proposed project is expected to generate an average of 3,038 trips per day, including 203 trips during the AM peak-hour and 241 during the PM peak-hour, which would represent an average of 62 net fewer daily trips, including 231 fewer vehicle trips during the morning peak hour and 171 fewer vehicle trips during the evening peak hour when compared to existing conditions.

Although the proposed project would result in a net decrease in daily trips as compared to existing conditions, the change from office to residential uses would result in a corresponding increase in outbound traffic during the AM peak-hour and for inbound traffic during the PM peak-hour. Furthermore, the Community Benefits Variant would not generate any additional trips because it would only consist of transportation improvements to Shadelands Drive and Mitchell Drive.

Table 3.15-3: Trip Generation Summary

Land Use	Land Use Code	Size	Daily		AM Peak-hour				PM Peak-hour			
			Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Existing Office (Occupancy-Adjusted)	215	357,453 sq ft	10.84	3,100	1.52	434	382	52	1.44	412	70	342

Land Use	Land Use Code	Size	Daily		AM Peak-hour				PM Peak-hour			
			Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Proposed Single-Family Houses	710	422 du	7.20	3,038	0.48	203	63	140	0.57	241	137	104
Total (Difference)	-	-	-	-62	-	-231	-319	88	-	-171	67	-238

Notes:
du = dwelling unit
sq ft = square feet
Source: W-Trans. 2025. Transportation Impact Study (TIS).

3.15.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether transportation and traffic impacts resulting from the implementation of the proposed project (including the Community Benefits Variant) would be considered significant if the proposed project would:

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.

3.15.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and the Community Benefits Variant and provides mitigation measures where necessary.

Effect on 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.**

Impact Analysis

This analysis addresses the potential for the proposed project to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, pedestrian, and bicycle facilities. Impacts related to conflicts with policies, plans, or programs addressing the circulation system are limited to operational impacts because construction-related traffic would be temporary, managed through standard traffic control measures, and would not involve alterations to roadway geometry or long-term changes to traffic patterns.

Roadway Facilities

As noted in the Regulatory Framework discussion above, CEQA no longer considers automobile delay (including roadway segment LOS) to be an environmental impact. The following impact summary is provided for informational purposes only.

The existing roadway facilities are described above under Section 3.15.2, Environmental Setting. As described above, the proposed project's study area primarily includes a mixture of arterials and collector roads.

General Plan Goal 1 aims to minimize congestion on regional transportation facilities and Policy 3.1 requires maintaining the level of service (LOS) standard for roadways within the City.

Under these guidelines, a proposed project would have a significant impact on surrounding signalized intersections if generated trips would decrease the LOS from operating at an acceptable level (LOS D or better) to an unacceptable level or would increase the vehicle-capacity ratio to more than 0.05 if the LOS of the surrounding signalized intersections already operates at an unacceptable level under existing conditions. A significant impact to an unsignalized intersection would occur if an increase in traffic with implementation of the proposed project would require a new traffic signal to be constructed. During operation of the proposed project, W-Trans concluded that the LOS would remain consistent at all intersections and would improve from C to B during the PM Peak Hour at the Shadelands Drive/Oak Grove Road intersection. As such, operation of the proposed project would remain consistent with Policy 3.1 of the General Plan and the City's Transportation Analysis Guidelines. In addition, the proposed project is expected to reduce the total number of trips at the project site when compared to existing conditions based on a conservative analysis that incorporates an existing office building vacancy of approximately 20 percent.

The proposed project would modify the vehicular circulation system on the project site through construction of internal streets and modifications to driveways accessing the project site. The four existing driveways on Mitchell Drive and four existing driveways on Shadelands Drive would be replaced with two new driveways on each street. The proposed internal roadways would be 20 feet wide at minimum throughout the site and would provide emergency vehicle access to all parts of the project site. In addition, the proposed internal roadway would provide standard fire apparatus turnarounds, per Contra Costa County Fire Protection District (CCCFPD) requirements. Additionally, the proposed project would provide 844 parking spaces within private garages and 111 public parking spaces along the internal roadways. Off-site improvements to the surrounding roadways include associated streetlighting, signage, and striping improvements for both Mitchell Drive and Shadelands Drive.

Since the proposed project would remain consistent with General Plan Goal 1 and Policy 3.1, the City's Transportation Analysis Guidelines, and the Shadelands Multi-Modal Improvement Plan and would reduce total trips, the proposed project would not conflict with a program plan, ordinance, or policy of the circulation system for roadway facilities, and impacts would be less than significant. Further, LOS is no longer a relevant or applicable CEQA impact threshold, and this analysis is provided for informational purposes.

Pedestrian Facilities

The existing pedestrian facilities are described in 3.15.2, Environmental Setting. As described above, the proposed project's study area includes an existing network of sidewalks, crosswalks, pedestrian signal phases, and curb ramps that generally provide access for pedestrians in the vicinity of the existing office building. The Costa Canal Trail, a multi-use, whole-access trail, runs parallel to Mitchell Drive approximately 0.18 mile to the northwest that provides connections to the Cities of Martinez, Pleasant Hill, Walnut Creek, and Concord.

As previously mentioned, pedestrian facilities in the project vicinity are incomplete with intermittent sidewalks, inadequate lighting, and a crosswalk is situated directly north of the project site without a curb ramp. Significant gaps are located between existing sidewalks as the entire northern portion of the project site along Mitchell Drive does not provide a sidewalk or curb ramps for the existing marked crosswalks. However, as discussed in Chapter 2, Project Description, the proposed project would incorporate many off-site pedestrian improvements, such as constructing new 10-foot-wide sidewalks along the project frontages on Mitchell Drive and Shadelands Drive where segments are currently missing; would provide an additional crosswalk to the northwest corner, providing access to the Contra Costa Canal Trail to the north; and would install new streetlights. All these improvements would be consistent with Action 6.1.4 of the General Plan, which requires new developments to eliminate gaps in sidewalks and support the additional connections to regional trails, and Action 23.2.2 which calls for new developments in the Shadelands Business Park to construct streetlights and sidewalks as necessary.

Further, the proposed project would comply with General Plan Action 6.4.1, which requires City review of the proposed project and associated off-site improvements to determine adequate accessibility for pedestrians of all abilities. Since the proposed project would enhance the surrounding pedestrian network through off-site improvements, and would abide those goals, policies and actions in the General Plan, along with those listed recommendations in the Shadelands Multi-Modal Improvement Plan, the proposed project would not conflict with a program plan, ordinance, or policy of the circulation system for pedestrian facilities, and impacts would be less than significant.

Bicycle Facilities

The General Plan, the Shadelands Multi-Modal Improvement Plan, and the Transportation Strategic Plan provide a variety of goals, policies, and actions intended to enhance bicycle facilities. The proposed project would have a significant environmental impact on a program plan, ordinance or policy of the circulation system if it would conflict with the plans previously mentioned above.

The proposed project includes the development of new bicycle facilities, including 422 long-term bicycle parking spaces within the proposed parking garages and 30 short-term spaces on-site. These provisions align with Goal 5 of the General by directly implementing Action 5.2.4, which calls for bicycle racks and other storage facilities at key high-use public locations, as well as Action 5.2.7, which mandates that new developments provide secure bike parking, storage, and amenities in accordance with design guidelines. Furthermore, these measures fulfill requirement TLU 3.3 of the Climate Action Plan, as noted in the Transportation Strategic Plan, by ensuring adequate short- and long-term bicycle parking facilities are provided in new developments.

The proposed bicycle facilities would directly comply with and further the goals, policies, and actions from the General Plan, Transportation Strategic Plan, and recommendations from the Shadelands Multi-Modal Improvement Plan. The proposed project would not conflict with a program plan, ordinance or policy of the circulation system for bicycler facilities, and impacts would be less than significant.

Public Transit Facilities

The project includes the relocation of an existing County Connection bus stop which is currently located at the same location as the proposed project's easterly driveway on Shadelands Drive. As part of the project, the stop would be relocated approximately 260 feet to the west to the northwest corner of Shadelands Drive/North Via Monte. No other changes to existing transit facilities within the project vicinity would occur. Accordingly, the proposed project would have a less-than-significant impact since there would be no conflict with any plans or policies for transportation facilities

Summary

The proposed project would not conflict with City programs, plans, or policies regarding the circulation system for roadways, transit, bicycle, and pedestrian facilities. Thus, the impact of the proposed project on the circulation system would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The proposed single-lane roundabout at the intersection of Shadelands Drive/North Via Monte, extended sidewalks and marked crosswalks, and bike lane extensions were considered in the Shadelands Multi-Modal Improvement Plan. The Community Benefits Variant would improve transportation facilities in the project vicinity and improve the network of bicycle and pedestrian facilities already present in the study area. The proposed bike lane extensions do not conflict with any policies or strategies outlined in the City's Transportation Strategic Plan or Shadelands Multi-Modal Improvement Plan and approval of the final design is granted from City staff.

As such, the Community Benefit Variant would be consistent with the goals listed in the Shadelands Multi-Modal Improvement Plan and would not conflict with any policies or strategies outlined by the City. Implementation of the Community Benefit Variant would not result in additional or increased impacts related to substantial physical deterioration of recreational facilities.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Conflict with CEQA Guidelines Section 15064.3, Subdivision (b)

Impact TRANS-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Impact Analysis

Impacts related to conflict with CEQA Guidelines Section 15064.3, subdivision (b) are limited to operational impacts because VMT is considered an operational threshold under CEQA as it evaluates the long-term travel demand and environmental impacts generated by a project once it is in use, rather than the temporary and limited traffic associated with construction activities.

The potential for the proposed project to conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) was evaluated based the project's anticipated VMT. The City adopted its VMT criteria in October 2020 in Resolution 20-70 where projects that meet at least one of five established screening thresholds would be exempt from conducting a detailed VMT analysis and would be assumed to have a less than significant impact on VMT.

One of the screening criteria in Resolution 20-70 states that residential projects in an area with a residential VMT that is 85 percent below the County-wide average are assumed to have a less than significant impact on VMT. According to the screening maps published in City of Walnut Creek's Citywide TDM Requirements document, the proposed project is located within a traffic analysis zone (TAZ) which has a projected Home-Based VMT per Resident at 85 percent or less than the countywide average.

Since the proposed project meets one of the screening thresholds in Resolution 20-70 being within a TAZ having a VMT per capita that is 85 percent less than the County-wide average, the proposed project would not conflict with or be inconsistent with Section 15064.3(b), and VMT impacts would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project because implementation of the Community Benefit Variant would not result in additional vehicle trips as compared to the proposed project. Rather, the off-site improvements associated with the Community Benefits Variant would be assumed to promote the use of pedestrian and bicycle facilities and have the potential to reduce VMT. Implementation of the Community Benefit Variant would not result in additional or increased impacts related to CEQA Guidelines Section 15064.3(b).

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Design Hazards

Impact TRANS-3: The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact Analysis

Construction activities would not result in geometric design hazards, as no temporary or permanent modifications to roadway alignments, lane configurations, or intersection designs are proposed that could introduce unsafe conditions for vehicles, bicycles, or pedestrians. Furthermore, construction-related traffic would be managed by standard traffic controls. As such, this impact analysis is limited to operational impacts.

Vehicular Site Access

The proposed project would remove eight existing driveways and would construct four new driveways that would be full access allowing both left and right-turn movements to access the internal roadways that connect to the proposed townhomes. Two driveways would be located on Mitchell Drive with the eastern driveway situated approximately 450 feet west of Oak Grove Road and the west driveway would be developed directly across from the Springfield Montessori School driveway. The proposed project would also be accessible from two driveways along Shadelands Drive with one driveway creating a north leg at the Shadelands Drive/North Via Monte intersection, and the second slightly off set to the east of the Sequoia Living facility driveway.

The CEQA Transportation Analysis prepared by W-Trans evaluated the proposed driveways based on sight distance criteria contained in the Highway Design Manual published by Caltrans. Although sight distance requirements are not applicable to urban driveways, for evaluation purposes the stopping sight distance criterion was applied, which uses the approach travel speed as the basis for determining the recommended sight distance. Since Mitchell Drive and Shadelands Drive have a posted speed limit of 30 mph, a minimum stopping sight distance of 200 feet was established. The proposed project would have inadequate visibility if the stopping sight distance was determined to be below 200 feet for each roadway. Due to the relatively flat terrain of the project area and the absence of sharp turns on both roadways, the proposed driveways can achieve a sight distance greater than 200 feet in both directions, including the proposed eastern driveway along Shadelands Drive that is partially off-set to the east from the Sequoia Living facility driveway, and those vehicles turning left into the proposed driveways would have a stopping sight distance of 225 feet, which exceeds the 200-foot requirement.

In addition, the proposed driveways would be required to be constructed following design and safety standards established by the Contra Costa County Ordinance Code which amends the California Fire Code such as providing a minimum clear width of 20 feet for the entrance and a minimum inside turning radius of 25 feet and minimum outside turning radius of 45 feet. Since the proposed driveways were found to have unobstructed visibility in compliance with the Municipal Code and would be required to comply with safety and design standards from the Contra Costa County Ordinance Code, impacts would be less than significant.

On-site Circulation

The proposed project would construct a network of new internal roadways that provide access to each dwelling unit. According to the Contra Costa County Ordinance Code, multi-family residential projects that construct more than 100 dwelling units are required to contain two separate fire apparatus access roads. All proposed roadways and alleys would be constructed to meet the requirements of a fire apparatus access road being at least 20 feet in width, a minimum inside turning radius of 25 feet and outside turning radius of 45 feet, and roadways and alleys over 150 feet in length would provide 100-foot hammerhead turnarounds. Since the proposed project's internal roadways would meet the requirements of a fire apparatus access road as mandated by the Contra Costa County Ordinance Code, the proposed project would not introduce any hazardous geometric design features and impacts related to substantially increasing hazards from a geometric design feature would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The proposed single-lane roundabout under the Community Benefits Variant would be required to be designed in accordance with the Guide for Roundabouts, NCHRP Report 1043, 2023 and further reviewed by City staff to ensure that the roundabout entrance, the circulatory roadway, and exit would have no obstructions or features that would limit sight distance. As the proposed Community Benefit Variant would be required to meet applicable design standards, the proposed improvements would not have the potential to increase hazards due to a geometric design feature or incompatible use, and impacts would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

Emergency Access

Impact TRANS-4: The proposed project would not result in inadequate emergency access.

Impact Analysis

Construction

The construction phase would include activities such as removing existing driveways, constructing off-site improvements such as sidewalks, streetlights, and striping crosswalks, connecting internal utilities to existing infrastructure, and haul trucks transporting construction materials to and from the project site. As such, construction activities could result in temporary emergency access to the project site and adjacent roadways.

However, the proposed project would be required to comply with the Contra Costa County Ordinance Code, which abides by the California Fire Code, and would submit required plans to the fire code official. For construction activities that encroach onto the public right of way, the proposed project would be required to submit an application to the Public Services Director for an

encroachment permit under Municipal Code Chapter 7-1, Encroachments. To obtain an encroachment permit, the proposed project would submit requested information on the exact location and duration of the encroachment as deemed necessary by the Public Servies Director, and such permit would only be approved if the encroachment does not pose a risk to public health and safety. Since the development plans for the proposed project would be required to undergo review by the CCCFPD and would obtain necessary permits for the alteration of the existing roadway and encroachments onto the public right of way, construction of the proposed project would not result in inadequate emergency access, and construction related impacts would be less than significant.

Operation

The proposed project's driveways and internal circulation network would be designed to meet current City and County standards and would therefore be expected to accommodate the access requirements for passenger vehicles.

The Contra Costa County Ordinance Code and California Fire Code Section 503.2.1 states, "fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than thirteen feet and six inches." Emergency response vehicles would be able to access the project site via Mitchell Drive, Shadelands Drive and the network of internal roadways. All of the proposed internal roadways would be at least 22 feet wide, which exceeds the minimum width of 20 feet for fire access

Additionally, proposed internal roadways exceeding 150 feet in length with dead-ends would establish 100-foot hammerhead turnarounds to abide dead-end fire apparatus access road requirements from the Contra Costa County Fire Code. Furthermore, General Plan Action 4.2.1 requires development plans from proposed projects be submitted to the Fire District for review. It is noted that the Contra Costa County Fire Protection District has reviewed and accepted the adequacy of the project site for fire apparatus vehicle access. Therefore, operation of the proposed project would not result in inadequate emergency access, and impacts would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The design of the Shadelands/Via Monte Roundabout and bike lane extensions will be reviewed and approved by the City as part of the plan review process and will be required to meet the established design requirements defined by City and Contra Costa County Fire Protection District staff. Therefore, impacts would be less than significant.

Level of Significance

Less than significant impact.

Mitigation Measures

None.

3.15.7 - Cumulative Impacts

A cumulative impact combines the potential impacts of the proposed project with other past, present, or reasonably foreseeable future projects. The relevant cumulative setting, or geographic area for potential cumulative impacts related to hazards and hazardous materials is the roadway network and the transit, pedestrian, and bicycle facilities in the vicinity of the project site. This analysis also includes the foreseeable development projects that may have a cumulative impact on transportation listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to transportation. This analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project would be considerable. Both conditions must apply for a project's cumulative effects to rise to the level of a significant impact. If both conditions apply, this analysis will then evaluate feasible cumulative mitigation that would reduce cumulative effects. If one or both conditions do not apply, cumulative impacts would be less than significant, and no cumulative mitigation is necessary. If there is no impact associated with respect to a particular CEQA threshold, the proposed project would have no contribution to potential cumulative impacts and, therefore, further discussion of cumulative impacts is not required.

Roadway, Pedestrian, Bicycle, and Transit Circulation and Facilities

The geographic scope for evaluating impacts to roadway, pedestrian, bicycle, and transit circulation and facilities is the Shadelands Business Park area. Cumulative projects in the City would generate alternative transportation users but would be required to provide adequate bicycle and pedestrian facilities and comply with the programs and policies supporting alternative transportation. Specifically, projects within the Shadelands Business Park would be required to support the development and expansion of pedestrian, bicycle, and transit facilities as the result of new development according to the Shadelands Multimodal Improvements Plan. Accordingly, cumulative impacts would be less than significant.

Additionally, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impacts. As described under Impact TRANS-1, the proposed project would encourage bicycle and pedestrian circulation through the incorporation of improvements such as short-term and long-term bike storage and the installation of 10-foot sidewalks along the project frontages designed to facilitate bicycle and pedestrian connections to nearby facilities, including Costa Canal Trail. Further, the proposed project is located within proximity to various transit options and would provide continuation of the existing shuttle service to service project residents. Since the proposed project would support the installation and expansion of roadway, transit, bicycle, and pedestrian facilities, in accordance with the City policy and the objectives of the neighborhood-specific Shadelands Multimodal Improvements Plan, the proposed project's contribution to alternative transportation impacts, alongside that or planned or approved projects, would not be cumulatively considerable.

Additionally, the proposed project would remain consistent with Policy 3.1 of the General Plan and the City's Transportation Guidelines because W-Trans determined that LOS would remain consistent

or would improve on all study intersections during operation of the proposed project. In addition, the proposed project is expected to reduce the total number of trips at the project site when compared to existing conditions based on a conservative analysis that incorporates an existing office building vacancy of approximately 20 percent. As noted in the Regulatory Framework discussion above, LOS is no longer a relevant or applicable CEQA impact threshold, and this analysis is provided for informational purposes. Cumulative impacts would be less than significant.

Vehicle Miles Traveled

As previously mentioned under TRANS-2, the City adopted Resolution 20-70 which provides screening thresholds for assessing a proposed projects impact on VMT. Projects that meet at least one of the screening thresholds are presumed to have a less than significant impact on VMT. The three projects in the Shadelands Business Park area listed in Table 3-1 are the Shadelands SecureSpace/Calicraft Storage Facility approximately 0.1 mile from the project site, the Oakmont Senior Housing and Residential Care Facility for the Elderly, and the Chick Fil-A Restaurant at Citrus Marketplace Shopping Center are both 0.3 mile from the project site. Both the SecureSpace/Calicraft Storage Facility and the Oakmont Senior Housing and Residential Care Facility for the Elderly are within an area having both an existing employee and home-based VMT more than 85 percent below the existing County-wide average and would be presumed to have a less than significant impact on VMT. Furthermore, the Chick Fil-A Restaurant at Citrus Marketplace Shopping Center meets Resolution 20-70 screening criteria as it would operate at less than 30,000 square feet without a drive-through component. As such, surrounding cumulative development would not result in a cumulatively considerable impact on VMT. In addition, the proposed project would not have an incremental contribution to the cumulatively considerable impact on VMT as the proposed project meets Resolution 20-70 screening threshold as operating in an area with an existing home-based VMT more than 85 percent below the existing County-wide average. Since surrounding cumulative development and the proposed project meet at least one of the screening thresholds established in Resolution 20-70, the cumulatively considerable impact on VMT would be less than significant, and the proposed project's incremental contribution to the cumulatively considerable impact would be less than significant.

Roadway Hazards and Emergency Access

Impacts related to roadway safety and traffic hazards due to design features are generally site-specific. Cumulative projects would be required to comply with Municipal Code Section 10-2.3.208 subsection D, Driveways; Visibility, and Section 3.5.117 Sight Distance Area which would ensure each cumulative project would be designed to have sufficient site access and clear visibility for entering and exiting the project sites even in particular circumstances or in areas with existing unique geometric layouts. It is possible that multiple cumulative projects could undergo construction at the same time; however, each cumulative project would be required to abide by the Contra Costa County Ordinance Code and Municipal Code during construction when temporarily altering or interfering with existing circulation patterns that could impair emergency access and would be required to design internal circulation patterns to comply with the Contra Costa County Ordinance Code to accommodate fire apparatus and emergency vehicles. Since the proposed project along with surrounding cumulative projects would be required to comply with local rules and regulations on designing appropriate circulation infrastructure, the cumulatively considerable impact on increasing

hazards due to a geometric design feature or impairing emergency access would be less than significant, and the proposed project's incremental contribution would be less than significant to the cumulatively considerable impact.

Community Benefit Variant

The cumulative impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would implement infrastructure improvements that were envisioned in the Shadelands Multi-Modal Improvements Plan. The proposed improvements would enhance the transportation network in the vicinity of the project site and as discussed above, would be designed to meet all applicable requirements and roadway standards, including those related to emergency access. Implementation of the Community Benefit Variant would not result in additional or increased cumulative impacts related to transportation and impacts would be less than significant.

Level of Cumulative Significance

Less than significant cumulative impact.

3.16 - Tribal Cultural Resources

3.16.1 - Introduction

This section describes the existing Tribal Cultural Resources (TCRs) setting in the region and project area as well as the relevant regulatory setting. This section also evaluates the possible impacts related to TCRs that could result from implementation of the proposed project. Information in this section is based, in part, on information provided by the Native American Heritage Commission (NAHC) and subsequent consultation with Tribal representatives identified by the NAHC who may have interest in or additional information on TCRs that may be impacted by project development (confidential Appendix K). In addition, recommendations provided in the Confidential Phase I Cultural Resources Assessment (Phase I CRA) (Appendix D) pertaining to feasible mitigation of identified potential significant impacts to TCRs are also addressed in this section. For an analysis of the potential effects related to Cultural Resources, refer to Section 3.5, Cultural Resources.

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to TCRs:

- The Draft EIR should consult with California Native American Tribes that are traditionally and culturally affiliated with the project area.
- The Draft EIR should comply with AB 52 requirements for TCRs.

3.16.2 - Environmental Setting

Overview

The term "Tribal Cultural Resources" encompasses TCRs and burial sites. Below is a brief summary of each component:

- **Tribal Cultural Resources:** TCRs include sites, features, places, or objects that are of cultural value to one or more California Native American Tribes.
- **Native American Burial Sites and Cemeteries:** Burial sites and cemeteries are formal or informal locations where human remains have been interred and that are of cultural value to one or more California Native American Tribes.

Overall Tribal Cultural Resources Setting

Following is a brief overview of the relevant pre-contact, ethnography, and historic background, providing context in which to understand the background and relevance of sites found in the general project vicinity. This section is not intended to be a comprehensive review of the current academic resources available; rather, it serves as a general overview. Unless otherwise stated, information contained in this section is drawn directly from the confidential Phase I CRA conducted by FirstCarbon Solutions (FCS)[1] (Appendix D). Further details can be found in ethnographic studies, mission records, and major published sources referenced in the confidential Phase I CRA.

[1] FirstCarbon Solutions (FCS). 2024. Phase I Cultural Resources Assessment: Mitchell Townhomes Project.

Pre-contact and Ethnographic Background

Archaeological research in the greater San Francisco Bay Area has traditionally concentrated on coastal areas, where large shellmounds are prominent markers of Indigenous occupation on the landscape. Although these coastal sites have been the focus, the findings inform broader understandings of the San Francisco Bay's surrounding regions, such as modern Contra Costa County.

The San Francisco Bay Area supported a dense population of hunter-gatherers for thousands of years, evidenced by a complex archaeological record that reflects both continuity and change. This region was also exceptionally linguistically diverse, with seven languages spoken at the time of Spanish contact in 1776, indicating a rich tapestry of cultural interactions and social networks. The Bay Area's diverse ecosystem supported a population density averaging of 3 to 5 people per square mile, with the North Bay reaching up to 11 per square mile, highlighting the adaptability and resourcefulness of Indigenous communities.

Indigenous groups in this area were highly adept at managing the land to enhance its productivity, using practices such as controlled burning to stimulate plant growth, which improved hunting and gathering yields. This active landscape management helped sustain larger populations and contributed to a resilient ecosystem that supported diverse flora and fauna. Recent ecological and ethnographic studies have underscored that Indigenous people did not merely adapt to their environment passively; they actively shaped it in ways that left enduring impacts on the landscape.

Socially, Indigenous communities were organized into independent Tribelets, each with fixed territories. These Tribelets typically numbered 200 to 400 individuals and included three to five semi-permanent villages within territories about 10 to 12 miles in diameter. Leadership roles varied, with leaders mediating interactions both within and between Tribelets, facilitating trade, and negotiating alliances. Social organization and kinship systems were complex, and recent scholarship highlights the role of both gender and age in structuring social responsibilities and political authority. Tribelet territories and interactions contributed to robust trade networks, which furthered social cohesion across linguistic boundaries.

Indigenous presence in the greater Bay Area, including the regions of Concord and Oakley, is estimated to span at least 5,000 to 7000 years. Early archaeological work in Central California initially concentrated on the Sacramento-San Joaquin Delta region, where the first systematic studies took place in areas around Lodi and Stockton. Initial research was largely descriptive, but a more organized approach emerged in the 1930s through projects led by Sacramento Junior College and the University of California at Berkeley. These efforts established foundational site patterns based on variations in artifacts and materials.

One of the most influential early models in Central California archaeology was the Central California Taxonomic System (CCTS), developed in the 1940s and 1950s by UC Berkeley's Richard Beardsley. This model proposed a uniform, linear cultural sequence, asserting that each period of cultural development led into the next, radiating outward from the Delta region to adjacent areas. However, recent scholarship suggests a need for more nuanced models that account for local variation, migration patterns, and environmental adaptations. New frameworks proposed by researchers like

McGuire and Sutton emphasize that culture change was multi-directional rather than strictly linear, challenging the singular timeline posited by the CCTS.

To address limitations in the CCTS system, D.A. Fredrickson introduced a revised framework that incorporated a more flexible system of spatial and cultural integrative units. Fredrickson's model separates cultural, temporal, and spatial categories, allowing for a nuanced understanding of variations across time and space. His framework defines six chronological periods: Paleo-Indian (12000 to 8000 years Before Present [BP]; Lower, Middle, and Upper Archaic [8000 to 1500 BP], and Emergent period [Upper and Lower, 1500 to 250 BP]). Although these temporal categories align with earlier chronological horizons, they allow more flexibility in recognizing cultural diversity.

Fredrickson's framework also identifies three major patterns, representing ways of life within specific regions:

- Windmiller Pattern or Early Horizon (4500 to 3500 BP)
- Berkeley Pattern or Middle Horizon (3500 to 1500 BP)
- Augustine Pattern or Late Horizon (1500 to 250 BP)

These patterns highlight regional adaptation, trade networks, and shifts in subsistence strategies.

Windmiller Pattern or Early Horizon (4500 to 3500 BP)

Centered in the Cosumnes District of the Sacramento-San Joaquin Delta, the Windmiller Pattern emphasizes hunting over gathering, evidenced by a higher frequency of projectile points compared to plant processing tools. Artifacts from this period include atlatl, dart, and spear technologies typically with stemmed projectile points of slate and chert but minimal obsidian. The range of faunal remains suggests reliance on a variety of terrestrial and aquatic species.

Burials from this period are distinct: they were ventrally extended, oriented westward, and accompanied by numerous grave goods, hinting at social stratification and possibly trade-related wealth. Notably, grave items include items made from exotic materials like quartz, obsidian, and shell, indicating a wide trade network. Such materials suggest a cultural influx, possibly representing Utian migrations into Central California. *Haliotis* (abalone) and *Olivella* shell beads and perforated charmstones, significant for both social and ceremonial functions, are also characteristic of this period.

Berkeley Pattern or Middle Horizon (3500 to 1500 BP)

The Berkeley Pattern reflects substantial shifts in technology and subsistence, with an increased emphasis on plant processing, as demonstrated by the presence of minimally shaped cobble mortars and pestles. Non-stemmed obsidian projectile points suggest the continuation of hunting but with different technological preferences. This period likely marks an eastward expansion of Miwok groups from the San Francisco Bay Area, as suggested by the distribution of artifacts and site patterns.

Burial practices also shifted during this time, with individuals often interred within villages in flexed positions, sometimes accompanied by ochre. Unlike the Early Horizon, grave goods were typically sparse and utilitarian, though some included ritual objects like charmstones, quartz crystals, and

bone whistles, suggesting ceremonial or spiritual practices. The deeper and more extensive archaeological sites associated with this pattern indicate larger, possibly more sedentary populations compared to earlier periods. Rather than sudden replacement, Fredrickson proposes that these changes represent gradual cultural integration or assimilation across populations.

Augustine Pattern or Late Horizon (1500 to 250 BP)

The Augustine Pattern, marking the Late Horizon, is defined by significant transformation in subsistence and technology. Acorns became the staple food resource, coinciding with the introduction of the bow and arrow, which likely improved hunting efficiency for small game. Trade networks also expanded during this period, not only for finished goods but increasingly for raw materials, reflecting a more complex economic system.

Burial practices retained flexed positions with fewer grave goods, but cremation became common, especially for higher-status individuals. The presence of elaborate Haliotis ornaments, clay artifacts, and diverse shell beads suggests complex social stratification and the possibility of ritualistic or ceremonial distinctions. Johnson suggests that the Augustine Pattern might indicate the expansion of Wintuan-speaking populations from the north, whose arrival introduced new cultural traits while blending with existing Berkeley Pattern practices.

Evolving Frameworks and Modern Perspectives

Since the introduction of Fredrickson's framework, Central California archaeology has evolved from establishing temporal and cultural units to more holistic approaches focused on settlement patterns, health, and social organization. For instance, researchers now use osteological analyses to assess health and diet in prehistoric populations, providing insights into the physical impacts of subsistence and social changes.

While Fredrickson's sequence remains a foundational model, contemporary research recognizes the complexity and diversity of cultural practices across regions. New archaeological methods, such as stable isotope analysis and DNA studies, are shedding light on migration patterns, intergroup relations, and even individual life histories. These approaches allow for a more granular understanding of local adaptations, supporting the notion that California's pre-contact history is characterized by regional diversity rather than a singular cultural sequence.

Today's research increasingly integrates Indigenous perspectives, acknowledging the Bay Area's prehistory as part of a living cultural continuum. Collaborative work with descendant communities, guided by the NAHC and other organizations, ensures that Indigenous voices shape archaeological interpretations, aligning with broader goals of decolonizing scholarship in Central California.

Native American Background

The Karkin Ohlone

At the time of the European contact in the eighteenth century, the Pittsburg area was situated at the border of two Tribes of California Native Americans: The Ohlone and Miwok. The Ohlone group designates a linguistic family consisting of eight different yet related languages. The eight Ohlone

languages were quite different from one another, with each language being related to its geographically contiguous neighbors.

The arrival of Ohlone groups into the Bay Area appears to be temporally consistent with the appearance of the Late Period artifact assemblage in the archaeological record, as documented at sites such as the Emeryville Shellmound and the Ellis Landing Shellmound. It is probable that the Ohlone moved south and west from the Delta region of the San Joaquin-Sacramento River region into the Bay Area. The Tribal group that most likely occupied the project area is the Karkin language group (known as Los Carquines to the Spanish) for whom the Carquinez Strait is named. The Karkin were the smallest (only 200 speakers) and geographically northernmost of the eight Ohlone language groups. Their territory extended along the southern bank of the Carquinez Strait encompassing present-day Crockett, Port Costa, and Martinez.

The various Ohlone Tribes subsisted as hunter-gatherers and relied on local terrestrial and marine flora and fauna for subsistence. The predominant plant food source was the acorn, but they also exploited a wide range of other plants, including various seeds, buckeye, berries, and roots. Protein sources included grizzly bear, elk, sea lions, antelope, and black-tailed deer as well as smaller mammals such as raccoon, brush rabbit, ground squirrels, and wood rats. Waterfowl, including Canadian geese, mallards, green-winged teal, and American widgeon, were captured in nets using decoys to attract them. Fish also played an important role in the Karkin diet and included steelhead, salmon, and sturgeon.

The Ohlone constructed watercraft from tule reeds and possessed bow and arrow technology. They fashioned blankets from sea otter pelts, fabricated basketry from twined reeds of various types, and assembled a variety of stone and bone tools in their assemblages. Ohlone villages typically consisted of domed dwelling structures, communal sweathouses, dance enclosures, and assembly houses constructed from thatched tule reeds and a combination of wild grasses, wild alfalfa, and ferns.

The Ohlone were politically organized into autonomous Tribelets that had distinct cultural territories. Individual Tribelets contained one or more villages with a number of seasonal camps for resource procurement within the Tribelet territory. The Tribelet chief could be either male or female, and the position was inherited patrilineally, but approval of the community was required. The Tribelet chief and council were essentially advisers to the community and were responsible for feeding visitors, directing hunting and fishing expeditions and ceremonial activities, and conducting warfare on neighboring Tribelets.

The first European contact with the Ohlone was probably in 1602, when Sebastian Vizcaino's expedition moored in Monterey. The estimated Ohlone population in 1770—when the first mission was established in Ohlone territory—was approximately 10,000. By 1832, the population had declined to fewer than 2,000, mainly due to diseases introduced by the European explorers and settlers. When the Spanish mission system rapidly expanded across California, the Ohlone traditional way of life was irreversibly altered. The pre-contact hunter-gatherer subsistence economy was replaced by an agricultural economy, and the Spanish missionaries prohibited traditional social activities. After secularization of the missions between 1834 and 1836, some Native Americans returned to traditional religious and subsistence practices while others labored on Mexican ranchos.

Thus, multi-ethnic Indian communities grew up in and around the area and provided informant testimony to ethnologists from 1878 to 1933.

The California Gold Rush brought further disease to the Native inhabitants, and by the 1850s, nearly all of the Ohlone had adapted in some way or another to economies based on cash income. Hunting and gathering activities continued to decline and were rapidly replaced with economies based on ranching and farming.

The Bay Miwok

The project site at different times may have been within the ethnographic and historic boundaries of the Bay Miwok, a branch of the Eastern Miwok, whose territory extended from the Carquinez Strait south to include present-day Walnut Creek.

The Eastern Miwok belonged to five separate linguistic and cultural groups, each having a distinctive language and culture. The foremost political unit of the Miwok was the Tribelet, an independent and sovereign nation with defined boundaries and control over the natural resources within the boundaries. As noted by Levy, villages are described as headquarters of a localized patrilineage, and this social organization was further prescribed by individual lineage memberships in a moiety. With the notable exceptions of tobacco and dogs, the Eastern Miwok lacked cultivated plants and domesticated animals.

All plant foods were naturally occurring and gathered by hand, the most important of which were the seven varieties of acorn used by the Eastern Miwok people. Acorns were usually allowed to ripen and fall off the tree on their own, where they would then be collected in large numbers in burden baskets. The acorns were then shelled, placed on an acorn anvil, and struck with a hammer stone to expose the meats within. These meats were ground into a fine meal using a bedrock mortar and cobblestone pestle. The meal was then sifted into a tightly coiled basket, and several applications of water were run through the basket to leach the bitter tannin from the meal. Once dry, the meal could be used in the preparation of acorn soup, mush, biscuits, and bread. For this reason, access to acorns; clean, moving water; and exposed bedrock was particularly important to the Eastern Miwok. These resources were available in the general project area. The proposed project site is located to the south of the San Joaquin River and watercourses were often a focus of prehistoric occupation in Central California, with Native American groups exploiting a variety of ecological niches. This area was within an environmentally advantageous area for Native Americans, located between the resources of the San Francisco Bay margin and the foothills and nearby creeks.

3.16.3 - Methodology

Records Searches to Identify Existing Tribal Cultural Resources

The information in this section is based, in part, on the confidential Phase I CRA prepared for the proposed project by FCS in November 2024. The Phase I CRA used the methods below to analyze the potential impacts of project implementation.

NAHC Sacred Lands File Search and Tribal Correspondence

On August 28, 2024, FCS sent a request to the NAHC in an effort to determine whether any sacred sites are listed on its Sacred Lands File (SLF) for the project site. A response was received on October 2, 2024, indicating that the SLF search produced a positive result for Native American cultural resources in the project area. The NAHC included a list of 38 Tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential TCRs that may be affected by implementation of the proposed project are addressed, FCS sent letters to all 38 Tribal representatives on October 17, 2024. A total of five Tribes responded to the letter requests for additional information in regard to TCRs in the project site. Three responses were received on October 18, 2024. One from the Chicken Ranch Rancheria Me-Wuk Indians of California indicating that the Tribe has no comments or concerns about the proposed project. The second response was from the Calaveras Band of Mi-Wuk Indians, stating the Tribe defers to the Wilton Rancheria. The third response was from the Confederated Villages of Lisjan Nation, requesting that the Lead Agency be informed that the Tribe is looking forward to receiving an official request for consultation. On October 28, 2024, a response was received from the Indian Canyon Band of Costanoan Ohlone People indicating that the project site overlaps or is near the management boundary of a potentially eligible cultural site. The Tribe is interested in consulting to voice their concerns about the proposed project, and the Tribe recommends cultural sensitivity training and Native American and archaeological monitors during any/all ground disturbance activities. On October 29, 2024, a response was received from the Ohlone Indian Tribe requesting a copy of the NAHC SLF results and the Tribal representative contact list. No additional responses have been received to date.

Summary of Existing Cultural Resources at the Project Site

The results of the SLF search and Tribal correspondence indicate that TCRs are within the project area. The specific location of the TCRs is unknown, making it possible that they could be discovered during project construction.

Summary of Tribal Consultation

Notifications

On December 24, 2025, the City determined that it was ready to initiate environmental review under the California Environmental Quality Act (CEQA) for the proposed project. On January 8, 2025, the City sent project notification letters to the following five California Native American Tribes, which had either previously submitted general notification requests in writing pursuant to 21080.3.1(d) of the Public Resources Code or were identified by the NAHC as being culturally affiliated with the project area.

- Muwekma Ohlone Tribe of the San Francisco Bay Area
- Confederated Villages of Lisjan Nation

Each recipient was provided a brief description of the proposed project and its location, the Lead Agency contact information, and a notification that the Tribe has 30 days to request consultation, pursuant to Public Resources Code Section 21080.3.1(d). Multiple attempts were made to reach nonresponsive Tribes by telephone and email to ensure that the Tribe was in receipt of the letter and

understood the opportunity to consult. The 30-day response period under AB 52 concluded on February 7, 2025.

Responses

As a result of the initial notification letters under AB 52, the City received the responses outlined below. The specific information about TCRs discussed with the City is confidential and cannot be disclosed in a public document; however, the City took into account the information provided in completing the environmental review with respect to TCRs.

Muwekma Ohlone Tribe of the San Francisco Bay Area

The Tribe responded on January 19, 2025, to request consultation. On January 28, 2025, the City's consultant, FCS, contacted the Tribe to schedule a consultation meeting. The City and project representatives met with the Tribe on February 11, 2025. During the meeting(s), the City provided an overview of the proposed project and afforded the opportunity for the Tribe to ask questions and discuss the project. Following the meeting, on February 13, FCS followed up by providing additional technical information and requested any mitigation language that the Tribe would like to be incorporated into the CEQA document. On February 25, 2025, the Tribe's ethnohistorian provided a formal response to the City with specific comments. The Tribe restated its cultural affiliation with the project vicinity and recommended Tribal monitoring.

Confederated Villages of Lisjan Nation

The Tribe responded on January 8, 2025 to request consultation. The Tribe expressed their concerns of the proximity of the creek to the project site. The Tribe also requested a copy of the cultural resources study. On February 5, 2025, the City and project representatives met with the Tribe. During the meeting(s), the City provided an overview of the project and afforded the opportunity for the Tribe to ask questions and discuss the proposed project. The Tribe provided information about the sensitivity of the project site for TCRs given the proximity of the creek. The Tribe recommended cultural sensitivity training and full-time monitoring of the project site during project-related ground disturbance activities.

On February 13, 2025, the Tribe provided recommended mitigation measures to the City that includes Native American monitoring and unanticipated discovery procedures. The City reviewed and revised the mitigation measures. The revisions were provided to Tribe, and no additional edits were made to the mitigation measures. No further consultation was requested.

Because the City initiated consultation with all Tribes that requested it, the threshold for release of the CEQA document for public review in Public Resources Code Section 21080.3.1(b) has been met. In addition, because the City concluded consultation with all Tribes in good faith, the threshold for the certification of an EIR in Public Resources Code Section 21082.3(d) has been met. Therefore, the City has completed all of the required consultation procedures under AB 52 for the proposed project.

3.16.4 - Regulatory Framework

Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA), as amended, established the National Register of Historic Places (NRHP), which contains an inventory of the nation's significant prehistoric and historic properties. Under the Code of Federal Regulations 36 CFR 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 Indian 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 Indian 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 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

Public Resources Code Section 5024.1 and 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 to be 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, including the following:

   (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
   (B) Is associated with the lives of persons important in our past;
   (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
   (D) Has yielded, or may be likely to yield, information important in prehistory or history.

(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 California Register of Historical Resources (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.

CEQA Guidelines 15064.5(c)–Effects on Archaeological Resources

CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. 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. 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 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 for the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items. (CEQA Guidelines § 15064.5(e); PRC § 5097.98).
- 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. (CEQA Guidelines § 15064.5(e); 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); 15126.4).

Health and Safety Code Section 7050.5 (Treatment of Human Remains)

Section 7050.5 of the 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" except under circumstances as provided in Section 5097.99 of the Public Resource 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, as summarized above. It states that "whenever 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." 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.

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 (discussed above) 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 Assembly Bill 52–Effects on Tribal Cultural Resources

Assembly Bill (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." (PRC, § 21084.2.) 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:

> "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).

Under prior law, TCRs were typically addressed under the umbrella of "cultural resources," as discussed above. AB 52 formally added the category of TCRs to CEQA and extended the consultation and confidentiality requirements to all projects.

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, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (PRC § 21080.3.2.) 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

Local

City of Walnut Creek 2025 General Plan

Chapter 4: Built Environment

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, Northeast 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 an inventory and map of historically significant properties.

Action 25.1.2 Develop a historic preservation plan and supporting ordinances.

3.16.5 - Approach to Analysis

This evaluation focuses on the methods to determine the presence of TCRs and whether implementation of the proposed project would impact TCRs. The TCR impact analysis is based on information collected from record searches at the NAHC and information from Tribal consultation conducted pursuant to AB 52. Impacts are typically associated with construction and/or ground-disturbing activities that have the potential to immediately alter, diminish, or destroy all or part of the character and quality of Native American Artifacts and/or human remains that could be uncovered.

3.16.6 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether TCR impacts resulting from the implementation of the proposed project would be considered significant if the project would:

a) 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).

b) 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.

3.16.7 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Significance of Tribal Cultural Resource and Eligibility for California Register Listing

Impact TCR-1:	**The proposed project could 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).**

Construction

As described in Section 3.16.4, Methodology, a review of the CRHR, local registers of historic resources, and the Northwest Information Center (NWIC) records search failed to identify any listed or eligible for listing TCRs that may be adversely affected by the proposed project. However, a review of the NAHC SLF search was positive for recorded TCRs within the project area. Letters containing project information requesting any additional information regarding TCRs was sent to each Tribal representative on October 17, 2024. Consulting Tribes spoke generally about the sensitivity of the area for TCRs that may be encountered during ground-disturbing activities.

Excavation and trenching during project construction could result in the discovery of previously unknown buried TCRs. If encountered, project activity could result in a substantial adverse change in the significance of a TCR and therefore a potentially significant impact. Tribal monitoring during ground-disturbing activities, coupled with procedures to identity, evaluate, and treat the discoveries, would ensure that TCRs, if encountered, are treated with care and in a culturally appropriate manner. Should any undiscovered TCRs be encountered during project construction, implementation of Mitigation Measure (MM) CUL-2a, MM TCR-1, TCR-2, TCR-3, and TCR-4 would ensure that undiscovered TCRs are not adversely affected by project-related construction activities. Implementation of these enforceable mitigation measures is sufficient to reduce construction-related impacts to TCRs to less than significant with mitigation.

Operation

Impacts related to a project's potential to cause a substantial adverse change in the significance of a State-listed or eligible TCR are limited to construction impacts. No respective operational impacts would occur.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described in Chapter 2, Project Description, would be the same as described for the proposed project. The construction of the Community Benefit Variant would occur entirely within the existing right-of-way and would implement MM CUL-2a, MM TCR-1, MM TCR-2, MM TCR-3, and MM TCR-4 would ensure that unlikely undiscovered TCRs are not adversely affected during construction activities. Therefore, construction of the Community Benefit Variant would not result in additional or increased impacts related to substantial adverse effects involving adverse change in the significance of a TCR that is listed or eligible for listing in the CRHR, or in a local register of historical resources.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM CUL-2a, MM TCR-1 through MM TCR-4.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Significance of Tribal Cultural Resource and Eligibility as Determined by Lead Agency

Impact TCR-2:	**The proposed project could 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.**

Construction

As discussed under Impact TCR-1, excavation and trenching during project construction could result in the discovery of previously unknown buried TCRs. Tribal consultation efforts conducted by the City of Walnut Creek pursuant to AB 52 to identify additional significant TCRs meeting the criteria set forth in Public Resources Code Section 5024.1 (c) was initiated on January 8, 2025, and consultation letters were provided to each Tribe on the NAHC consultation list. Two Tribes (Muwekma Ohlone Tribe of the San Francisco Bay Area and Confederated Villages of Lisjan Nation) requested consultation on the project. The City met and consulted with both Tribes to understand their concerns pertaining to the development of the proposed project. Both Tribes requested mitigation measures that consist of cultural sensitivity training and tribal monitoring. Consultation efforts concluded on February 7, 2025.

Should any undiscovered TCRs be encountered during project construction, implementation of MM CUL-2a, MM TCR-1 through MM TCR-4 would ensure that undiscovered TCRs are not adversely

affected by project-related construction activities. As such, construction-related impacts would be less than significant with the implementation of mitigation.

Operation

Impacts related to a project's potential to cause a substantial adverse change in the significance of a State-listed or eligible TCRs are limited to construction impacts. No respective operational impacts would occur.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Construction of the Community Benefit Variant would occur entirely within the exisiting right-of-way and would implement MM CUL-2a, MM TCR-1, MM TCR-2, MM TCR-3, and MM TCR-4 would ensure that unlikely undiscovered TCRs are not adversely affected during construction activities. Therefore, construction of the Community Benefit Variant would not result in additional or increased impacts related to substantial adverse effects involving adverse change in the significance of a TCR 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.

Level of Significance Before Mitigation

Potentially significant impact

Mitigation Measures

MM TCR-1 Native American Monitoring

Prior to ground-disturbing activities, a Tribal Monitor(s) shall be retained. If archaeological or Tribal Cultural Resources (TCRs) are encountered during ground-disturbing activities, the Tribal Monitor(s) shall have the authority to halt and redirect work within 100 feet of the find, and the find must be evaluated for listing in the California Register of Historical Resources (CRHR) and the National Register of Historic Places (NRHP). Monitoring may be reduced or halted at the discretion of the qualified Archaeologist and Tribal Monitor(s), in consultation with the Lead Agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, negative findings during the first 50 percent of the entire area of ground disturbance, etc. If monitoring is reduced to spot checking, spot checking shall occur when ground-disturbing activities move to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

MM TCR-2 Monitoring Plan

At least 60 days prior to the planned start of ground-disturbing activities, the applicant shall submit to the City for review and approval a Monitoring Plan, that shall include, at minimum, the following information: (1) Contact information for construction supervisors, Lead Agency personnel, and the County Coroner; (2) Description of the

types of activities that are subject to monitoring and those that are excluded from monitoring (e.g., placement of equipment into excavated trenches, vertical construction, movement of fill material, and other similar activities do not require monitoring); (3) Description of the location of activities that are subject to monitoring and those that are excluded from monitoring (e.g., activities in bedrock or fill do not require monitoring); (4) Procedures for timely notification to the Tribal Monitor of the construction schedule and contingency plans in the event that a Tribal Monitor is unavailable at the scheduled time; (5) Dispute resolution procedures in the event of a dispute; (6) An alternative rotation schedule for monitoring in the event that more than one Tribe wishes to provide Tribal Monitors; (7) Procedures for the reburial of unanticipated discoveries; and (8) Any additional procedures that implement the mitigation measures in the Draft EIR. The City shall have 30 days to review the Monitoring Plan. If the City does not provide comments within that timeframe, the Monitoring Plan is presumed to be approved and can be implemented.

MM TCR-3 Unanticipated Discovery of Tribal Cultural Resources

If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground-disturbing activities within 100 feet shall cease until an Archaeologist has evaluated the nature and significance of the find as a cultural resource and a representative from culturally affiliated Tribes is consulted by the Lead Agency. The Archaeologist shall stake the area of discovery, placing stakes no more than 10 feet apart, forming a circle having a radius of no less than 100 feet from the point of discovery. If the entity in consultation with the consulting Tribe(s), determines that the resource is a Tribal Cultural Resource (TCR) and thus significant under CEQA, the entity shall retain a qualified Archaeologist and a Tribal Monitor, at the applicant's expense, to prepare a mitigation plan, which shall be implemented by the entity in accordance with State guidelines and in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified Archeologist. Examples of appropriate mitigation for the TCRs include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, or heritage recovery.

MM TCR-4 Halt Work/Coroners Evaluation/Impact to Previously Undiscovered Human Remains

If human remains are encountered during construction and ground-disturbing activities, all work within 100 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an Archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC shall identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated funerary objects. The Archaeologist shall recover

scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD and/or Tribal representative. Upon completion of the Archaeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report should be submitted to the City, the project proponent, the Northwest Information Center (NWIC) and the consulting Tribe. Tribal representatives shall rebury the Native American human remains and associated funerary objects with the appropriate dignity either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the consultant, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. To facilitate respectful reburial, a potential reburial location that would be accessible to Tribal members in perpetuity and would not be subject to future disturbance will be identified prior to commencing ground-disturbing activities, as mediated between Tribal representatives and the Lead Agency. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and have no operational impacts. Therefore, operation of the Community Benefit Variant would not result in additional or increased impacts related to substantial adverse effects involving adverse change in the significance of a TCR 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.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

3.16.8 - Cumulative Impacts

The geographic scope for the cumulative analysis for TCRs is described further below. This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to TCRs. This analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for a project's cumulative effects to rise to the level of a significant impact. If both conditions apply, this analysis will then evaluate feasible cumulative mitigation that would reduce cumulative effects. If one or both conditions do not apply, cumulative impacts would be less than significant, then no cumulative mitigation is necessary. If there is no impact associated with respect to a particular CEQA threshold, the proposed project would have no contribution to potential cumulative impacts and, therefore, further discussion of cumulative impacts is not required.

Tribal Cultural Resources

Significant impacts to TCRs may range from impacts to a resource meeting the CEQA definition of a significant historic resource to impacts to resources identified through consultation between a lead agency and Native American Tribe. As such, the scope and range of potential cumulative impacts to TCRs are highly contingent on the nature of the resource and status of consultation. Cumulative impacts related to a project's potential to cause a substantial adverse change in the significance of a State-listed or eligible TCR are limited to construction impacts. In the absence of any known TCRs that will be impacted by the proposed project, the appropriate geographic scope for assessing potential cumulative impacts to TCRs is the project vicinity. This is because any undiscovered TCRs will likely be archaeological in nature and the immediate project vicinity provides the smallest geographic unit within which significant cumulative impacts spanning multiple projects may occur. For this analysis, the immediate vicinity is defined as the 0.5 mile (industry standard) NWIC records search radius. Three cumulative projects shown on Exhibit 3-1, Cumulative Project Map, are within the 0.5 mile geographic scope. These projects, and future ones within the radius, would be subjected to individual environmental review and discretionary approval, which includes a Tribal consultation process to determine and, if necessary, avoid or mitigate significant impacts to TCRs. It is anticipated that similar mitigation measures would be implemented for projects in surrounding jurisdictions that may affect TCRs.

Given that the proposed project would not have a known, direct impact on an existing TCR, cumulative impacts are less than significant in this regard. Additionally, although construction activities associated with cumulative development projects within the geographic scope may have the potential to encounter undiscovered cultural resources, these cumulative projects would be required to mitigate for impacts through compliance with applicable federal and State laws governing cultural resources. Additionally, the implementation of standard construction mitigation measures (MM CUL-2a to MM CUL-3 and MM TCR-1 to MM TCR-4) would ensure undiscovered TCRs are not adversely affected by cumulative project-related construction activities, which would prevent the destruction or degradation of potentially significant TCRs within the geographic scope. Therefore, cumulative impacts would be less than significant.

The proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impact. Although construction activities associated with the proposed project have the potential to encounter undiscovered TCRs, which in turn may be significant to a Tribe and constitute a TCR in its own right, the proposed project would be required to mitigate for impacts through compliance with applicable federal and State laws and regulations governing TCRs. Therefore, the potential for the proposed project to have a cumulatively considerable impact on TCRs that may be present within the broader project vicinity is less than significant with the implementation of MM CUL-2a to MM CUL-3 and MM TCR-1 to MM TCR-4.

Level of Cumulative Significance Before Mitigation

Potentially significant impact.

Community Benefit Variant

The cumulative impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The proposed roundabout and bicycle infrastructure would be constructed in compliance with MM CUL-2a to MM CUL-3 and MM TCR-1 to MM TCR-4 to address potential impacts to TCRs during construction. Implementation of the Community Benefit Variant would not result in additional or increased cumulative impacts to TCRs, and impacts would be less than significant.

Mitigation Measures

Implement MM CUL-2a to MM CUL-3 and MM TCR-1 to MM TCR-4.

Level of Cumulative Significance After Mitigation

Less than significant impact with mitigation incorporated.

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3.17 - Utilities and Service Systems

3.17.1 - Introduction

This section describes the existing conditions related to utilities and service systems (water, wastewater, stormwater, and solid waste) in the County and project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to such utilities and service systems that could result from implementation of the project. Information in this section is based on information provided by the Contra Costa Water District (CCWD), CCWD 2020 Urban Water Management Plan (UWMP), Central Contra Costa Sanitary District (Central San), and California Department of Resources Recycling and Recovery (CalRecycle).

During the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period, no public comments were received related to Utilities and Service Systems.

3.17.2 - Environmental Setting

Water

The CCWD provides potable water service to approximately 520,000 persons in central and northeastern Contra Costa County. CCWD's treated water service area includes all or portions of the cities of Clayton, Concord, Martinez, Pleasant Hill, and Walnut Creek as well as nearby unincorporated areas of Contra Costa County. The CCWD's wholesale water service area includes all or portions of the cities of Antioch, Martinez, Pittsburg, Brentwood, the Oakley-Diablo Water District, and the Bay Point-Golden State Water Company. The CCWD's average per capita water consumption for its service area was approximately 142 gallons per day in 2020.[1]

Water System Description

The CCWD obtains its water supply exclusively from the Delta and started out as water provided by purchasing and distributing untreated water through the Contra Costa Canal (Canal). Responsibility of the CCWD advanced with the purchase of the California Water Service Company's Concord-area treatment, pumping, storage, and distribution facilities in the 1960s. Today, the CCWD provides services for municipal agencies, residential and commercial uses, and industrial facilities which account for approximately one-third of the CCWD's total water use, and operates a system of water transmission, treatment, and storage facilities discussed in more detail below.

Untreated Water Conveyance Facilities

The CCWD conveys untreated water mostly for industrial and retail uses for the municipalities of Antioch, Brentwood, Martinez, and Pittsburg who operate their own water treatment plants and distribution systems.[2] The Canal is 48 miles in length and consists of the primary distribution facility of the CCWD which receives water predominately from the Delta at the Rock Slough intake near

[1] Contra Costa Water District (CCWD). 2021. 2020 Urban Water Management Plan. Website: https://www.ccwater.com/DocumentCenter/View/9851/2020-Urban-Water-Management-Plan-PDF. Accessed December 10, 2024.
[2] Ibid.

Oakley and is capable of receiving water from the Old River intake, Middle River intake, the Mallard Slough intake, and from the Los Vaqueros Reservoir.

The Canal is divided into two segments consisting of the Main Canal, a 26-mile segment making up the eastern portion of the Canal that begins at the Rock Slough intake and transports water to the unincorporated community of Clyde, and the western 22-mile Loop Canal that traverses southward into Central Contra Costa County and northward before terminating at the Martinez Reservoir. The southernmost portion of the Loop Canal is divided into a smaller 5-mile segment which serves the Ygnacio Valley neighborhood in Walnut Creek and the project site. In addition, a segment north of the Loop Canal, known as the Shortcut Pipeline, bypasses the Loop Canal and transports water efficiently from Clyde directly to the Martinez Reservoir.

The Middle River intake and the Old River intake near Discovery Bay each have an installed capacity of 250 cubic feet per second (cfs) where water can either be transported directly to the Canal by the Los Vaqueros Pipeline or pumped by the Transfer Pump Station through the Transfer Pipeline to the Los Vaqueros Reservoir for storage.

Untreated Water Reservoirs

CCWD has four untreated water storage reservoirs—Los Vaqueros, Contra Loma, Mallard, and Martinez—with a total storage capacity of approximately 165,000 acre-feet. The four water reservoirs maintained by the CCWD serve a variety of purposes such as providing an emergency storage of water supply during droughts, flow regulation, improving water quality, and presenting recreational opportunities. The Los Vaqueros Reservoir is the largest of the four reservoirs with a capacity of 160,000 acre-feet offering 70,000 acre-feet of emergency supply in wetter years and 44,000 acre-feet in dry years. The other three reservoirs include the Contra Loma Reservoir which has an operating capacity of 2,100 acre-feet serving primarily as a regulating reservoir for peak demands on the Canal, the Mallard Reservoir with a use capacity of 3,100 acre-feet for emergency storage, flow regulation, and blending different sources of supply, and the Martinez Reservoir with a capacity of 276 acre-feet which is used by the City of Martinez for its treatment plant and the Martinez Refining Company.

Treated Water Facilities

The CCWD operates three water treatment facilities, the 75 million gallons per day (mgd) Bollman Water Treatment Plant (WTP), the 50 mgd Randall-Bold WTP with a future expansion capacity of up to 80 mgd, and the 16.5 mgd City of Brentwood WTP. The Bollman WTP serves CCWD's treated water customers in the central county, and under special agreement, provides treated water to Golden State Water Company (GSWC) for the community of Bay Point. The 75 mgd Bollman WTP treatment process includes coagulation, flocculation, sedimentation, filtration, ozonation, and disinfection.

The Randall-Bold Water Treatment Plant (Randall-Bold WTP), located in Oakley, was constructed in 1992 and is jointly owned with the Diablo Water District (DWD). The treatment process includes a grit basin, influent mixing basin, flocculation, sedimentation, intermediate and post-ozonation, and disinfection. In addition to providing treated water for the DWD, Randall-Bold WTP provides treated water to CCWD's treated water service area and wholesale municipal customers. The Multipurpose

Pipeline (MPP), constructed in 2003, is a 21-mile pipeline that transports treated water to central Contra Costa County from the Randall-Bold WTP and to wholesale municipal customers.

The CCWD owns and operates distribution facilities to provide treated water to the treated water service area in central Contra Costa County. Water is pumped from the Bollman WTP and Randall-Bold WTP (via the MPP) to a distribution system with eight pressure zones and through approximately 800 miles of pipeline ranging in diameter from 2 to 66 inches. There are 40 active storage reservoirs with a total storage capacity of approximately 72 million gallons. Thirty pump stations are used to deliver the water and maintain water pressure within the distribution system to serve approximately 61,000 active service connections.

Water Use and Supplies

The CCWD's current and projected water demand and supply under average, single-dry, and multiple-dry year scenarios in five-year increments are summarized in Table 3.17-1. The projections indicate that CCWD would have adequate water supply under the average, single-dry, and the first three multiple-dry year scenarios; however, demand management measures (i.e., water conservation) would be required for the fourth and fifth multiple-dry year scenarios through 2035 and third, fourth, and fifth multiple-dry year scenarios through 2045. The CCWD implements demand management measures through its Water Use Efficiency (WUE) Program which are used for water conservation purposes intended for the District's retail and wholesale service areas. The demand management measures aim to accommodate for reduced water supply and include, but are not limited to, providing incentives for incorporating water efficient landscaping, smart irrigation timers, and greywater systems, landscape design assistance, educational outreach, and water efficiency surveys for multi-family properties.[3]

Table 3.17-1: Projected Supply and Demand Comparison

Year Type	CCWD Demand	CCWD Supply	Short-term Demand Management	
			Acre-feet	Percent of Demand
Near-term[1]				
Average	126,300	203,300	—	0%
Single-Dry	126,300	162,100	—	0%
Multiple-Dry Year 1	126,300	159,700	—	0%
Multiple-Dry Year 2	126,300	151,200	—	0%
Multiple-Dry Year 3	126,300	134,200	—	0%
Multiple-Dry Year 4	126,300	125,700	600	0%
Multiple-Dry Year 5	126,300	117,200	9,100	7%
2025				
Average	147,300	216,600	—	0%

[3] Contra Costa Water District (CCWD). 2021. 2020 Urban Water Management Plan. Website: https://www.ccwater.com/DocumentCenter/View/9851/2020-Urban-Water-Management-Plan-PDF. Accessed December 10, 2024.

Year Type	CCWD Demand	CCWD Supply	Short-term Demand Management	
			Acre-feet	Percent of Demand
Single-Dry	147,300	174,000	—	0%
Multiple-Dry Year 1	147,300	175,900	—	0%
Multiple-Dry Year 2	147,300	166,400	—	0%
Multiple-Dry Year 3	147,300	148,000	—	0%
Multiple-Dry Year 4	147,300	139,100	8,200	5%
Multiple-Dry Year 5	147,300	130,300	17,000	11%
2030				
Average	157,300	235,500	—	0%
Single-Dry	157,300	189,100	—	0%
Multiple-Dry Year 1	157,300	191,700	—	0%
Multiple-Dry Year 2	157,300	181,500	—	0%
Multiple-Dry Year 3	157,300	161,700	—	0%
Multiple-Dry Year 4	157,300	152,100	5,200	3%
Multiple-Dry Year 5	157,300	142,500	14,800	9%
2035				
Average	165,000	240,600	—	0%
Single-Dry	165,000	193,100	—	0%
Multiple-Dry Year 1	165,000	195,800	—	0%
Multiple-Dry Year 2	165,000	185,400	—	0%
Multiple-Dry Year 3	165,000	165,300	—	0%
Multiple-Dry Year 4	165,000	155,500	9,500	6%
Multiple-Dry Year 5	165,000	145,800	19,200	12%
2040				
Average	171,300	242,000	—	0%
Single-Dry	171,300	194,200	—	0%
Multiple-Dry Year 1	171,300	196,900	—	0%
Multiple-Dry Year 2	171,300	186,500	—	0%
Multiple-Dry Year 3	171,300	166,400	4,900	3%
Multiple-Dry Year 4	171,300	156,600	14,700	9%
Multiple-Dry Year 5[2]	171,300	146,900	24,400	14%
2045				
Average	175,900	243,000	—	0%
Single-Dry	175,900	194,900	—	0%

Year Type	CCWD Demand	CCWD Supply	Short-term Demand Management	
			Acre-feet	Percent of Demand
Multiple-Dry Year 1	175,900	197,600	—	0%
Multiple-Dry Year 2	175,900	187,200	—	0%
Multiple-Dry Year 3	175,900	167,100	8,800	5%
Multiple-Dry Year 4	175,900	157,300	18,600	11%
Multiple-Dry Year 5[2]	175,900	149,500	26,400	15%

Notes:
AFY = acre-feet per year
CCWD = Contra Costa Water District
CCWD demand and available supply is net of conservation savings.
[1] Demands shown for Near–term are based on actual 2020 demands.
[2] CCWD supply in the fifth year of a multiple-dry year period in 2040 includes a planned purchase of 1,900 acre-feet in 2045, consistent with the District's Future Water Supply Study.
Source: Contra Costa Water District (CCWD). 2021. 2020 Urban Water Management Plan. Website: https://www.ccwater.com/DocumentCenter/View/9851/2020-Urban-Water-Management-Plan-PDF. Accessed February 25, 2025.

Existing Facilities

The project site is currently developed with a business park that comprises 11 office buildings and has existing service laterals that connect to existing 12-inch diameter water lines in Mitchell Drive and Shadelands Drive, as well as an existing 6-inch diameter water line in the commercial property adjacent to the southeast corner of the project site.

Wastewater

The Central Contra Costa County Sanitary District (Central San) provides wastewater collection and treatment to all or portions of the incorporated cities and towns of Danville, Lafayette, Martinez, Moraga, Orinda, Pleasant Hill, San Ramon, and Walnut Creek, and unincorporated communities of Alamo, Blackhawk, Contra Costa Centre, and Pacheco. In addition, Central San provides treatment, but not collection, for the cities of Concord and Clayton. The total population served within the 146-square mile Central San service area is approximately 500,000 residents.[4]

Collection System

Central San's sewer collection infrastructure consists of approximately 1,500 miles of underground pipe and 18 pumping stations. Wastewater flows from Walnut Creek are conveyed north to the Central San Treatment Plant in Martinez. Collection System Operations are located in Walnut Creek and the City is responsible for maintaining the collection system.[5,6]

[4] Central Contra Costa Sanitary District (Central San). 2024. Who We Are. Website: https://www.centralsan.org/who-we-are. Accessed October 16, 2024.
[5] Central Contra Costa Sanitary District (Central San) 2022. Sewer System Management Plan. Website: https://www.centralsan.org/sites/main/files/file-attachments/2020_ssmp_approved_audit_06.05.2020.pdf?1665594125. Accessed October 24, 2024.
[6] Central Contra Costa Sanitary District (Central San). 2024. Treatment Plant. Website: https://www.centralsan.org/treatment-plant. Accessed October 24, 2024.

Treatment Plant

Located in Martinez, the plant has a treatment capacity of 54 million gallons per day (mgd) and 240 mgd of wet weather flow. The Plant Operations Building houses the Control Center, a state-of-the-art computerized system that monitors and controls every phase of the treatment process. The facility is staffed 24 hours a day, 365 days a year. The Central San Treatment Plant treats an average of 34 mgd with approximately 20 mgd of wastewater treatment capacity remaining.[7]

Wastewater moves through Central San's 1,500 miles of sewer lines and 18 pumping stations, finally arriving at the plant's headworks to begin treatment. Most of the wastewater is treated to a secondary level, disinfected by ultraviolet light, and then discharged into Suisun Bay. Approximately 600 million gallons per year are treated to a tertiary level through additional filtration and disinfection before being distributed as recycled water for landscape irrigation, industrial processes, and plant operations.[8]

Existing Wastewater Facilities

The project site contains existing 8-inch diameter wastewater service lines servicing the existing on-site office buildings and connecting to existing 8-inch diameter wastewater service lines in Mitchell Drive and Oak Grove Road.

Storm Drainage

The City owns and maintains drainage facilities within its jurisdiction. Storm drains in Walnut Creek collect untreated stormwater and drain it into surrounding local creeks, which subsequently drain into San Francisco Bay. The Contra Costa County Flood Control and Water Conservation District (FC District) manages drainage areas throughout Contra Costa County. The project site is located within assigned Drainage Area 128, with headwaters beginning on the north aspect of Shell Ridge near Northridge High School and entrains northward through Ygnacio Valley into Concord.[9] Stormwater pollution prevention is regulated for the area by the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB) under Region 2.

Existing Facilities

Approximately 72 percent of the project site currently consists of impervious surfaces associated with the existing office buildings and surface parking lot. Currently, stormwater runoff from the project site drains into a stormwater collection system in Mitchell Drive that consists of 24- and 36-inch diameter pipes.[10]

Solid Waste

Republic Services is a waste disposal company which provides residential and commercial non-hazardous solid waste disposal and recycling services throughout California with over approximately

[7] Central Contra Costa Sanitary District (Central San). 2024. Treatment Plant. Website: https://www.centralsan.org/treatment-plant. Accessed October 24, 2024.
[8] Ibid.
[9] Contra Costa County Flood Control and Water Conservation District (FC District). 2024. Zones and Drainage Areas Map. January 24.
[10] Carlson, Barbee, and Gibson, Inc. (CBG). 2024. Preliminary Drainage and Stormwater Control Plan, Mitchell Drive Townhomes. June 28.

133,000 residential and commercial customers in both Contra Costa and Solano counties, including the City of Walnut Creek.[11]

Landfills

The two regional landfills that serve the County are summarized in Table 3.17-2. The two landfills have a combined 63.9 million cubic yards in remaining capacity.

Table 3.17-2: Landfill Summary

Landfill	Location	Maximum Daily Throughput (tons)	Remaining Capacity (cubic yards)
Acme Landfill	Martinez	1,500	506,590
Keller Canyon Landfill	Pittsburg	3,500	63,408,410

Source: California Department of Resources Recycling and Recovery (CalRecycle). 2024. SWIS Facility/Site Inspection Details. Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteInspection/Details/375840?siteID=217. Accessed February 25, 2025.

California Department of Resources Recycling and Recovery (CalRecycle). 2024. SWIS Facility/Site Activity Details. Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/4407?siteID=228. Accessed February 25, 2025.

Energy

PG&E provides natural gas and electric services to the City. PG&E has a service area of around 70,000 square miles, extending from Eureka in the north to Bakersfield in the south and spanning along the western coastline to the Sierra Nevada Mountains in the east. PG&E serves approximately 16 million customers managing 106,681 miles of electric distribution lines and 18,466 circuit miles of interconnected transmission lines, as well as overseeing 42,141 miles of natural gas distribution pipelines and 6,438 miles of transmission pipelines. PG&E is regulated by the California Public Utilities Commission.[12]

3.17.3 - Regulatory Framework

Federal

Safe Drinking Water Act

The Safe Drinking Water Act authorizes the United States Environmental Protection Agency (EPA) to establish national standards for drinking water, called the National Primary Drinking Water Regulations, to protect against both naturally occurring and man-made contaminants. These standards set enforceable maximum contaminant levels in drinking water and require all water providers in the United States to treat water to remove contaminants, except for private wells serving fewer than 25 people. In California, the State Department of Health Services conducts most enforcement activities.

[11] Walnut Creek Chamber of Commerce and Visitor Bureau. 2025. Republic Services. Website: https://members.walnut-creek.com/list/member/republic-services-2793. Accessed February 24, 2025.

[12] Pacific Gas and Electric Company (PG&E). 2025. Company Profile. Website: https://www.pge.com/en/about/company-information/company-profile.html. Accessed October 15, 2024.

Clean Water Act (National Pollutant Discharge Elimination System)

The Water Pollution Control Act of 1972, more commonly known as the Clean Water Act (CWA), regulates the discharge of pollutants into watersheds throughout the nation. Under the CWA, the EPA implements pollution control programs and sets wastewater standards.

The National Pollutant Discharge Elimination System (NPDES) permit program was established within the CWA to regulate municipal and industrial discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities. Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a sewage treatment plant.

State

California Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act (Porter-Cologne), which was passed in California in 1969, the State Water Resources Control Board (State Water Board) has the ultimate authority over State water rights and water quality policy. Porter-Cologne also establishes nine RWQCBs to oversee water quality on a day-to-day basis at the local and regional level. The RWQCBs engage in a number of water quality functions in their respective regions and regulate all pollutant or nuisance discharges that may affect either surface water or groundwater.

California Urban Water Management Planning Act

The Urban Water Management Planning Act (California Water Code Sections 10610–10656) requires that all urban water suppliers with at least 3,000 customers prepare UWMPs and update them every 5 years. The 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 schedule of implementation, program 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.

California Senate Bills 610 and 221

Senate Bill (SB) 610 and SB 221 (Water Code § 10910(c)(2)) amended State law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 and SB 221 seek to promote more collaborative planning between local water suppliers and cities and counties by requiring that detailed information regarding water availability be provided to decision-makers prior to approval of specified large development projects. SB 610 requires that detailed information be included in a Water Supply Assessment (WSA). SB 221 requires that the detailed information be included in a verification of water supply. Because the proposed project includes less than 500 dwelling units and does not otherwise qualify as a project as established by SB 610, a WSA is not required (Water Code § 10912).

California Water Conservation Act

The California Water Conservation Act (SB X7-7) was enacted in November 2009 and requires each urban water supplier to select one of four water conservation targets contained in California Water Code Section 10608.20 with the statewide goal of achieving a 20 percent reduction in urban per capita water use by 2020. Under SBX7-7, urban retail water suppliers are required to develop water use targets and submit a water management plan to the Department of Water Resources by July 2011. The plan must include the baseline daily per capita water use, water use target, interim water use target, and compliance daily per capita water use.

California Model Water Efficient Landscape Ordinance

The California Model Water Efficient Landscape Ordinance was adopted by the California Office of Administrative Law in September 2009 and requires local agencies to implement water efficiency measures as part of its review of landscaping plans. Local agencies can either adopt the Model Water Efficient Landscape Ordinance or incorporate provisions of the ordinance into their own code requirements for landscaping. The City has its own provisions of the ordinance through the adoption of the Walnut Creek Water Efficient Landscape Requirements.

California Integrated Waste Management Act

To minimize the amount of solid waste that must be disposed of by transformation and land disposal, the State Legislature passed Assembly Bill 939, the California Integrated Waste Management Act of 1989 (AB 939), effective January 1990. The legislation required each local

jurisdiction in the State to set diversion requirements of 25 percent in 1995 and 50 percent in 2000; established a comprehensive statewide system of permitting, inspections, enforcement, and maintenance for solid waste facilities; and authorized local jurisdictions to impose fees based on the types or amounts of solid waste generated. In 2007, amendments to the California Integrated Waste Management Act introduced a new per capita disposal and goal measurement system that moves the emphasis from an estimated diversion measurement number to using an actual disposal measurement number as a per capita disposal rate factor. As such, the new disposal-based indicator (pounds per person per year) uses only two factors: a jurisdiction's population (or in some cases employment) and its disposal as reported by disposal facilities.

Regional

San Francisco Bay Regional Water Quality Control Board

The San Francisco Bay RWQCB administers the NPDES stormwater permitting program and regulates stormwater in the San Francisco Bay region. Contra Costa County is a permittee under the Phase II NPDES Municipal Stormwater Permit for the Contra Costa Clean Water Program. Stormwater discharges from construction activities on 1 acre or more are regulated by the RWQCB and are subject to the permitting requirements of the NPDES General Permit for Discharges of Stormwater Runoff Associated with Construction Activity (General Construction Permit).

The San Francisco Bay RWQCB prepared the San Francisco Bay Basin Water Quality Control Plan (Basin Plan).[13] The Basin Plan contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the region and describes beneficial uses of major surface waters and their tributaries.

Local

Walnut Creek General Plan

The General Plan establishes the following goals, policies, and implementation measures related to utilities and service systems relevant to this analysis:

Built Environment Element

Goal 29 **Promote water conservation.**

Policy 29.2 Promote water conservation throughout the community.

Goal 30 **Meet or exceed State goals for source reduction and waste diversion.**

Policy 30.2 Promote source reduction and recycling throughout the community.

Goal 32 **Meet or exceed State and federal water quality standards.**

Policy 32.1 Support regional, State, and federal clean water efforts.

[13] California State Water Resources Control Board (State Water Board). 2024. San Francisco Bay Region. Website: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/bp_ch1-7_print.html. Accessed October 24, 2024.

Policy 32.3 Maximize infiltration of rain-water into the soil, where appropriate.

Policy 32.4 Reduce the transport of urban runoff and surface pollutants off-site.

Policy 32.5 Encourage preservation of natural water bodies and drainage systems.

Policy 32.6 Reduce pollutant loading in the wastewater system.

Walnut Creek Ordinance Code

Title 5, Chapter 3, Solid Waste and Recycling

Chapter 3 of Title 5 the City's Municipal Code includes provisions and regulations regarding solid waste and recycling collection within the City, such as Article 6 Construction Debris Recycling which requires construction, demolition, and renovation projects that either have a total cost greater than $50,000; cover a floor area equal or greater than 1,000 square feet; include demolition of an area equal or greater than 300 square feet; or are subject to the requirements in the City's Green Building Code to submit a Waste Management Plan (WMP) that meets the diversion requirements of redirecting at least 65 percent of the total construction and demolition debris generated by the project from the waste stream to be reused or recycled. Covered projects must follow up with a Waste Management Report (WMR) within 30 days after completion of the project indicating that the proposed project complied with diversion requirements.

10-2.3.1101 Water Efficient Landscaping

Section 10-2.3.1101 of the City's Municipal Code sets forth the City's Water Efficient Landscaping Regulations. Consistent with Title 23, Division 2, Chapter 2.7 of the California Code of Regulations and Section 65595(c) of the California Government Code, the City's water efficient landscaping regulations were adopted in 2012 and later revised in 2016 to encourage water conservation through the use of water efficient landscaping methods and are deemed to be at least as effective in conserving water as, and supersede the provisions of, the model ordinance adopted by the California Department of Water Resources pursuant to Section 65595(a) of the California Government Code. The City's Water Efficient Landscaping Regulations require discretionary projects installing over 2,500 square feet of new or replacement water-using features—such as irrigation systems for landscaped areas, fountains, or swimming pools—to prepare a landscape and irrigation plan. The landscape and irrigation plan must be submitted with the discretionary permit and must include divisions of the landscaped area into hydrozones based on similar water use; a soil analysis by a qualified laboratory; a Certificate of Compliance; and a landscape irrigation audit report by a certified irrigation auditor to ensure that the plan meets the requirements of the City's Water Efficiency Landscaping Regulations.

3.17.4 - Methodology

The following evaluation discusses whether the proposed project would result in direct impacts on utilities and service systems such as existing wastewater and stormwater drainage facilities, water supply, or water treatment facilities. Similar to the methodology conducted in Section 3.13, Public Services, the estimated number of employees on the project site was calculated using a ratio of 1 employee per 250 square feet of office space across the approximately 357,463 total square feet of office buildings and multiplied by 0.80 to account for the 80 percent utilization rate on the project

site. A total of 1,144 employees are estimated to utilize the project site, currently excluding potential customers and visitors. This estimate was used as the baseline to determine existing per capita consumption for potable water, wastewater, and solid waste compared to the proposed project. The evaluation also discusses whether the proposed project would result in indirect impacts on utilities and services systems, such as construction impacts from new stormwater drainage systems. The analysis involved reviewing published data and material provided by the CCWD, Central San, FC District, CalRecycle, the City, PG&E, and the site-specific Preliminary Drainage and Stormwater Control Plan prepared by Carlson, Barbee & Gibson, Inc. (included in Appendix H).

Thresholds of Significance

The City, as the Lead Agency, utilizes the criteria in California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether utilities and service system impacts resulting from the implementation of the proposed project would be considered significant. Would the proposed project:

a) 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.

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.

3.17.5 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Water or Wastewater Treatment 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?**

Impact Analysis

Construction and Operation

Water

Water supply would be provided for the proposed project by the CCWD. The proposed project would construct internal water lines throughout the project site under proposed internal roadways to serve all proposed uses and connect to existing 12-inch diameter water lines in Mitchell Drive and Shadelands Drive.

As previously mentioned, the CCWD's average per capita of water consumption for its service area was approximately 142 gallons per day. The existing 11 office buildings on the project site currently provide a workspace for approximately 1,144 employees without considering daily customers and visitors. With the 80 percent occupancy factor included, the estimated consumption rate on the project site is approximately 162,448 gallons per day, which is equivalent to 0.16 mgd or 182.1 acre-feet per year (AFY). The proposed project would generate approximately 874 new residents, resulting in an estimated consumption rate of 124,108 gallons per day, which is equivalent to approximately 0.12 mgd or 139.1 AFY. As such, the proposed project would be expected to result in a reduction in the demand for water.

As detailed in Table 3.17-1, the CCWD can supply all projected water demand up to a three-year drought scenario until 2035 and all projected water demand up to a 2-year drought scenario in 2040 and 2045. Per Table 3.17-1, the CCWD would supply approximately 203,300 AFY, or 105 mgd, of water to its service area on average in the near term based on non-drought conditions. The proposed project's projected 0.12-mgd water demand would represent approximately 0.1 percent of the CCWD's supply.

Although the CCWD would be unable to supply all projected water demand for four-year and five-year drought scenarios with a short-term demand management of 600 acre-feet for the four-year scenario and 9,100 acre-feet for the five-year drought scenario for the near term, the CCWD implements demand management measures for water conservation for the service area including providing incentives to customers for incorporating water efficient features into existing developments. The implementation of demand management measures would accommodate the demand for water usage during long-term droughts. Furthermore, lower-end users that are served by the CCWD include multi-family homes where irrigated landscapes are minimal,[14] similar to the proposed project. Thus, adequate water supplies are available to serve the proposed project and no new or expanded water treatment or conveyance facilities would be required. In addition, as discussed under Impact UTIL-2 below, the proposed project would not create the need for new water facilities or result in inefficient water supply. As such, impacts would be less than significant.

Wastewater Treatment

The proposed project would be serviced by existing sewer facilities provided by Central San. The proposed project would install sanitary sewer lines of at least 8-inch diameter throughout the project site to serve all residents. The sanitary sewer lines would be constructed under the proposed

[14] Contra Costa Water District (CCWD). 2021. 2020 Urban Water Management Plan. Website: https://www.ccwater.com/DocumentCenter/View/9851/2020-Urban-Water-Management-Plan-PDF. Accessed December 10, 2024.

internal roadways and would subsequently connect to an existing sanitary sewer line within Mitchell Drive.

Central San's sewer collection infrastructure consists of over 1,500 miles of sewer lines and 18 pumping stations.[15] As mentioned above, wastewater is transported via Central San's sewer infrastructure and is subsequently treated at Central San's Treatment Plant, which has a treatment capacity of 54 mgd for daily flow and 240 mgd of wet weather flow.[16] The Central San Treatment Plant treats an average of 34 mgd, leaving an additional 20 mgd of capacity available for treatment.

As analyzed under Impact UTIL-3, existing uses on the project site generate approximately 146,203 gallons of wastewater per day (0.15 mgd), compared to the proposed project which is estimated to generate approximately 111,697 gallons of wastewater per day (0.11 mgd). Existing conditions on the project site represents 0.003 percent of Central San's Treatment Plant's maximum capacity of 54 mgd, compared to the proposed project which is estimated to result in 0.002 percent. As such, Central San has sufficient capacity to serve the proposed project, and the proposed project would not require relocation or construction of new or expanded wastewater treatment facilities. Therefore, impacts would be less than significant.

Stormwater Drainage

The proposed project would be separated into 14 Drainage Management Areas (DMAs), subject to City review. The proposed project would increase on-site impervious surfaces from approximately 72 percent to approximately 78 percent, an approximately 6 percent increase.[17]

However, in accordance with applicable provisions of Section C.3 from the City's NPDES Permit No. CAS612008, the proposed project would implement stormwater BMPs into the on-site storm drainage system consisting of bioretention areas, pumps, and vault and flow control structures to ensure that runoff from the proposed project would not exceed existing conditions. The proposed project would construct approximately 35,661 square feet of bioretention areas dispersed throughout the project site, as well as a network of storm drains, and low-flow storm drain pumps (Exhibit 2-12). Stormwater runoff would be collected by the proposed stormwater drainage collection system and be subsequently routed into one of 14 proposed bioretention areas.

Following treatment in the proposed bioretention areas, stormwater runoff would be drained into the City's existing stormwater collection system via pipelines in adjacent properties to the east and west, as well as the existing stormwater line in Mitchell Drive.

Collectively, project features, as well as compliance with federal, State, and local regulations regarding stormwater runoff would serve to slow, reduce, and meter the volume of stormwater runoff leaving the project site and ensure that downstream storm drainage facilities are not inundated with project-related stormwater. The proposed project would not require relocation or

[15] Central Contra Costa Sanitary District (Central San). 2024. Sewer System. Website: https:// www.centralsan.org/sewer-system. Accessed December 31, 2024.

[16] Central Contra Costa Sanitary District (Central San). 2024. Treatment Plant. Website: https:// www.centralsan.org/treatment-plant. Accessed December 31, 2024.

[17] Carlson, Barbee, and Gibson, Inc. (CBG). 2024. Preliminary Drainage and Stormwater Control Plan, Mitchell Drive Townhomes. June 28.

construction of new or expanded stormwater facilities beyond the project site. Impacts would be less than significant.

Power and Telecommunications

Power services for the proposed project would be provided by Pacific Gas and Electricity Company (PG&E). The proposed project would be served by existing underground utility lines adjacent to the project site in Shadelands Drive and Mitchell Drive. Phone and internet services would be provided by local private telecommunications providers, including, but not limited to, AT&T, Comcast, and Sonic.

As previously mentioned in Section 3.5, Energy, existing conditions on the project site utilize electricity and natural gas and related vehicular trips result in fuel consumption. The proposed project would be designed with more recent CALGreen Title 24, Part 6 (Building Energy Efficiency Standards) and Part 11 (CALGreen Code) energy efficiency standards which require up-to-date energy conservation measures. Furthermore, because the proposed project would be all electric, on-site use of natural gas would cease. The proposed project would install renewable energy infrastructure on-site, such as solar panels and electric vehicle (EV) charging stations which decrease the reliance on fossil fuels, encourage the use of EVs, and thus decrease overall per capita energy consumption. Lastly, the proposed project would result in 62 fewer net daily vehicular trips than compared to existing conditions, further decreasing the amount of energy consumed through fuel consumption from vehicular trips. Overall, the proposed project would comply with more updated energy efficiency standards, would not consume natural gas as a source of energy, would install renewable energy infrastructure, and would decrease overall daily vehicular trips as compared to existing conditions. As such, the proposed project would not result in the relocation or construction of new or expanded power and telecommunications facilities. Therefore, impacts would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described in Chapter 2, Project Description, would be the same as described for the proposed project. The operation of the Community Benefit Variant would occur entirely within the existing right-of-way and would be limited to roadway improvements, the construction of which would not have the potential to affect existing underground utility infrastructure. Further, the Community Benefit Variant would serve the existing population within the project area and would not have the potential to increase demand for utility systems. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to the construction or relocation of utilities.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None required.

Water Supplies

Impact UTIL-2: The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple-dry years.

Impact Analysis

Construction

Impacts related to sufficient water supplies are limited to operational impacts. No respective construction impacts would occur.

Operation

As discussed in Impact UTIL-1, the CCWD UWMP had an average water demand of 142 gallons of water per day per capita in the near term (2020). Existing on-site water use, based on 1,144 on-site employees, is estimated to be 182.1 AFY or 0.16 mgd.

Assuming a proposed project population of 874 new residents, water usage is expected to equate to 139.1 AFY or 0.12 mgd. This amount of water use represents a reduction from existing on-site conditions. The proposed project's estimated water usage represents approximately 0.1 percent of the CCWD's near-term, average water year, and single-year drought scenarios, as shown in Table 3.17-1. Table 3.17-3 summarizes the proposed project's estimated water consumption.

Table 3.17-3: Water Consumption Estimate

Proposed Project Population	CCWD 2020 Per Capita Consumption	Proposed Project Daily Water Consumption	Annual Water Consumption
874	142 gallons per day	124,108 gallons	139.1 acre-feet

Notes:
422 dwelling units x 2.07 persons per household equals approximately 8874 residents.
1 acre-foot = 325,851 gallons
Sources: California Department of Finance, 2024; CCWD, 2020.

Although the CCWD may not have sufficient water supply for four and five-year drought scenarios based on the 2025 projections, or for three-year drought scenarios for 2040 and 2045, the CCWD's demand management measures would assist customers with alternative methods to conserve water through providing incentives and other resources which would accommodate for the demand in water services during long-term droughts. Furthermore, multi-family residential uses with minimal irrigated landscapes, like the proposed project, comprise the CCWD's low-end water users.

Accordingly, the proposed project would result in a reduction in on-site water use and adequate water supplies would be available to serve the proposed project and reasonably foreseeable future development during normal, dry, and multiple-dry years. Therefore, impacts related to sufficient water supply availability would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur within the existing right-of-way and would not involve the connection to CCWD internal water lines or increase the demand for potable water supplies. Therefore, neither the construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to current and future water supply.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None required.

Wastewater Treatment Capacity

Impact UTIL-3:	**The proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.**

Impact Analysis

Construction

Impacts related to wastewater treatment capacity are limited to operational impacts. No respective construction impacts would occur.

Operation

As previously discussed, existing office uses on the project site consume approximately 162,448 gallons of water per day, resulting in an estimated 146,203 gallons of wastewater per day (0.15 mgd). The proposed project would consume approximately 124,108 gallons of water per day and generate an estimated 111,697 gallons of wastewater per day (0.11 mgd), an overall reduction compared to existing conditions.

Similarly, the proposed project's representative portion of needed wastewater treatment capacity would be reduced as compared to existing conditions. The amount of wastewater generated from the proposed project would represent approximately 0.002 percent of the Central San Treatment Plant's 54 mgd total treatment capacity and approximately 0.06 percent of the treatment plant's 20 mgd remaining capacity. Existing conditions represent nearly 0.003 percent of the Central San Treatment Plant's total treatment capacity and approximately 0.08 percent of the treatment plant's remaining capacity.

Furthermore, Central San charges new construction projects a capacity fee to compensate for the future maintenance of existing facilities or construction of additional facilities potentially generated by future developments. The proposed project's applicable rate is under the Single-Family

designation and would result in approximately $8,539[18] per residential unit equivalent, consisting of the sewage volume and strength equivalent to a typical residential household.[19]

Given the information above, no new or expanded wastewater treatment or conveyance facilities would be required. Therefore, the wastewater treatment provider, Central San, would have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments. As such, impacts would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur within the existing right-of-way and would not involve connection to the existing sewer facilities nor generate any wastewater. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to inadequate wastewater treatment capacity.

Level of Significance Before Mitigation

Less than significant impact without mitigation.

Mitigation Measures

None required.

Attainment of Solid Waste Reduction Goals

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.**

Impact Analysis

Construction

Construction demolition waste generated from the construction phases of the proposed project would be disposed of at two regional landfills (Table 3.17-2). Construction waste generation is summarized in Table 3.17-4. As shown in the table, the proposed project would generate approximately 3,154 cubic yards of construction and demolition waste. The two regional landfills have 63,915,000 cubic yards of remaining capacity (Table 3.17-2) and, thus, can accommodate the construction solid waste generated by the proposed project.

[18] Capacity Fee: $8,539 x 1.000 = $8,539. Capacity Fee is $8,539 per Residential Unit Equivalent. Single-family residences Capacity Fee RUE Factor is 1.000.

[19] Central Contra Costa Sanitary District (Central San). 2024. Ordinance No. 335. An Ordinance of the Central Contra Costa Sanitary District Adopting an Uncodified Schedule of Capacity Fees, Rates, and Charges in Accordance with District Code Chapter 6.12. June 6.

Table 3.17-4: Construction and Demolition Solid Waste Generation Estimate

Activity	Waste Generation Rate	Square Feet	Solid Waste Generation	
			Tons	Cubic Yards
Demolition	155 pounds/square foot	36,000	2,790	1,993
Construction	3.89 pounds/square foot	841,764	1,625	1,161
Total			**4,415**	**3,154**

Notes:
1 ton = 2,000 pounds
1.4 tons = 1 cubic yard
Sources: United States Environmental Protection Agency (EPA). 1998.
FirstCarbon Solutions (FCS). 2024.

As a practical matter, construction and demolition debris recycling practices, such as those outlined within Title 5, Chapter 3, of the City's Municipal Code, would divert most, if not all, construction solid waste from landfills. Section 5-3.603 of the Municipal Code requires the completion and approval of a WMP, including a diversion requirement of at least 65 percent of the solid waste generated from construction activities to be reused or recycled, prior to the issuance of grading or demolition permits. The estimated 3,154 cubic yards of construction-related solid waste would only contribute to a nominal increase toward the regional landfills' remaining capacity, and the proposed project would be required to complete a WMP diverting at least 65 percent of the solid waste from construction to be reused or recycled. Therefore, impacts related to generating excess amounts of solid waste during construction would be less than significant.

Operation

As previously discussed, existing office uses on the project site consist of approximately 1,144 employees, excluding customers and visitors, during the average work week. With the estimated number of employees, existing office uses generate approximately 185 cubic yards annually of solid waste. Operational waste generation for the proposed project is summarized in Table 3.17-5. As shown in the table, the proposed project would generate 673 cubic yards of solid waste annually. Although the proposed project would increase the amount of annual solid waste generated, the project site is already served and would continue to be served by Republic Services, and the accumulated 673 cubic yards of annual solid waste would be disposed into two regional landfills with a combined 63,915,000 cubic yards of remaining capacity. The 673 cubic yards of annual solid waste would represent less than 0.001 percent of the two regional landfills' total capacity. As such, Republic Services would be able to accommodate the increase in solid waste generated by the proposed project during operation.

Table 3.17-5: Operational Solid Waste Generation Estimate

Use	Waste Generation Rate	Unit Count	Solid Waste Generation Annually	
			Tons	Cubic Yards
Residential	12.23 lb/household/day	422	942	673

Notes:
1 ton = 2,000 pounds
1.4 tons = 1 cubic yard
Source: CalRecycle.2024; FirstCarbon Solutions (FCS) 2024.

Republic Services would also provide recycling and green waste collection to customers. Aluminum, glass, plastic, paper, carboard, and organic waste would be collected and diverted from the waste stream. As such, the values discussed in the table above likely overstate the solid waste generation that would be expected to occur from the proposed project. Moreover, the proposed project would be required to adhere to Title 5, Chapter 3, of the City's Municipal Code which includes provisions and regulations regarding solid waste and recycling collection within the City such as requiring every resident owning any dwelling unit to contain garbage receptacles with a minimum capacity of 10 gallons and maximum capacity of 60 gallons, and charging property owners who are noncompliant with the removal of excess solid waste when it generates dangerous conditions to the public health. Overall, while the proposed project would generate more solid waste compared to the existing office uses on the project site, compliance with Title 5, Chapter 3, of the Municipal Code on excess solid waste and recycling requirements, along with the two regional landfills having more than enough capacity to serve the proposed project, would ensure that the proposed project would not have a significant impact on generating excess solid waste. Therefore, the proposed project's impact on generating excess solid waste would be less than significant during operation.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would occur entirely within the existing right-of-way and would comply with the City's Municipal Code diversion requirements during construction. Operation of the Community Benefit Variant would consist of a roundabout at the intersection of Shadelands Drive and Via Monte and the extension of existing bicycle facilities that would not have the potential to generate solid waste. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to impaired attainment of solid waste reduction goals.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None required.

Solid Waste Regulations

Impact UTIL-5: The proposed project would comply with federal, State, and local statutes and regulations related to solid waste.

Impact Analysis

Construction

During construction, the proposed project would be required to comply with the Integrated Waste Management Act by ensuring a portion of construction and demolition debris is diverted from landfills through waste reduction and recycling, along with Title 5, Chapter 3, of the Municipal Code, which establishes a threshold through implementing a diversion requirement of at least 65 percent. With the adherence to the Integrated Waste Management Act and Title 5, Chapter 3, of the Municipal Code, the proposed project would comply with applicable solid waste regulations and construction-related impacts would be less than significant.

Operation

During project operation, the proposed project would be required to comply with applicable State and local regulations related to solid waste such as the California Integrated Waste Management Act and Title 5, Chapter 3, of the City's Municipal Code. Adherence to the City's Municipal Code would ensure that the proposed project contains appropriate garbage receptacles and that generated solid waste does not exceed capacity on the project site that poses a risk to public health or toward adjacent public places or other private properties. As such, project operation would not impede the ability of the City to meet waste diversion requirements or cause the City to violate State and local statutes and regulations related to solid waste. Therefore, upon compliance with existing State and City law requiring recycling and waste diversion from landfill requirements, operational impacts related to solid waste regulations consistency would be less than significant.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Construction of the Community Benefit Variant would occur entirely within the existing right-of-way and would comply with diversion requirements mandated by the Integrated Waste Management Act and Title 5, Chapter 3, of the Municipal Code where 65 percent of construction debris and waste would be diverted from landfills. The Community Benefit Variant would consist of the implementation of a roundabout at the intersection of Shadelands Drive and Via Monte along with the extension of bicycle facilities that would be unable to generate any solid waste during operation. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to compliance with solid waste regulations.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None required.

3.17.6 - Cumulative Impacts

The geographical scope of the cumulative impact analysis for Utilities and Service Systems is the service area of each provider. The analysis considers the foreseeable development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, and Exhibit 3-1, Cumulative Projects Location Map, in the City of Walnut Creek and the surrounding areas, in addition to the proposed project.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to utility and service systems. This analysis also considers whether incremental contribution of impacts associated with the implementation of the proposed project would be considerable. Both conditions must apply for a project's contribution to cumulative effects to rise to the level of a significant impact. If both conditions apply, this analysis will then evaluate feasible cumulative mitigation measures that would reduce cumulative effects. If one or both conditions do not apply, the project's contribution to cumulative impacts would be less than significant and no cumulative mitigation would be necessary. If there is no impact associated with respect to a particular CEQA threshold, discussion of cumulative impacts is not required.

Water

The geographic scope of the cumulative potable water analysis is the service area of the CCWD, which provides potable water to residents and businesses within the County. As indicated in the UWMP, the CCWD estimated water demand of future development in the service area and forecasted the needed facility upgrades for existing and future demand. The forecast included supply facility upgrades needed to accommodate growth in the eastern portion of the City.

Cumulative projects listed in Table 3-1 (refer to Chapter 3, Environmental Impacts Analysis, Table 3-1, Cumulative Projects) that are within eastern Walnut Creek are within the CCWD service area and would increase the water supply demand. The CCWD 2020 UWMP determined that CCWD would be able to provide adequate water supplies to the City and cumulative project area.[20] The CCWD would have adequate water supplies to serve the cumulative projects in eastern Walnut Creek during normal years and up to a 2 year drought scenario in 2045.[21] In events of further drought, the CCWD would implement Water Shortage Contingency Measures, which would be consistently applied across all development in its service area. In addition, cumulative projects listed in Table 3-1 within CCWD's service area would be required to comply with provisions of the City Code and California Green Building Code related to water conservation. Therefore, the proposed project, in conjunction with identified cumulative projects in the City, would result in a less than significant cumulative impact related to water supply and water supply facilities. Moreover, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impact as multi-family homes with minimal irrigated landscapes comprise the CCWD's lower-end water users. As such, complying with applicable regulations as discussed above, the proposed project would

[20] Contra Costa Water District (CCWD). 2021. 2020 Urban Water Management Plan. Website: https://www.ccwater.com/DocumentCenter/View/9851/2020-Urban-Water-Management-Plan-PDF. Accessed December 10, 2024.
[21] Ibid.

similarly be required to implement Water Shortage Contingency Measures, and code compliance. Accordingly, cumulative impacts would be less than significant.

Wastewater

The geographic scope of the cumulative wastewater analysis is the service area of Central San, which provides wastewater collection and treatment services for contracted cities including residents and business in the City of Walnut Creek. Central San considered the existing capacity and future demand for capacity to determine needed updates to wastewater and recycled water facilities. In the course of preparing the Comprehensive Wastewater Master Plan, Central San estimated wastewater generated from future development in the service area and forecast the needed facility upgrades. The forecast included treatment facility upgrades needed to accommodate growth in the City and maintain compliance with applicable regulatory standards for wastewater treatment and discharge.

Cumulative projects listed in Table 3-1 are located in the Central San service area and would generate volumes of wastewater. The Comprehensive Wastewater Master Plan determined that capacity exists to service the City and cumulative projects area demand with respect to wastewater treatment facilities.[22] Furthermore, Central San projected that wastewater treatment demand would rise to approximately 41 mgd by 2035, and determined that existing facilities would be suitable to handle the projected increase in demand.[23] In addition, future cumulative projects along with the proposed project would be required to pay a capacity fee established by Central San with the amount depending on the project's land use compared to the residential unit equivalence. The capacity fee is mandated to provide funds to maintain and improve the existing wastewater system from the potential impacts generated from future planned developments. Furthermore, multi-family residential users are expected to generate the lowest amount of wastewater compared to other land uses between 2025-2030.[24] Therefore, the proposed project, in conjunction with identified cumulative projects in the City and the Central San service area would result in a less than significant cumulative impact related to wastewater generation and wastewater treatment facilities. Moreover, the proposed project would not be cumulatively considerable as multi-family residential land uses are projected to contribute to the lowest amount of wastewater generated and would be consistent with applicable regulatory standards.

Storm Drainage

The geographic scope for cumulative storm drainage analysis is the area that drains to Walnut Creek, which is the watershed the project site lies within. Cumulative projects listed in Table 3-1 predominantly consist of commercial and residential uses located in the City of Walnut Creek that generate volumes of stormwater. All new development would be required to comply with federal, State, and local regulations regarding stormwater, including the NPDES permit. The proposed project would similarly be required to comply with applicable regulations regarding storm drainage. Further, as indicated in the Impact UTIL-1, the proposed project would result in a reduction in project site stormwater peak flow runoff rates from existing conditions. Therefore, the proposed project, in

[22] Central Contra Costa Sanitary District (Central San). 2017. Comprehensive Wastewater Management Plan. June.
[23] Ibid.
[24] Central Contra Costa Sanitary District (Central San). 2025. Wastewater Cost-of-Service Rate Study Draft Report. February 13.

conjunction with the construction of other projects in the watershed, would not result in a significant cumulative impact related to stormwater generation, quality or stormwater drainage facilities. Moreover, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impact because it would be consistent with applicable regulatory standards.

Solid Waste

The geographic scope for cumulative solid waste analysis is the service area of Republic Services. Cumulative projects listed in Table 3-1 consist predominantly of residential uses and would generate solid waste that would increase demand on solid waste facilities to receive, process, and dispose of solid waste.

The two regional landfills that serve the City have a combined remaining capacity of 63.9 million cubic yards. Existing solid waste facilities provide sufficient capacity to serve cumulative development anticipated in the City. In addition, all new development would be required to comply with federal, State, and local regulations regarding solid waste, including the payment of fees to be imposed on and collected from residents and businesses served by designated recyclable material collection programs as required by Title 5, Section 3, of the City's Municipal Code. Similarly, the proposed project would be required to comply with such applicable regulations. Therefore, the proposed project, in conjunction with identified cumulative projects, would result in a less than significant cumulative impact related to solid waste generation and landfill capacity.

Community Benefit Variant

The cumulative impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The proposed roundabout and bicycle infrastructure would not generate a demand for water or wastewater and at least 65 percent of construction generated solid waste would be diverted from landfills through waste reduction and recycling measures mandated by the Integrated Waste Management Act and Title 5, Section 3, of the Municipal Code. Additionally, the Community Benefit Variant is an additional component of the proposed project that would be incorporated into the same project-specific SWPPP and would implement any necessary BMPs to minimize any increased runoff from introduced infrastructure that could impair or exceed capacity of the City's storm drainage system. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased cumulative impacts to utilities and service systems and impacts would be less than significant.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None required.

CHAPTER 4: EFFECTS FOUND NOT TO BE SIGNIFICANT

4.1 - Introduction

This chapter is based on the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP), dated November 22, 2024, and contained in Appendix A of this Draft EIR. The NOP was prepared to identify the potentially significant effects of the proposed project and was circulated for public review between November 22, 2024, and December 27, 2024. In the course of the NOP evaluation, certain impacts were found to be less than significant because construction and operation of the proposed project would not result in such impacts.

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, or more detailed analysis conducted as part of the EIR preparation process.

The following public comments were received during the Draft EIR NOP scoping period related to Agriculture and Forestry Resources, Mineral Resources, and Wildfire, and other resource questions from sections in Chapter 3, Environmental Impact Analysis, that were determined to have a less than significant or no impact:

- The Draft EIR should evaluate the potential fire hazards from the vegetative fuel loads along the Contra Costa Canal.

Note that a number of impacts that are found to be less than significant are addressed in the various EIR topical sections (Sections 3.1 through 3.17) to provide a more comprehensive discussion of why impacts are less than significant, in order to better inform decision-makers and the general public.

4.2 - Environmental Effects Found not to be Significant

4.2.1 - Aesthetics, Light, and Glare

The following Appendix G Environmental Checklist question(s) were addressed in Section 3.1, Aesthetics, Light, and Glare as it was found that further analysis was required to determine whether the proposed project could result in a potentially significant impact:

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

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 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.

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

The following Appendix G Environmental Checklist questions(s) on Aesthetics, Light, and Glare were found not to be significant with the implementation of the proposed project and are briefly discussed below:

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

State Scenic Highways

The nearest State Scenic Highways are Interstate 680 (I-680) and State Route (SR) 24 which converge approximately 3.6 miles west of the project site. The proposed project is located in an urbanized area with existing development and would not be visible from officially designated State Scenic Highways due to intervening distances and development. Although construction of the proposed project would remove trees and other vegetation, existing trees are not visible from the designated State Scenic Highways due to the distance from the project site and intervening development. In addition, existing trees on the project site which could be considered scenic resources would either be replaced or preserved. Trees previously identified as highly protected would be preserved on and around the project site in compliance with the City's Tree Preservation Ordinance. As the proposed project site is not visible from a State Scenic Highway and would replace or preserve existing trees on the project site, the proposed project would not substantially damage scenic resources within a State Scenic Highway. There would be no impact.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant, as defined and described in Chapter 2, Project Description, would be the same as described for the proposed project. Given that the Community Benefit Variant is located in an urbanized area with existing development, the improvements are located within the existing right-of-way, and the improvements would not be visible from an officially designated State Scenic Highways, the Community Benefit Variant would not substantially damage resources within a State Scenic Highway. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to substantial adverse effects involving scenic resources within a State Scenic Highway.

4.2.2 - Agriculture and Forestry Resources

The following California Environmental Quality Act (CEQA) Appendix G Environmental Checklist question(s) on Agriculture and Forestry Resources were found not to be significant with the implementation of the proposed project and are briefly discussed below:

a) Covert Prime Farmland, Unique Farmland, or Farmland or Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use.

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code [PRC] § 12220(g)), timberland (as defined by PRC § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g)).

d) Result in the loss of forest land or conversion of forest land to non-forest use.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use.

Loss of Important Farmland

The California Department of Conservation Farmland Mapping and Monitoring Program identifies the project site as Urban and Built-Up Land, which is described as land occupied with a building density of at least 1 unit to 1.5 acres and is considered a nonagricultural soil classification. Therefore, the project site and surrounding land uses are currently not classified as farmland and are not used for agricultural purposes. As such, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural uses. No impacts would occur.

Williamson Act Contracts or Agricultural Zoning

The City does not contain any parcels zoned for agricultural use, and no agricultural land exists on the three designated parcels encompassing the project site. As described in Chapter 2, Project Description, Section 2.1, Project Location and Setting, the project site currently consists of office buildings constructed between 1973 and 1986 and is designated as Business Park (BP) by the General Plan and SP-2 Shadelands Business Park Plan, which does not permit any agricultural uses. Similarly, land use designations in the project vicinity also prohibit agricultural uses and zoning,[1] and no surrounding parcels are under a Williamson Act Contract.[2] Therefore, the proposed project would not conflict with any existing agricultural land use or zoning and no impacts would occur in this regard.

Forest Zoning

The proposed project site consists of 11 office buildings, paved surface parking lots, and ornamental landscaping that is zoned as Planned Development and refers to development standards within the BP zoning district and is further located in the SP-2 Shadelands Business Park Plan. The purpose of the BP designation is to facilitate an administrative office center through generating and maintaining employment-generated small businesses and larger campus-style uses. As such, the project site is fully developed with existing office uses; thus, no conflicts with forest zoning would occur. No impact would occur.

Loss of Forest Land

The proposed project site consists of 11 office buildings, paved surface parking lots, and ornamental landscaping and does not contain land capable of supporting silviculture or the management of

[1] City of Walnut Creek. 2024. Walnut Creek Municipal Code Section 10-2.2.1201-2. October 1.

[2] California Department of Conservation. 2022. California Williamson Act Enrollment Finder. Website: https://maps.conservation.ca.gov/dlrp/WilliamsonAct/App/index.html. Accessed November 8, 2024.

forestry resources. Thus, the proposed project would not convert forestland to non-forest use. No impact would occur.

Pressures to Convert Surrounding Agricultural Land or Forest Land

The California Department of Conservation maps the areas immediately adjacent to the project site as "Urban and Built-Up Land." Furthermore, the surrounding land uses adjacent to the project site consist of urbanized Planned Development with land use designations consisting of BP, General Retail (GR), Office (OF), Commercial Mixed Use District (MU-C), along with Single-Family Residential District (R) and Duplex Residential District (D-3) further to the east, and are not suitable for supporting silviculture or the management of forestry resources. For these reasons, the proposed project would not create pressures to convert surrounding agricultural or forest land to other use. No impact would occur.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The project site is designated as Business Park (BP) by the General Plan and SP-2 Shadelands Business Park Plan, which does not permit any agricultural uses. Further, the Community Benefit Variant would be fully constructed within the existing right-of-way. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to agricultural or forestry resources.

4.2.3 - Biological Resources

The following Appendix G Environmental Checklist question(s) were addressed in Section 3.3, Biological Resources as it was found that further analysis was required to determine whether the proposed project could result in a potentially significant impact:

a) Have a substantial adverse effect, either directly 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.

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.

The following Appendix G Environmental Checklist questions(s) on Biological Resources were found not to be significant with the implementation of the proposed project and are briefly discussed below:

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.

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.

Sensitive Natural Communities or Riparian Habitat

The entirety of the project site is developed and comprises an existing paved lot and numerous office buildings and contains ornamental landscaping. An artificial, ornamental water feature (i.e., concrete channels and ponds) runs throughout the project site. Water is actively circulated by active underground pumps and pipes. These ornamental water features are isolated to the project site and do not contain upstream or downstream hydrological connection.

Because of the ornamental nature of the existing water feature, it would not be considered riparian habitat or other sensitive natural community types. The existing ornamental features and associated vegetation would not fall under jurisdiction of the California Department of Fish and Wildlife (CDFW). Therefore, the proposed project would not impact riparian habitat or other sensitive natural communities. No impacts would occur.

The existing concrete channels and ponds are not considered waters of the United States under Section 404 of the Clean Water Act (CWA) due to the artificial, ornamental nature of the existing bodies of water. (See Section 3.3, Biological Resources.) These ornamental features were created by excavating dry land to retain water for primarily aesthetic reasons. Therefore, the existing ornamental features would be exempt from a federal perspective and would not fall under jurisdiction of the United States Army Corps of Engineers (USACE). No impacts to waters of the United States would occur.

Additionally, the existing ornamental water features are not considered waters of the State under Section 401 of the CWA due to the artificial, isolated nature of the existing ornamental waters on-site. These ornamental features are isolated on-site and do not contain upstream or downstream hydrological connection. Therefore, the existing ornamental features would be exempt and would not fall under jurisdiction of the Regional Water Quality Control Board (RWQCB). No impacts to waters of the State would occur.

Wetlands and Jurisdictional Features

The entirety of the project site is developed and comprised of an existing paved lot, numerous office buildings, ornamental landscaping, and an artificial water feature (i.e., pond, fountain, and connecting reaches). The existing water feature does not contain hydrological connection and is fed through a water pumping system.

The project site does not contain State or federally protected wetlands. The entirety of the the project site is developed and comprises an existing paved lot and numerous office buildings and contains ornamental landscaping. Therefore, the proposed project would not impact State or federally protected wetlands. No impacts would occur.

Habitat Conservation Plans

No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan is applicable to the project site. Therefore, the proposed project would not conflict with the provisions of such a plan. No impact would occur.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would be developed entirely within the existing right-of-way and would be surrounded by urban development, including ornamental landscaping along roadways that are not designated as a sensitive natural community or wetland and are not subject to any Conservation Plans. Therefore, neither construction nor operation of the Community Benefit Variant would generate additional or increased impacts related to sensitive natural communities or riparian habitat or wetlands and jurisdictional features or would conflict with an adopted conservation plan.

4.2.4 - Geology and Soils

The following Appendix G Environmental Checklist question(s) were addressed in Section 3.6, Geology and Soils as it was found that further analysis was required to determine whether the proposed project could result in a potentially significant impact:

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 proposed 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.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The following Appendix G Environmental Checklist questions(s) on Geology and Soils were found not to be significant with the implementation of the proposed project and are briefly discussed below:

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.

Septic or Alternative Wastewater Disposal Systems

The proposed project is located in an urbanized portion of the City. Wastewater infrastructure would be connected to existing sanitary sewer lines under Mitchell Drive provided by Central San, and stormwater would be collected through a stormwater drainage collection system and dispersed into designated bioretention areas for treatment before being transported into pipelines of adjacent properties and beneath Mitchell Drive. Therefore, no impact related to soil capability of supporting the use of alternative wastewater disposal systems would occur.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would be limited to roadway infrastructure improvements and would not involve the construction of a septic tank or an alternative wastewater disposal system, nor would it have the ability to generate any wastewater. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to septic tanks or alternative wastewater disposal systems.

4.2.5 - Hazards and Hazardous Materials

The following Appendix G Environmental Checklist question(s) were addressed in Section 3.8, Hazards and Hazardous Materials as it was found that further analysis was required to determine whether the proposed project could result in a potentially significant impact:

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.

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.

The following Appendix G Environmental Checklist questions(s) on Hazards and Hazardous Materials were found not to be significant with the implementation of the proposed project and are briefly discussed below:

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) For a project 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, would the project result in a safety hazard or excessive noise for people residing or working the project area.

Government Code Section 65962.5 Sites

The California Department of Toxic Substances Control (DTSC) EnviroStor and California State Water Resources Control Board (State Water Board) GeoTracker databases were accessed to identify if the project site was identified in the DTSC List of Hazardous Waste and Substances Sites or the State Water Board List of Leaking Underground Storage Tanks (LUSTs). The DTSC Envirostor database did not identify the project site as a hazardous waste facility, a federal Superfund site, or a State response area[3] and did not indicate any history of corrective action associated with past uses.[4] The State Water Board GeoTracker database did not indicate that the project site has a history of LUSTs,[5] and other lists provided by the State Water Board did not locate the project site on the list of Solid Waste Disposal Sites that contain waste constituents above hazardous waste levels[6] or the List of "Active" Cease and Desist Orders and Cleanup and Abatement Orders.[7] Cornerstone performed an environmental records review for the Phase I Environmental Site Assessment (Phase I ESA) prepared for the project site by analyzing regulatory agency databases from Environmental Data Resources (EDR) to investigate any recognized environmental conditions (RECs) on the project site or surrounding properties. Although the records review identified 17 businesses that currently or previously occupied the project site associated with the generation, use, and storage of hazardous materials and the disposal of hazardous waste, the listings do not indicate any RECs related to the previous release, likely release, or that present a threat of future release of hazardous materials, substances, or waste on the project site. In addition, the records review did not locate any spill incidents or oil and gas wells on the surrounding properties that could contaminate subsurface conditions on the project site.[8] Since the project site is not located on any sites listed under Government Code Section 65962.5 and the Phase I ESA environmental records review did not identify any RECs on the project site or surrounding properties, there would be no impact related to development on existing Government Code Section 65962.5 sites.

Proximity to Public Airport Safety Hazard

The closest public airport is the Buchanan Field Airport located approximately 4.1 miles northwest of the project site. The project site is not located within the jurisdiction of the Buchanan Field Airport Land Use Compatibility Plan, an Airport Influence Area (AIA), or an airport safety zone. As such, the project site would not result in a safety hazard or excessive noise for people residing or working in the project area. No impact would occur.

[3] California Department of Toxic Substances Control (DTSC). 2024. EnviroStor. Website: https://www.envirostor.dtsc.ca.gov/public/. Accessed December 9, 2024.
[4] California Environmental Protection Agency (Cal/EPA). 2024. Website: https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/. Accessed December 9, 2024.
[5] California State Water Resources Control Board (State Water Board). 2024. Geotracker. Website: https://geotracker.waterboards.ca.gov/. Accessed December 9, 2024.
[6] California Environmental Protection Agency (Cal/EPA). 2024. Cortese List: Section 65962.5(a). Website: https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/. Accessed December 9, 2024.
[7] California Environmental Protection Agency (Cal/EPA). 2024. Cortese List. Website: https://calepa.ca.gov/sitecleanup/corteselist/. Accessed December 9, 2024.
[8] Cornerstone Earth Group. 2024. Phase I Environmental Site Assessment and Limited Soil Quality Evaluation. July 30.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The proposed roadway improvements would be constructed within the existing right-of-way and, as noted above, the DTSC Envirostor database did not identify the project site or off-site areas where Community Benefit Variant improvements would be constructed as a hazardous waste facility, a federal Superfund site, or a State response area.[9] Additionally, the Community Benefit Variant site is not identified on the State Water Board GeoTracker database as having a history of LUSTs or as a Solid Waste Disposal Sites that contains waste constituents above hazardous waste levels. Further, the Community Benefit Variant would not be within the boundaries of an applicable airport land use plan. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts involving Government Code 65962.5 sites or airport safety hazards.

4.2.6 - Mineral Resources

The following Appendix G Environmental Checklist question(s) on Mineral Resources were found not to be significant with the implementation of the proposed project and are briefly discussed below:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.

b) 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.

Loss of Regional or Statewide Mineral Resources

A Mineral Resource Zones and Resources Sectors map prepared by the California Geological Survey indicates that the City, including the project site, does not contain any known mineral resources or aggregate operations.[10] Historical Records Review from the Phase I PSA along with the Preliminary Geotechnical Study prepared for the project site did not identify any mineral resources to be present, or historic aggregate operations to have occurred on the project site. (See Section 3.6 Geology and Soils, and Section 3.8 Hazards and Hazardous Materials.) The project site is currently designated as a Business Park and is zoned as Planned Development No.1543, which contains zoning standards adhering to the Business Park (BP) zoning designation. As such, the proposed project would not result in the loss of availability of a mineral resource of regional or Statewide importance. No impact would occur.

Loss of Locally Important Mineral Resource Recovery Sites

The scoping process for the City of Walnut Creek Draft General Plan Final EIR excluded mineral resources from further environmental review as it was determined that the entire planning area from the implementation of the General Plan would have no impact on mineral resources. Furthermore, the project site consists of 11 office buildings, paved surface parking lots, and

[9] California Department of Toxic Substances Control (DTSC). 2024. EnviroStor. Website: https://www.envirostor.dtsc.ca.gov/public/. Accessed August 5, 2025.

[10] California Department of Conservation Divisions of Mines and Geology. 1987. Special Report 146 Part II, Mineral Land Classification: Aggregate Materials in The San Francisco – Monterey Bay Area.

ornamental landscaping that is intended to serve as an administrative office center through generating and maintaining employment-generated small businesses and larger campus-style uses as defined by the BP land use designation and, as such, is incapable of supporting mining operations. Therefore, the project site does not contain any locally important mineral resource recovery sites. No impact would occur.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. As discussed above, there are no known mineral resources within the City's planning area. Further, the proposed improvements would be within the boundaries of the existing right-of-way. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts on mineral resources.

4.2.7 - Noise and Vibration

The following Appendix G Environmental Checklist question(s) were addressed in Section 3.11, Noise and Vibration as it was found that further analysis was required to determine whether the proposed project could result in a potentially significant impact:

a) 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.

b) Generation of excessive groundborne vibration or groundborne noise levels.

The following Appendix G Environmental Checklist questions(s) on Noise and Vibration were found not to be significant with the implementation of the proposed project and are briefly discussed below:

c) 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, expose people residing or working in the project area to excessive noise levels.

Excessive Noise Levels from Airport Activity

The project site is not located within the vicinity of a private airstrip. The nearest airports to the project site are the Buchanan Field Airport, located approximately 4.1 miles north of the project site, and Oakland International Airport in Alameda County, located approximately 17 miles southwest of the project site. Because of the distance to the airport and the orientation of the runways, the project site lies outside of the 65 A-weighted decibel (dBA) Community Noise Equivalent Level (CNEL) noise contours of the airport. Therefore, implementation of the proposed project would not expose persons residing or working in the project vicinity to noise levels from airport activity that would be in excess of normally acceptable standards for the proposed land use development, and no impact would occur.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant is not located within the vicinity of a private airstrip. Therefore, neither construction nor operation of the Community Benefit Variant would expose individuals to additional or increased impacts related to excessive airport noise levels.

4.2.8 - Population and Housing

The following Appendix G Environmental Checklist question(s) were addressed in Section 3.12, Population and Housing, as it was found that further analysis was required to determine whether the proposed project could result in a potentially significant impact related to:

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).

The following Appendix G Environmental Checklist questions(s) on Population and Housing were found not to be significant with the implementation of the proposed project and are briefly discussed below:

b) Displace a substantial number of existing people or housing, necessitating the construction of replacement housing elsewhere.

Displacement of Persons or Housing

The City's General Plan Land Use Map designates the project site as BP, which is defined to primarily support employment-based businesses for administrative, professional office, and research uses and does not generally permit residential land use classifications. The project site currently operates as a business park consisting of 11 office buildings and multiple paved surface parking lots and does not contain any residential land uses or residents on-site. Therefore, no residents or housing would be displaced, and no additional housing would be needed to compensate for displaced residents. As such, there would be no impact relating to housing and/or population displacement.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would be developed within the existing right-of-way consisting of transportation improvements through the installation of a roundabout at the intersection of Shadelands Drive and Via Monte and the extension of existing bicycle facilities that would not have the potential to displace residents or housing units. Therefore, neither construction nor operation of the Community Benefit Variant would generate additional or increased impacts related to substantial adverse effects involving housing and/or population displacement.

4.2.9 - Wildfire

The following Appendix G Environmental Checklist question(s) on Wildfire were found not to be significant with the implementation of the proposed project and are briefly discussed below:

a) If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the project: Substantially impair an adopted emergency response plan or emergency evacuation plan.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of, post-fire slope instability, or drainage changes.

Emergency Evacuation

The project site is located within the City and is occupied and surrounded by existing urban uses. The Walnut Creek Emergency Management Plan (EMP) serves as the foundation for organized disaster response and recovery for the City, including for risks such as wildfire. According to General Plan Chapter 6, Safety and Noise, Action 6.1.1, requires the EMP to prepare a list and map of evacuation routes, and Action 6.1.2 requires regular review of the EMP to meet current needs and objectives.[11] Under the EMP, evacuation during a wildfire is advised to occur through the most reasonable safe exits out of the City, likely toward I-680 or other major freeways. The project site is located near two evacuation routes consisting of Ygnacio Valley Road, located approximately 0.3 mile south of the project site traveling in an east–west direction, and Oak Grove Road, located approximately 0.2 mile east of the project site traveling in a north–south direction. Oak Grove Road is directly accessible from Mitchell Drive and Shadelands Drive, while smaller collector roads to the south connect Shadelands Drive to Ygnacio Valley Road. Westbound Ygnacio Valley Road and northbound Oak Grove Road provide feasible access to I-680 approximately 2.2 miles west of the project site where these segments do not traverse into any High or Very High Fire Hazard Severity Zones (FHSZs) (defined as areas delineated by CAL FIRE that influence fire likelihood and behavior that consist of factors such as vegetative fuel loads, topography, and fire history). As such, the proposed project would not result in impairment of the current EMP and no impacts would occur.

Wildfire Risks

The project site and surrounding area is highly urbanized and is not designated as a High or Very High FHSZ under either the SRA or the LRA. The project site is located within the City's LRA for the provision of fire protection services with the closest High FHSZ in the LRA situated approximately 1-mile east of the project site on Lime Ridge Open Space. The closest SRA to the project site is adjacent

[11] City of Walnut Creek. 2025. General Plan.. July 15.

to the North Gate neighborhood, approximately 1.9 miles south of the project site and categorized as High FHSZ, while the closest Very High FHSZ is located approximately 2.8 miles east of the project site at two quarries.[12] Contra Costa Canal, located approximately 950 feet north of the project site, contains some fire fuel sources in the form of connected vegetation along its waterbody. However, vegetation on the Contra Costa Canal is interspersed with existing hardscaping, and the space between the project site and Contra Costa Canal is occupied by various buildings, structures, and urban development that provides very few fuel loads capable of contributing to the spread of wildfire. Furthermore, no wildfire has occurred within a 5-mile radius of the project site in the last 5 years.

The project site and vicinity is relatively flat and consists of urbanized uses with surrounding roads, such as Mitchell Drive to the north, Oak Grove Road to the east, and Shadelands Drive to the south, serving as fuel breaks, as well as having feasible access to fire suppression resources with the closest fire station about 0.6 mile north of the project site (See Section 3.13, Public Services).

The Bay Area Air Quality Management District (BAAQMD) monitors the San Francisco Bay Area's air quality and weather conditions at several stations, with the closest station to the project site being in the City of Concord, approximately 0.5 mile to the north.[13] In 2020, this station recorded average wind speeds of 3.2 miles per hour (mph) and maximum wind speeds of 11 mph.[14]

Given that the project site is not located on or near steep terrain, is surrounded by urban uses, and does not experience high winds and that the proposed project would incorporate manicured and irrigated landscaping on a redeveloped urban site, the proposed project would not exacerbate wildfire risks and no impact would occur.

Fire Infrastructure

The proposed project would construct an internal roadway network, as well as make off-site improvements to Mitchell Drive and Shadelands Drive. All proposed infrastructure would be constructed in and around existing urbanized uses. In addition, the proposed project would meet all applicable State and local plans, laws, and regulations to further decrease the risk of impacts related to wildland fire hazards, such as the California Fire Code regulatory standards and those relating to emergency access for a fire apparatus road. In addition, General Plan Chapter 6, Safety and Noise, Policy 4.2 and Action 4.2.1, require that new developments work with the Contra Costa County Fire Protection District (CCCFPD) to address fire-related issues and submit project plans to the CCCFPD for review.

As previously mentioned, the project site is surrounded by roadways and existing development with vegetation limited to manicured landscaping, which would serve as fuel breaks. As such, the proposed project would not require new fuel breaks. Furthermore, the proposed project would not

[12] California Department of Forestry and Fire Protection (CAL FIRE). 2025. Website: https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones. Accessed May 19, 2025.

[13] Bay Area Air Quality Management District (BAAQMD). 2024. About the Air District. Website: https://www.baaqmd.gov/en/about-the-air-district. Accessed November 12, 2024.

[14] Bay Area Air Quality Management District (BAAQMD). 2024. Air Quality Data Charts. Wind Speed. Website: https://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/met?date=2020-01-01&id=203&view=monthly&style=chart&zone=f9c8748a-510a-442c-b703-804bdcd5f1d7. Accessed November 12, 2024.

require the installation of emergency water sources or emergency electrical power lines that would exacerbate wildfire risk as Contra Costa Water District (CCWD) and Pacific Gas and Electric Company (PG&E) currently supply potable water and power respectively to the project site. The CCWD would have adequate water supplies available to serve the proposed project and other past, present, and future development during normal, dry, and multiple-dry years (up to 3 years) and therefore would have sufficiently available fire water (see Section 3.17, Utilities and Service Systems). New electrical power lines 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 Chapter 4, Built Environment, Policy 18.5, thereby further minimizing potential ignition and related fire risk. Finally, proposed off-site roadway improvements, such as frontage sidewalks, driveway curbs, and gutter improvements, would not exacerbate any fire risks. Therefore, the installation or maintenance of additional utilities or infrastructure would not exacerbate wildfire risk and no impact would occur.

Post-fire Hazards

The project site is currently built-out with existing buildings and in a relatively flat area with no slopes exceeding 15 percent in grade that are susceptible to landslides or downstream flooding. The project site has also not been affected by any wildfires that could have resulted in drainage changes and vegetation loss.

Furthermore, the proposed project would comply with all applicable federal, State, and local regulations regarding flooding. Moreover, open space areas within 5 miles of the project site have not experienced any large-scale wildfires capable of producing downslope runoff from post-fire slope instability in the last 5 years. The proposed project would be served by the existing stormwater infrastructure on-site and in the surrounding area. Therefore, the proposed project would not expose individuals or structures to downslope flooding generated by runoff or post-fire slope. No impact would occur.

Community Benefit Variant

The impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. The Community Benefit Variant would be subject to Municipal Code 7-1 through the obtainment of an encroachment permit to ensure the encroachment does not result in potential effects to public health or safety. Further, alternative detours would be established by the Traffic Operations Engineer in the event of any street closures. In addition, the proposed roundabout would be designed in accordance with the Guide for Roundabouts, NCHRP Report 1043, to meet access and egress requirements ensuring safe maneuverability and efficiency. The existing right-of-way and surrounding area is highly urbanized and is not designated as a High or Very High FHSZ under either the SRA or the LRA and does not require the installment of any new fire infrastructure that could exacerbate wildfire risk. As such, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts related to substantial adverse effects involving wildfire.

CHAPTER 5: OTHER CEQA CONSIDERATIONS

5.1 - Significant and Unavoidable Environmental Impacts

California Environmental Quality Act (CEQA) Guidelines Section 15126.2(c) requires an Environmental Impact Report (EIR) to identify and focus on the significant environmental effects of the proposed project that cannot be avoided if the proposed project is implemented.

Based on the analyses contained in this Draft EIR, the City has determined that the proposed project, in conjunction with other cumulative development, would not result in any significant and unavoidable impacts.

5.2 - Significant and Irreversible Environmental Changes

Under certain circumstances, CEQA Guidelines Section 15126.2(d) requires a discussion of any significant irreversible environmental changes that would be caused by the project; it provides:

> Uses of nonrenewable resources during the initial and continued phases of the proposed project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

As explained in Public Resources Code Section 21100.1 and Guidelines Section 15127, the information required by Section 15126.2 concerning irreversible changes is required only when an EIR is prepared in connection with any of the following activities:

(a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

(b) The adoption by a local agency formation commission of a resolution making determinations; or

(c) A project which will be subject to the requirement for preparing an environmental impact statement pursuant to the requirements of the National Environmental Policy Act.

Although none of the activities requiring a discussion of irreversible changes are contemplated in the proposed project, the following discussion is provided for informational purposes. As discussed in Section 3.5, Energy, during construction the proposed project is estimated to generate 5,049,678 Vehicle Miles Traveled (VMT) and a combined 313,437 gallons of gasoline and diesel for vehicle travel during construction. During operation, the proposed project's annual energy demand (using energy consumption for the earliest operational year [2027]) for vehicle fuel consumption and building energy consumption is estimated as follows:

Operation vehicle fuel consumption:

- 327,439 gallons of gasoline
- 34,086 gallons of diesel
- 1,524 gallons of compressed natural gas
- 158,765 kilowatt hours (kWh) of electricity

Building Energy Consumption:

- 3,919,161 kWh of electricity
- 0 kilo British Thermal Units (kBTU) of natural gas

As shown, buildout of the proposed project would increase operational energy consumption on the project site compared with existing conditions. However, energy use per square foot (sf) would decrease to compared with the existing condition due to improvements in energy efficiency and fuel economy. To the extent that electricity for the proposed project would come from sources that can be renewed, such as hydropower, sun, wind, and geothermal, it would not represent an irreversible use of resources. To the extent that electricity for the proposed project comes from non-renewable sources, such as natural gas, coal, and nuclear, it would represent an irreversible use of those resources.

As discussed in Section 3.1, Aesthetics, Light, and Glare, construction of the proposed project would not substantially affect surrounding views. Scenic views would continue to be available from publicly accessible vantage points, between buildings, and over lower-intensity areas. Of the existing 457 on-site trees and 31 off-site trees, 449 on-site trees and 12 off-site trees are proposed for removal. Four of the existing trees on the project site are highly protected trees designated under Municipal Code Chapter 3-8 consisting of the City's Tree Preservation Ordinance and would be preserved throughout construction of the proposed project. Tree protection measures would be implemented during the construction phase for all trees deemed to be preserved such as implementing tree protection zones (TPZs) through the installment of chain link fences around the dripline of preserved trees where ground disturbing activities and storage areas are prohibited as required under the City's Tree Preservation Ordinance. Furthermore, the proposed landscape plan for the project site includes approximately 510 new trees. Although the proposed project would result in irreversible changes to visual features that currently exist on the project site, the proposed project would adhere to the City's Tree Preservation Ordinance and would not alter the surrounding viewshed from any vantage points. As such, any irreversible impacts related to aesthetics would be minimal and less than significant. As discussed in Section 3.8, Hazards and Hazardous Materials, accidents such as release of hazardous materials may trigger irreversible environmental damage. Hazardous materials would be transported, used, and disposed of during the construction phase of the project site including aggregates, metals, paints, cements, and diesel fuels. However, the construction of the proposed project would be subject to strict federal and State regulations including the Hazardous Materials Transportation Act and the California Health and Safety Code that mandates regulations for the transportation, use, and disposal of hazardous materials, as well as NESHAP guidelines and the California Code of Regulations, Title 8, Sections 1529 and 1532.1, which enforce precautionary procedures and standards for the removal of lead-based paints and asbestos-containing materials

(ACMs). Hazardous materials that would be used at the project site during operation include materials typical in residential applications, such as solvents, cleaning agents, paints, petroleum fuels, propane, and batteries. These would be used in small, localized amounts and would present low risk when appropriately used. As construction of the proposed project would adhere to strict federal and State regulations and operation would utilize hazardous materials consisting of low-risk household and residential materials, the proposed project is not expected to create a significant hazard to public health or the environment.

5.3 - Growth-inducing Impacts

Public Resources Code Section 21100(b)(5) specifies that the growth-inducing impacts of a project must be addressed in an EIR. Section 15126.2(e) of the CEQA Guidelines provides the following guidance for assessing growth-inducing impacts of a project:

> Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects that would remove obstacles to population growth (a major expansion of a wastewater treatment plant, for example, could allow more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also, discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

There are two types of growth-inducing impacts that a project may have: direct and indirect. To assess the potential for growth-inducing impacts, the project's characteristics that may encourage and facilitate activities that individually or cumulatively may affect the environment must be evaluated (CEQA Guidelines § 15126.2(e)). CEQA Guidelines, as interpreted by the City, state that a significant growth-inducing impact may result if the 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 future developments.

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. 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

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. 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.

Growth inducement itself is not an environmental effect but may lead to foreseeable environmental effects. If substantial growth inducement occurs, it could result in secondary environmental effects, such as the demand for other community and public facilities or infrastructure, the construction of which could cause environmental effects; increased traffic and noise; degradation of air or water quality; degradation or loss of plant or animal habitats; and other effects.

Direct Population Growth

The project site is currently occupied by a business park comprising 11 office buildings, each between 30,000–36,000 square feet in size, and approximately 1,481 parking stalls. The proposed project would demolish the office buildings and develop 82 three-story townhomes comprised of 422 multi-family dwelling units on the project site. As shown in Table 5-1, the proposed project is estimated to add 874 residents to the City's 2024 population of 69,433 residents, excluding the potential for already existing Walnut Creek residents to move onto the project site.

Table 5-1: Proposed Project's Approximate Direct Population Growth

Dwelling Units	Average Persons Per Household	Approximate Population Growth
422	2.07	874
Source: State of California, Department of Finance (CDF). 2025. Table 2: E-5 City/County Population and Housing Estimates, January 1, 2025. May.		

As previously discussed in Section 3.12, Population and Housing, the San Francisco Bay Area is projected to add 588,115 residents from 2020 to 2031, resulting in a total of 8,273,975 residents in the region, and the City of Walnut Creek is estimated to have a population of 81,265 by 2040. The Association of Bay Area Governments (ABAG) conducts the Regional Housing Needs Allocation (RHNA) process every 8 years by distributing the number of housing units at different affordability levels that each jurisdiction must accommodate within its Housing Element and is further accounted for in calculating ABAG's regional growth projections. As such, the Final RHNA Plan, 2023–2031 by ABAG included the number of dwelling units each jurisdiction in the region must accommodate into their 6th Cycle Housing Element for the current planning period and determined that the City must provide enough land to accommodate 5,805 residential units, consisting of the income distribution shown below:

- 1,657 units within the very-low-income level (0–50 percent of area median income);
- 954 units within the low-income level (51–80 percent of area median income);
- 890 units within the moderate-income level (81–120 percent of area median income); and

- 2,304 units within the above-moderate-income level (more than 120 percent of area median income).[1]

The proposed project would be constructed on three Assessor's Parcel Numbers (APNs) that are currently designated as Business Park (BP) land use in the General Plan, and existing land use designations do not allow residential land uses or the density that is being planned for by the proposed project. As such, the proposed project would alter the density in the area and would accommodate direct population growth that may not have been calculated within the City's future population growth projections.

However, as previously mentioned in Section 3.12, Population and Housing, and Section 3.10, Land Use and Planning, the proposed project is a housing development project proposed pursuant to the Housing Accountability Act (HAA), including the Builder's Remedy and State Density Bonus Law. The HAA (as amended by Senate Bill 330 [2019]) and State Density Bonus Law acknowledge the need for increased housing options and provide various avenues for the increase of housing supply and streamlining development review. Under the HAA, projects eligible for Builder's Remedy are not required to obtain a general plan, zoning, or other legislative approvals absent the local government making specific findings of denial and demonstrating that a project does not have such eligibility by a preponderance of the evidence (Government Code §§ 65589.5(d) and (f)). As relevant here, a project would be eligible for Builder's Remedy if it is an affordable housing development project in which at least 13 percent of the total units are dedicated to lower-income households." (Government Code § 65589.5(h)(3)(C).)

Furthermore, the State Density Bonus Law allows projects that allocate at least 10 percent of their housing units to lower-income households to obtain a density bonus along with incentives or concession, and waivers or reductions of development standards depending on the amount of lower-income housing units that are being planned for development. Since 13 percent of the dwelling units are being allocated to lower-income households, the proposed project is eligible for a density bonus, along with an unlimited number of waivers or reduction from development standards that would physically preclude the construction of the proposed project and one concession or incentive that would result in actual cost reductions to provide for the construction of the affordable housing units. Under the HAA, a Builder's Remedy project also receives two incentives or concessions in addition to those granted under the State Density Bonus Law (Government Code § 65589.5(f)(6)(C)). As a result, the proposed project is entitled to a total of three incentives or concessions. The project applicant is requesting a waiver of certain development standards under the BP land use designation and the PD-1543 zoning designation's zoning standards. Since the proposed project is subject to the HAA and the State Density Bonus Law, the approximate population growth generated from the proposed project is anticipated and allowable under State law.

Lastly, the proposed project will contribute toward meeting the City's assigned RHNA of 5,805 residential units by facilitating 422 dwelling units, which represents approximately 7.3 percent of the

[1] Association of Bay Area Governments (ABAG). 2021. Final Regional Housing Needs Allocation Plan: San Francisco Bay Area, 2023–2031. Website: https:// abag.ca.gov/sites/default/files/documents/2022-12/Final%20RHNA%20Methodology%20Report%202023-2031_update_11-22.pdf. Accessed October 16, 2024.

RHNA allocation, and would provide 55 units dedicated to low-income households, which represents approximately 5.77 percent of the City's RHNA for lower-income units for the 2023 to 2031 planning period. In addition, residential projects that contribute to the City's RHNA were accounted for in ABAG's regional and the City's population growth projections.

Importantly, the proposed project is consistent with the overall projected growth in the City and would meet the long-term goals, policies, and programs in the Walnut Creek 2023–2031 Housing Element. The proposed project would be expected to accommodate approximately 874 new residents by 2031, would meet the percentage of low-income housing units established in the Inclusionary Housing Ordinance, and would contribute to the City's RHNA for the 2023–2031 planning period which was incorporated into ABAG's regional and the City's population projections which is a form of planned population growth. Overall, the proposed project would contribute approximately 0.1 percent to the average annual growth rate, which would be within the anticipated 0.8 percent average annual growth rate. As such, while the proposed project would be growth accommodating, it would address the City's existing needs, and it would not foster unplanned growth in the surrounding environment.

Indirect Population Growth

The project site is located in a highly urbanized area and contains 11 existing office buildings. It is served by existing roadways directly to the north and the south. The proposed project would develop on-site internal roadways confined within the project site to serve the proposed housing units, and no extension of off-site roadways would be developed. In addition, the project site is already served by existing potable water lines, sanitary sewer lines, and stormwater drainage systems along Mitchell Drive, as well as electrical utility lines along Mitchell Drive and Shadelands Drive, and is within Republic Services' service area for solid waste services. Since the proposed project is in a highly urbanized area with access to already existing off-site roadways and utilities and would not include the construction of any additional off-site roadways or utilities, the proposed project would not remove physical obstacles through the extension of infrastructure that would indirectly induce unplanned population growth in an unserved area. Additionally, as discussed in Section 3.15, Public Services, the proposed project would be adequately served by, and would not tax, existing community service facilities and would not result in the need for new or expanded facilities. Therefore, impacts related to indirect population growth would be less than significant.

Community Benefit Variant

As discussed previously in Section 3.12, Population and Housing, the proposed project may have direct and indirect population growth impacts. However, given that the Community Benefit Variant, as defined and described in Chapter 2, Project Description, is limited to roadway infrastructure improvements, it would not increase the on-site residential population directly. Furthermore, the extension of the bicycle facilities would be constructed along already existing roadways surrounded by urbanized and built out uses and was assumed in the Shadelands Multi-Modal Improvement Plan. As such, the proposed Community Benefit Variant would not install or pave any new roadways or trails that would remove physical obstacles to population growth that could indirectly induce unplanned population growth. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased direct or indirect growth inducing impacts.

5.4 - Mandatory Findings of Significance

Public Resources Code Section 21083 and CEQA Guidelines Section 15065 requires lead agencies to make a finding of a "significant effect on the environment" if one or more of the following conditions exist:

1) The project has the potential to: substantially degrade the quality of environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife species to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory.
2) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
3) The possible effects of a project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual 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.
4) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

Finding No. 1:	**The proposed project would not substantially degrade the quality of environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife species to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare, threatened, or endangered species or eliminate important examples of the major periods of California history or prehistory.**

Based on the analysis provided in Section 3.3, Biological Resources, the proposed project's impacts related to directly impacting special-status species or indirectly through habitat modification and impacts related to reducing the movement of any native or migratory species by interfering with migratory wildlife corridors or use of nursery sites would be less than significant with mitigation incorporated. Implementation of Mitigation Measure (MM) BIO-1, which requires pre-construction surveys for active bird nests, would reduce impacts on special-status species and the movement of native or migratory species.

With implementation of MM BIO-1, the proposed project would not substantially degrade the quality of environment, reduce fish or wildlife habitat, cause species to drop below self-sustaining levels, eliminate a plant or animal community, or reduce the number or range of a rare or endangered plant or animal.

Based on the analysis provided in Section 3.4, Cultural Resources, the proposed project's impacts related to California history or pre-contact history would be less than significant with mitigation incorporated. Implementation of MM CUL-2a and MM CUL-2b would reduce impacts to

archaeological, cultural, historic, and any Tribal cultural resources associated with a California Native American Tribe uncovered during site clearing, grading, or other ground-disturbing activities. Implementation of MM CUL-3 would reduce impacts to the accidental discovery or recognition of human remains during excavation and ground-disturbing activities, including those potentially associated with a California Native American Tribe.

With implementation of MM CUL-2a, MM CUL-2b, and MM CUL-3, the proposed project would not eliminate important examples of the major periods of California history or pre-contact history.

Similarly, based on the analysis provided in Section 3.16, Tribal Cultural Resources, the proposed project's potential impacts on eliminating important examples of the major periods of California history or pre-contact history related to Tribal Cultural Resources (TCRs) would be less than significant with mitigation incorporated. Implementation of MM CUL-2a, MM TCR-1, MM TCR-2, and MM TCR-3 would reduce the impacts to any uncovered TCRs during ground-disturbing activities through conducting Tribal monitoring, establishing a monitoring plan, and determining procedures to be taken in the event any TCRs are unintentionally uncovered, such as establishing a mitigation plan to ensure proper avoidance or treatment of the resource in consultation with the affiliated California Native American Tribe(s) and the qualified archaeologist to ensure adequate preservation. Implementation of MM TCR-4 would reduce impacts on the accidental discovery of human remains determined to be of Native American origin through contacting the Native American Heritage Commission (NAHC) and identification of a Most Likely Descendant (MLD) to provide recommendations on the proper treatment and reburying of the human remains where such remains would be accessible to Tribal members and not subject to any future disturbance.

With implementation of MM CUL-2a, MM TCR-1, MM TCR-2, MM TCR-3, and MM TCR-4, the proposed project would not eliminate important examples of the major periods of California history or pre-contact history with respect to TCRs.

Based on the discussion above, compliance with required guidelines and regulations, and implementation of the mitigation measures, the proposed project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare, threatened, or endangered species, or eliminate important examples of the major periods of California history of pre-contact history. Therefore, impacts would be less than significant with the incorporation of MM BIO-1, MM CUL-2a, MM CUL-2b, MM CUL-3, MM TCR-1, MM TCR-2, MM TCR-3, and MM TCR-4.

Community Benefit Variant

As discussed previously in Sections 3.3, 3.4, and 3.16, the impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Given the location in a highly urbanized area and extent of ground disturbance within the existing right-of-way, the Community Benefit Variant would not have the potential to result in degradation of the surrounding environment. Further, the Community Benefit Variant would be constructed as an additional component of the proposed project and would incorporate MM BIO-1, MM CUL-2a, MM

CUL-2b, MM CUL-3, MM TCR-1, MM TCR-2, MM TCR-3, and MM TCR-4 to address potential impacts associated with construction. Because of the nature of the proposed improvements, there is no potential for operational impacts. Therefore, neither construction nor operation of the Community Benefit Variant would result in additional or increased impacts that would substantially degrade the quality of the environment with the incorporation of MM BIO-1, MM CUL-2a, MM CUL-2b, MM CUL-3, MM TCR-1, MM TCR-2, MM TCR-3, and MM TCR-4.

Finding No. 2: The proposed project would not achieve short-term environmental goals to the disadvantage of long-term environmental goals.

As discussed in Section 3.12, Population and Housing, the proposed project would meet the long-term goals, policies, and programs in the Walnut Creek 2023–2031 General Plan Housing Element, would meet the percentage of low-income housing units established in the Inclusionary Housing Ordinance, and would contribute to the City's RHNA for the 2023–2031 planning period. Therefore, the proposed project would assist in meeting the needs of the City's long-term housing goals. Additionally, each element in the City of Walnut Creek General Plan sets forth long-term goals, policies, and actions to direct future development and land use activities to maintain general community values and to achieve or remain consistent with those long-term goals, policies, and actions.

Although Policy 1.4, Goal 5, Policy 5.1, and Goal 8 of the General Plan, as mentioned in Section 3.10, Land Use and Planning, within Table 3.10-3, General Plan Consistency Analysis, may have inconsistencies with the proposed project, the proposed project would be processed pursuant to Government Code Section 65589.5 as the proposed project is providing at least 13 percent of its residential units to lower-income households pursuant to the Builder's Remedy provisions. As such, absent the City making specific findings of denial based on a preponderance of the evidence, the proposed project would be considered consistent with the General Plan land use designation and it therefore does not conflict with the General Plan by operation of law. In addition, this Draft EIR further includes a review of the City of Walnut Creek's long-term goals, policies, and actions from the City of Walnut Creek General Plan listed within each environmental topic and, overall, concludes that the proposed project's immediate and cumulative impacts would be less than significant or less than significant with the implementation of mitigation. As such, the proposed project would not advance short-term goals to the disadvantage of long-term goals.

Community Benefit Variant

As discussed previously under Chapter 2, Project Description, the Community Benefit Variant would incorporate a roundabout at the intersection of Shadelands Drive and Via Monte and would extend and construct Class IV bikeways along portions of Mitchell Drive and Shadelands Drive. The proposed Class IV bikeways would be 5 feet wide with 3-foot buffers separating the bikeways and the vehicular travel lanes. The roundabout and bicycle facility extensions were envisioned as near-term and long-term recommendations within the Shadelands Mutli-Modal Improvement Plan that are intended to achieve one or more of the Plan's long-term goals of (1) connectivity: to provide efficient access for all modes of travel through closing gaps in the transportation network, (2) Circulation: enabling easy movement and access throughout Shadelands, and (3) Safety: producing a low-stress transportation

network intended for all ages and abilities. As such, the impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Therefore, neither construction nor operation of the Community Benefit Variant would advance short-term goals to the disadvantage of long-term goals.

Finding No. 3: The possible effects of the proposed project are individually limited but cumulatively considerable.

The analysis presented in this Draft EIR includes a review of the potential cumulative impacts related to each environmental issue area which are discussed in Section 3, Environmental Impact Analysis. A proposed project's cumulative impacts could be one of four categories: significant and unavoidable, less than significant with mitigation incorporated, less than significant, or there would be no impact.

There would be a less than significant cumulative impact related to aesthetics, biological resources, cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation, and utility and service systems.

Potentially significant cumulative impacts related to air quality, greenhouse gas emissions, and TCRs would be mitigated to less than significant levels with the implementation of MM AIR-1, MM AIR-2, MM GHG-1, MM CUL-2a, MM CUL-2b, MM CUL-3, MM TCR-1, MM TCR-2, MM TCR-3, and MM TCR-4.

Overall, with the implementation of the mitigation measures mentioned above, the proposed project's potentially significant cumulative impacts for air quality, greenhouse gas emissions, and TCRs would be mitigated to a less than significant level. The other 15 cumulatively considerable projects in the City listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, would be required to comply with federal, State, and local rules and regulations and would implement mitigation measures if necessary to reduce or avoid potentially significant cumulative impacts. Since the proposed project's cumulative impacts can be reduced to a less than significant level with mitigation, the proposed project would not have any impacts that are individually limited but cumulatively considerable.

Community Benefit Variant

As discussed previously the impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Given that the Community Benefit Variant would only consist of a single roundabout and bicycle infrastructure, aforementioned mitigation measures would reduce the already minimal environmental impacts to a less than significant level. Therefore, with the implementation of applicable mitigation measures, neither construction nor operation of the Community Benefit Variant would result in cumulatively considerable impacts.

Finding No. 4: The environmental effects of the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly.

Compliance with and implementation of the proposed project's mitigation measures and existing federal, State, and local rules and regulations and the obtainment of applicable permits from the City and other agencies would certify that the construction and operations of the proposed project would not directly or indirectly generate substantial adverse effects on human beings, including effects related to air quality, seismic or geologic hazards, exposure to hazardous materials, flooding hazards, or excessive noise and ground borne vibration levels or through the introduction of hazardous roadway features, inadequate emergency access, or exposure to direct and indirect wildfire related impacts. Therefore, impacts associated with the proposed project related to directly or indirectly inducing substantial adverse effects on human beings would be less than significant.

Community Benefit Variant

As previously discussed throughout this Draft EIR, the impact analysis and level of significance for the Community Benefit Variant would be the same as described for the proposed project. Compliance with and implementation of the proposed project's mitigation measures, existing federal, State, and local rules and regulations, and the obtainment of applicable permits would certify that the construction and operations of the Community Benefit Variant would not directly or indirectly generate substantial adverse effects on human beings.

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CHAPTER 6: ALTERNATIVES TO THE PROPOSED PROJECT

6.1 - Introduction

The California Environmental Quality Act (CEQA) and the CEQA Guidelines require that an Environmental Impact Report (EIR) "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives" (CEQA Guidelines § 15126.6(a)). If mitigation measures or a feasible project alternative that would meet most of the basic project objectives would substantially lessen the significant environmental effects of a proposed project, then the lead agency should not approve the proposed project unless it determines that specific technological, economic, social, or other considerations make the mitigation measures and the project alternative infeasible (Public Resources Code [PRC] Section 21002, State CEQA Guidelines Section 15091(a)(3)). The EIR must also identify alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and should briefly explain the reasons underlying the lead agency's determination (State CEQA Guidelines § 15126.6(c)).

In accordance with CEQA Guidelines Section 15126.6, this Draft EIR contains a comparative impact assessment of alternatives to the proposed project. The primary purpose of this section is to provide decision-makers and the general public with a reasonable number of feasible project alternatives that could attain most of the basic project objectives, while avoiding or reducing any of the project's significant adverse environmental effects. Important considerations for these alternatives analyses are noted below (as stated in CEQA Guidelines § 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.

This section describes several alternatives to the proposed project and compares the impacts of the alternatives to the environmental impacts of the project as proposed, consistent with the guidance in CEQA Guidelines Section 15126.6(d). At the conclusion of the analysis, the environmentally superior alternative is identified (State CEQA Guidelines § 15126.6(e)(2)). One of the alternatives that must be analyzed is the "No Project" Alternative. The purpose of the No Project analysis is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The No Project analysis must discuss the existing conditions at the time the notice of preparation (NOP) is published as well as what would be reasonably expected to occur in the foreseeable future if the proposed project were not approved and development continued to occur in accordance with existing plans and consistent with available

infrastructure and community services (State CEQA Guidelines § 15126.6(e)(2)). Therefore, pursuant to the CEQA Guidelines, this section also discusses and analyzes a No Project Alternative.
The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those potentially feasible alternatives necessary to foster informed public participation and an informed and reasoned choice by the decision-making body (CEQA Guidelines § 15126.6(f)). Therefore, an EIR does not need to address every conceivable alternative or consider infeasible alternatives. CEQA Guidelines Section 15364 generally defines "feasible" to mean the ability to be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. CEQA Guidelines Section 15126.6(f)(1) lists the following factors that may be considered when determining the feasibility of alternatives to be evaluated:

- Site suitability
- Economic viability
- Availability of infrastructure
- General plan consistency
- Other plans or regulatory limitations
- Jurisdictional boundaries
- Ability of the project's proponent to gain site control.

An EIR does not need to consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative. (CEQA Guidelines § 15126.6(f)(3).)

6.1.1 - Significant Unavoidable Impacts

As stated above, a focus of the discussion of alternatives is to determine whether there are potentially feasible alternatives that could avoid or substantially lessen the significant impacts of the proposed project. This can include significant impacts for which mitigation measures have been identified to reduce the severity of project impacts to less than significant. As discussed in Chapter 3, Environmental Impact Analysis, of this EIR, the proposed project would not result in any significant and unavoidable impacts.

6.1.2 - Less than Significant Impacts with Mitigation

The proposed project would result in less than significant impacts with mitigation incorporated for the following environmental topic areas.

- Air Quality
  - Impact AIR-1: Consistency with Air Quality Management Plan
  - Impact AIR-2: Cumulative Criteria Pollutant Emissions Impacts
  - Impact AIR-3: Sensitive Receptors Exposure to Pollutant Concentrations
  - Cumulative Air Quality Impacts
- Biological Resources
  - Impact BIO-1: Special-status Species
  - Impact BIO-4: Fish and Wildlife Movement Corridors

- Cultural Resources
  - Impact CUL-2: Archaeological Resources
  - Impact CUL-3: Human Remains
- Geology and Soils
  - Impact GEO-4: Expansive Soil
  - Impact GEO-6: Destruction of Paleontological Resource or Unique Geologic Feature
- Greenhouse Gas (GHG) Emissions
  - Impact GHG-1: GHG Emissions
  - Impact GHG-2: Conflict with Plan, Policy, or Regulation that Reduces Emissions
  - Cumulative GHG Emissions Impacts
- Noise
  - Impact NOI-1: Substantial Noise Increase in Excess of Standards
- Recreation
  - Impact REC-2: Recreational Facilities Physical Effect on Environment
- Tribal Cultural Resources (TCRs)
  - Impact TCR-1: Significance of TCR and Eligibility for California Register Listing
  - Impact TCR-2: Significance of TCR and Eligibility as Determined by Lead Agency
  - Cumulative TCRs Impacts

6.1.3 - Project Objectives

As stated in Chapter 2, Project Description, the objectives of the proposed project are to:

- Support the State's housing goals during a time of housing crisis by providing much needed housing, including affordable housing.
- Redevelop the property consistent with the land use policies and strategies provided in Plan Bay Area 2050, such as integrating affordable housing into all major housing projects and transforming aging office parks into vibrant, mixed-use neighborhoods.
- Redevelop an existing business park with attractive and desirable amenities, including housing consistent with the General Plan goal of requiring infill development to be compatible with its surrounding and with adjacent and nearby uses.
- Meet and exceed the City's Inclusionary Housing Ordinance requirements and support the realization of the City's Regional Housing Needs Allocation (RHNA) market rate and affordable housing goals.
- Support, enhance, and connect the City's existing and planned pedestrian and bicycle network including consistency with the Shadelands Multimodal Plan.
- Provide and enhance connections to nearby commercial uses and the Bay Area Rapid Transit (BART) station to reduce Vehicle Miles Traveled (VMT).
- Provide on-site open space amenities for future residents.
- Deliver an economically feasible development balancing market conditions and City objectives.

6.2 - Alternatives to the Proposed Project

Pursuant to CEQA Guidelines Section 15126.6, this Draft EIR presents a reasonable range of potentially feasible alternatives to the proposed project for analysis and evaluation of their comparative merits. Where a project would not result in any significant and unavoidable impacts, the analysis considers alternatives that would reduce or eliminate impacts identified as less than significant with mitigation. CEQA Guidelines Section 15126.6(a) states that an EIR need not evaluate every conceivable alternative to a project.

The alternatives to the proposed project analyzed in this section are as follows:

- **No Project Alternative:** Under the No Project Alternative (Alternative 1), the proposed project would not be constructed. It is assumed that under this alternative, existing operations on the project site would be conducted at the full intensity and capacity of existing on-site buildings and infrastructure.
- **Reduced Density Alternative:** Under the Reduced Density Alternative (Alternative 2), the existing 11 office buildings, paved surface parking lots, and associated landscaping would be demolished. In their place, a reduced number of dwelling units would be constructed on the same 22.2-acre site, encompassing the same three Assessor's Parcel Numbers (APNs). These new units would feature similar design elements, landscaping, and lighting as the proposed project, and would be served by the same utility providers.

  Because the proposed project's application was submitted under Government Code Section 65941.1, the applicant would be required to resubmit the development application if a change in the number of dwelling units or square footage of construction exceeds 20 percent. As such, to maintain the proposed project's current preliminary application and formal application submittals, this alternative would result in approximately 338 dwelling units, which would be below the 20 percent reduction threshold and would not require a new application.

6.3 - Alternative 1—No Project Alternative

CEQA Guidelines Section 15126.6(e) requires EIRs to evaluate a "No Project" Alternative which is defined as the "circumstances under which the project does not proceed." The purpose of the No Project Alternative is to allow decision-makers and the public to compare the potential environmental impacts generated from the proposed project with the existing environmental impacts associated with not approving the proposed project. Under the No Project Alternative, the 422 3-story multi-family dwelling units contained within 83 buildings, and other amenities and design features would not be constructed on the 22.2-acre site, and off-site improvements would not be implemented. The 11 existing office buildings, paved surface parking lots, and ancillary landscaping would remain, and land uses would continue to follow the BP land use designation within the General Plan. No existing trees would be removed or impacted, and no construction or ground-disturbing activities would occur. In addition, the improvements under the Community Benefits Variant (roundabout and bicycle lane extensions) would not be constructed. Under this

alternative, the three APNs associated with the project site would remain zoned as Planned Development (PD) and would continue to refer to the BP Zoning Ordinance.

6.3.1 - Impact Analysis

Aesthetics, Light, and Glare

Under this alternative, no construction activities would occur and scenic views from locally designated panoramic viewpoints and scenic corridors would not be temporarily altered. No scenic resources on the project site such as existing trees would be removed, and existing structures and other features would remain and continue to be incorporated into locally designated scenic views. Zoning would remain as PD like the proposed project but would continue to refer to the BP Zoning Ordinance, and existing sources of stationary and mobile sources of lighting and glare would remain. Therefore, the No Project Alternative would reduce impacts on aesthetics as compared to the proposed project.

Agriculture and Forestry Resources

The project site's General Plan land use and zoning prohibit agricultural uses, and the project site is already surrounded by urban development. Furthermore, no forest land, timberland, or timberland production zones are located on the project site or in the surrounding area. Therefore, the No Project Alternative would have no impact on agricultural and forestry resources, similar to the proposed project.

Air Quality

Construction

Under the No Project Alternative, no construction or ground-disturbing activities would occur. Since no construction or ground-disturbing activities would occur under this alternative, impacts related to air quality from construction activities would be reduced compared to the proposed project. Construction-related air quality impacts from the proposed project were determined to be less than significant with mitigation incorporated. There would be no impact on air quality under the No Project Alternative as no construction would occur. As such, both regional air quality impacts and localized air quality impacts (such as health risks) from construction would be reduced under the No Project Alternative.

Operation

Under the No Project Alternative, operations would continue as a business park and would continue to follow the BP land use designation within the General Plan. Existing land uses on the project site were already accounted for in the 2017 Clean Air Plan, as operations under the No Project Alternative were already existing prior to the development of the 2017 Clean Air Plan. As such, this alternative would result in a reduced impact related to air quality management plan consistency when compared with operations of the proposed project and would have no impact.

Stationary and mobile sources of criteria pollutants within the No Project Alternative during operation are assumed to remain the same as existing conditions, including the use of natural gas and electricity in the existing office buildings. Stationary pollutants generated from two facilities

under the No Project Alternative would not be removed and would continue to produce criteria pollutants in combination with surrounding stationary sources within 1,000 feet but would not exceed Bay Area Air District's Cumulative Threshold of Significance. Mobile sources of pollutants would be generated from vehicle use, as the existing business park contributes to an estimated 3,875 daily trips compared to the proposed project's estimated 3,038 daily trips. Because of the higher vehicle trips and other existing pollutant sources associated with the existing business park, impacts related to criteria pollutant emissions and sensitive receptors during operation would be greater than the proposed project but would be less than significant with mitigation.

Existing business uses under the No Project Alternative have no history of any significant air pollution event regarding complaints of objectionable odors.[1] As such, it is assumed that future operations under the No Project Alternative would have a less than significant impact without mitigation for objectionable odors during operation and would be similar to the proposed project.

Biological Resources

Under this alternative, no construction activities would occur and all existing ornamental landscaping would remain preserved. As such, existing ornamental landscaping on-site would continue to potentially serve as marginally suitable nesting opportunities for migratory wildlife or nursery sites, including special-status species. Because of this, no impact on special-status species would occur and impacts would be reduced as compared to the proposed project. No sensitive natural communities, wetlands, or jurisdictional features fall within project boundaries or would be impacted. Additionally, the project site is not located within jurisdiction of an existing Habitat Conservation Plan or other approved local regulations; therefore, no impact would occur. Since the No Project Alternative does not include construction, there would be no impact on biological resources and impacts would be reduced as compared to the proposed project.

Cultural Resources

Under this alternative, no construction or ground-disturbing activities would occur, leaving any potential archaeological resources and human remains in the ground and undisturbed. Since no construction or ground-disturbing activities would be implemented, impacts related to archaeological resources and human remains would be reduced as compared to the proposed project, and there would be no impact on cultural resources.

Energy

Under this alternative, no temporary on or off-site energy usage from construction activities or unnecessary consumption of energy resources would occur. However, older design features and utility systems, such as the natural gas uses in the existing office buildings, would remain in operation on the project site, rather than being replaced by new structures required to comply with the Building Energy Efficiency Standards and the California Green Building Standards Code. As a result, this alternative would be less aligned with State and local goals for renewable energy and energy efficiency during operations. In addition, continued operations of the business park would

[1] Bay Area Air Quality Management District (Bay Area Air District). n.d. Website: https://www.baaqmd.gov/en/about-air-quality/incidents-and-advisories. Accessed January 1, 2025.

generate a higher amount of vehicle trips as compared to the proposed project. Although the No Project Alternative has a higher number of vehicular trips, energy usage associated with vehicular trips is already accounted for under existing conditions and does not contribute to the unnecessary consumption of energy resources. Therefore, construction-related impacts to energy would be reduced as compared to the proposed project; however, operational impacts would be slightly greater due to increased vehicle trips associated with existing uses and the presence of older design features with reduced energy efficiency in existing buildings, as compared to the proposed project.

Geology, Soils, and Seismicity

Since the No Project Alternative does not involve the construction of new structures or any ground-disturbing activities, it would not result in impacts related to alternative wastewater disposal systems, significant paleontological resources, soil erosion or loss of topsoil, expansive soils, or unstable subsurface conditions. In addition, existing office buildings under the No Project Alternative are required to adhere to the latest seismic design provisions in the California Building Standards Code (CBC) and would likely have a less than significant impact related to exposing people or structures to seismic hazards. Therefore, due to the absence of construction or ground-disturbing activities under this alternative, impacts to geology and soils would be reduced as compared to the proposed project.

Greenhouse Gas Emissions

The No Project Alternative would not involve any on or off-site construction activities and construction-related GHG emissions would not be released. However, the No Project Alternative would continue operations as a business park, including the continued use of natural gas on-site, and is estimated to generate 785 more weekday vehicular trips than the proposed project. Furthermore, no development would occur under the No Project Alternative and no design elements under Criterion A from Bay Area Air District's proposed 2022 GHG significance threshold or renewable energy design features from CALGreen would be implemented. Since no construction activities would be implemented under this alternative, no GHG emissions would be cumulatively contributed to the effects of global climate change. The higher amount of daily vehicular trips and the continued operations of older infrastructure would likely generate more GHG emissions than the proposed project and would therefore have a greater impact on human-induced climate change as compared to the proposed project. Therefore, construction-related GHG emissions would be reduced as compared to the proposed project; however, operational impacts would be slightly greater due to the higher amount of vehicle trips associated with existing uses as compared to the proposed project.

Hazards and Hazardous Materials

The No Project Alternative would not require the use, transport, or disposal of potentially hazardous materials typically associated with construction activities. Further, as existing uses would remain in place, hazardous materials associated with existing business park uses (e.g., generators, electrical transformers, and general cleaning/maintenance products) would remain in place and would not be transported off-site, reducing the potential for exposure. Furthermore, existing uses on the project site are already accounted for in the Walnut Creek Emergency Management Plan (EMP) and would

not impair or interfere with an emergency response or evacuation plan, and existing structures would be required to maintain compliance with CBC regarding fire safety. Overall, impacts to hazards and hazardous materials would be reduced as compared to the proposed project.

Hydrology and Water Quality

Since the No Project Alternative would not require construction or ground-disturbing activities, there would be no impact with respect to hydrology and water quality during construction. All existing stormwater infrastructure would remain on the project site and would remain in compliance with water quality standards and discharge requirements, and drainage patterns would remain the same. The No Project Alternative would maintain use of the four existing on-site groundwater wells for landscape irrigation, and any groundwater extracted by the project sites water provider would be regulated under the Sustainable Groundwater Management Act (SGMA). No project inundation would occur, as the project site is not located in any flood zones or is in proximity to any large bodies of water. Since no construction activities would occur and the No Project Alternative would continue to utilize the existing stormwater drainage system, impacts related to hydrology and water quality would be less than significant without mitigation, and reduced as compared to the proposed project.

Land Use

Under the No Project Alternative, no construction activities would occur, and no linear features would be developed that would physically divide an established community. In addition, the No Project Alternative would not alter the BP land use designation in the General Plan or the associated land use regulations and property development regulations. Since the No Project Alternative does not require construction activities or land use changes, impacts related to physically dividing an established community would be less than significant without mitigation, similar to the proposed project. However, as existing uses consistent with the project site's General Plan land use and zoning would remain in place, no impact would occur related to conflicting with a land use plan, policy, or regulation adopted to mitigate an environmental effect and impacts would be reduced as compared to the proposed project.

Mineral Resources

No mineral resource zones of regional or statewide importance are located in the City of Walnut Creek or are delineated in any local land use plans, and existing conditions on the project site and surrounding area are excluded from containing significant mineral deposits due to being in a highly urbanized area that is already economically and socially incompatible with mining operations. Therefore, the No Project Alternative would result in no impact related to mineral resources, similar to the proposed project.

Noise

Since the No Project Alternative would not require construction or associated ground disturbance, there would be no construction-related impacts with respect to substantially exceeding applicable standards for temporary or permanent noise levels, generating excessive groundborne vibrations, excessive noise levels within the vicinity of a public airport or airport land use plan, and cumulative impacts resulting in reduced impacts related to noise compared to the proposed project.

At operation, the No Project Alternative would continue to generate noise levels similar to those at existing conditions as a business park with noise generated from stationary sources, including mechanical ventilation system operations, parking lot activity, and pedestrian traffic. Mobile sources during operation include existing traffic levels associated with business uses, which are estimated to generate 785 more weekday vehicular trips than the proposed project. Additionally, it is reasonable to assume that the existing office buildings would be utilized at full occupancy, eliminating the 20 percent reduction in trips generated as assumed in the VMT analysis. Therefore, it is likely that the No Project Alternative would result in a greater impact related to mobile source operational noise impacts than the proposed project. However, for an increase in traffic noise levels to be noticeable, the amount of hourly Average Daily Traffic (ADT) volumes would need to be doubled. The No Project Alternative would remain constant with existing traffic levels, and the amount of ADT would not be doubled. Therefore, no noticeable increase in traffic noise levels would occur. Furthermore, no permanent sources of groundborne vibrations exist on the project site or surrounding area, and the project site is not located within the vicinity of a public airport or airport land use plan. Since stationary noise source would remain constant with existing conditions, mobile noise levels generated by traffic would not be doubled, and no permanent sources of groundborne vibrations exist within the project vicinity, the No Project Alternative would have a less than significant impact with respect to substantially exceeding applicable standards for temporary or permanent noise levels, generating excessive groundborne vibrations, and cumulative impacts. Impacts related to excessive noise levels within the vicinity of a public airport or airport land use plan would have no impact. As such, impacts related to operational noise would be similar to the proposed project.

Population and Housing

Under this alternative, no residential uses would be developed, and no direct increase in population on the project site would occur. Further, no extension of roadways or infrastructure would be constructed that could indirectly induce unplanned population growth. Impacts associated with direct and indirect population growth would be reduced as compared to the proposed project. Similar to the proposed project, the No Project Alternative would have no impact related to the displacement of existing people or housing.

Public Services and Recreation

Under this alternative, no temporary construction or ground disturbance activities would occur that could interfere with emergency response times or performance objectives. The No Project Alternative would operate under the same land use regulations and property development regulations and would not include new residential units or an increase in population that would increase demand for existing public services and facilities or necessitate the construction of new or expanded facilities. Impacts related to public services and recreation would be reduced as compared to the proposed project.

Transportation

No construction activities would occur and no new on-site roadways, bicycle, or pedestrian facilities, or off-site pedestrian facilities would be constructed (including the Community Benefits Variant improvements), and no hazardous geometric design features, incompatible uses, or features

exacerbating inadequate emergency access would be implemented. The project site would continue to be served by public transit services from the Central Contra Costa Transit Authority and free shuttle services to the Pleasant Hill BART Station. However, the No Project Alternative would contribute to an estimated 837 more weekday vehicular trips when operating at max capacity, and the project site would contain more parking stalls than the proposed project. This would result in a greater operational VMT impact than the proposed project. While impacts under the No Project Alternative would be less than significant without mitigation, the amount of weekday vehicular trips would result in greater impacts related to VMT as compared to the proposed project.

Tribal Cultural Resources

Under this alternative, no construction or ground-disturbing activities would be implemented and potential Tribal Cultural Resources (TCRs) on the project site would remain in the ground and undisturbed. As such, no impact to TCRs would occur, and impacts would be reduced as compared to the proposed project.

Utilities and Service Systems

Under this alternative, existing uses would continue to be served by surrounding utility providers that are already accounted for in those service providers planning and capacity projections. As a result, existing uses under the No Project Alternative have not contributed to generating a substantial amount of wastewater or solid waste that would exceed the existing capacity of regional wastewater treatment facilities or landfills. As discussed in Section 3.17, Utilities and Service Systems, of this EIR, the proposed project would be expected to result in a reduction in water demand and wastewater generation compared to the existing business park uses on the project site, although the proposed project would generate more solid waste than the business park uses. As such, impacts related to utilities and service systems would be less than significant without mitigation, and impacts would be similar under the No Project Alternative as compared to the proposed project.

Wildfire

No construction would occur on the project site and no new infrastructure that could exacerbate wildfire risk would be developed. Surrounding land uses are highly urbanized with no natural fuel loads, situated on relatively flat terrain, and have direct access to water and fire suppression resources. Furthermore, existing land uses on the project site under the No Project Alternative are already implemented into the City's EMP. Since existing conditions under the No Project Alternative are already highly urbanized and relatively flat, would not develop new infrastructure that could exacerbate wildfire risk, and is already incorporated into the City's EMP, the No Project Alternative would have no impact related to wildfires, similar to the proposed project.

6.3.2 - Conclusion

Under the No Project Alternative, no construction or ground-disturbing activities would be implemented and no physical changes would occur on the project site. As such, construction-related Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Noise, Recreation, and Tribal Cultural Resources impacts would be reduced to no impact, eliminating the need for MM AIR-1, MM

AIR-2, MM BIO-1, MM GEO-4, MM GEO-6a through MM GEO-6c, MM NOI-1, MM TCR-1, MM TCR-2, MM TCR-3, and MM TCR-4.

Under the No Project Alternative, operational impacts related to air quality, GHG emissions, and transportation from VMT would be greater than the proposed project, as stationary sources of criteria pollutants on the project site would not be removed, mobile sources from vehicular uses are estimated to be higher than the proposed project, and older infrastructure would continue to be in use. Although impacts related to air quality and GHG emissions would be greater than the proposed project, these impacts would be less than significant without mitigation as no new development would be implemented. Transportation impacts related to VMT would be greater than the proposed project as the trip generation analysis projected 837 more weekday vehicular trips from existing uses at maximum capacity compared to the proposed project. Other than the greater impacts related to air pollutant and GHG emissions during operations, and transportation related impacts from VMT, the No Project Alternative would substantially reduce or eliminate short-term and long-term impacts in all impact areas as compared to the proposed project.

However, the No Project Alternative would not accomplish any of the proposed project's objectives discussed in Section 6.1.3 above. The No Project Alternative would not develop any residential units and would not further the General Plan goals related to infill development, support the State housing goals, or meet the City's RHNA affordable housing goals for the planning period. On-site open space amenities, pedestrian, or bicycle facilities would not be constructed, the Community Benefits Variant improvements would not be constructed, the Shadelands Multimodal Plan or other connections to existing uses would not be enhanced, and VMT would not be reduced. Accordingly, this alternative would satisfy none of the project objectives.

6.4 - Alternative 2 —Reduced Density Alternative

The Reduced Density Alternative (Alternative 2) would demolish the existing 11 office buildings, paved surface parking lots, and ancillary landscaping and would construct at least 338 multi-family dwelling units, compared to the proposed project's 422 dwelling units on the same 22.2-acre site and three APNs, and would include similar design features, landscaping, and lighting. This alternative would be covered by the current preliminary application submitted pursuant to Government Code Section 65941.1, although with a reduction of dwelling units. Like the proposed project, the applicant would select the M-2 Multiple-Family Residential land use designation development standards determined to be the "best fit" for general compliance as described for the proposed project. Alternative 2 would allocate at least 13 percent of proposed dwelling units to low-income households, and all dwelling units and on-site features would be constructed at minimum intensity within those development standards under the M-2 Multiple-Family Residential land use designation. In addition, the improvements under the Community Benefits Variant (roundabout and bicycle lane extensions) would not be constructed.

6.4.1 - Impact Analysis

Aesthetics, Light, and Glare

Alternative 2 would be constructed on the same 22.2-acre project site as the proposed project and would result in the same level of demolition and ground-disturbing activities as the proposed project. Construction activities, including demolition and grading, may temporarily affect scenic views from distant panoramic viewpoints and scenic corridors. However, the project site is not visible from any designated State Scenic Highway, and views would remain consistent with the existing urban setting. Therefore, impacts on scenic vistas and scenic resources would be less than significant.

Since the proposed project (and Alternative 2) is in an urbanized area, it could have a significant impact if its visual characteristics are incompatible with applicable zoning or other regulations governing scenic quality. The specific PD zoning (PD No. 1543) covering the project site provides for BP uses and refers to the Business Park Zoning Ordinance development standards. As the project proposes residential uses only, it is not consistent with the applicable zoning designation for the site and has the potential to result in significant impacts. However, the proposed project would not conflict with applicable zoning or other regulations governing scenic quality based on project characteristics and by virtue of applicable State law, including SB 330. Alternative 2 would remain eligible under SB 330 and would comply with the requirements of the applicable M-2 zoning designation, which is considered the "best fit" zoning designation. As with the proposed project, to ensure design compatibility, Alternative 2 would follow M-2 development standards, comply with the City's DRSGs, and undergo review by the Planning Commission with advisory input from the Design Review Commission. It would also adhere to lighting regulations and the City's Tree Preservation Ordinance.

Under the proposed project, there would be a less than significant impact related to aesthetics, light, and glare (see Section 3.1, Aesthetics, Light, and Glare). As discussed above, Alternative 2 would result in similar, but slightly reduced impacts, compared to the proposed project.

Agriculture and Forestry Resources

The surrounding area is already highly urbanized and the BP land use designation prohibits agricultural uses, and no parcels consisting of Prime Farmland or that are currently under a Williamson Act contract are in the surrounding area. In addition, no forest land, timberland, or timberland production zones are located on the project site or surrounding area.

Under the proposed project, there would be no impact related to agriculture and forestry resources (see Chapter 4, Effects Found not to be Significant). Therefore, because Alternative 2 would be within the same project site and would be consistent with existing and proposed urban uses under the proposed project, impacts would be similar to the proposed project.

Air Quality

Construction

Construction of Alternative 2 would involve demolition, ground disturbance, and off-site transport of materials, potentially generating objectionable odors, criteria air pollutants, fugitive dust, and DPM. Odors from exhaust would be temporary and highly diffusive, resulting in a less than significant impact. However, prior to mitigation, increased fugitive dust and DPM could conflict with the 2017 Clean Air Plan, contribute to a cumulatively considerable increase in nonattainment pollutants, and expose nearby sensitive receptors to elevated TAC levels. Therefore, construction would have a potentially significant impact on air quality. With implementation of mitigation measures, similar to those proposed for the main project, these impacts would be reduced to less than significant.

Given its reduced development density, Alternative 2 would likely involve a lower intensity and potentially shorter duration construction period than the proposed project, requiring fewer resources. The amount of demolition and grading would be the same as the proposed project. As a result, it would have similar or slightly reduced construction-related air quality impacts compared to the proposed project.

Operation

Alternative 2 would generate similar types of criteria pollutants as the proposed project due to its residential use. However, with fewer multi-family units and residents, overall emissions would be lower. Like the proposed project, Alternative 2 would not exceed Bay Area Air District significance thresholds or conflict with the 2017 Clean Air Plan. Therefore, operational air quality impacts would be less than significant without mitigation.

Although emissions would be reduced, Alternative 2 would still contribute to regional nonattainment pollutants. These contributions, however, would remain less than significant without mitigation, consistent with the proposed project. Nearby sensitive receptors—such as preschools, residences, and senior facilities—could be exposed to TACs from vehicle exhaust. Since residential uses primarily involve gasoline-fueled vehicles and Alternative 2 would operate at a lower density, TAC-related impacts would be reduced and less than significant.

Objectionable odors are typically associated with industrial or waste-related uses. As Alternative 2 would involve low-intensity residential development under the M-2 designation, it would not introduce new odor sources. Similar to the proposed project, odor impacts would be less than significant without mitigation.

Under the proposed project, there would be less than significant impacts to Air Quality (see Section 3.2, Air Quality). As discussed above, impacts under Alternative 2 would be similar, but slightly reduced, compared to the proposed project.

Biological Resources

Under Alternative 2, construction would involve demolition, ground disturbance, and removal of ornamental landscaping. As noted in Section 3.3, no sensitive natural communities, wetlands, or jurisdictional features exist within the project site, and no conflicts with local Habitat Conservation

Plans would occur, similar to the proposed project. Tree removals associated with redevelopment under this alternative would be subject to the City of Walnut Creek Tree Ordinance, requiring preservation of highly protected trees and permits for larger tree removals. With compliance, impacts on biological resources would be less than significant without mitigation.

However, tree and landscaping removal could affect marginal nesting habitat for migratory birds and special-status species. As with the proposed project, these impacts would be potentially significant during construction and would require mitigation. With mitigation, overall biological resource impacts would be less than significant.

Under the proposed project, there would be a less than significant impact with mitigation related to biological resources (see Section 3.3, Biological Resources). Therefore, because Alternative 2 would be within the same project site and would be consistent with existing and proposed urban uses under the proposed project, impacts would be similar to the proposed project.

Cultural Resources

Alternative 2 would be constructed on the same 22.2-acre project site as the proposed project and would result in the same level of demolition and ground-disturbing activities as the proposed project. The existing office buildings on the project site are less than 45 years in age and are likely ineligible for inclusion in any federal, State, or local register for historical buildings. Under this alternative, the same amount of ground-disturbing activities would be implemented across the 22.2-acre site during construction, which could lead to the uncovering and disturbance of archaeological resources or human remains. Similar to the proposed project, impacts related to cultural resources would be less than significant with mitigation incorporated.

As noted in Section 3.5, Cultural Resources, the proposed project's impacts related to archaeological resources or disturbing any human remains would be reduced to less than significant with mitigation. Therefore, because both Alternative 2 and the proposed project would include ground-disturbing activities, this alternative would have similar impacts as compared to the proposed project.

Energy

Construction activities under Alternative 2, including demolition, grading, and equipment transport, would rely primarily on petroleum-based fuels. However, due to the reduced scale of Alternative 2, construction would likely require fewer resources, less equipment, and a shorter duration than the proposed project, resulting in lower energy consumption. Demolition and grading activities would be the same as the proposed project. All construction would comply with regulations for equipment maintenance, idling limits, and fuel efficiency.

During operation, energy use would also be lower due to fewer residential units and occupants. Like the proposed project, Alternative 2 would be subject to all applicable State and local energy efficiency standards.

Overall, Alternative 2 would consume less energy during both construction and operation phases. Impacts related to energy use and potential conflicts with renewable energy or efficiency plans would be less than significant without mitigation, similar to the proposed project.

Under the proposed project, there would be a less than significant impact related to energy (see Section 3.5). Therefore, due to the reduced development intensity of Alternative 2, this alternative would have similar, but slightly reduced, impacts to energy during construction and operation as compared to the proposed project.

Geology, Soils, and Seismicity

Alternative 2 would be constructed on the same project site as the proposed project. Like the proposed project, construction would involve ground-disturbing activities that could increase soil erosion. However, compliance with the Construction General Permit and implementation of BMPs would reduce erosion and topsoil loss to less than significant levels.

The project site would be served by existing sanitary sewer lines under Mitchell Drive, eliminating the need for septic systems. Geologic and seismic risks are site-specific, and since Alternative 2 would be built on the same site, it would be subject to the same seismic safety standards under the CBC, resulting in less than significant impacts from seismic shaking or unstable soils.

However, the project site contains expansive soils and fossiliferous rock units. As with the proposed project, mitigation would be required to protect paleontological resources and address soil expansion risks.

The proposed project would have less than significant impacts with mitigation to Geology and Soils (see Section 3.6, Geology and Soils). Since Alternative 2 would be built on the same site and follow the same regulatory requirements, its impacts related to geology and soils would be less than significant with mitigation, similar to those of the proposed project.

Greenhouse Gas Emissions

As previously mentioned in Section 3.7, Greenhouse Gas Emissions, GHG emissions from individual projects do not contribute enough GHG emissions on their own to influence global climate change. Thus, the past, present, and future release of GHG emissions is considered a cumulative environmental impact.

Construction activities, such as demolition, equipment use, material transport, and worker commutes, would generate both direct and indirect GHG emissions. However, due to the reduced number of units (a maximum 20 percent reduction), construction would likely require fewer resources and a shorter timeline, resulting in lower emissions compared to the proposed project.

During operation, Alternative 2 would need to meet either Criteria A or B of Bay Area Air District's 2022 GHG significance thresholds. To meet Criteria A, the project must be all-electric, energy-efficient, reduce VMT below regional averages or meet SB 743 targets, and comply with CALGreen Tier 2 EV infrastructure standards. Given its lower density and location in a VMT-efficient area (85

percent or less than the regional average), Alternative 2 would likely generate fewer trips and lower operational emissions than the proposed project.

To avoid conflicts with GHG reduction plans, Alternative 2 must align with the ARB's 2022 Scoping Plan, Plan Bay Area 2050, and the Walnut Creek Sustainability Action Plan. With appropriate design features or mitigation measures to meet Bay Area Air District's thresholds, Alternative 2 would result in less than significant impacts with applicable mitigation of GHG emissions and consistency with applicable climate policies, with similar but slightly reduced impacts compared to the proposed project.

The proposed project would have less than significant impacts related to GHG emissions with mitigation (see Section 3.7, GHG). Overall, Alternative 2 would likely result in similar, but slightly reduced, GHG emissions compared to the proposed project, with impacts considered less than significant with or without mitigation. Alternative 2 would also comply with applicable plans and policies, including ARB's 2022 Scoping Plan, Plan Bay Area 2050, and the Walnut Creek Sustainability Action Plan.

Hazards and Hazardous Materials

Alternative 2 would be developed on the same project site as the proposed project, which is not near a public airport or listed as a hazardous materials site. However, demolition of the 11 existing office buildings may involve asbestos or lead-based paint, and construction would involve the use, transport, and disposal of hazardous materials. These activities would be subject to federal, State, and local regulations, including permitting requirements, which would minimize risks to workers and nearby residents. While demolition-related hazardous waste would be similar to the proposed project, overall hazardous material use may be slightly lower due to the reduced development intensity.

Any construction that affects the public right-of-way would require an encroachment permit and review by the Traffic Operations Engineer to ensure emergency access is maintained. Therefore, construction would not interfere with emergency response or evacuation plans.

During operation, hazardous materials such as cleaning agents and pesticides would be used in small quantities typical of residential uses, posing minimal risk. With fewer units than the proposed project, Alternative 2 would generate slightly less hazardous waste.

The project site's flat urbanized setting, with limited vegetation and direct access to fire suppression services from the CCCFPD, further reduces risk. All roadways and infrastructure would comply with emergency access standards in the CBC and local ordinances.

Under the proposed project, there would be a less than significant impact related to hazards and hazardous materials (see Section 3.8, Hazards and Hazardous Materials). Therefore, as impacts related to hazardous materials, emergency access, and wildfire exposure would also be less than significant without mitigation under Alternative 2, this alternative would have similar impacts as compared to the proposed project.

Hydrology and Water Quality

Although it would introduce fewer impervious surfaces than the proposed project due to reduced building and pavement coverage, Alternative 2 would still be required to implement site-specific BMPs. These include preparing a SWPPP under the Construction General Permit and complying with the County's Phase II MRP during operation. These measures would ensure less than significant impacts related to erosion, runoff, drainage alterations, and water quality.

The project site currently contains four water supply wells, which would be abandoned as part of Alternative 2, consistent with the proposed project. The proposed project would construct a new stormwater detention vault beneath Bioretention Area 3 at the northwest corner of the project site, and the City determined there is sufficient room to construct a larger stormwater detention vault if necessary. Given the reduced intensity of development, Alternative 2 would not exceed storm drain capacity or increase surface runoff.

The project site has no history of hazardous waste, is not in a FEMA-designated flood zone, and is not near large water bodies. Residential use would involve minimal hazardous materials, and groundwater would not be directly accessed. Instead, water would be supplied by the CCWD, which draws from the Sacramento-San Joaquin Delta. Groundwater use by CCWD, regulated under SGMA, would be slightly lower under Alternative 2 due to fewer residents.

Under the proposed project, there would be a less than significant impact related to hydrology and water quality (see Section 3.9, Hydrology and Water Quality). As discussed above, hydrology and water quality impacts under Alternative 2 would be similar to the proposed project.

Land Use

Alternative 2 would develop fewer dwelling units on the same project site as the proposed project. Construction may require underground utility connections beneath nearby roadways, potentially disrupting the public right-of-way. However, any such work would require an encroachment permit under Municipal Code Chapter 7-1.102, and temporary detours would be managed by the City's Traffic Operations Engineer to maintain community access. Importantly, Alternative 2 would not introduce any linear infrastructure that could physically divide an established community. Therefore, impacts related to community division would be less than significant, similar to the proposed project.

Although the project site's current BP land use designation and PD-1543 zoning do not permit residential uses, Alternative 2 would be pursued under the current preliminary application for the proposed project as the reduction of total project units would be less than 20 percent. As such, Alternative 2 would continue to be processed under the Builder's Remedy provision of the Housing Accountability Act (HAA) and continue to be deemed consistent with the land use designations by operation of law.

Under the proposed project, there would be a less than significant impact related to land use and planning (see Section 3.10, Land Use and Planning). As discussed above, Alternative 2 would have similar impacts to the proposed project.

Mineral Resources

No mineral resource zones of regional or statewide importance are located in the City or are delineated in any local land use plans, and existing conditions on the project site and surrounding area are excluded from containing significant mineral deposits due to being in a highly urbanized area that is already economically and socially incompatible with mining operations. Accordingly, no impact to mineral resources would occur under Alternative 2. Under the proposed project, there would be no impact to mineral resources (see Chapter 4, Effects Found not to be Significant). Therefore, impacts to mineral resources under Alternative 2 would be similar to the proposed project.

Noise

As noted in Section 3.11, Noise, the proposed project's impacts related to substantially temporary or permanent noise increases, generation of excessive groundborne vibrations, and cumulative impacts during both construction and operation would be less than significant. The proposed project would not expose persons to excessive noise levels related to airport activity.

Alternative 2 would involve construction activities similar to the proposed project, including demolition, grading, and paving across the 22.2-acre project site. As such, temporary noise and vibration impacts would be similar to the proposed project. The proposed project (and Alternative 2) would implement MM NOI-1, which requires adherence to permissible construction hours and requires implementation of best management noise reduction techniques and practices, ensuring noise remains within acceptable levels. Therefore, construction-related impacts would be less than significant with mitigation incorporated.

Operationally, Alternative 2 would generate fewer daily vehicle trips than the proposed project (fewer than 3,038), due to the reduced number of residential units. This would result in lower mobile source noise. Stationary sources, such as heating, ventilation, and air conditioning (HVAC) systems, would also be similar or slightly reduced and remain below noise thresholds.

The project site is not within two miles of a public or private airport, so no airport-related noise impacts would occur. Overall, Alternative 2 would result in similar, slightly reduced, impacts related to noise.

Population and Housing

Alternative 2 would develop 338 multi-family units, generating approximately 700 new residents, fewer than the 874 projected under the proposed project. It would be built on the same 22.2-acre site, which is designated BP, a land use that does not permit residential development and could be seen as inducing unplanned population growth. However, Alternative 2 would be pursued under the current preliminary application for the proposed project as the reduction of total project units would be less than 20 percent. As such, Alternative 2 would continue to be processed under the Builder's Remedy provision of the HAA and continue to be deemed consistent with the land use designations by operation of law. Consequently, the population increase would be allowable. The project site is already urbanized with existing utilities and roadways, so no new infrastructure would be needed, avoiding indirect population growth. Additionally, no existing housing would be displaced. In

summary, Alternative 2 would slightly reduce direct population growth impacts compared to the proposed project, would have no impact on indirect growth, and would not displace existing housing. All related impacts would remain less than significant.

Under the proposed project, there would be a less than significant impact to population and housing (see Section 3.12, Population and Housing). As discussed above, Alternative 2 would result in similar impacts compared to the proposed project.

Public Services and Recreation

Alternative 2 would increase the permanent population of the project site as no individuals currently reside on the project site. However, the population under Alternative 2 would be approximately 700 residents compared to the proposed project's 874 residents. As such, the demand for public services during operation would be reduced compared to the proposed project. In addition, the City already greatly exceeds its parkland standard of 5 acres of parkland per 1,000 residents, and Alternative 2 would be subject to the City's Parkland Dedication by paying a fee in lieu of dedicating land, which would be used to maintain and allocate land for recreational facilities to meet the City's needs. Since Alternative 2 would be constructed at a lower density and would have fewer residents occupying the project site, impacts on public services and recreation would be less than significant.

Under the proposed project, there would be a less than significant impact to public services and a less than significant impact to recreation with mitigation (see Sections 3.13, Public Services and Section 3.14, Recreation). As discussed above, this alternative would result in similar but slightly reduced impacts as compared to the proposed project.

Transportation

For Alternative 2 to not conflict with a program plan, ordinance, or policy of the circulation system, Alternative 2 would have to demonstrate compliance and implement design features consistent with those provisions in the City of Walnut Creek General Plan and the neighborhood-specific Shadelands Multimodal Improvements Plan. Alternative 2 would likely have a similar impact compared to the proposed project and would be less than significant in conflicting with a program plan, ordinance, or policy of the circulation system. However, Alternative 2 would not construct the Community Benefit Variant and, therefore, would not further the goals of the Shadelands Multimodal Improvements plan

As mentioned in Section 3.15, Transportation, the proposed project would generate approximately 3,038 daily trips. Alternative 2 would be constructing approximately 338 multi-family dwelling units compared to the proposed project's 422 multi-family dwelling units. As such, Alternative 2 would result in a lower number of individuals that would reside on the project site and, therefore, reduce the number of daily trips.

The project site is located within an area that experiences a home-based VMT per resident that is 85 percent or less than the regional/countywide average. Because the changes to the proposed project under Alternative 2 would not change the total VMT calculated because the location and trip

generating uses (residential) would not change as compared to the proposed project, the VMT calculated for the proposed project would be the same for Alternative 2.

Potential transportation hazards could arise from poor design, incompatible uses, or inadequate emergency access. However, Alternative 2 would be required to follow circulation design standards in the General Plan and Shadelands Multi-Modal Plan and comply with California Fire Code requirements for emergency access. These measures would ensure impacts remain less than significant, consistent with the proposed project.

As noted in Section 3.15, Transportation, the proposed project's impacts related to conflicting with a program or policy of the circulation system, VMT, increasing hazards due to a geometric design feature, or inadequate emergency access would be less than significant and impacts would be reduced as compared to the proposed project. Cumulative impacts related to transportation would be less than significant.

Tribal Cultural Resources

Alternative 2 would be constructed on the same 22.2-acre project site as the proposed project and would result in the same level of demolition and ground-disturbing activities as the proposed project. Under this alternative, the same amount of ground-disturbing activities would be implemented across the 22.2-acre site during construction, which could lead to the uncovering and disturbance of Tribal Cultural Resources (TCRs). Similar to the proposed project, impacts related to TCRs would be less than significant with mitigation incorporated.

Under the proposed project, there would be a less than significant impact to TCRs with mitigation (see Section 3.16, Tribal Cultural Resources). Therefore, because Alternative 2 would also require ground-disturbing activities and implementation of mitigation measures to reduce potential impacts, this alternative would result in similar impacts as compared to the proposed project.

Utilities and Service Systems

Alternative 2 would develop a minimum of 338 multi-family dwelling units and other on-site amenities within the same 22.2-acre site as the proposed project. The existing business park on the project site is already served by utilities, including water, wastewater treatment, solid waste disposal, etc. Alternative 2 would increase the permanent population of the project site to approximately 700 residents, which would be lower than the projected 874 residents generated by the proposed project. As previously mentioned in Section 3.17, Utilities and Service Systems, wastewater, recycled water, and solid waste providers would have adequate capacity to serve the proposed project, and the CCWD would have enough potable water to meet the needs of future residents up to a three-year drought scenario until 2035 and a two-year drought scenario in 2040 and 2045. Since Alternative 2 would have a decrease in the number of residents occupying the project site compared to the proposed project, and utility service providers would have enough capacity and supply to serve Alternative 2, impacts would be less than significant.

Under the proposed project, impacts to utilities and service systems would be less than significant (see Section 3.17, Utilities and Service Systems). As discussed above, impacts related to utilities and

service systems under this alternative would be similar but slightly reduced as compared to the proposed project.

Wildfire

Alternative 2 would be constructed on the same 22.2-acre project site as the proposed project, which is surrounded by highly urbanized uses on relatively flat terrain with little vegetative fuel loads and has direct access to fire suppression resources and existing utilities. Since Alternative 2 is a highly urbanized area with relatively flat terrain, has direct access to fire suppression resources, would connect to existing infrastructure, and would abide by emergency access and fire safety standards established in the California Fire Code and CBC, Alternative 2 would not expose future residents or structures to direct or indirect wildfire hazards, exacerbate wildfire risk through the installation of infrastructure, or impair or interfere with the emergency plan. Similar to the proposed project, impacts related to wildfire would have no impact.

Under the proposed project, there would be no impacts related to wildfire (see Chapter 4, Effects Found not to be Significant). As discussed above, impacts under Alternative 2 would be similar to the proposed project.

6.4.2 - Conclusion

Alternative 2 would result in similar impacts to the proposed project in several areas. It would have less than significant impacts without mitigation related to aesthetics, energy, and land use and planning, and less than significant impacts with mitigation for biological resources, cultural resources, geology and soils (including expansive soils and paleontological resources), noise, and tribal cultural resources, primarily due to construction and ground-disturbing activities across the same 22.2-acre site. It would have no impact on agriculture, forestry, mineral resources, or wildfire risk.

Compared to the proposed project, Alternative 2 would result in similar or reduced impacts on air quality and GHG emissions, and reduced impacts on hazards and hazardous materials, hydrology and water quality, population and housing, public services, recreation, transportation, and utilities. These reductions are primarily due to the lower development intensity and fewer residential units, which would result in fewer residents and reduced demand for services and infrastructure.

Alternative 2 would still construct approximately 338 multi-family units, including at least 7 percent affordable housing, consistent with the City's Inclusionary Housing Ordinance. As such, it would continue to support key housing-related objectives of the proposed project, namely, Objectives 1, 2, and 4.

Alternative 2 would also be pursued under the current preliminary application submitted under Government Code section 65941.1 and would continue to be permitted under the existing BP land use designation. It would comply with the M-2 Multiple-Family Residential District standards and undergo Planning Commission review with advisory input from the Design Review Commission to ensure compatibility with surrounding land uses and the City's DRSGs. Therefore, it would also meet Objectives 3, 6, and 8.

Objectives 5 and 7, supporting pedestrian and bicycle networks and providing on-site open space, would be met only if Alternative 2 includes similar off-site improvements and recreational amenities as the proposed project. Overall, Alternative 2 would reduce the significance of several environmental impacts while still achieving most of the proposed project's objectives.

6.5 - Environmentally Superior Alternative

CEQA Guidelines Section 15126(e)(2) requires identification of an environmentally superior alternative. If the No Project Alternative is environmentally superior, CEQA requires selection of the "environmentally superior alternative other than the No Project Alternative" from among the project and the alternatives evaluated.

The qualitative environmental effects of each alternative and comparison of impacts to the proposed project are summarized in Table 6-1.

Table 6-1: Summary of Alternatives

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Business Park Development Alternative	Alternative 2: Reduced Density Alternative
Section 3.1: Aesthetics				
Impact AES-1: Scenic vistas	LTS	NI <	LTS =	LTS ≤
Impact AES-2: Scenic resources	NI	NI =	NI =	NI =
Impact AES-3: Visual character or quality of public views	LTS	NI <	LTS <	LTS ≤
Impact AES-4: New source of light or glare	LTS	NI <	LTS <	LTS ≤
Cumulative impacts	LTS	NI <	LTS =	LTS ≤
Section 4.2.1: Agriculture and Forestry Resources				
Impact AG-1: Conversion of Farmland	NI	NI =	NI =	NI =
Impact AG-2: Williamson Act contract	NI	NI =	NI =	NI =
Impact AG-3: Conflict/Cause rezoning of forest land	NI	NI =	NI =	NI =
Impact AG-4: Loss of forest land	NI	NI =	NI =	NI =
Impact AG-5: Other existing environmental changes resulting in conversion of farmland or forest land	NI	NI =	NI =	NI =
Section 3.2: Air Quality				
Impact AQ-1: Consistency with Air Quality Management Plan	LTSM	NI <	LTSM = or <	LTSM ≤

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Business Park Development Alternative	Alternative 2: Reduced Density Alternative
Impact AQ-2: Cumulative criteria pollutant emissions impacts	LTSM	LTS <	LTSM <, = , or >	LTSM ≤
Impact AQ-3: Sensitive receptors exposure to pollutant concentrations	LTSM	LTS <	LTSM <, = ,or >	LTSM ≤
Impact AQ-4: Objectionable Odors	LTS	LTS =	LTS =	LTS ≤
Cumulative Impacts	LTSM	LTS <	LTSM =	LTSM ≤
Section 3.3: Biological Resources				
Impact BIO-1: Special-status plant and wildlife species	LTSM	NI <	LTSM =	LTSM =
Impact BIO-2: Sensitive natural communities or riparian habitat	NI	NI =	NI =	NI =
Impact BIO-3: Wetlands	NI	NI =	NI =	NI =
Impact BIO-4: Fish or wildlife movement	LTSM	NI <	LTSM =	LTSM =
Impact BIO-5: Conflict with policies or ordinances protecting biological resources	LTS	NI <	LTS =	LTS =
Impact BIO-6: Conflict with an adopted Habitat Conservation Plan or Natural Community Conservation Plan	NI	NI =	NI =	NI =
Cumulative Impacts	LTS	NI <	LTS =	LTS =
Section 3.4: Cultural Resources				
Impact CUL-1: Historical resources	LTS	NI <	LTS =	LTS =
Impact CUL-2: Archaeological resources	LTSM	NI <	LTSM =	LTSM =
Impact CUL-3: Human remains	LTSM	NI <	LTSM =	LTSM =
Cumulative Impacts	LTS	NI <	LTS =	LTS =
Section 3.5: Energy				
Impact ENER-1: Wasteful, inefficient, or unnecessary consumption of energy resources	LTS	LTS ≥	LTS <	LTS ≤
Impact ENER-2: Conflict with or obstruct a State/local plan for renewable energy or energy efficiency.	LTS	LTS =	LTS	LTS =
Cumulative impacts	LTS	LTS ≥	LTS <	LTS ≤

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Business Park Development Alternative	Alternative 2: Reduced Density Alternative
Section 3.6: Geology and Soils				
Impact GEO-1: Seismic hazards	LTS	LTS =	LTS =	LTS =
Impact GEO-2: Soil erosion or loss of topsoil	LTS	NI <	LTS =	LTS =
Impact GEO-3: Unstable subsurface conditions	LTS	NI <	LTS =	LTS =
Impact GEO-4: Expansive soil	LTSM	NI <	LTSM =	LTSM =
Impact GEO-5: Septic tanks or alternative wastewater disposal system	NI	NI =	NI =	NI =
Impact GEO-6: Paleontological resources or unique geologic feature	LTSM	NI <	LTSM =	LTSM =
Cumulative Impacts	LTS	NI <	LTS =	LTS =
Section 3.7: Greenhouse Gas Emissions				
Impact GHG-1: Generation of GHG emissions	LTSM	LTS <	LTS ≤ or LTSM ≤	LTS ≤ or LTSM ≤
Impact GHG-2: Conflict with plan, policy, or regulation that reduces GHG emissions	LTSM	LTS <	LTS ≤ or LTSM =	LTS ≤ or LTSM =
Cumulative impacts	LTSM	LTS <	LTS ≤ or LTSM ≤ or =	LTSM ≤
Section 3.8: Hazards and Hazardous Materials				
Impact HAZ-1: Routine transport, use, or disposal of hazardous materials	LTS	LTS ≤	LTS =	LTS ≤
Impact HAZ-2: Upset and accident conditions involving release of hazardous materials	LTS	LTS ≤	LTS =	LTS ≤
Impact HAZ-3: Emit hazardous emissions or handle hazardous materials within 0.25 mile of a school	LTS	LTS ≤	LTS =	LTS ≤
Impact HAZ-4: Site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5	NI	NI =	NI =	NI =
Impact HAZ-5: Airport/aviation Safety	NI	NI =	NI =	NI =

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Business Park Development Alternative	Alternative 2: Reduced Density Alternative
Impact HAZ-6: Interfere with an adopted emergency response or evacuation plan	LTS	NI <	LTS =	LTS =
Impact HAZ-7: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires.	LTS	NI <	LTS =	LTS =
Cumulative impacts	LTS	LTS ≤	LTS =	LTS ≤
Section 3.9: Hydrology and Water Quality				
Impact HYD-1: Surface and groundwater quality	LTS	LTS ≤	LTS =	LTS =
Impact HYD-2: Groundwater supply/recharge	LTS	LTS ≤	LTS =	LTS ≤
Impact HYD-3: Drainage leading to erosion/siltation, flooding, additional sources of polluted runoff, or impedance of flood flows	LTS	LTS ≤	LTS =	LTS ≤
Impact HYD-4: Risk of pollutant release due to inundation	LTS	LTS ≤	LTS =	LTS =
Impact HYD-5: Water quality control or sustainable groundwater management plans consistency	LTS	LTS ≤	LTS =	LTS ≤
Cumulative impacts	LTS	LTS ≤	LTS =	LTS ≤
Section 3.10: Land Use and Planning				
Impact LAND-1: Divide an established community	LTS	LTS =	LTS =	LTS =
Impact LAND-2: Conflict with applicable plans, policies, or regulations	LTS	NI <	NI <	LTS =
Cumulative impacts	LTS	LTS =	LTS	LTS =
Section 4.2.2: Mineral Resources				
Impact MIN-1: Loss of known valuable mineral resources	NI	NI =	NI =	NI =
Impact MIN-2: Loss of important mineral resource recovery sites	NI	NI =	NI =	NI =
Cumulative impacts	NI	NI =	NI =	NI =
Section 3.11: Noise				
Impact NOI-1: Substantial noise increase in excess of standards	LTSM	NI <	LTS =	LTSM ≤

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Business Park Development Alternative	Alternative 2: Reduced Density Alternative
Impact NOI-2: Groundborne vibration/noise levels	LTS	NI <	LTS =	LTS =
Impact NOI-3: Excessive noise levels from airport activity	NI	NI =	LTS =	NI =
Cumulative impacts	NI	NI =	LTS =	NI =
Section 3.12: Population and Housing				
Impact POP-1: Population growth	LTS	NI <	NI <	LTS ≤
Impact POP-2: Housing displacement/replacement housing	NI	NI =	NI <	NI =
Cumulative impacts	LTS	NI <	NI <	LTS ≤
Section 3.13: Public Services				
Impact PUB-1: Fire protection	LTS	NI <	LTS <	LTS ≤
Impact PUB-2: Police protection	LTS	NI <	LTS <	LTS ≤
Impact PUB-3: Schools	LTS	NI <	LTS <	LTS ≤
Impact PUB-4: Parks	LTS	NI <	LTS <	LTS ≤
Impact PUB-5: Libraries	LTS	NI <	LTS <	LTS ≤
Cumulative impacts	LTS	NI <	LTS <	LTS ≤
Section 3.14: Recreation				
Impact REC-1: Increase use of parks	LTS	NI <	LTS <	LTS ≤
Impact REC-2: Physical effect of recreational facilities on environment	LTSM	NI <	LTSM <	LTSM ≤
Cumulative impacts	LTS	NI <	LTSM <	LTS ≤
Section 3.15: Transportation				
Impact TRANS-1: Affect to circulation system	LTS	NI <	LTS =	LTS =
Impact TRANS-2: Conflict with CEQA Guidelines Section 15064.3 Subdivision (b)	LTS	LTS ≥	LTS <	LTS ≤
Impact TRANS-3: Hazards	LTS	NI <	LTS =	LTS =
Impact TRANS-4: Emergency access	LTS	NI <	LTS =	LTS =
Cumulative impacts	LTS	NI <	LTS <	LTS ≤
Section 3.16: Tribal Cultural Resources				
Impact TCR-1: Listed or eligible Tribal Cultural Resources	LTSM	NI <	LTSM =	LTSM =

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Business Park Development Alternative	Alternative 2: Reduced Density Alternative
Impact TCR-2: Lead Agency determined Tribal Cultural Resources	LTSM	NI <	LTSM =	LTSM =
Cumulative Impacts	LTSM	NI <	LTSM =	LTSM =
Section 3.17: Utilities and Service Systems				
Impact UTIL-1: Water or wastewater treatment facilities	LTS	LTS ≤	LTS <	LTS ≤
Impact UTIL-2: Water supplies	LTS	LTS ≤	LTS <	LTS ≤
Impact UTIL-3: Wastewater treatment capacity	LTS	LTS ≤	LTS <	LTS ≤
Impact UTIL-4: Attainment of solid waste reduction goals	LTS	LTS ≥	LTS <	LTS ≤
Impact UTIL-5: Solid waste regulations	LTS	LTS =	LTS <	LTS =
Cumulative impacts	LTS	LTS =	LTS <	LTS ≤
Section 4.2.3: Wildfire				
Impact WILD-1: Emergency response/evacuation plan consistency	NI	NI =	NI =	NI =
Impact WILD-2: Expose project occupants to pollutant concentrations from wildfire	NI	NI =	NI =	NI =
Impact WILD-3: Infrastructure that exacerbates wildfire risk	NI	NI =	Ni =	NI =
Impact WILD-4: Flooding and landslide hazards due to post-fire slope instability/drainage changes	NI	NI =	NI =	NI =
Cumulative impacts	NI	NI =	NI =	NI =

Notes:
NI = No Impact
LTS = less than significant impact
LTSM = less than significant with mitigation incorporated
< Impacts would be reduced compared to the proposed project.
≤ Impacts would be similar to, but slightly reduced, compared to the proposed project.
> Impacts would be greater than the proposed project.
≥ Impacts would be similar to, but slightly increased, compared to the proposed project.
= Impacts would be the same as the proposed project.
Source: FirstCarbon Solutions (FCS). 2025.

The No Project Alternative would have similar or reduced impacts on all categories and, thus, would be the environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the Draft EIR must also identify an environmentally superior alternative from among the other alternatives.

The Reduced Density Alternative (Alternative 2) is considered the second environmentally superior alternative because it would result in similar or reduced impacts on air quality and GHG emissions and reduced impacts on hazards and hazardous materials, hydrology and water quality, population and housing, public services, recreation, transportation, and utilities due to the lower development intensity and fewer residential units, which would result in fewer residents and reduced demand for services and infrastructure. Alternative 2 would meet some of the proposed project objectives to a certain degree, such as Objective 3, 6, and 8, redeveloping the existing business park with residential uses, enhancing connections to nearby commercial areas and the BART station, and potentially reducing VMT. However, for these objectives, Alternative 2 would not contribute to their fulfillment as extensively as the proposed project. Specifically, it would not use the infill site as efficiently as the proposed project would. Objectives 5 and 7, supporting pedestrian and bicycle networks and providing on-site open space, would also be met only if Alternative 2 includes similar off-site improvements and recreational amenities as the proposed project.

6.6 - Alternatives Rejected From Further Consideration

CEQA Guidelines Section 15126.6(c) requires an EIR to identify any alternatives that were considered but rejected as infeasible during the scoping process and explain the reasons for rejection of those alternatives. Factors that may be used to eliminate alternatives from detailed consideration include (i) failure to meet most of the basic project objectives, (ii) infeasibility taking into account economic, environmental, social, technological, and legal factors, and (iii) inability to substantially lessen or avoid significant environmental impacts of the proposed project. The following are alternatives that were initially considered but rejected from further consideration for reasons described below.

6.6.1 - Alternative Location Within Shadelands

During the Notice of Preparation (NOP) comment period for this Draft EIR, one commenter requested an alternative location for the development of the proposed project within other parcels in the Shadelands area. CEQA Guidelines Section 15126.6(f)(2) sets forth considerations to be used in evaluating an alternative location. When evaluating an alternative location, the "key question" is whether any of the significant effects of the project would be avoided or lessened at a different location. Furthermore, CEQA Guidelines Section 15126.6(f)(1) identifies other factors that may be taken into account when addressing the feasibility of alternatives, including 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 project proponent can reasonably acquire, control, or otherwise have access to the alternative site.

As described in Chapter 2, Project Description, the Shadelands area falls under Specific Plan No. 2 and includes parcels with the same BP land use designation and PD zoning. These were briefly evaluated to determine whether they could meet project objectives or reduce environmental impacts. The applicant, however, does not control, and is not aware of, a site within the City of Walnut Creek that could accommodate the proposed development or meet the basic project objectives and lacks funding to acquire an alternative site. Additionally, nearby parcels were too small to support the proposed density, making them ineligible for State Density Bonus Law incentives and inconsistent with the General Plan.

Because the applicant cannot acquire or access alternative sites, and the alternative would be economically infeasible and inconsistent with planning requirements, the Alternative Location Within Shadelands was deemed infeasible and unable to meet the proposed project's objectives.

6.6.2 - Lower Density/Reduction of Units Alternative

During the NOP comment period, a commenter suggested reducing the proposed project's density beyond what was outlined in Alternative 2 above. While this would lessen construction and operational impacts due to a smaller project footprint, it would also reduce the number of total dwelling units beyond 20 percent of the entire project and lower the percentage of affordable units. As a result, the alternative proposed would be required to file a new preliminary application under Government Code section 65941.1 and would not be able to maintain the current preliminary application that qualifies the proposed project for the Builder's Remedy under the HAA. Without these benefits, the alternative would be economically infeasible, would not deliver affordable housing, and would fail to meet key project objectives. Therefore, it was not considered further.

6.6.3 - Higher Density Residential Alternative

During the NOP comment period for the Draft EIR, a commenter suggested increasing the proposed project's density. While the proposed project includes 85 affordable units (13 percent of 422 total project units as affordable to low-income households), qualifying for a 24.5 percent density bonus, achieving higher density would require additional affordable units. Although this could further support RHNA goals and State housing objectives, it would compromise key design features needed for emergency access, stormwater management, and tree replacement. It would also increase environmental impacts such as energy use, air pollution, GHG emissions, VMT-related transportation effects, and demand on public services and utilities. Further, an increase of density beyond 20 percent of total project units would require the project to file a new preliminary application under Government Code section 65941.1 and the project would no longer able to maintain the current preliminary application which qualified the project for the Builder's Remedy under the HAA. Ultimately, while the Higher Density Residential Alternative aligns with many project objectives, it would worsen environmental impacts and potentially require a new preliminary application, which would eliminate the proposed project's ability to receive benefits and maintain economic feasibility and was therefore dismissed from further consideration.

6.6.4 - Senior Living Community Alternative

During the NOP comment period for the Draft EIR, a commenter suggested developing a senior living community instead of multi-family housing. However, this alternative was rejected because it does not meet the proposed project's affordable housing goals and is inconsistent with the BP land use designation, which prohibits residential uses, including care homes, under Section 10-2.2.1202. A change from multi-family housing development to senior living development would likely be a substantial revision of project type, depending on if the senior living units are residential care facilities that do not constitute housing units or dwelling units and would likely require a different planning application with different applicable zoning, development and design standards; as a result, the proposed project would be required to file a new preliminary application under Government Code section 65941.1 and no longer able to maintain the current preliminary application. As noted above, this would eliminate the proposed project's ability to receive benefits and maintain economic feasibility and does not support affordable housing objectives. Thus, it was dismissed from further consideration.

6.6.5 - Business Park Development Alternative

Under the Business Park Development Alternative, existing uses on the project site would be demolished and redeveloped with commercial uses aligned with the project site's General Plan land use designation of BP, zoning of PD-1543, and Shadelands Business Park standards. No residential on-site features or off-site improvements (e.g. Community Benefits Variant improvements) from the proposed project would be incorporated into this alternative. However, this alternative was dismissed from further consideration because it is economically unviable for the developer due to the reduced density, and it does not meet all of the proposed project's objectives, including Objectives 1, 2, 3, 4, and 7, which aim to support the State's housing goals, provide affordable housing pursuant to Plan Bay Area 2050, meet the City's Inclusionary Housing Ordinance, and redevelop the existing business park with attractive and desirable amenities. Thus, it was rejected from further consideration.

CHAPTER 7: PERSONS AND ORGANIZATIONS CONSULTED/LIST OF PREPARERS

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